

**BOARD FOR BARBERS AND COSMETOLOGY
TENTATIVE AGENDA**

Monday, January 13, 2020 – 9:00 a.m., Board Room 4, 2nd Floor
Department of Professional and Occupational Regulation, 9960 Mayland Drive
Richmond, Virginia 23233 804-367-8590

I. CALL TO ORDER

II. APPROVAL OF AGENDA

1. Board for Barbers and Cosmetology Board Meeting Tentative Agenda, January 13, 2020

III. APPROVAL OF MINUTES

2. Board for Barbers and Cosmetology Meeting Draft Minutes, November 18, 2019
3. Board for Barbers and Cosmetology – Standing Committee on Training, Draft Minutes, November 18, 2019
4. Board for Barbers and Cosmetology Tattoo and Body Piercing Committee Meeting, Draft Minutes, December 2, 2019

IV. COMMUNICATIONS

5. Email from Chris LeRoy dated November 20, 2019 regarding microneedling
6. News Release from NIC dated November 26, 2019

V. PUBLIC COMMENT PERIOD *

VI. CASES

- | | | | | |
|-----|------------|---------------------------------|--------|---------------|
| 7. | 2016-02985 | Ba Thi Nguyen | (Dang) | Disciplinary |
| 8. | 2016-03225 | Thuy T. Bui | (Dang) | Disciplinary |
| 9. | 2016-02932 | Than Truc Thi Huynh | | Consent Order |
| 10. | 2016-02952 | Huong T. Nguyen | | Consent Order |
| 11. | 2016-03008 | Thao Phuong Huynh | | Consent Order |
| 12. | 2016-03264 | Tuyen Anh-Thanh Nguyen | | Consent Order |
| 13. | 2016-03290 | Tuyet Ngat Nguyen | | Consent Order |
| 14. | 2017-02266 | Thuy-Van Thi Nguyen | | Consent Order |
| 15. | 2019-02643 | Top Nails II LLC, dba Top Nails | | Consent Order |
| 16. | 2016-02933 | Thanh Dung Thi Tran | | Prima Facie |
| 17. | 2016-03058 | Kim Phuong Thi Tran | | Prima Facie |
| 18. | 2016-03144 | Le Hang T. Nguyen | | Prima Facie |
| 19. | 2016-03274 | Tuyen T. Le | | Prima Facie |
| 20. | 2016-03380 | Phuong Thi Ngo | | Prima Facie |
| 21. | 2016-03436 | Voeun Ly Loeng | | Prima Facie |
| 22. | 2017-02272 | Tien Thuy Nguyen | | Prima Facie |
| 23. | 2017-02275 | Tam Tran Thanh Nguyen | | Prima Facie |
| 24. | 2019-01603 | Front Royal Beauty School | | Prima Facie |
| 25. | 2020-00055 | Blendz Barber Lounge LLC | | Licensing |

26.	2020-00433	Shaqela Shyda Whitehurst	Licensing
27.	2020-00570	Freddie Dominic Cherry	Licensing
28.	2020-00571	Kadian Rashad Andrews	Licensing
29.	2020-00572	Rodney Damon Grayson	Licensing
30.	2020-00573	Jamaal Ashlen Gibbs	Licensing
31.	2020-00574	George Robert Foster Jr.	Licensing
32.	2020-00590	Kelsey O'Bryan Henley	Licensing
33.	2020-00592	Christopher Montel Holman	Licensing
34.	2020-00635	Erin Leigh Nichols	Licensing
35.	2020-00790	Kenneth Edward Jackson	Licensing
36.	2020-00792	Clayton Mack Holly	Licensing
37.	2020-00834	Rydell Louis Robertson	Licensing
38.	2020-00835	Eric Lee Talley	Licensing
39.	2020-00836	Deryll Allen White	Licensing
40.	2020-00837	Christopher Luis Willars	Licensing
41.	2020-00838	Donald J. Montgomery	Licensing
42.	2020-00849	Sonny Lynn Reese	Licensing
43.	2020-00852	Shanita Renee Lacy	Licensing
44.	2020-00854	Malik Nathaniel Byrd	Licensing

VII. EXAMINATIONS

A. STATISTICS

B. REPORT ON EXAMINATION VENDOR TRANSITION

VIII. REGULATORY ACTION AND BOARD GUIDANCE

A. REGULATORY REPORT

B. TATTOOING SUBCOMMITTEE REPORT

a. Response to Tattooer Public Comments

b. Revised Proposed Phase for Tattooing and Body Piercing Regulatory Action

C. STANDING COMMITTEE REPORT

D. REGULATORY ACTION - SINGLE INSTRUCTOR PROGRAM CURRICULUM

E. REGULATORY ACTION - TRANSFER HOURS REQUIREMENTS

F. REGULATORY ACTION - EXPERIENCE IN LIEU OF TRAINING OPTION FOR OUT-OF-STATE APPLICANTS

IX. NEW BUSINESS

A. DISCUSSION - 1,000 HOUR COSMETOLOGY CURRICULUM

B. DISCUSSION – HAIR STYLIST LICENSE

C. IN SERVICE TRAINING – COMPLAINT ANALYSIS AND RESOLUTION SECTION

X. OTHER BUSINESS

XI. ADJOURN

* 5-minute public comment, with the exception of any open disciplinary files. Persons desiring to attend the meeting and requiring special accommodations and/or interpretive services should contact the Board Office at (804) 367-8590 at least ten (10) days before the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department and Board fully comply with the Americans with Disabilities Act.

NEXT MEETING DATE: March 9, 2020

REMAINING 2020 MEETING DATES:

May 11, 2020

July 13, 2020

September 14, 2020

November 9, 2020

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

BOARD FOR BARBERS AND COSMETOLOGY

DRAFT MINUTES OF MEETING

The Board for Barbers and Cosmetology met on Monday, November 18, 2019, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia. The following board members were present:

Gilda Acosta
Oanh Pham Kim Dang
Renee' H. Gilanshah
Darrin L. Hill
Margaret B. LaPierre
Alfred O. Mayes
Anne R. McCaffrey
Lonnie Quesenberry
Matthew D. Roberts

The following board members were not present:

Josie R. Mace

DPOR staff present for all or part of the meeting included:

Mary Broz-Vaughan, Agency Director
Stephen Kirschner, Executive Director
Tamika Rodriguez, Licensing Operations Administrator
Cathy Clark, Administrative Assistant

Representative from the Office of the Attorney General was present for all or part of the meeting:

Elizabeth Peay, Assistant Attorney General

Mr. Quesenberry, Chair, determined a quorum was present and called the meeting to order at 9:06 a.m.

Call to Order

The Board took the agenda under consideration. Mr. Quesenberry asked for any amendments. Mr. Kirschner indicated that an item was added under section IV. Communications; a letter from Christopher Walck that was received on November 8, 2019.

Approval of Agenda

Upon a motion by Mr. Hill and seconded by Ms. McCaffrey, the Board voted to adopt the amended Agenda.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Mr. Kirschner introduced new Board member, Renee' Gilanshah, who was appointed as an Esthetician Member effective July 1, 2019.

**Introduction of
New Board
Member**

The Board took the minutes of the September 9, 2019 Board Meeting and the September 9, 2019 Standing Committee on Training Meeting under consideration. Mr. Quesenberry asked for any amendments. There were none.

**Approval of
Minutes for the
September 9, 2019
Board Meeting
and Standing
Committee on
Training Meeting**

Upon a motion by Mr. Roberts and seconded by Ms. LaPierre, the Board voted to approve the minutes.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Mr. Kirschner introduced four written communications, two of which were included in the electronic agenda provided to the Board in advance, and two of which were received at later dates and provided to the Board for its review at the meeting. Mr. Kirschner then afforded the Board an opportunity to review the communications, which included (1) a letter from Ana Santanello regarding out-of-country training; (2) a letter from Merry Burney regarding training for master permanent cosmetic tattooers; (3) a letter from Christopher Walck, of John Paul Mitchell Systems, regarding proposed changes to the cosmetology curriculum; and (4) a letter from Brian Newman, of the American Association of Cosmetology Schools, regarding the tiered licensure model (See **Addendum 1** for all communications).

Communications

Mr. Quesenberry asked if there was any public comment.

Public Comment

Ms. Laura Todd, owner and instructor at the Institute of Advanced Medical Esthetics, addressed the Board on the tiered curriculum model under review by the Board's Standing Committee on Training. Ms. Todd provided a hand-out of her talking points for the Board's review (**Addendum 2**). The Board took Ms. Todd's comments under advisement.

Cases

Ms. Dang recused herself from the meeting

Ms. Dang Recused

In the matter of **File Number 2016-03143, Le Huyen Thi Nguyen**, the Board reviewed the record, which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Le Huyen Thi Nguyen, and witness/interpreter Duong Q. Bui, appeared at the meeting in person and addressed the Board.

**File Number 2016-
03143, Le Huyen
Thi Nguyen**

Concerning Count 1, upon a motion by Mr. Roberts and seconded by Ms.

LaPierre, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference, and found substantial evidence that Le Huyen Thi Nguyen violated the following section of its Regulations:

Count 1: 18 VAC 41-20-280.A.3

The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Concerning Count 2, Ms. LaPierre, seconded by Mr. Quesenberry, moved to find a violation of 18 VAC 41-20-280.6. After discussion, this motion was withdrawn.

Concerning Count 2, upon a motion by Mr. Roberts and seconded by Ms. LaPierre, the Board voted to close the file with a finding of no violation of Board Regulation 18 VAC 41-20-280.6

The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Concerning Count 1, upon a motion by Ms. LaPierre and seconded by Mr. Roberts, the Board voted to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to impose the following sanction(s):

Count 1, 18 VAC 41-20-280.A.3	\$ 7,500.00
(3 violations - \$2,500 each)	

TOTAL (MONETARY PENALTIES)	\$ 7,500.00

In addition, the Board imposes revocation of Le Huyen Thi Nguyen's cosmetologist license number 1201118285 for violations of Count 1.

The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2016-03149, Leakhena Koy**, the Board reviewed the record, which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Leakhena Koy did not appear at the meeting in person, by counsel, or by any

File Number 2016-03149, Leakhena Koy

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other qualified representative.

Concerning Counts 1 and 2, upon a motion by Mr. Roberts and seconded by Ms. LaPierre, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference, and found substantial evidence that Leakhena Koy violated the following section of its Regulations:

Count 1: 18 VAC 41-20-280.A.3

Further, concerning Count 2, the Board voted to close the file with a finding of no violation of Board Regulation 18 VAC 41-20-280.6

The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Concerning Count 1, upon a motion by Mr. Roberts and seconded by Mr. Hill, the Board voted to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to impose the following sanction(s):

Count 1:	18 VAC 41-20-280.A.3	\$ 7,500.00
	(3 violations - \$2,500 each)	

TOTAL (MONETARY PENALTIES)		\$ 7,500.00

In addition, the Board imposes revocation of Leakhena Koy's cosmetologist license number 1201118883 for violations of Count 1.

The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Ms. Dang returned to the meeting.

Mr. Quesenberry recused himself from the meeting and Ms. LaPierre assumed the Chair.

Mr. Quesenberry
recused

Ms. Gilanshah recused herself from the meeting.

Ms. Gilanshah
recused

In the matter of **File Number 2018-02040, Laura Michelle Fisher**, the Board reviewed the record, which consisted of the Summary of the Informal Fact-

File 2018-02040,
Laura Michelle

Finding Conference, investigative file, Report of Findings, transcript and exhibits. Laura Michelle Fisher did not appear at the meeting in person, by counsel, or by any other qualified representative.

Fisher

Concerning Count 1, upon a motion by Mr. Roberts and seconded by Mr. Hill, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference, and found substantial evidence that Laura Michelle Fisher violated the following section of its Regulations:

Count 1: 18 VAC 41-20-280.6

The members voting 'yes' were Ms. Acosta, Ms. Dang, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Concerning Count 1, upon a motion by Mr. Roberts and seconded by Mr. Hill, the Board voted to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to impose the following sanction(s):

Count 1:	18 VAC 41-20-280.6	\$ 1,000.00

TOTAL (MONETARY PENALTIES)		\$ 1,000.00

The members voting 'yes' were Ms. Acosta, Ms. Dang, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Ms. Gilanshah returned to the meeting.

In the matter of **File Number 2018-02347, Lillique MedSpa LLC dba Lillique Training Institute**, the Board reviewed the record, which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Mandana Massjouni, appeared at the meeting in person on behalf of Lillique MedSpa LLC and addressed the Board.

File Number 2018-02347, Lillique MedSpa LLC dba Lillique Training Institute

Concerning Count 1, upon a motion by Mr. Roberts and seconded by Ms. Acosta, the Board voted to close the file with a finding of no violation of Board Regulation 18 VAC 41-70-280.2

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, and Mr. Roberts. There were

no negative votes. The motion passed unanimously.

Concerning Count 2, upon a motion by Mr. Roberts and seconded by Ms. Dang, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference, and found substantial evidence that Lillique MedSpa LLC violated the following section of its Regulations:

Count 1: 18 VAC 41-70-280.4

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Concerning Count 2, upon a motion by Mr. Roberts and seconded by Ms. Acosta, the Board voted to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to impose the following sanction(s):

Count 1:	18 VAC 41-70-280.4	\$	200.00

TOTAL (MONETARY PENALTIES)		\$	200.00

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2018-03268, Thuy-Linh Thi Nguyen**, the Board reviewed the record, which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Thuy-Linh Thi Nguyen did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2018-03268, Thuy-Linh Thi Nguyen

Concerning Count 1, upon a motion by Mr. Roberts and seconded by Mr. Mayes, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference, and found substantial evidence that Thuy-Linh Thi Nguyen violated the following section of its Regulations:

Count 1: 18 VAC 41-70-280.1

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Concerning Count 1, upon a motion by Mr. Roberts and seconded by Ms. Dang, the Board voted to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to impose the following sanction(s):

Count 1:	18 VAC 41-70-280.1	\$ 200.00

TOTAL (MONETARY PENALTIES)		\$ 200.00

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2018-03355, Salon Universal Paulino LP**, the Board reviewed the record, which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Salon Universal Paulino LP did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2018-03355, Salon Universal Paulino LP

Concerning Count 1, upon a motion by Mr. Roberts and seconded by Ms. Acosta, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference, and found substantial evidence that Salon Universal Paulino LP violated the following section of its Regulations:

Count 1:	18 VAC 41-20-280.14
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The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Concerning Count 1, upon a motion by Mr. Roberts and seconded by Mr. Hill, the Board voted to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to impose the following sanction(s):

Count 1:	18 VAC 41-70-280.14	\$ 2,500.00

TOTAL (MONETARY PENALTIES)		\$ 2,500.00

In addition, the Board imposes revocation of Salon Universal Paulino LP's barber shop license number 1304004459 for violation of Count 1.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Mr. Quesenberry returned to the meeting and assumed the Chair.

In the matter of **File Number 2019-01318, Mary Jo Myers**, the Board reviewed the record, which consisted of the Consent Order. Mary Jo Myers appeared at the meeting in person and addressed the Board.

File Number 2019-01318, Mary Jo Myers

By signing the Consent Order, Mary Jo Myers acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

Count 1:	18 VAC 41-20-280.12	\$	0.00
Count 2:	18 VAC 41-20-280.13	\$	500.00
SUB-TOTAL (MONETARY PENALTIES)		\$	500.00
BOARD COSTS		\$	150.00
TOTAL		\$	650.00

In addition, for violation of Count 1, Myers agrees to a two (2) year probation of her license as of the effective date of the Order. During the two (2) year probation, Myers agrees to provide to the Board, every six (6) months, and in a form acceptable to the Board, a written statement from Myers that she is in compliance with the regulations of the Board for Barbers and Cosmetology; and state whether she has been convicted in any state or city of any felony, misdemeanor, or federal, state, or local ordinance.

Upon a motion by Mr. Roberts and seconded by Ms. LaPierre, the Board voted to accept the Consent Order.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Upon a motion by Mr. Hill and seconded by Mr. Roberts, the Board voted to accept the remaining eight (8) Consent Orders as a block.

Board Considers and Accepts Remaining Consent Order Cases As Block

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2016-02956, Anh Ngoc Nguyen**, the Board reviewed the record, which consisted of the Consent Order. Anh Ngoc Nguyen

File Number 2016-02956, Anh Ngoc

did not appear at the meeting in person, by counsel, or by any other qualified representative.

Nguyen

By signing the Consent Order, Anh Ngoc Nguyen acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

Count 1:	18 VAC 41-20-280.A.3	\$ 2,250.00

	SUB-TOTAL (MONETARY PENALTIES)	\$ 2,250.00
	BOARD COSTS	\$ 150.00
	TOTAL	\$ 2,400.00

In addition, for violation of Count 1, Anh Ngoc Nguyen agrees to revocation of her Cosmetologist license, Number 1201110509.

Upon a motion by Mr. Hill and seconded by Mr. Roberts, the Board voted to accept the Consent Order.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2016-03030, Bich Phuong Thi Hoang**, the Board reviewed the record, which consisted of the Consent Order. Bich Phuong Thi Hoang did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2016-03030, Bich Phuong Thi Hoang

By signing the Consent Order, Bich Phuong Thi Hoang acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

Count 1:	18 VAC 41-20-280.A.3	\$ 0.00

	SUB-TOTAL (MONETARY PENALTIES)	\$ 0.00
	BOARD COSTS	\$ 150.00
	TOTAL	\$ 150.00

In addition, for violation of Count 1, Bich Phuong Thi Hoang agrees to revocation of her Nail Technician license, Number 1206019748.

Upon a motion by Mr. Hill and seconded by Mr. Roberts, the Board voted to accept the Consent Order.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2016-03084, Lan T. Nguyen**, the Board reviewed the record, which consisted of the Consent Order. Lan T. Nguyen did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2016-03084, Lan T. Nguyen

By signing the Consent Order, Lan T. Nguyen acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

Count 1:	18 VAC 41-20-280.A.3	\$ 2,250.00

	SUB-TOTAL (MONETARY PENALTIES)	\$ 2,250.00
	BOARD COSTS	\$ 150.00
	TOTAL	\$ 2,400.00

In addition, for violation of Count 1, Lan T. Nguyen agrees to revocation of her Cosmetologist license, Number 1201124106.

Upon a motion by Mr. Hill and seconded by Mr. Roberts, the Board voted to accept the Consent Order.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2016-03122, Nhi Yen Huynh**, the Board reviewed the record, which consisted of the Consent Order. Nhi Yen Huynh did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2016-03122, Nhi Yen Huynh

By signing the Consent Order, Nhi Yen Huynh acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

Count 1:	18 VAC 41-20-280.A.3 (2 violations)	\$ 0.00

	SUB-TOTAL (MONETARY PENALTIES)	\$ 0.00
	BOARD COSTS	\$ 150.00
	TOTAL	\$ 150.00

In addition, for violation of Count 1, Nhi Yen Huynh agrees to revocation of her Nail Technician license, Number 1206019279.

Upon a motion by Mr. Hill and seconded by Mr. Roberts, the Board voted to accept the Consent Order.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2016-03167, Linh T. Nguyen**, the Board reviewed the record, which consisted of the Consent Order. Linh T. Nguyen did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2016-03167, Linh T. Nguyen

By signing the Consent Order, Linh T. Nguyen acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

Count 1:	18 VAC 41-20-280.A.3	\$ 1,500.00

	SUB-TOTAL (MONETARY PENALTIES)	\$ 1,500.00
	BOARD COSTS	\$ 150.00
	TOTAL	\$ 1,650.00

In addition, for violation of Count 1, Linh T. Nguyen agrees to revocation of her Cosmetologist license, Number 1201112657.

Upon a motion by Mr. Hill and seconded by Mr. Roberts, the Board voted to accept the Consent Order.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2016-03300, Hai Tuan Tran**, the Board reviewed the record, which consisted of the Consent Order. Hai Tuan Tran did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2016-03300, Hai Tuan Tran

By signing the Consent Order, Hai Tuan Tran acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

Count 1:	18 VAC 41-20-280.A.3	\$	0.00

	SUB-TOTAL (MONETARY PENALTIES)	\$	0.00
	BOARD COSTS	\$	0.00
	TOTAL	\$	0.00

In addition, for violation of Count 1, Hai Tuan Tran agrees to revocation of his Cosmetologist license, Number 1201115641.

Upon a motion by Mr. Hill and seconded by Mr. Roberts, the Board voted to accept the Consent Order.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2017-02269, Ut Thi Nguyen**, the Board reviewed the record, which consisted of the Consent Order. Ut Thi Nguyen did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2017-02269, Ut Thi Nguyen

By signing the Consent Order, Ut Thi Nguyen acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

Count 1:	18 VAC 41-20-280.A.3	\$	1,500.00

	SUB-TOTAL (MONETARY PENALTIES)	\$	1,500.00
	BOARD COSTS	\$	150.00
	TOTAL	\$	1,650.00

In addition, for violation of Count 1, Ut Thi Nguyen agrees to revocation of her Cosmetologist license, Number 1201119288.

Upon a motion by Mr. Hill and seconded by Mr. Roberts, the Board voted to accept the Consent Order.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2016-02956, Inae Kim Itoh**, the Board reviewed the record, which consisted of the Consent Order. Inae Kim Itoh did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2019-02455, Inae Kim Itoh

By signing the Consent Order, Inae Kim Itoh acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

Count 1:	18 VAC 41-20-280.A.3	\$	0.00

	SUB-TOTAL (MONETARY PENALTIES)	\$	0.00
	BOARD COSTS	\$	150.00
	TOTAL	\$	150.00

In addition, for violation of Count 1, Inae Kim Itoh agrees to revocation of her Cosmetology Instructor license, Number 1204017290.

Upon a motion by Mr. Hill and seconded by Mr. Roberts, the Board voted to accept the Consent Order.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-01015, Tameika Rose Douglas**, the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Debra Fortune, of Fluvanna Correctional Center for Women, appeared at the meeting in person and addressed the Board on behalf of Tameika Rose Douglas.

File Number 2019-01015, Tameika Rose Douglas

Upon a motion by Mr. Hill and seconded by Ms. McCaffrey, the Board voted to reject the recommendation in the Summary of the Informal Fact-Finding Conference and approve Tameika Rose Douglas' license application.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-03014, Jabar Ali Taylor**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Franklin Harvey, Barber Instructor at the Bon Air Juvenile Correctional Center, appeared at the meeting in person and addressed the Board on Jabar Ali Taylor's behalf.

File Number 2019-03014, Jabar Ali Taylor

Mr. Kirschner also reported to the Board regarding a telephone conversation he had with Mr. Taylor's counselor at the correctional center, wherein, through his counselor, Mr. Taylor requested to present new evidence and have several individuals speak on his behalf.

Upon a motion by Mr. Roberts and seconded by Ms. LaPierre, the Board voted to remand the case back to the Post-Adjudication and Licensing Section to allow Mr. Taylor to present additional information related to his convictions and provide an opportunity for him to bring other individuals to speak on his behalf.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-03015, Travis Terrell Holloman**, the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Travis Terrell Holloman appeared at the meeting in person and addressed the Board.

File Number 2019-03015, Travis Terrell Holloman

Upon a motion by Mr. Roberts and seconded by Ms. Dang, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Travis Terrell Holloman's license application.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-03016, LeCorie Jermaine Manns**, the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. LeCorie Jermaine Manns appeared at the meeting in person and addressed the Board.

File Number 2019-03016, LeCorie Jermaine Manns

Upon a motion by Mr. Hill and seconded by Mr. Mayes, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve LeCorie Jermaine Manns' license application.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-03035, Kevin Ja'Vonne Jones**, the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Kevin Ja'Vonne Jones did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2019-03035, Kevin Ja'Vonne Jones

Upon a motion by Ms. LaPierre and seconded by Mr. Mayes, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding

Conference and approve Kevin Ja’Vonne Jones’ license application.

The members voting ‘yes’ were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-03180, Rhonda Gale Patsell**, the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Rhonda Gale Patsell did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2019-03180, Rhonda Gale Patsell

Upon a motion by Mr. Roberts and seconded by Ms. LaPierre, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Rhonda Gale Patsell’s license application.

The members voting ‘yes’ were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2020-00362, Alexis Omega Davis**, the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Alexis Omega Davis appeared at the meeting in person and addressed the Board.

File Number 2020-00362, Alexis Omega Davis

Upon a motion by Mr. Roberts and seconded by Ms. LaPierre, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Alexis Omega Davis’s license application.

The members voting ‘yes’ were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2020-00364, Melissa-Gay Avant Jones**, the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Melissa-Gay Avant Jones did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2020-00364, Melissa-Gay Avant Jones

Upon a motion by Mr. Hill and seconded by Mr. Roberts, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Melissa-Gay Avant Jones’ license application.

The members voting ‘yes’ were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

EXAMINATIONS

Ms. Rodriguez reported to the Board on current pass rates for barbers and cosmetology related examinations, excluding data for public schools, which will be reported at a meeting following testing for public schools in spring 2020.

Exam Statistics

Mr. Kirschner reported to the Board on the status of the examination vendor transition from Professional Credential Services, Inc. (PCS) to PSI Services LLC effective January 1, 2020. He advised the Board that both the outgoing vendor (PCS) and the new vendor (PSI) have been in contact with licensed private schools and public schools regarding the transition, and that PSI would be providing information sessions for all schools in Richmond on November 20 and 21.

Report On Examination Vendor Transition

REGULATORY ACTION AND BOARD GUIDANCE

Mr. Kirschner reported to the Board that there are currently three regulatory actions underway, including the fast-track change to the sanitation and safety regulations to remove reference to the term "tuberculocidal" from the text and fast-track legislation to amend the regulation related to the display of apprenticeship documents, both of which are in Governor's office for review and approval. The third pending regulatory action is the Tattoo Regulations general review, for which the public comment period ended on September 30, 2019. Mr. Kirschner indicated that the revised regulations will need to be approved by the Board no later than its March 2020 meeting. A meeting of the Tattoo and Body Piercing Regulations Sub-Committee will be scheduled so that committee members may review the public comments and prepare responses for the Board's approval at the January 13, 2020 meeting.

Regulatory Report

Mr. Kirschner directed the Board's attention to his memo dated November 1, 2019, which outlined the topics to be addressed by the Standing Committee on Training when it meets immediately following the full Board meeting. He indicated that the scope of the committee would be expanded to include instructor curriculums, and that the committee would continue to explore a tiered licensure model and hair-only licensure. He also advised the Board that the committee had agreed at its last meeting to invite stakeholders to the committee meeting to receive feedback on the committee's agenda items, and that a number of the stakeholders are expected to present their comments to the committee.

Standing Committee Report

NEW BUSINESS

Mr. Quesenberry reported on the Board Member Training Conference that took place October 3 and 4 in Richmond. By consensus, the Board members who attended the conference agreed that it was well executed and informative and that similar conferences should be conducted on a regular basis, particularly for new board members.

Report on New Board Member Training Conference

Mr. Kirschner reported on the Identifying Risks in Beauty Services Conference, hosted by the Nevada Board of Cosmetology. He explained the conference was the final phase of a project by many states and stakeholders in creating a comprehensive list of safety risks in the primary services in cosmetology, esthetics, and nail technology. The full report should be released in the first half of 2020, and staff will share it with the Board.

Report on Identifying Risks in Beauty Services Conference

Mr. Kirschner directed the Board's attention to his memo dated November 1, 2019 regarding the proposed Pilot Inspection Program. The Pilot Inspection Program, as outlined in the memo, proposes that DPOR ("the agency") will conduct inspections of salons and shops whenever a salon or shop license is reinstated or changes responsible management. The focus of the inspections would be on regulations most directly related to safety and sanitation. He advised the Board that it will need to delegate the authority to the agency to close cases when compliance is obtained and to enter into agreements with licensees finding violations and sanctions.

Pilot Inspection Program

Upon a motion by Mr. Hill and seconded by Ms. LaPierre, the Board voted to delegate authority to the agency to conduct inspections of cosmetology salons, barber shops, and nail and waxing salons upon reinstatement and change of responsible management, close cases for compliance, and enter into agreements finding violations.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Upon a motion by Mr. Roberts and seconded by Ms. Gilanshah, the Board voted to approve the proposed list of regulatory violations and sanction amounts for the agency to use in the pilot inspection program. **(Addendum 3)**

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Mr. Quesenberry called for nominations for Board Chair and Board Vice Chair.

Board Elections

Ms. LaPierre nominated herself for Chair. There were no other nominations.

Ms. LaPierre nominated Mr. Roberts for Vice Chair. There were no other nominations. Mr. Quesenberry closed the nominations, and the Board voted to elect Margaret LaPierre as Chair and Matthew Roberts as Vice Chair.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Mr. Kirschner reported that the agency would like Board members to assist in reviewing the optional modules of the NIC examinations and Virginia laws and regulations portion of the examinations in January. Mr. Roberts, Ms. Gilanshah, Ms. Dang, and Ms. LaPierre volunteered to assist reviewing the laws and regulations portion of the exams in January, following the next Board meeting. Ms. Gilanshah, Ms. Dang, and Ms. LaPierre volunteered to review the optional modules of the NIC examinations in January, following the next Board meeting.

Other Business

There being no further business to be brought before the Board, Mr. Quesenberry adjourned the meeting at 11:08 a.m.

Adjourn

Lonnie Quesenberry, Board Chair

Mary Broz-Vaughan, Board Secretary

DRAFT AGENDA
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and are not to be construed as regulation or official Board position.
DRAFT AGENDA



DPOR Board for Barbers & Cosmetology, rr <barbercosmo@dpor.virginia.gov>

Licensing issue

2 messages

Ana Santanello <anasantanello@gmail.com>
To: BarberCosmo@dpor.virginia.gov

Thu, Sep 12, 2019 at 6:14 PM

To whom it may concern,

Currently I have been working on opening a salon here in NOVA and here is a brief back ground if you can just bear with me. My dream was to en a hair salon. I have been doing hair as a stylist in the District close to 14 yrs. Since everything in the area is a little pricey I decided it would be best to partner up with someone now as I am finally able to consider opening my own salon, with the goal to open it in Alexandria where I reside. I did not take finding a partner lightly, and finally found someone with the same vision and work ethic as myself. HERE IS THE ISSUE. She cannot obtain her Va cosmetology license. The reason being is that she went to cosmetology school in London England (which is huge in the hair world). As you know Va does not accept schooling from other countries, while Dc and MD do. Going back to school or doing a 3000 hr apprenticeship program would create financial hardship on anyone along with the time. Both these options are not tenable. She is currently a licensed cosmetologist in both Dc and Md. She currently resides in Md because her husband is in the US armed forces and was stationed to this area. Luckily, he was stationed in the Dc area because she can still continue her trade but if he was stationed in Norfolk Va (for example) this would create a huge financial burden on them. I can't help how many people have been affected by this. Hair is a skill, a ton of big names come from abroad Loreal, Toni and Guy, Wella just to name a few. Opening a salon in Va is our goal, my dream and to have this rule on the books is extremely frustrating, unexpected and deflating after all these years of planning and saving. We also like very much to contribute to the Va economy and communities, so that factor should not be lost in this. Looking forward to a resolution and a response.

Kind regards,
Ana Santanello

DPOR Board for Barbers & Cosmetology, rr <barbercosmo@dpor.virginia.gov>
To: Ana Santanello <anasantanello@gmail.com>
Bcc: Stephen Kirschner <steve.kirschner@dpor.virginia.gov>

Fri, Sep 13, 2019 at 10:17 AM

Dear Ms. Santanello:

Your letter will be forwarded to the Board's Regulatory Operations Administrator and shared with the full Board prior to its next meeting in November.

You are also invited to attend an upcoming Board meeting and address the Board in person with your concerns. There is a public comment period at the beginning of each meeting, where you would be allowed 5 minutes to speak to the Board.

The next meeting of the Board is Monday, November 18, 2019, at 9:00 a.m. The Board meetings are held at 9960 Mayland Drive, Richmond, VA 23233, in the 2nd floor conference center.

Board for Barbers and Cosmetology
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1485
Phone: 804-367-8590
Fax: 866-245-9693
www.dpor.virginia.gov

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[Quoted text hidden]

To Whom It May Concern:

I have been working on opening a salon here in NOVA and would like to provide a brief background on the situation at hand. My dream since a young girl was to own a hair salon. I have been doing hair as a stylist in DC for nearly 14 years. As everything in the area is expensive, I decided it would be best to partner up with someone, and am now financially able to consider opening my own salon, with the goal to open it in Alexandria where I reside. I did not take finding a partner lightly, and finally found someone with the same vision and work ethic as myself. HERE IS THE ISSUE. She cannot obtain her VA cosmetology license. The reason for this is that she went to cosmetology school in London, England (which is huge in the hair world). As you are likely aware VA does not accept cosmetology schooling from other countries, whereas DC and MD do. Requiring her to go back to school or complete a 3000 hour apprenticeship program would create significant financial hardship on anyone along with the time investment, all to recertify what already has been learned. Both these options are therefore not tenable. My partner is currently a licensed cosmetologist in both DC and MD, and currently resides in MD because her husband is in the US armed forces and was stationed to this area. Luckily, he was stationed in the DC area where she can still continue her trade, but due to these unreasonable VA restrictions if he was stationed in Norfolk (for example) this would create a huge financial burden on them and alter her career plans. I cannot help but think how many people have been affected by this. Hair is a skill, and a ton of big names come from abroad including Loreal, Toni and Guy, Wella just to name a few. Opening a salon in VA is our goal and my dream, and to have this rule on the books is extremely frustrating, unexpected and deflating after all these years of planning and saving. We also like very much to contribute to the VA economy and communities, so that factor should not be lost in this. We appreciate your consideration, and hope to learn of a positive response and resolution.

Kind regards,
Ana Santanello

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as requiring any official Board position.
DRAFT AGENDA



COMMONWEALTH of VIRGINIA
Department of Professional and Occupational Regulation

Ralph S. Northam
Governor

July 22, 2019

Brian Ball
Secretary of
Commerce and Trade

Ana Santanello
25 W. Caton Ave.
Alexandria, VA 22301

Dear Ms. Santanello:

Thank you for your correspondence regarding cosmetology licensing requirements in Virginia. Governor Northam asked me to respond on his behalf.

Regulations of the Board for Barbers and Cosmetology do currently restrict examination eligibility to training completed within the United States or its territories. As you point out, this requirement may no longer be appropriate in our increasingly mobile and interconnected world, provided we can verify the training otherwise satisfies Virginia's substantial equivalency standards.

The agency is reviewing the training requirement regulation as part of the Regulatory Reduction Pilot Program to eliminate or streamline unnecessary regulatory burdens. Please be aware, however, the process to amend regulations is a multi-stage one and often takes several months or even years. I encourage you to register as a public user on the Virginia Regulatory Town Hall to follow the Board's actions on the topic (<http://www.townhall.virginia.gov/L/Register.cfm>); doing so will ensure you are notified of proposed changes and opportunities for formal public comment.

Although I cannot resolve your concerns quickly, I will share your correspondence with the Board and incorporate your suggestions into our work on the regulatory reform project. Again, on behalf of Governor Northam, thank you for taking the time to make me aware of concerns. As the nation's top state for business, we strive to ensure that Virginia's regulatory climate promotes minimum competency within an equitable marketplace.

Sincerely yours,

Mary Broz-Vaughan
Acting Director

cc: The Honorable Ralph S. Northam

September 12, 2019

(Via Email)

Department of Professional & Occupational Regulation
9960 Mayland Drive
Suite 102
Richmond, VA 23223

RECEIVED
SEP 13 2019
BOIP

RE: Master Permanent Makeup Requirements

Dear Ladies and Gentleman:

I am a Permanent Makeup Artist and Esthetician in VA. I have a great passion for what I do, and would like to move forward in my career. However, I would like to address my concerns with respect to the above referenced matter. I have reviewed the requirements for becoming a Master Permanent Makeup Artist in Virginia, and I am very disappointed. There are many reasons why I feel this way, and felt compelled to reach out to you. Below you will find a list of my main concerns:

- There is not a number of required hours for training.
- Permanent blush and eyeshadow.
- The referenced books are outdated, and one of them is out of print.
- There is no formal training in Richmond, VA.

Upon reviewing what is required, I felt as though this very important license has been placed to the side, and not reviewed in many years.

As I'm sure you are aware, permanent makeup has evolved greatly since it was first introduced. Permanent blush and eyeshadow are not taught at any reputable school in the U.S., I have researched this endlessly. It was a procedure that was done back in the 80's/90's, and looked terrible, hence why it's no longer being taught.

As far as my education goes, I was able to learn the basics of permanent makeup at a school in Virginia Beach in order to obtain my license. However, I had to travel to other states for more advanced training. With that said, being able to train for my Master Permanent Makeup license isn't an option in VA.

After researching the books required, I couldn't believe how outdated they are, and that one of them is out of print. To me, this is completely unacceptable.

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DRAFT AGENDA

My concern over this is overwhelming. Permanent Makeup is a very specialized field, that needs to be taken very seriously. To see that procedures that are being done on the face and body are not being correctly regulated, is a crime. There are corrections being done on a consistent basis because individuals are not trained properly, and they end up messing up someone's face. Furthermore, with a Master's license, this involves working on someone's breasts or doing camouflage on a part of someone's face or body. It's not to be taken lightly. The people who seek out these procedures have gone through an enormous amount of trauma, whether it be from breast cancer or a burn victim. These individuals are seeking out help to improve their confidence and self-esteem. They don't need someone working on them who hasn't had the proper training, and will make their situation worse!

If DPOR is going to require a Master's Permanent License to perform medical tattooing, then I firmly believe that the above referenced bullet points should be addressed. We are only one of a few states that even require a license for medical tattooing, so being one of them, there should be updated realistic requirements (no blush or eyeshadow tattooing required), updated study material, and a number of hours of training requirement. As I stated previously, these are people's faces and bodies that procedures are being performed on. Virginia needs to take this Masters license seriously, or what is the point in requiring it?

As you can see, I am very passionate about this subject. I would like to further my education in this field and help people get their confidence back. I have looked into many schools to see what one is the best that I would like to train at, and I have found that Sauler Institute of Tattooing located in PA is a very reputable school, and highly recommended <https://www.saulerinstitute.com/>. I'm mentioning this school, not only because this is where I intend to go, but hopefully you will look at their credentials and see that this type of tattooing is taken seriously, and that there are reputable training facilities available to us, just not in VA unfortunately.

I would very much like to meet with the board to discuss this further. I greatly appreciate your time and attention to my concerns.

Sincerely,
Merry Burney
(804) 514-6409
4756 Fleming Road
Louisa, VA 23093

RECEIVED
SEP 13 2019
BCHOP



ADDENDUM 1 (cont'd)

Clark, Cathy <cathy.clark@dpor.virginia.gov>

Re: Master Permanent License Concerns

1 message

Kirschner, Stephen <steve.kirschner@dpor.virginia.gov>

Wed, Sep 18, 2019 at 2:36 PM

To: Merry Burney <mbsixt@hotmail.com>

Bcc: cathy.clark@dpor.virginia.gov

Good afternoon Ms. Burney,

Thank you for providing these comments to the Board. We will provide a copy of this letter to the Board members in advance of the meeting. I'd like to touch on your concern about 5 minute speaking length at the meeting, but before that I'd like to provide you more background on the master permanent cosmetic tattooing license.

In 2017, the board began a regulatory review of the tattooing regulations. We've had some board member turnover since then, and the current tattooer board members have been taking an active role in reviewing these regulations. We've had several tattooing subcommittee meetings (the committee includes tattooing and permanent cosmetic tattooing), and our board member who is a master permanent cosmetic tattooer is working on a proposed curriculum for this program. I believe it is fair to say that the committee shares many of your concerns and is working on amending the regulations to provide better training for this field.

We are trying to schedule another tattooer subcommittee for October 21st. The subcommittee meetings are much less formal than Board meetings, and you would likely be permitted time to provide all of your comments to the committee. I will let you know once that date is finalized, and encourage you to attend the subcommittee meeting.

You are welcome to attend the November 18 Board meeting and provide your comments to the full board as well. The Board meetings have a public comment session as one of their first items, but because of the length of the meeting and numerous agenda items, public comments are limited to five minutes per person. The Board, in its discretion, can allow someone longer than five minutes, but in my observance, that is extremely rare. You would need to request additional time at the beginning of your comments.

Please let me know if you have any additional questions.

Regards,

--

Stephen Kirschner
Regulatory Operations Administrator
Board for Barbers and Cosmetology
Board for Hearing Aid Specialists and Opticians
(804) 367-2960 phone
(866) 245-9693 fax

Virginia Department of Professional and Occupational Regulation
9960 Mayland Drive, Ste. 400, Richmond, VA 23233
Visit us on the web @ www.dpor.virginia.gov

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On Wed, Sep 18, 2019 at 5:29 AM Merry Burney <mbsixt@hotmail.com> wrote:

Good Morning Mr. Kirschner,

I'm just following up on my previous email below.

I look forward to hearing from you.

ADDENDUM 1 (cont'd)

Merry Burney
(804) 514-6409

On Sep 13, 2019, at 10:46 PM, Merry Burney <mbsixt@hotmail.com> wrote:

Good Evening Mr. Kirschner,

I am forwarding the response email to the letter I sent to DPOR yesterday (letter is attached). I'm grateful for their quick response, but I would appreciate it, if you could take the time to read my attached letter.

My concerns over the requirements for the Masters Permanent Makeup License are very important and I have many valid reasons to be concerned.

The board meeting that is being held on November 18, 2019 only allows me to speak for 5 minutes on my concern. That is not enough time to address this issue. Once you read my letter, you will understand why this is not a 5 minute conversation. It is imperative that this issue be addressed properly.

I appreciate your time and attention to this matter, and I look forward to your response.

Sincerely,

Merry Burney
(804) 514-6409

From: cathy.clark@dpor.virginia.gov <cathy.clark@dpor.virginia.gov> on behalf of DPOR Board for Barbers & Cosmetology, rr <barbercosmo@dpor.virginia.gov>

Sent: Friday, September 13, 2019 10:23 AM

To: Merry Burney <mbsixt@hotmail.com>

Subject: Re: Master Permanent License Concern

Dear Ms. Burney:

Your letter will be forwarded to the Board's Regulatory Operations Administrator and shared with the full Board prior to its next meeting in November.

You are also invited to attend an upcoming Board meeting and address the Board in person with your concerns. There is a public comment period at the beginning of each meeting, where you would be allowed 5 minutes to speak to the Board.

The next meeting of the Board is Monday, November 18, 2019, at 9:00 a.m. The Board meetings are held at 9960 Mayland Drive, Richmond, VA 23233, in the 2nd floor conference center.

Board for Barbers and Cosmetology
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
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Phone: 804-367-8590
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Information Act. However, if you have received this message in error, please notify the Sender and delete the message as well as all attachments.

On Thu, Sep 12, 2019 at 11:02 PM Merry Burney <mbsixt@hotmail.com> wrote:

Good Evening,

Attached please find a letter regarding the Master Permanent License requirements.

Thank you for taking the time to review this.

Merry Burney
The Raised Brow, LLC
www.theraisedbrowva.com
(804) 514-6409

<Ltr regarding PMU Masters Requirements.pdf>

ADDENDUM 1 (cont'd)

DRAFT AGENDA
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DRAFT AGENDA

November 7, 2019

Mr. Steve Kirschner
Executive Director
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 102
Richmond, VA 23233

Dear Mr. Kirschner,

It is our understanding that the Barber and Cosmetology Board is seeking comments on proposed changes to the way a school of Cosmetology is required to teach the 1500-hour Cosmetology course. Specifically, that a school would be required to compartmentalize how they teach the program, and the order that it would be required to be taught, starting with general information, nails, waxing, skin, and finally hair.

My comments are based on having been in the Cosmetology industry for over 37 years, the last 12 years with John Paul Mitchell Systems as Director of Government Relations, and over 25 years with the National Accrediting Commission of Career Arts and Sciences, the last three of those years as Executive Director of the organization. Based on my experience in the industry, I am encouraging the Board to continue allowing schools to implement their curriculum as they see fit. My concerns with the changes are outlined below.

Concerns:

1. Limits a school to be able to establish a program based on the needs of its market area and student body by dictating when and how specific subject matter is taught.
2. Will create a greater desire for students to drop from the 1500-hour Cosmetology program because they have obtained enough hours to take the licensure exam in a specific discipline, in turn this will cause a school's graduation rate to fall and possibly lead to a loss of accreditation. NACCAS Standard I, Criterion 5 requires a school to have a 50% graduation rate from the program they enrolled in, it would not count as a course completer someone who drops and pursues licensure in one segment of the 1500-hour program.
3. Students who enrolled in the course because of their desire to be a hairstylist may lose interest in the program if that segment is not taught until the end of the program. Currently Paul Mitchell students are exposed to all segments of the program within the first 6 weeks of the course, which leads to a greater foundation for the subject matter.

4. With greater emphasis on waxing, skin, and nails many schools who are not currently equipped to teach those separate courses may not have the equipment or staffing to teach those areas.
5. The amount of financial aid that a student receives is based on the length of the program they are enrolled in. If someone drops or withdraws from the program, especially early in the program, the amount of financial aid that they will have earned will be diminished and the amount of money that they will owe the school directly will increase. NACCAS Standard VII, Criteria 3 and 4.
6. A student who drops out of the 1500-hour program after they have completed a segment or two will not be considered a graduate, and they will not be given a Certificate of Completion or diploma. This in turn could affect their ability to transfer their Virginia license to another state without proof of having graduated from their program of study. NACCAS Standard IX, Criterion 4.
7. By compartmentalizing the course, it may make it more difficult for a student to transfer the hours they have earned in Virginia to another state. For example, if the first 300 hours are spent in waxing, most states do not require that much training in that area for a Cosmetologist, therefore all the hours they earned may not be transferable. NACCAS Standard IV, Criterion 15.

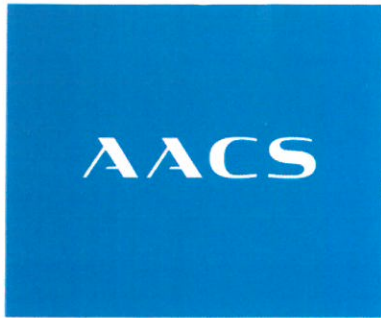
I appreciate your consideration of my comments. Feel free to contact me at christopherw@jpms.com or at 703-200-6114 if you have any questions. Please note that although my corporate mailing address is in California, I am a resident of Falls Church Virginia.

Sincerely,

Christopher Walck

CHRISTOPHER C. WALCK
DIRECTOR OF GOVERNMENT RELATIONS
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REPRESENTING BEAUTY & WELLNESS EDUCATION

— S I N C E 1 9 2 4 —

November 15, 2019

Mr. Stephen Kirschner
Executive Director, Board for Barbers and Cosmetology
Commonwealth of Virginia
Department of Professional and Occupational Regulation
9960 Maryland Drive, Suite 102
Richmond, VA 23233

Dear Mr. Kirschner,

I am writing on behalf of the American Association of Cosmetology Schools (AACCS), a national, non-profit association, founded in 1924, comprised of over 540 cosmetology, skin, nail, barbering and massage schools – including 3 schools in Virginia – to respectfully request that the Board for Barbers and Cosmetologists carefully consider how possible changes to Commonwealth’s cosmetology curriculum will impact accredited cosmetology and esthetics schools.

To this end, schools accredited by the National Accrediting Commission of Career Arts & Sciences (NACCAS) must maintain a 50 percent programmatic graduate rate. The creation of a set order of training – wax, nails, skin, hair – and allowing an individual to become licensed in the segments that they completed will likely increase dropouts and could lead to the loss of accreditation. These former students will likely also face difficulty transferring their Virginia license(s) as they will be not be given a diploma or certificate of completion.

The tiered licensure model discussed by the Board’s standing Committee on Training in September could also have unintended consequences for students and standalone esthetics schools. Since Federal Title IV Student Aid is based on program length, an early drop by a cosmetology student – even if they can become licensed in another beauty-industry profession – may require them to refund unearned Title IV funds. Additionally, the proposed model may be gamed to allow an individual to obtain both a nail care and esthetics license at 700 hours instead of completing a 600-hour esthetics program.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Brian Newman".

Brian Newman
State Affairs Advisor
American Association of Cosmetology Schools
Phone: 202-491-5254
brian.newman@abingdonstrategies.com

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

-Uniform practice act AKA tiered curriculum model benefits the “testing companies” financially.

-It does not increase consumer safety.

-It harms the students and schools.

-It poses unnecessary restrictive regulation to schools in an atmosphere of reduction of restrictive regulation.

-It poses undue administrative and financial burden on small businesses in Virginia.

-It leaves students with large debts they cannot pay out of pocket to the schools and aid money that must be return to the government they don’t have to pay.

•The ONLY pro of this model is that the testing companies would gain income as more tests would be taken due to an increase in lower tiers careers completions and more completions of more programs in general. Cosmetology grads would have the ability to take one license exam or four licensing exams: hair, nails wax, skin.

It should be noted that this model was initiated by the sister committee of NIC TESTING AKA “NATIONAL-INTERSTATE COUNCIL OF STATE BOARDS OF COSMETOLOGY”:

It was “APPROVED BY THE NIC EXECUTIVE BOARD ON APRIL 20, 2018.”

As the

“NATIONAL-INTERSTATE COUNCIL OF STATE BOARDS OF COSMETOLOGY UNIFORM PRACTICE ACT”

This info was then sent out to the states that use the NIC exams

This seems to be a conflict of interest.

Challenges of “compartmentalization of subjects” and “implementation of subjects in order”

•Schools are businesses and all businesses in Virginia should have the right to have the freedom to operate with the least burdensome and restrictive regulations as long as consumer safety is not at risk.

-The proposed changes do not increase consumer safety.

-The proposed changes do not ensure increased employment opportunities for lower tiered licenses. Students who enroll in cosmetology and esthetics programs want do hair or skin not a lower tiered licensed career. If they were solely interested in that they would have originally enrolled in nail technology or waxing programs to begin with.

Example: Students seeking an RN license would not be interested in working as a CNA as an alternative career. They would make a lateral career move to another career such as office manager.

•These new proposed curriculum changes are not going to help schools or students. The changes are being presented as being “friendly for students who withdraw from a program and that they can at least walk away with a lower tiered license” This is not necessarily true.

We have been in operation for 15 years and the withdrawals we have are related to 3 reasons:

1. Decided they just don’t want to do the career and they move on to another career path.
2. Medical issues.
3. Cannot academically perform to the standard of work required to graduate from our school, as our curriculum and standards are more rigorous than most schools and those individuals usually withdraw in the first week or two.

The proposed changes will not help in any of the three above cases or increase consumer safety.

the student cannot wait another six months for the waxing component to come back around as that would be an undue burden to them to not be able to gain licensure.

- Another challenge is that once that curriculum component closes out and the rest of the student body moves onto the next component that individual would be left behind and would have to drop the class and still would not gain the lower tiered license.

Student debt for dropping larger licensed program would result in program fees not being covered by aid and aid received by student would have to be returned.

- Students would not have the aid money to return to the government, it would be sent to collections and their tax returns would be garnished.
- Students would still owe the schools large sums of money and would have the financial resources out of pocket to compensate the schools and their debt will likely be sent to collections for wage garnishment.

Cosmetology schools teaching esthetics will lack equipment and curriculum components.

- When the esthetics license came into play the initial board staff acknowledged that cosmetologists were not basic Estheticians as their curriculum did not cover the subjects and they could only do a "basic cleansing facial".

This was correct.

Later - after an Executive Director changeover this was changed but the cosmetology curriculum was not updated or changed to reflect the basic license requirements. Only 5% of the 1500 hour cosmetology curriculum covers facials and waxing.

-Only proposed change would remedy the 5% curriculum issue and the allowing of a cosmetologist to be recognized as basic estheticians. As a result, immediately cosmetologists should not be recognized as basic Estheticians since this has not been implemented and a guidance document should be developed stating they can only perform a "cleansing facial".

- Cosmetology schools do not have the "required esthetics equipment" and should be held to the same standard that esthetics schools are. This speaks to the above challenges of why a cosmetologist is not a basic esthetician. It also speaks to why this would present challenges for cosmetology schools having to upgrade facilities. They won't have the space to add in the required equipment as it would require adding in several thousand square feet to accommodate their current student body.

- Again cosmetologists are not basic Estheticians and this should be rectified with a guidance document.
- Cosmetology schools who understand this have a separate esthetics department with the qualified curriculum and equipment.

Hair only reduction to 1,000 hours challenges:

- Cosmetology students don't want to learn hair last in the program if schools are required to compartmentalize and teach in order.
- Cosmetology students don't want to take on more specified training in the other career areas.
- Offering a hair only of 1,000 hours cuts out a large part of the hair only part of the 1500 hour program as only 5% of the curriculum was dedicated to facials and waxing. This also speaks to why a cosmetologist is not a basic Esthetician.

This list is not inclusive of all of the negative impacts.

Adopting the proposed change would provide a negative impact on both the schools and the students and does not increase consumer safety and therefore should not be approved.

ADDENDUM 3

Regulation	Requirement	Recommended Sanction
18 VAC 41-20-260.A - Display of License	Each shop, salon, or school shall ensure that all current licenses, certificates or permits issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop, salon, or school.	\$100.00
18 VAC 41-20-260.E - Display of License	Failure to display apprenticeship cards or wear apprenticeship badge.	\$100.00
18 VAC 41-20-270.B.1 – Sanitation and Safety Standards	Failure to properly disinfect and store implements.	\$150.00
18 VAC 41-20-270.B.2 – Sanitation and Safety Standards	Disinfection of multiuse items constructed of hard, nonporous materials such as metal, glass, or plastic that the manufacturer designed for use on more than one client, including clippers, scissors, combs, and nippers is to be carried out in the following manner prior to servicing a client:	\$150.00
18 VAC 41-20-270.B.3 – Sanitation and Safety Standards	Single-use items designed by the manufacturer for use on no more than one client should be discarded immediately after use on each individual client, including powder puffs, lip color, cheek color, sponges, styptic pencils, or nail care implements. The disinfection and reuse of these items is not permitted and the use of single-use items on more than one client is prohibited.	\$50.00
18 VAC 41-20-270B.4 – Sanitation and Safety Standards	For the purpose of recharging, rechargeable clippers may be stored in an area other than in a closed cabinet or container. This area shall be clean and the cutting edges of any clippers are to be disinfected.	\$50.00
18 VAC 41-20-270.B.5 – Sanitation and Safety Standards	Electrical clipper blades shall be disinfected before and after each use.	\$50.00
18 VAC 41-20-270.B.6 – Sanitation and Safety Standards	All wax pots shall be cleaned and disinfected with an EPA-registered hospital grade and tuberculocidal disinfectant solution with no sticks left standing in the wax at any time. The area immediately surrounding the wax pot shall be clean and free of clutter, waste materials, spills, and any other items which may pose a hazard.	\$50.00
18 VAC 41-20-	Each barber, cosmetologist, and nail technician must have a wet	\$100.00

ADDENDUM 3 (cont'd)

270.B.7 – Sanitation and Safety Standards	disinfection unit at his station.	
18 VAC 41-20-270.B.8 – Sanitation and Safety Standards	Sinks, bowls, tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the performance of nail care shall be maintained in accordance with manufacturer's recommendations. They shall be cleaned and disinfected immediately after each client in the following manner:	\$150.00
18 VAC 41-20-270.C.1 – Sanitation and Safety Standards	Service chairs, wash basins, shampoo sinks, workstations and workstands, and back bars shall be clean.	\$50.00
18 VAC 41-20-270.C.2 – Sanitation and Safety Standards	The floor surface in all work areas must be of a washable surface other than carpet. The floor must be kept clean and free of hair, nail clippings, dropped articles, spills, clutter, trash, electrical cords, other waste materials, and any other items which may pose a hazard.	\$100.00
18 VAC 41-20-270.C.4 – Sanitation and Safety Standards	A fully functional bathroom in the same building with a working toilet and sink must be available for clients. There must be hot and cold running water. Fixtures must be in good condition. The bathroom must be lighted and sufficiently ventilated. If there is a window, it must have a screen. There must be antibacterial soap and clean single-use towels or hand air-drying device for the client's use. Laundering of towels is allowed, space permitting. The bathroom must not be used as a work area or for the open storage of chemicals. For facilities newly occupied after January 1, 2017, the bathroom shall be maintained exclusively for client use.	\$50.00
18 VAC 41-20-270.C.6 – Sanitation and Safety Standards	Electrical cords shall be placed to prevent entanglement by the client or licensee.	\$50.00
18 VAC 41-20-270.C.7 – Sanitation and Safety Standards	All sharp tools, implements, and heat-producing appliances shall be in safe working order at all times, safely stored, and placed so as to prevent any accidental injury to the client or licensee;	\$50.00
18 VAC 41-20-270.D.1 – Sanitation and Safety Standards	Clean towels, robes, or other linens shall be used for each patron. Clean towels, robes, or other linens shall be stored in a clean pre-disinfected and dry cabinet, drawer, or nonairtight covered container. Soiled towels, robes, or other linens shall be stored in a container enclosed on all sides including the top, except if stored in a separate laundry room.	\$100.00
18 VAC 41-20-	Whenever a haircloth is used, a clean towel or neck strip shall be	\$50.00

ADDENDUM 3 (cont'd)

270.D.2 – Sanitation and Safety Standards	placed around the neck of the patron to prevent the haircloth from touching the skin.	
18 VAC 41-20-270.D.4 – Sanitation and Safety Standards	Lotions, ointments, creams, and powders shall be labeled and kept in closed containers. A clean spatula, other clean tools, or clean disposable gloves shall be used to remove bulk substances such as creams or ointments from jars. Sterile cotton or sponges shall be used to apply creams, lotions, and powders. Cosmetic containers shall be covered after each use.	\$50.00
18 VAC 41-20-270.D.5 – Sanitation and Safety Standards	For nail care, if a sanitary container is provided for a client, the sanitary container shall be labeled and implements shall be used solely for that specific client. Disinfection shall be carried out in accordance with subdivisions B 1 and B 2 of this section.	\$100.00
18 VAC 41-20-270.D.6 – Sanitation and Safety Standards	No substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator shall be used to check bleeding.	\$150.00
18 VAC 41-20-270.D.7 – Sanitation and Safety Standards	Any disposable material making contact with blood or other body fluid shall be disposed of in a sealed plastic bag and removed from the shop, salon, school, or facility in accordance with the guidelines of the Department of Health.	\$150.00
18 VAC 41-20-270.E.1 – Sanitation and Safety Standards	Shops, salons, schools, and facilities shall have in the immediate working area a binder with all Safety Data Sheets (SDS) provided by manufacturers for any chemical products used.	\$50.00
18 VAC 41-20-270.E.2 – Sanitation and Safety Standards	Shop, salons, schools, and facilities shall have a blood spill clean-up kit in the work area that contains at minimum latex gloves, two 12-inch by 12-inch towels, one disposable trash bag, bleach, one empty spray bottle, and one mask with face shield or any Occupational Safety and Health Administration (OSHA) approved blood spill clean-up kit.	\$100.00
18 VAC 41-20-270.F.1 – Sanitation and Safety Standards	All employees providing client services shall cleanse their hands with an antibacterial product prior to providing services to each client. Licensees shall require that clients for nail care services shall cleanse their hands immediately prior to the requested nail care service.	\$100.00
18 VAC 41-20-270.I – Sanitation and Safety Standards	All shops, salons, schools, and facilities shall maintain a self-inspection form on file to be updated on an annual basis, and kept for five years, so that it may be requested and reviewed by the board at its discretion.	\$50.00

**BOARD FOR BARBERS & COSMETOLOGY
STANDING COMMITTEE ON TRAINING**

DRAFT MINUTES OF MEETING

The Board for Barbers & Cosmetology Standing Committee on Training met on Monday, November 18, 2019, immediately following the full Board Meeting at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Board Room 2, Richmond, Virginia. The following Board members were present:

Gilda Acosta
Oanh Pham Kim Dang
Renee Gilanshah
Margaret B. LaPierre
Alfred O. Mayes
Lonnie Quesenberry
Matthew D. Roberts

DPOR staff present for the meeting included:

Stephen Kirschner, Regulatory Operations Administrator
Tamika Rodriguez, Licensing Operations Administrator
Cathy Clark, Administrative Assistant

The meeting was called to order at 11:32 a.m.

Call To Order

Mr. Quesenberry asked for public comments. The following individuals provided comment:

Public Comment

1. Laura Todd, of the Institute of Advanced Medical Esthetics, addressed the Committee on the topics of tiered licensure and waxing training programs.
2. Jonathan Melloul, of Legends Beauty, Inc., addressed the Committee about his support for instructor program improvements and transfer credits for students. He also asked questions about and commented on the tiered licensure model.
3. Elizabeth Meade, of Paul Mitchell The School – Roanoke, expressed her opposition to the tiered licensure model.
4. Caitlin Mack, of Paul Mitchell The School – Roanoke, expressed her opposition to reducing curriculum hours with regard to the tiered licensure model.
5. Kristen Kent, of Rudy & Kelly Academy, expressed her concern that cosmetology instructors cannot teach other curriculum with regard to the tiered licensure model.
6. Joyce Worrell, of Rudy & Kelly Academy, addressed the impact on financial aid that would result from the tiered licensure model.
7. Christine Werne, of The Chrysm Institute, expressed her opposition

to the tiered licensure model, indicating that teaching core curriculum first is not beneficial to the student, and rewriting the curriculum would be burdensome. She also addressed the issue of cosmetologists performing basic esthetics.

8. Les Mardiks, General Counsel for The Ratner Companies, expressed the company's support for a reduction of the cosmetology curriculum hours to 1,000 and asked the Board to consider support for 1,000 hours at its next Board meeting.
9. Gordon Logan, CEO of Sports Clips, expressed his support of reducing the cosmetology curriculum hours to 1,000.
10. Debbie Wiseman, Senior Vice President of The Ratner Companies, expressed her support of a 1,000 hour cosmetology curriculum.
11. Keith Kostek, of Sports Clips, expressed his support of a reduction of the cosmetology curriculum hours to 1,000.
12. Christine Jones, Salon Leader for Hair Cuttery, expressed her support of a reduction of the cosmetology curriculum hours to 1,000, citing the student debt to income ratio for cosmetology students.
13. Jessica Olsen, of The Chrism Institute, expressed her opposition to the tiered licensure model, indicating that the core subjects of cosmetology and esthetics differ.

The Committee discussed the Experience Waiver Proposal that will allow individuals who completed out-of-state training that is not substantially equivalent to Virginia's training to use work experience in the profession to make up for the missing training. Exam and endorsement applicants who completed training that is not substantially equivalent must submit documentation demonstrating five years of work experience.

Upon a motion by Mr. Mayes and seconded by Ms. Gilanshah, the Committee voted to accept the proposed experience in lieu of training exception and present it for approval by the full Board at its January 13, 2020 meeting.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Ms. LaPierre, Mr. Mayes, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

The Committee discussed an instructor training proposal that will unify all of the instructor programs for barbers, cosmetologists, nail, and wax technicians, and bring the instructor curriculum in line with the current esthetician instructor curriculum. Under the proposal, all curriculum requirements would be the same and, once a person obtains the instructor certificate, they can use it in any profession for which they hold a license.

DISCUSSION

Proposed Experience in Lieu of Training Exception

Instructor Program Revisions

Upon a motion by Mr. Roberts and seconded by Mr. Mayes, the Committee voted to accept the revised instructor training program and present it for approval by the full Board at its January 13, 2020 meeting.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Ms. LaPierre, Mr. Mayes, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

The Committee discussed a Transfer Students Proposal intended to resolve many complaints about the current Guidance Document, which limits transfers between schools under the Barber and Cosmetology Regulations. The proposal is to insert a transfer policy into the Barber and Cosmetology regulations that is identical to that in esthetics regulation 18 VAC 41-70-190.D, except that it removes all caps on the number of transfer hours that can be accepted, including for esthetics transfers.

Transfer Student Requirements

Upon a motion by Ms. LaPierre and seconded by Ms. Dang, the Committee voted to accept the proposed amendments to the regulations regarding student transfers and present it for approval by the full Board at its January 13, 2020 meeting.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Ms. LaPierre, Mr. Mayes, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Mr. Kirschner addressed the committee regarding the comments regarding tiered licensure and concerns from schools about implementing this model. After discussion, the Committee agreed by consensus to revisit the tiered licensure model at a future committee meeting. Mr. Kirschner reported that he would work with the stakeholders who made comments to determine whether their concerns could be addressed within the tiered licensure model, and would likely be able to report back in May of 2020.

Tiered Licensure Curriculum and Performances

Mr. Kirschner addressed the committee regarding its previous referral of support for a hair only license to the full Board, and also the stakeholder's request for the Board to support a 1,000 hour cosmetology curriculum. After some discussion, and upon a motion by Ms. LaPierre and seconded by Mr. Roberts, the Committee voted to bring the subjects of a hair only license and the stakeholder request that the Board support a 1,000 hour cosmetology curriculum to the full Board for consideration at its January 13, 2020 meeting.

Hair Only License

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Ms. LaPierre, Mr. Mayes, Mr. Quesenberry, and Mr. Roberts. There were

no negative votes. The motion passed unanimously.

There being no other discussion, the meeting was adjourned at 2:10 p.m. **Adjourn**

Lonnie Quesenberry, Board Chair

Mary Broz-Vaughan, Acting Board Secretary

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

**BOARD FOR BARBERS & COSMETOLOGY
TATTOO AND BODY PIERCING REGULATIONS COMMITTEE MEETING**

DRAFT MINUTES OF MEETING

The Board for Barbers & Cosmetology Tattoo and Body Piercing Regulations Committee met on Monday, December 2, 2019, at 10:00 a.m., at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Training Room 2, Richmond, Virginia. The following Board members were present:

Oanh “Tina” Dang
Gilda Acosta

DPOR staff present for the meeting included:

Stephen Kirschner, Regulatory Operations Administrator
Tamika Rodriguez, Licensing Operations Administrator
Cathy Clark, Administrative Assistant

Ms. Acosta called the meeting to order at 10:08 a.m.

Call To Order

Ms. Acosta asked for Public Comment.

Public Comment

Jesse Smith, owner of Loose Screw Tattoo in Richmond, addressed the Committee regarding requirements for tattooers from other states and countries who attend conventions in Virginia. Mr. Smith stated that the current regulations and requirements deter body artists from out of state and from other countries from participating in Virginia conventions. The Committee took Mr. Smith’s comments under advisement.

Mr. Kirschner provided the Committee members and staff with copies of all public comments received during the Tattoo and Body Piercing Public Comment Period, which included comments made in person at the Public Hearing on August 12, 2019, emailed comments, and comments submitted on the Virginia Town Hall website. (Addendum 1)

Discussion:
Public Comments
regarding
Proposed
Regulations

The Committee reviewed each comment and Mr. Kirschner provided recommended responses to be prepared and presented to the Board for its approval at its January 13, 2020 meeting.

The Committee members were provided with a copy of the proposed regulations to review. (Addendum 2)

Committee discussion included the following topics:

- Requirement for tattoo instructors to provide 5 years of licensed work experience to match the requirement for tattoo apprenticeship

sponsors, and consideration of a required teaching techniques course;

- Inspection of newly licensed tattoo parlors or tattoo parlor applicants;
- Consideration to provide a broader range of health education that is acceptable to the Board for guest tattooers, and removing the requirement to use only approved providers;
- Consensus to wait until the revised regulations have been approved before amending Guidance Document addressing approved health education providers;
- Consideration to remove hours requirement for health education required to renew a license; and
- Consider making language regarding transfer of training hours for tattooers match the language in esthetics and barber-cosmetology regulations.

The Committee members reviewed a proposed Master Esthetician curriculum written by Ms. Dang. After review and discussion, the committee incorporated a master permanent cosmetic tattooing curriculum into the proposed regulations, including performances. By consensus, the committee approved the draft proposed regulations and referred them to the full Board for consideration.

Discussion:
Master Permanent
Cosmetic
Tattooing
Curriculum
Requirements

There being no other discussion, the meeting was adjourned at 1:14 p.m.

Adjourn

Lonnie Quesenberry, Board Chair

Mary Broz-Vaughan, Board Secretary

DRAFT AGENDA
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and are not to be construed as regulation for official Board position.
DRAFT AGENDA

**BOARD FOR BARBERS & COSMETOLOGY
TATTOO AND BODY PIERCING PROPOSED REGULATORY CHANGES
PUBLIC HEARING**

The Board for Barbers & Cosmetology Public Hearing for Proposed Regulatory Changes to the Tattooing and Body Piercing Regulations was held on Monday, August 12, 2019, 1:00 p.m. at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, 2nd Floor, Board Room 4, Richmond, Virginia. The following DPOR staff members were present:

Stephen Kirschner, Regulatory Operations Administrator
Cathy Clark, Administrative Assistant

PUBLIC COMMENTS

ABIGAIL THOMAS, of Under the Sun Tattoo in Floyd, Virginia, provided suggestions on convention/guest artist licensure, recommending one temporary license that would cover a two-week period and include conventions and guest artist appearances at local parlors. She stated that the applicant could provide an itinerary of locations where he/she would utilize the license.

Ms. Thomas also addressed tattoo schools and suggested that schools were resulting in a lower quality of tattooers entering the profession than those that are trained in apprenticeships. She indicated that the consensus of the professional community was negative. She stated that tattoo instructors are only required to have three years of work experience; whereas, tattoo apprentice sponsors must have five years of work experience. She added that a school program was only required to include 750 hours of training, and an apprenticeship required 1500 hours, and that there is no limit on the number of students that can be enrolled in a school program.

Ms. Thomas suggested that the same standards should apply to tattoo schools that apply to apprenticeships with regard to work experience, training hours, and number of students.

Ms. Thomas further stated that there should be a separate regulatory board for tattooing and body piercing. (Ms. Thomas provided a written outline of her remarks, which is attached.)

GABRIEL CECE, of Studio Evolve in Virginia Beach, Virginia, indicated that he felt the proposed regulations are a step backward, and that DPOR and the Board, as well as the Department of Labor and Industry need to know what those in the profession want. Mr. Cece cited unsafe standards in parlors that are not licensed, as well as unlicensed tattooers providing services out of their residences.

Mr. Cece expressed concerns about having customer service personnel that are knowledgeable about tattoo and body piercing regulations and procedures, and more availability of online forms and services.

Mr. Cece addressed the issue of limited term tattoo licensure and suggested a temporary license with a license term of 2 – 3 weeks. He further suggested that all forms of training for required health education should be accepted, including online training.

Mr. Cece asked about email notifications when there are regulatory changes and updates. Mr. Kirschner advised Mr. Cece about the steps to sign up on the Virginia Regulatory Town Hall for email notifications.

Mr. Cece suggested a separate board for tattoo and body piercing with three or more representatives/members from each profession, or to increase the number of members from the profession on the current board.

Mr. Cece stated that the Board should avoid involving the Department of Labor and Industry in tattoo and body piercer apprenticeships, but instead to rework the existing apprenticeship standards to improve existing apprenticeships overseen by the Board. (Mr. Cece provided a written outline of his remarks and a follow-up email message to the Board, both of which are attached.)

NORMAN BURTON, of LB Beauty Academy (Tattoo School) in Richmond, Virginia, questioned the proposed increase of training hours for tattoo schools from 750 to 1000 hours, and also pointed to the disparity between the curriculum hours currently required for permanent cosmetic tattooers (90) and tattooers (750).

Mr. Burton stated that there is a perception in the industry that tattooing is under attack by the Board and that the Board is not supportive of the industry. He stated that "tattoo schools will go away" if the school curriculum is increased from 750 hours to 1000 hours, driving more artists to practice without a license.

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DPOR meeting with Stephen 10/08/18

Abigail Thomas
540-577-9078

Below are all the notes I have on the meeting we had with Stephen in October. Feel free to add, edit, or omit anything you think it needs. Some of the changes are minute (like changing "inks and dyes" to "pigment") but I decided to just include everything I got notes on just in case.

Temporary Tattoo Sponsor/Host

We would like there to be a specified list of shop owners and/or convention coordinators who may sign off on a tattooist wishing to temporarily tattoo in a Virginia licensed tattoo parlor, or Virginia licensed event tattoo parlor. Temporary tattooists would need to submit an itinerary of all conventions and parlors they wish to tattoo at. *The list specifies that these shops/conventions can host visiting tattooists, not necessarily sign paperwork for each applicant.*

18VAC41-50-20: General requirements for tattooer, convention tattooer, guest tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer

Convention tattooer and guest tattooer should be one temporary license where a tattooist may tattoo at both a licensed tattoo parlor, or licensed event tattoo parlor.

18VAC41-50-30: License by endorsement

We would like to add a temporary license by endorsement so that a tattooist may work while the details of their permanent license are sorted out. Sort of like a learner's permit

18VAC41-50-80: Tattoo Parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon license

Change "limited term tattoo parlor" to "Event tattoo parlor" since a temporary tattooing area is mainly for conventions.

18VAC41-50-80

G: A limited term tattoo parlor license is effective for five consecutive days prior to the expiration date ¹⁻²

Extend to ~~10~~ weeks so that conventions have the option to host tattooing workshops and educationals before and/or after conventions (3-4 times a year?)

I: A firm may obtain a maximum of two limited term tattoo parlor licenses within a 30 consecutive days time period

If the time period is extended to 1-2 weeks, then this section would be omitted?

18VAC41-50-92: Guest Tattooer License

A: A guest tattooer license is effective for 14 days prior to expiration date

Extend to 1-month

B: An out of state resident may obtain up to three guest tattooer licenses per calendar year

Increase to (4) 1-month temporary license

An applicant must provide ... C - 4: Documentation showing guest tattooer sponsor included signature of sponsor's responsible management

Add an itinerary of conventions and tattoo parlors where guest tattooers are planning to work. Itineraries should include parlor name, parlor license number, name(s) ~~and~~ of parlor owner, convention coordinator, or responsible management of a licensed tattooing parlor, and start and end dates of tattooing period. *Call numbers to confirm guest spot/tattoo guest spot.*

18VAC41-50-110: Tattooing (school) instructor certificate

An applicant shall ... A-2: Provide documentation of three years of work experience within the past five years

Extend to 8-10 years. If not 8-10 years, it should be no less than Apprenticeship Sponsor required work experience.

18VAC41-50-290: Hours of instruction and performances

A: Curriculum requirements specified in 18VAC41-50-280 shall be taught over a minimum of 1,000 hours:

Should be equal to Apprenticeship (currently set to 1,500 and they are wanting to increase to 2,000)

18VAC41-50-390: Physical facilities

E. Cabinets for the storage of instruments, dyes, pigments, single-use articles, carbon stencils and other utensils shall be provided for each operator and shall be maintained in a sanitary manner.

Remove "dyes" and "carbon" since dye is not an appropriate term for tattoo pigment and no one is using carbon stencils anymore.

18VAC41-50-400: Tattooer or permanent cosmetic tattooer or master permanent cosmetic tattooer responsibilities

I: Tattooing inks and dyes shall be placed in a single-use disposable container for each client...

Same as above, removing "inks and dyes" and replacing it with "pigment"

J: If shaving is required, razors shall be single-use and disposed of in a puncture resistant container.

We would like to get rid of this section as razors don't typically puncture through trash bags and rarely have blood on them. They are also typically used before a tattoo is started so it's not even technically biohazardous.

We would like to add that all tattoo equipment that a tattooer may touch with contaminated gloves or comes in direct contact with the tattooed body part be wrapped in a plastic disposable barrier. This includes, but is not limited to; tattoo machines, clip cords, squeeze bottles, tattooing trays/stations, power supplies, lamps, and armrests or other furniture that may come in direct

contact with the tattooed body part. After the plastic barrier has been properly disposed of, the items are to be cleaned using a germicidal solution following every tattoo.

We had discussed getting rid of the autoclave portion of the regulations (**18VAC41-50-400 M-S**) but it might be impossible to impose a strictly-disposable tattooing method since it means technically forcing a tattooer to purchase all disposable supplies which is illegal. We had talked about writing in specific detail the procedure a tattooer would need to follow, but I haven't had to the time to write one up. Is that something I should put effort in?

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I believe that I speak for some, if not most professional tattooers and shop owners in Virginia, in saying that I think these new proposed regulations are a step backwards.

Although it may not seem so to you, we are a group of motivated and driven individuals, who have worked our way through many an obstacle, to get where we are in our careers, and more than that, we are very self governing and self regulating.

The common sense rules of tattooing, technical and artistic advancements, universal precautions, and aseptic technique have been handed down for generations. We don't need to be micromanaged, in the process of our process. We don't need our lives and livelihood complicated with more rules and laws to follow. We don't really need to know what the DPOR, DOLI, or the commonwealth of Virginia thinks of what we do, or how we do. It's the DPOR, DOLI, and the commonwealth of Virginia that really needs to know our perspective on the way things are, or should be.

With all that said, I am sure that we all understand that there must be laws and rules and regulations to abide by, as nobody really wants for a lawless society. Nor are we looking for a situation in which we can do whatever we want to do, however we want to do it. As that would lead to chaos and anarchy, the compromise of public health and safety, and tattoo studios who are not operating properly, to getting away with unsafe standards of operation, and sub par quality tattooing (which is actually happening anyway). Without proper enforcement of DPOR regulations, and better communications with local health department and police, the rules and guidelines of our industry only apply to those who are correctly licensed...and that doesn't do anyone any good.

What we need here is an actual middle ground, where the information exchanged between the DPOR and our elected upstanding professionals in the community, are validated and taken into real consideration. We want to work with you, we need to work with you, and I do believe that you want and need to work with us, so that we can land on compromise, everyone is satisfied, and the public remains safe...while our ways of being aren't hampered, and our livelihoods aren't affected.

Our concerns lie in all of the procedure that is required to obtain proper licensing, yet there are still people tattooing out of their houses, or in a shop where tattooers aren't actually properly licensed. We also have issue with complicating the process to obtain a temporary tattooer license, instead of simplifying it. We have major concern that "tattoo schools" are not held to the same guidelines and expectations that mentors are. And finally, we'd really really like to have a set of forms that actually work online, and a customer service oriented staff at the DPOR call center, who are knowledgeable and helpful when we call...as opposed to sometimes rude, inconsiderate, and inconsistent in their answers as to what it is that we are supposed to do, in order to become legal licensed tattooers, stay current, or obtain temporary tattooer permits.

1...we all know of a handful of people tattooing out of their homes, yet nothing is done about it. This is an age old problem, as we have to be licensed, but there are so many people getting away with this, that we have to question why it is that we bother doing the right thing. Not only that, but, I'm sure we all know of many "professional" tattoo studios, operating with one or more people tattooing inside of them, who aren't properly licensed. In fact, I know of one who had an "apprentice" for quite some time, where nobody in the shop was even a licensed tattooer.

2...the proposed regulation for a guest tattooer license and a convention tattooer license further complicates an already complicated process. We need one license, 2-4 weeks at a time, up to 3 or 4 times a year, where an out of state tattooer can go to as many shops or conventions as they please. Once they are licensed through the DPOR, there should be no need for an itinerary that shops need to sign off on (before submitting the application), just a list of places the tattooer is intending to go to...and then phone calls from a representative of the DPOR, to confirm that they will be where they say they're going to be, when they are saying that they're going to be there. Furthermore, all out of state certifications in first aid, cpr, and bbp should be accepted, regardless of whether or not they meet the same exact standards that we must abide by as residents of Virginia. There's really no reason to split hairs on this issue, online training is just as good as in person training, and people shouldn't be limited by what their home states require. Lastly on this point, nothing has been said about shortening the lead time it takes to process an out of state license application. We are looking for 2 weeks, instead of a minimum of 30 days.

3...Tattoo schools are something that most reputable tattooers and tattoo studios don't agree with, but, we are resolved to an understanding that they exist, and will continue to operate. Many of us would never hire someone who was taught at a tattoo school, and that is our last line of defense. But, we are all in agreement that tattoo schools should be held to the same curriculum, guidelines, hours spent, and amount of students that one instructor should have. One teacher or mentor, a maximum of two students or apprentices each, 1500 documented hours, fair and balanced.

4...the situation where forms aren't available online has been in a state of disrepair for far too long. It's nearly 2020, and the process of online applications and paying for things as such, is a globally streamlined operation. We should be able to find a form online easily, download it, print it out, fill it out, and email it back without any issue. Your email servers should be secure, so that we can send back credit card information without worry. Beyond that bare minimum, there should be an option to just fill the form out online, and pay for our licenses without emailing or snail mailing anything. Furthermore, license specialists should have consistent answers when people call to get information or apply for whatever license they need...there should be no confusion as to what an individual is supposed to do, depending on what time they call, or who they talk to.

Also, I suggest that everyone who has a valid tattooer, piercer, permanent cosmetics, or studio license get direct email notifications when proposed new legislation is going through its process. If we are licensed, you should have our email addresses, and it would just require a mass email to all of us, with links to what we need to know. I have to assume that not many are linked up to the online town hall site, so most don't know what's going on with the DPOR, despite our best efforts to keep everyone informed.

Lastly, I again officially request a specific board of tattooers, piercers, and permanent cosmetic tattooists. One person representing all three of us, among 11 cosmetologists, isn't a fair and balanced way to take everyone's everything into consideration, when creating new legislation. This request has nothing to do with representative Gilda and the job she is doing. Rather, there are 11 other people on that board that don't have anything to do with tattooing, piercing, or permanent cosmetics. I would suggest that there be a board specific to us, with 3 or more representatives each for tattooing, piercing, permanent cosmetics, and even tattoo schools...so that we can all be heard, from our very different careers, and we can sort out regulations for all of us, that are fair, balanced, and informed. If that isn't an option, then we need more representation on the board of barbers and cosmetology, so that at the very least, our concerns and requests aren't being outweighed by the other 11 people, who aren't in our field of expertise, and shouldn't be governing us.

In closing, I do believe that the DPOR has improved a bit in the last two years, communications have improved some, and it's greatly appreciated that you have taken the time to talk with us...using some of the information we have shared to better the way things are. We hope that you will continue to let our voices be heard, to find a balanced compromise on all of the regulations. We look forward to spending more time going over things with a fine tooth comb, to work out all of our differences, and land on a set of rules and regulations that take everything into consideration on all sides of the situations. I especially look forward to the next hurdle of sorting out the apprenticeship guidelines, and avoiding the involvement of DOLI.

Thank you for taking the time to have read all of this.

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DPOR Board for Barbers & Cosmetology, rr <barbercosmo@dpor.virginia.gov>

town hall meeting 8.12.19

2 messages

mr.gabrielcece . <gabrielcece.llc@gmail.com>

Tue, Aug 13, 2019 at 1:05 AM

To: "Kirschner, Stephen" <steve.kirschner@dpor.virginia.gov>, Tattoo Gilda Acosta <gilda@ladyoctopus.tattoo>, AbsoluteBananaz <abbyemt@gmail.com>, Jesse Smith <jesssmith@loosescrewstattoo.com>, "DPOR: Board for Barbers & Cosmetology (DPOR)" <barbercosmo@dpor.virginia.gov>

goodmorning all.

On Monday, Abby and I were in attendance at the public town hall meeting at the DPOR building in RVA. Even though Abby and I went back to the meeting after it happened, and spent some time talking with Steven about several topics, i thought that it was important to share one of the most important things i watched and learned from.

The gentleman representing his tattoo school is in fact, the reason that tattoo schools need more regulation and oversight. Not to be insulting to the man, and how he makes his living (pushing students through his business in as few hours as possible), but, he is clearly in the dark about practical requirements and training in application, versus academic information being dispersed into a classroom.

Tattooing, in its very essence, requires hours of information exchanged verbally (as well as through the written word and through apprentice/student independent research), but also many many more hours of practical hands on training and experience, before being qualified enough to even touch a tattoo machine, much less tattoo, or take the test to become a legitimately licensed tattooer.

The gentleman, Norman Burton of LB Beauty Academy, was present to gather information and question some of the newly proposed regulations, as he didn't seem to have spent much time reading thoroughly enough to understand them. He was also there to oppose the increase of student hours from 750 to 1000 hours, saying that it was difficult for his students to even achieve the standard now. He went on to use tattoo apprenticeships and their (sometimes potential) cost as an example of our bad business, and also referred to myself and Abby, and to what we said, regarding our ideas of what we think standards should be.

All of which to me, and his presence there alone, further exemplifies that tattoo schools breed ignorance and improper training standards. The gentleman clearly has no knowledge of tattooing and it's basic core principals, is likely not a licensed tattooer, mentor, instructor, or legal tattoo school, and his goal there was to see the required hours stay the same as they are, or even lessened, nothing more.

I stand by my original point, even more so now, that tattoo schools need more regulation and stricter guidelines, equal and fair requirements and hours to match ours as tattooers, and public transparent viewing of their curriculum.

The one thing that the gentleman brought up, that actually made sense, is that hours for permanent cosmetic training should be raised. I wholeheartedly concur, and couldn't agree more. Tattooing apprenticeships, permanent cosmetic tattoo apprenticeships, permanent cosmetic schools, and tattoo schools should all be held to the same rules, regulations, expectations, and hours required, having one mentor or teacher, to two apprentices or students at the same time...1500 hours, across the board, no exceptions, fair and balanced. We all inevitably break the skin with a needle, that goes through a tube, attached to a machine, that leaves pigment behind...henceforth, tattooing.

In closing, i ask you all to please consider logic and reason, the difference between right and wrong, fairness to everyone involved, and that the public safety that could actually be compromised when students are being taught at substandard levels, by incompetent instructors and school leaders.

Lastly, again, i am asking that all tattooers and tattoo studios in the commonwealth of Virginia, be directly notified when new legislation is being pushed through the DPOR. It's only fair to everyone, who's livelihood is on the table, with every bit of regulation that passes.

thank you for reading,
Gabriel Cece

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ADDENDUM 1

Respect the elders. Teach the young. Cooperate with the pack. Play when you can. Hunt when you must. Rest in between. Share your affections. Voice your feelings. Leave your mark. (Del Goetz)

DPOR Board for Barbers & Cosmetology, rr <barbercosmo@dpor.virginia.gov>
To: "mr.gabrielcece ." <gabrielcece.llc@gmail.com>
Bcc: Stephen Kirschner <steve.kirschner@dpor.virginia.gov>

Tue, Aug 13, 2019 at 8:33 AM

Dear Mr. Cece:

By copy of this reply, your message has been forwarded to Mr. Kirschner.

In addition, your comments will be prepared and presented to the Board, along with your remarks presented at the forum. Thank you for your participation.

Board for Barbers and Cosmetology
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1485
Phone: 804-367-8590
Fax: 866-245-9693
www.dpor.virginia.gov

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DPOR Board for Barbers & Cosmetology, rr <barbercosmo@dpor.virginia.gov>

Feedback on licenses to perform certain services

1 message

Susan Rickwa <susanrickwa@gmail.com>

Wed, Aug 14, 2019 at 12:57 PM

To: BarberCosmo@dpor.virginia.gov

Good afternoon,

My name is Susan Rickwa. I am a licensed Permanent makeup artist. I wanted to provide feedback and my thoughts on performing other services that other licenses are able to perform that a permanent make up artist cannot. Specifically lash extensions and lash lifts. Being in my field of beauty as many of many others, I question why permanent make up license holders are not part of the group of licenses that are able to perform lash extensions and lash lifts? I wanted to put my input in on this matter because just like estheticians and cosmetologists, permanent make up artists provide beauty services to clients to enhance the face and make the client feel confident and beautiful. I speak for many who are not interested in becoming estheticians or cosmetologists as a career path however we are limited to only what we are licensed in. Not having the same add on benefits that fall within the beauty category. I feel is unfair. Is this a matter that has been brought up before? What were the reasons why permanent make up artists allowed this privilege? Will this change in the future?

Thank you kindly for your time.

Susan Rickwa

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Agency Department of Professional and Occupational Regulation

Board Board for Barbers and Cosmetology

Chapter Board for Barbers and Cosmetology Tattooing Regulations [18 VAC 41 - 50]

Action	General Review 2017 Tattoo and Body-Piercing
Stage	Proposed
Comment Period	Ends 9/20/2019

Next Comment [Back to List of Comments](#)

Commenter: gabriel cece, studio evolve tattoo

8/11/19 1:42 pm

response to newly proposed tattoo legislation

I believe that I can speak for some, if not most professional tattooers and shop owners in virginia, in saying that I think these new proposed regulations are a step backwards.

Although it may not seem so to you, we are a group of motivated and driven individuals, who have worked our way through many an obstacle, to get where we are in our careers, and more than that, we are very self governing and self regulating.

The common sense rules of tattooing, technical and artistic advancements, universal precautions, and aseptic technique have been handed down for generations. We don't need to be micromanaged, in the process of our process. We don't need our lives and livelihood complicated with more rules and laws to follow. We don't really need to know what the DPOR, DOLI, or the commonwealth of virginia thinks of what we do, or how we do. It's the DPOR, DOLI, and the commonwealth of virginia that really needs to know our perspective on the way things are, or should be.

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Agency Department of Professional and Occupational Regulation

Board Board for Barbers and Cosmetology

Chapter Board for Barbers and Cosmetology Tattooing Regulations [18 VAC 41 - 50]

Action	General Review 2017 Tattoo and Body-Piercing
Stage	Proposed
Comment Period	Ends 9/20/2019

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Commenter: gabriel cece, studio evolve tattoo

8/13/19 1:07 am

public town hall meeting 8.12.19

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thank you for reading,
Gabriel Cece

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Agency Department of Professional and Occupational Regulation

Board Board for Barbers and Cosmetology

Chapter Board for Barbers and Cosmetology Tattooing Regulations [18 VAC 41 - 50]

Action	General Review 2017 Tattoo and Body-Piercing
Stage	Proposed
Comment Period	Ends 9/20/2019

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Commenter: Stitch Martinez, Primal Tattoo

8/14/19 2:34 pm

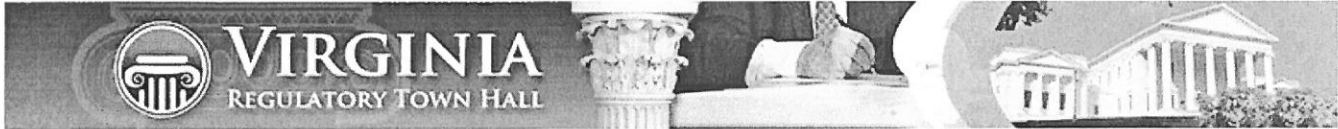
Comments

I would like to comment on tattoo schools. It is a scary reality that the tattoo schools are not training their students properly. We've all seen tattoo school graduates, who are fully licensed and are incapable of tattooing. Many of which are incapable of following basic guidelines for sanitation.

Tattoo schools students should be held to the same standard that tattoo apprentices are, including hours. I never understood why tattoo school students had less hours than a traditional apprenticeship. Tattoo school educators should also be licensed tattoo artists. It doesn't make sense for anyone else to train future tattoo artists.

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Commenter: Abigail Thomas / Under The Sun Tattoo

8/14/19 1:18 pm

Abigail Bowen/Under The Sun Tattoo

I have five topics I'd like to comment on.

The first is the "convention tattooer license" and the "guest artist license." Traveling tattooists often want to do a guest spot in a local shop before or after a convention for financial or marketing purposes. I feel they should have the option to attend a convention AND do a guest spot without having to apply for two separate licenses. A tattooist should be able to obtain a "temporary tattoo license" that is valid for 2-4 weeks and they should be able to tattoo at any licensed parlor, permanent or temporary, in that time frame. A simple itinerary of where the tattooist plans to work, dates coinciding with the shop and/or convention they are attending, as well as a name, phone number and/or e-mail address of the responsible management that can confirm their travel plans. A couple of phone calls or emails from DPOR employees to confirm that the itinerary is correct should suffice in processing their application.

The second is in regards to the tattoo schools. My personal feeling about them is similar to a lot of professional tattooists in that it lowers the quality of tattooists coming into the industry. A lot of the graduates that come out of these schools are not always being trained properly in cleanliness, technique, or artistry, which is usually filtered through the apprenticeship method. Obviously, there are outliers because no system is perfect, but the general consensus with Tattoo Schools is negative in the community. However, we know that Tattoo Schools are here to stay and of course some are going to be better than others.

At the 8.12.19 Town Hall Meeting I witnessed a Tattoo School owner who appeared, to me, to know little to nothing about tattooing. He didn't even take the time to read about the proposed changes beforehand to be fully informed on what was going on at this meeting. His statements were ignorant in the ways of tattooing that it reinforced my feelings that Tattoo Schools need to be held to the same standards and potentially more scrutiny since there are many stories of fully-licensed tattoo school graduates who were not trained properly.

That is my main issue; tattoo schools are not held to the same standards as an apprenticeship. The instructors can be less qualified with only 3 years experience, have an unlimited number of students, and their required hours are literally half of an apprenticeship. I feel one-on-one attention from a mentor who has a personal interest in how their apprentice performs, and a 3 year tattooist with 10 students that can "teach them how to tattoo" in a 3 month course is not comparable. It's a step in the right direction that DPOR requires tattoo schools to submit a curriculum, but I'm not sure any tattoo school curricula has been reviewed by an experienced tattooist. They may follow

the basic guidelines set in the regulations, but those are only categories with no real definition of how in-depth these subjects should be taught. Only an experienced tattooist knows what is and isn't important to teach their students, and a 3-year tattooist often does not have the experience, knowledge, or humility to be able to properly train students.

The reason, I believe, the apprenticeship method is superior to a tattoo school is because even though an apprentice may be fully "qualified" with their hours and trained to properly draw and apply a tattoo, the mentor is still very involved in their education. Those first two years of tattooing are full of learning curves. The scenarios are vast and it would take years of classroom work to try and cover them all, and you have an experienced mentor who can guide you through the process while you're still under their tutelage. A tattoo school student passes their 3-month tattoo course and then are sent out into whatever shop will take them or, god forbid, they open their own shop; their education stops at 3 months. Tattoo schools are putting out people with a 3-month course who may or may not have the proper training with no one to guide them through the real part of their education, which is experience. A true tattooist is not out to create as many tattooers as possible to make a buck because we understand the ramifications of such actions.

My proposal is that tattoo schools should be held to the same standards to the apprenticeship. Tattoo School Instructors should have equal experience in tattooing to an apprenticeship sponsor (currently set to 5 years), equal required hours, and limiting the number of students per Tattoo School instructor.

The fourth issue isn't really addressed in the regulation changes, but we would like to see it happen, is raising the permanent cosmetic tattooing required hours to match that of a standard tattooist (currently set to 1500, proposed to increase to 2000). I feel that all forms of tattooing should be equal in standard because it is inevitably making a permanent change to someone's body. The clients are trusting that their tattooist has the proper knowledge and training to perform these changes and by raising the required hours could help ensure that. With the rising popularity of permanent cosmetic tattooing and the high-risk factor of damaging eyes and ruining people's faces I see that as a reasonable request.

Lastly, I am with Gabe when I ask that at least all tattoo parlors (ideally all active tattooists) in Virginia be notified either through e-mail and/or letter of any regulation changes as well as relevant upcoming meetings. Most tattooists in Virginia don't know that they have to sign up in order to receive these notifications and I feel it's DPOR's job to keep them up to date. We've tried to keep the ones in our circle in the loop, but ultimately a direct e-mail or letter would get their attention and ultimately more participation.

Thank you for your time.
-Abigail Bowen Thomas
Under The Sun Tattoo

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Project 5125 - Proposed

BOARD FOR BARBERS AND COSMETOLOGY
General Review 2017 | Tattoo and Body-Piercing

CHAPTER 50
TATTOOING REGULATIONS

Part I
General

18VAC41-50-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.

"Apprenticeship program" means an approved tattooing training program conducted by an approved apprenticeship sponsor.

"Apprenticeship sponsor" means an individual approved to conduct tattooing apprenticeship training who meets the qualifications in 18VAC41-50-70.

"Aseptic technique" means a hygienic practice that prevents and hinders the direct transfer of microorganisms, regardless of pathogenicity, from one person or place to another person or place.

"Business entity" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

"Direct supervision" means that a Virginia licensed tattooer shall be present in the tattoo parlor at all times when services are being performed by an apprentice, that a Virginia licensed tattooing instructor shall be present in the tattooing school at all times when services are being performed by a student, or that a Virginia licensed permanent cosmetic tattooing instructor shall be present in the permanent cosmetic tattooing school at all times when services are being performed by a student.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.

"~~Limited term Event tattoo parlor~~" means a tattoo parlor temporary location licensed to operate for a maximum of five consecutive days.

"Firm" means any business entity recognized under the laws of the Commonwealth of Virginia.

"Gratuitous services" as used in § 54.1-701.5 of the Code Virginia means providing tattooing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.

"Guest tattooer" means a tattooer or permanent cosmetic tattooer residing outside of Virginia who is licensed only to work for a two week period at a specified tattoo parlor or permanent cosmetic tattoo salon.

"Guest tattooer sponsor" means a licensed tattoo parlor or permanent cosmetic tattooing salon that is sponsoring and providing direct supervision of a guest tattooer.

"Licensee" means any person, partnership, association, limited liability company, or corporation sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law holding a license issued by the Board for Barbers and Cosmetology, as defined in § 54.1-700 of the Code of Virginia.

"Limited term tattooer" means a tattooer licensed to perform tattooing for a maximum of five consecutive days in an organized event or in a Virginia licensed tattoo parlor.

ADDENDUM 2

"Master permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as advanced permanent cosmetic tattooing including but not limited to ~~cheek blush~~, eye shadow, and breast and scar repigmentation or camouflage.

"Permanent cosmetic tattoo salon" means any place in which permanent cosmetic tattooing is offered or practiced for compensation.

"Permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as basic permanent cosmetic tattooing including but not limited to eyebrows, microblading, eyeliners, lip coloring, lip liners, or full lips.

"Permanent cosmetic tattooing" means placing marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin on the face, including but not limited to eyebrows, eyeliners, lip coloring, lip liners, full lips, ~~cheek blush~~, eye shadow, forehead and scalp micropigmentation, and on the body for breast and scar repigmentation or camouflage; also known as permanent make-up or micropigmentation.

"Permanent cosmetic tattooing instructor" means a person who has been certified by the board who meets the competency standards of the board as an instructor of permanent cosmetic tattooing.

"Permanent cosmetic tattooing school" means a place or establishment licensed by the board to accept and train students and offers a permanent cosmetic tattooing curriculum approved by the board.

"Pigments" means tattooing ink designed for use on human skin.

"Post-secondary educational level" means an accredited college or university that is approved or accredited by an accrediting agency that is recognized by the U.S. Department of Education.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license for another period of time.

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company;
6. The officers or directors of an association or both; and
7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Sole proprietor" means any individual, not a corporation, who is trading under his own name, or under an assumed or fictitious name pursuant to the provisions of §§ 59.1-69 through 59.1-76 of the Code of Virginia.

"Sterilization area" means a separate room or area separate from workstations with restricted client access in which tattooing instruments are cleaned, disinfected, and sterilized.

"Tattoo convention" means an event where Virginia and out-of-state tattooers gather for no more than five consecutive days to offer tattooing services to the public.

"Tattooing instructor" means a person who has been certified by the board who meets the competency standards of the board as an instructor of tattooing.

"Temporary location" means a fixed location at which tattooing is performed for a specified length of time of not more than five days in conjunction with a single event or celebration.

Part II
Entry

18VAC41-50-20. General requirements for tattooer, ~~limited term convention tattooer, guest tattooer,~~ permanent cosmetic tattooer, or master permanent cosmetic tattooer.

A. ~~In order to receive a license as a tattooer, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer in compliance with § 54.1-703 of the Code of Virginia, an applicant must~~ Any individual wishing to engage in tattooing, limited term tattooing, permanent cosmetic tattooing, or master permanent cosmetic tattooing shall obtain a license in compliance with § 54.1-703 of the Code of Virginia and meet the following qualifications:

1. The applicant must be in good standing as a tattooer, ~~limited term convention tattooer, guest tattooer,~~ permanent cosmetic tattooer, or master permanent cosmetic tattooer in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another Virginia or any other jurisdiction in connection with the applicant's practice as a tattooer, limited term tattooer, guest tattooer, tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer. This includes but is not limited to monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure ~~whether~~ if he has been previously licensed in Virginia as a tattooer, ~~limited term tattooer, guest tattooer,~~ tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in tattooing, guest tattooing, permanent cosmetic tattooing, or master permanent cosmetic tattooing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose his physical address. A post office box is not acceptable.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia tattooing license laws and ~~the board's tattooing regulations~~ this chapter.

4. ~~In accordance with § 54.1-204 of the Code of Virginia, the each applicant must not have been convicted in any jurisdiction of a misdemeanor or felony that directly relates to the profession of tattooing. The board shall have the authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of tattooing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within 10 days after all appeal rights have expired.~~ shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions involving moral turpitude, sexual offense, drug distribution, or physical injury within two years of the date of the application; and

b. All felony convictions within 20 years of the date of application

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board approved examination, administered either by the board or by a designated testing service.

~~6. Persons who (i) make application for licensure between October 1, 2006, and September 30, 2007; (ii) have completed three years of documented work experience within the preceding five years as a tattooer; and (iii) have completed a minimum of five hours of health education to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing and first aid and CPR that is acceptable to the board are not required to complete subdivision 5 of this subsection.~~

B. Eligibility to sit for board-approved examination.

1. Training in the Commonwealth of Virginia.

a. Any person completing an approved tattooing apprenticeship in a Virginia licensed tattoo parlor or completing an approved tattooing training program in a Virginia licensed school of tattooing, or completing a permanent cosmetic tattooing or master permanent cosmetic tattooing training program in a Virginia licensed permanent cosmetic tattooing school shall be eligible to sit for the applicable examination.

~~b. Any person completing master permanent cosmetic training that is acceptable to the board shall be eligible to sit for the examination. Training should be conducted in a permanent facility.~~

2. Training outside of the Commonwealth of Virginia, but within the United States and its territories.

a. Any person completing a tattooing, or permanent cosmetic tattooing training, or master permanent cosmetic tattooing, or tattooing apprenticeship program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training or apprenticeship to be eligible for examination. If less than required hours of ~~tattooing or permanent cosmetic tattooing training or tattooing apprenticeship~~ was completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent tattooing training or tattooing apprenticeship or permanent cosmetic tattooing or master permanent cosmetic tattooing training or documentation of three years of work experience within the preceding five years as a tattooer, and (ii) documentation of completion of a minimum of five hours of health education to include but not limited to ~~blood-borne disease~~ bloodborne pathogens, sterilization, and aseptic techniques related to tattooing and first aid and CPR that is acceptable to the board in order to be eligible for examination.

~~b. Any person completing master permanent cosmetic training that is acceptable to the board shall be eligible to sit for the examination. Training should be conducted in a permanent facility.~~

18VAC41-50-30. License by endorsement.

Upon proper application to the board, any person currently licensed to practice as a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter may be issued a

tattooer license, permanent cosmetic tattooer license, or master permanent cosmetic tattooer license, respectively, without an examination. The applicant must also meet the requirements set forth in 18VAC41-50-20 A 1 through A 4.

18VAC41-50-40. Examination requirements and fees.

A. Applicants for initial licensure shall pass an examination approved by the board. The examinations may be administered by the board or by a designated testing service.

B. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.

C. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

D. Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application

E. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

F. Any candidate failing to apply for initial licensure within five years of passing the written examination shall be required to retake the examination. Records of examinations shall be maintained for a maximum of five years.

~~18VAC41-50-50. Reexamination requirements. (Repealed.)~~

~~Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.~~

~~18VAC41-50-60. Examination administration. (Repealed.)~~

~~A. The examinations may be administered by the board or the designated testing service.~~

~~B. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.~~

~~C. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.~~

18VAC41-50-70. General requirements for a tattooing apprenticeship sponsor.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section may be eligible to sponsor a tattooing apprentice if the person:

1. Holds a current Virginia tattooer license;
2. Provides documentation of legally practicing tattooing for at least five years; and

3. Provides documentation indicating that he is in good standing in all jurisdictions where the practice of tattooing is regulated.

B. Apprenticeship sponsors shall be required to maintain a tattooer license.

C. Apprenticeship sponsors shall ensure compliance with the 1500 hour tattooing apprenticeship program and tattooing apprenticeship standards.

18VAC41-50-80. Tattoo parlor, ~~limited term~~ Event tattoo parlor, or permanent cosmetic tattoo salon license.

A. Any ~~individual~~ firm wishing to operate a tattoo parlor, ~~limited term~~ Event tattoo parlor, or permanent cosmetic tattoo salon shall obtain a tattoo parlor license, ~~limited term~~ Event tattoo parlor license, or permanent cosmetic tattoo salon license in compliance with § 54.1-704.1 of the Code of Virginia. and shall meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall be in good standing as a licensed shop or salon in Virginia and all other jurisdictions where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any tattoo parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon or practice of the profession. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a tattoo parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon.

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of a tattoo parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose his physical address. A post office box is not acceptable.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia tattooing license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions involving moral turpitude, sexual offense, drug distribution, or physical injury within two years of the date of the application; and

b. All felony convictions within 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall disclose the firm's responsible management.

ADDENDUM 2

B. A tattoo parlor license, limited term tattoo parlor license, or permanent cosmetic tattoo salon license shall not be transferable and shall bear the same name and address of the business. Any changes in the name, or address, or ownership of the parlor or salon shall be reported to the board in writing within 30 days of such changes. New owners shall be responsible for ~~reporting such changes in writing to the board~~ applying for a new license within 30 days of the changes.

C. ~~In the event of a closing of a tattoo parlor or permanent cosmetic tattoo salon, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned by the owners to the board. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license, within 30 days of the change in the business entity. Such changes include [but are not limited to]:~~

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

E. Any tattoo parlor or permanent cosmetic tattoo salon wishing to host a guest tattooer must identify itself as the guest tattooer sponsor and must provide direct supervision of any tattooing by the guest tattooer.

~~D.F.~~ Any individual firm wishing to operate a tattoo parlor in a temporary location must have a tattoo parlor license or limited term Event tattoo parlor license issued by the board.

~~E.G.~~ A limited term Event tattoo parlor license is effective for ~~five~~ 14 consecutive days prior to the expiration date.

~~F.H.~~ A person or entity firm may obtain a maximum of five limited term Event tattoo parlor licenses within a calendar year.

~~G.I.~~ A person or entity firm may obtain a maximum of two limited term Event tattoo parlor licenses within a 30 consecutive days time period.

18VAC41-50-90. Limited term tattooer license. (Repealed.)

~~A. A limited term tattooer license is effective for five consecutive days prior to the expiration date.~~

~~B. A person may obtain a maximum of five limited term tattooer licenses within a calendar year.~~

~~C. A person may obtain a maximum of two limited term tattooer licenses within a 30 consecutive days time period.~~

~~D. A limited term tattooer applicant must meet the following qualifications:~~

- ~~1. Requirements set forth in 18VAC41-50-20 A 1 through A 4.~~
- ~~2. Documentation of health education knowledge to include but not limited to blood borne disease, sterilization, and aseptic techniques related to tattooing, and first aid and CPR that is acceptable to the board.~~

~~E. A limited term tattooer applicant is not required to complete 18VAC41-50-20 A 5.~~

18VAC41-50-91. Guest Tattooer License.

- A. A guest tattooer license is effective for 14 days prior to the expiration date.
- B. An out of state resident may obtain up to five guest tattooer licenses per calendar year.
- C. A guest tattooer applicant must meet the following qualifications:
 - 1. Requirements set forth in 18VAC41-50-20 A 1 through A 4.
 - 2. Present documentation showing out-of-state residency.
 - 3. Documentation of health education knowledge to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing, and first aid and CPR that is acceptable to the board.
 - 4. Documentation showing guest tattooer sponsor including signature of sponsor parlor's responsible management.
 - 5. Guest Tattooers must provide the name and license number of their sponsor, and the duration of their tattooing for all guest tattooer locations.
- D. A guest tattooer applicant is not required to complete 18VAC41-50-20 A 5.

18VAC41-50-92. Guest Tattooer Sponsor.

- A. The licensed tattoo parlor that agrees to sponsor a guest tattooer shall ensure that the guest tattooer:
 - 1. Has a valid, current guest tattooer license for the entire duration of their tattooing at the parlor.
 - 2. Is directly supervised by a licensed tattooer.
 - 3. Complies with all Virginia regulations relating to health, sanitation, client qualifications, and standards of practice.
- B. The license permanent cosmetic tattooing salon that agrees to sponsor a guest tattooer shall ensure that following:
 - 1. Has a valid, current guest tattooer licensed for the entire duration of their tattooing at the salon.
 - 2. Is directly supervised by a licensed tattooer or permanent cosmetic tattooer.
 - 3. Complies with all Virginia regulations relating to health, sanitation, client qualifications, and standards of practice.
- C. With the exception of tattoo conventions, a member of the guest tattooer sponsor's responsible management must sign the guest tattooer application certifying the sponsor will ensure the above requirements.
- D. The guest tattooer sponsor shall be responsible for the acts or omissions of the guest tattooer in the performance of tattooing or permanent cosmetic tattooing.

18VAC41-50-100. School license.

- A. Any individual firm wishing to operate a tattooing school or permanent cosmetic tattooing school shall obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia: and shall meet the following qualifications in order to receive a license:
 - 1. The applicant and all members of the responsible management shall be in good standing as a licensed shop or salon in Virginia and all other jurisdictions where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any tattoo parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon or practice of the profession. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in

ADDENDUM 2

connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a tattoo parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon.

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of a tattoo parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose his physical address. A post office box is not acceptable.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia tattooing license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions involving moral turpitude, sexual offense, drug distribution, or physical injury within two years of the date of the application; and

b. All felony convictions within 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall disclose the firm's responsible management.

B. A tattooing school license or permanent cosmetic tattooing school license shall not be transferable and shall bear the same name and address as the school. Any changes in the name or address of the school shall be reported to the board in writing within 30 days of such change. The name of the school must indicate that it is an educational institution. All signs or other advertisements must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

C. ~~In the event of a change of ownership of a school, the new owners shall be responsible for reporting such changes in writing to the board applying for a new license within 30 days of the changes. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license, within 30 days of the change in the business entity. Such changes include [but are not limited to]:~~

1. Death of a sole proprietor;

2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and

3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. In the event of a school closing, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned. Within 30 days of the closing, the school shall return the license to the Board and provide a written report to the board on performances and hours of each of its students who has not completed the program.

E. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

18VAC41-50-110. Tattooing instructor certificate.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a tattooing instructor certificate if the person:

1. Holds a current Virginia tattooer license; ~~and~~
2. Provides documentation of ~~three years of work experience within the past~~ legally tattooing for at least five years; ~~and~~
3. Pass a course on teaching techniques in a post-secondary education level.

B. Tattooing instructors shall be required to maintain a tattooer license.

18VAC41-50-120. Permanent cosmetic tattooing instructor certificate.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a permanent cosmetic tattooing instructor certificate if the person:

1. Holds a current Virginia permanent cosmetic tattooer license or master permanent cosmetic tattooer license; ~~and~~
2. Provides documentation of ~~of three years of work experience within the past~~ legally tattooing for at least five years; ~~and~~
3. Pass a course on teaching techniques at the post-secondary education level.

B. Permanent cosmetic tattooing instructors shall be required to maintain a permanent cosmetic tattooer license or master permanent cosmetic tattooer license.

Part III
Fees

18VAC41-50-130. Fees.

The following fees apply:

FEE TYPE	AMOUNT DUE September 1, 2016, through August 31, 2018	AMOUNT DUE September 1, 2018, and after	WHEN DUE
Individuals:			
Application	\$75	\$105	With application
License by Endorsement	\$75	\$105	With application
Renewal	\$75	\$105	With renewal card prior to expiration date

ADDENDUM 2

Reinstatement	\$150* *includes \$75 renewal fee and \$75 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Instructors:			
Application	\$100	\$125	With application
License by Endorsement	\$100	\$125	With application
Renewal	\$100	\$150	With renewal card prior to expiration date
Reinstatement	\$200* *includes \$100 renewal fee and \$100 reinstatement fee	\$300* *includes \$150 renewal fee and \$150 reinstatement fee	With reinstatement application
Parlors or salons:			
Application	\$130	\$190	With application
Renewal	\$130	\$190	With renewal card prior to expiration date
Reinstatement	\$260* *includes \$130 renewal fee and \$130 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application
Schools:			
Application	\$140	\$220	With application
Renewal	\$140	\$220	With renewal card prior to expiration date
Reinstatement	\$280* *includes \$140 renewal fee and \$140 reinstatement fee	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application

18VAC41-50-140. Refunds.

All fees are nonrefundable and shall not be prorated.

Part IV
Renewal/Reinstatement

18VAC41-50-150. License renewal required.

1. All ~~tattooer~~ Tattooer licenses, tattoo parlor licenses, tattooing instructors licenses, tattooing schools licenses, permanent cosmetic tattooer licenses, master permanent cosmetic tattooer licenses, permanent cosmetic tattoo salon licenses, and permanent cosmetic tattooing schools licenses shall expire two years from the last day of the month in which they were issued.

2. Guest tattooer licenses will expire fourteen days after the effective date of the license and may not be renewed.

18VAC41-50-160. Continuing education requirement.

All licensed tattooers, permanent cosmetic tattooers, and master permanent cosmetic tattooers shall be required to satisfactorily complete ~~a minimum of five hours~~ of health education to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing, first aid and CPR during their licensed term. Documentation of training completion shall be provided at the time of renewal along with the required fee.

18VAC41-50-170. Notice of renewal.

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.

18VAC41-50-180. Failure to renew.

A. ~~When a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer licensed or certified individual or business entity fails to renew his its license within 30 days following its expiration date, the licensee shall meet the renewal requirements and apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.~~

B. ~~When a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer licensed or certified individual or business entity fails to renew his its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant, shall meet all current application requirements, shall pass the board's current examination and shall receive a new license.~~

C. ~~When a tattoo parlor or permanent cosmetic tattoo salon fails to renew its license within 30 days following the expiration date, it shall be required to apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.~~

C. The application for reinstatement for a school shall provide (i) the reasons for failing to renew prior to the expiration date, and (ii) a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in accordance with 18VAC41-50-250 and 18VAC41-50-330, 18VAC41-50-380, and 18VAC41-50-390 by the Department of Professional and Occupational Regulation. Pursuant to 18VAC41-50-230, 18VAC41-50-310, and 18VAC41-50-100, upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the

unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

~~D. When a tattoo parlor or permanent cosmetic tattoo salon fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.~~

~~E. When a tattooing school or permanent cosmetic tattooing school fails to renew its license within 30 days following the expiration date, the licensee shall be required to apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.~~

~~F. When a tattooing school or permanent cosmetic tattooing school fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.~~

~~G-D.~~ The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

~~H-E.~~ When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license date of the last day of the month of reinstatement.

~~I-F.~~ A licensee ~~who~~ that reinstates his ~~its~~ license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.

~~J-G.~~ A licensee ~~who~~ that fails to reinstate his ~~its~~ license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.

Part V

Apprenticeship Programs

18VAC41-50-190. General requirements.

A. Any person desiring to enroll in the tattooing apprenticeship program shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing, and first aid and CPR.

B. Any tattooer desiring approval to perform the duties of an apprenticeship sponsor and offer the board's tattooing apprenticeship program shall meet the requirements of 18VAC41-50-70.

C. All apprenticeship training shall be conducted in a tattoo parlor that has met the requirements of 18VAC41-50-80.

18VAC41-50-200. Apprenticeship curriculum requirements.

Apprenticeship curriculum requirements are as follows:

1. Microbiology.
 - a. Microorganisms, viruses, bacteria, fungi;
 - b. Transmission cycle of infectious diseases; and

- c. Characteristics of antimicrobial agents.
- 2. Immunization.
 - a. Types of immunizations;
 - b. Hepatitis A—G transmission and immunization;
 - c. HIV/AIDS;
 - d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
 - e. Measles, mumps, and rubella;
 - f. Vaccines and immunization; and
 - g. General preventative measures to be taken to protect the tattooer and client.
- 3. Sanitation and disinfection.
 - a. Definition of terms.
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation.
 - b. The use of steam sterilization equipment and techniques;
 - c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
 - d. The use of sanitation equipment;
 - e. Preservice sanitation procedure; and
 - f. Post-service sanitation procedure.
- 4. Safety.
 - a. Proper needle handling and disposal;
 - b. How to avoid overexposure to chemicals;
 - c. The use of Material Safety Data Sheets;
 - d. Blood spill procedures;
 - e. Equipment and instrument storage; and
 - f. First aid and CPR.
- 5. Bloodborne pathogen standards.
 - a. OSHA and CDC bloodborne pathogen standards;
 - b. Control plan for bloodborne pathogens;
 - c. Exposure control plan for tattooers;
 - d. Overview of compliance requirements; and
 - e. Disorders and when not to service a client.
- 6. Professional standards.
 - a. History of tattooing;
 - b. Ethics;
 - c. Recordkeeping:
 - (1) Client health history;

- (2) Consent forms; and
- (3) HIPAA (Health Insurance Portability and Accountability Act of 1996 Privacy Rule) Standards.
- d. Preparing station, making appointments, parlor ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the parlor and establishing clientele.
- e. Parlor management:
 - (1) Licensing requirements; and
 - (2) Taxes.
- f. Supplies:
 - (1) Usages;
 - (2) Ordering; and
 - (3) Storage.
- 7. Tattooing.
 - a. Client consultation;
 - b. Client health form;
 - c. Client disclosure form;
 - d. Client preparation;
 - e. Sanitation and safety precautions;
 - f. Implement selection and use;
 - g. Proper use of equipment; and
 - h. Material selection and use;
 - i. Needles;
 - j. Ink;
 - k. Machine:
 - (1) Construction;
 - (2) Adjustment; and
 - (3) Power supply;
 - l. Art, drawing; and
 - m. Portfolio.
- 8. Anatomy:
 - a. Understanding of skin; and
 - b. Parts and functions of skin.
- 9. Virginia tattooing laws and regulations.

18VAC41-50-210. Hours of instruction and performances

A. Curriculum requirements specified in 18VAC41-50-200 shall be taught over a minimum of 1500 hours as follows:

- 1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5, 6, 8, and 9 of 18VAC41-50-200;
- 2. 150 hours shall be devoted to theory pertaining to subdivision 3 of 18VAC41-50-200; and

3. The remaining 1000 hours shall be devoted to practical training to include but not limited to apprenticeship curriculum requirements and a ~~total~~ minimum of 100 performances pertaining to subdivision 7 of 18VAC41-50-200.

B. An approved tattooing apprenticeship program may conduct an assessment of an apprentice's competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 700 hours of credit towards the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

Part VI
Tattooing Schools

18VAC41-50-220. Applicants for tattooing school license.

Any person or entity desiring to operate a tattooing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.

18VAC41-50-230. General requirements.

A tattooing school shall:

1. Hold a tattooing school license for each and every location.
2. Hold a tattoo parlor license ~~if the school receives compensation for services provided in the area where practical instruction is conducted and services are provided.~~
3. Employ a staff of certified tattooing instructors.
4. Develop individuals for entry-level competency in tattooing.
5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board.
6. Inform the public that all services are performed by students if the tattooing school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.
7. Conduct classroom instruction in an area separate from the area where practical instruction is conducted and services are provided.
8. Conduct all instruction and training of tattooers under the direct supervision of a certified tattooing instructor.

18VAC41-50-240. School identification. (Repealed.)

~~Each tattooing school approved by the board shall identify itself to the public as a teaching institution.~~

18VAC41-50-250. Records.

A. Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the department. All records must be kept on the premises of each school.

B. For a period of five years after a student completes the curriculum, terminates or withdraws from the school, schools are required to provide documentation of hours and performances completed by a student upon receipt of a written request from the student.

C. Schools shall, within 21 days upon receipt of a written request from a student, provide documentation of hours and performances completed by the student as required to be maintained by subsection A of this section.

~~C.D.~~ Prior to a school changing ownership or a school closing, the schools are required to provide to current students documentation of hours and performances completed.

~~D.E.~~ For a period of one year after a school changes ownership, schools are required to provide documentation of hours and performances completed by a current student upon receipt of a written request from the student.

18VAC41-50-260. Hours reported. (Repealed.)

~~Within 30 days of the closing of a licensed tattooing school for any reason, the school shall provide a written report to the board on performances and hours of each of its students who has not completed the program.~~

18VAC41-50-270. Health education. (Repealed.)

~~Any person desiring to enroll in the tattooing school shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include but not limited to blood-borne disease, sterilization, and aseptic techniques related to tattooing, and first aid and CPR.~~

18VAC41-50-280. Tattooing school curriculum requirements.

A. Any person desiring to enroll in the tattooing school shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing, and first aid and CPR.

B. Tattooing school curriculum requirements are as follows:

1. Microbiology.
 - a. Microorganisms, viruses, bacteria, fungus;
 - b. Transmission cycle of infectious diseases; and
 - c. Characteristics of antimicrobial agents.
2. Immunization.
 - a. Types of immunizations;
 - b. Hepatitis A—G transmission and immunization;
 - c. HIV/AIDS;
 - d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
 - e. Measles, mumps, and rubella;
 - f. Vaccines and immunization; and
 - g. General preventative measures to be taken to protect the tattooer and client.
3. Sanitation and disinfection.
 - a. Definition of terms:
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation.
 - b. The use of steam sterilization equipment and techniques;
 - c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
 - d. The use of sanitation equipment;
 - e. Preservice sanitation procedure; and

- f. Postservice sanitation procedure.
- 4. Safety.
 - a. Proper needle handling and disposal;
 - b. How to avoid overexposure to chemicals;
 - c. The use of Material Safety Data Sheets;
 - d. Blood spill procedures;
 - e. Equipment and instrument storage; and
 - f. First aid and CPR.
- 5. ~~Blood-borne~~ Bloodborne pathogen standards.
 - a. OSHA and CDC ~~blood-borne~~ bloodborne pathogen standards;
 - b. Control plan for ~~blood-borne~~ bloodborne pathogens;
 - c. Exposure control plan for tattooers;
 - d. Overview of compliance requirements; and
 - e. Disorders and when not to service a client.
- 6. Professional standards.
 - a. History of tattooing;
 - b. Ethics;
 - c. Recordkeeping:
 - (1) Client health history;
 - (2) Consent forms; and
 - (3) HIPAA (Health Insurance Portability and Accountability Act of 1996 Privacy Rule) Standards.
 - d. Preparing station, making appointments, parlor ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the parlor and establishing clientele.
 - e. Parlor management.
 - (1) Licensing requirements; and
 - (2) Taxes.
 - f. Supplies.
 - (1) Usages;
 - (2) Ordering; and
 - (3) Storage.
- 7. Tattooing.
 - a. Client consultation;
 - b. Client health form;
 - c. Client disclosure form;
 - d. Client preparation;
 - e. Sanitation and safety precautions;
 - f. Implement selection and use;
 - g. Proper use of equipment;
 - h. Material selection and use;

DRAFT AGENDA
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- i. Needles (groupings, properties, making);
 - j. Ink;
 - k. Machine:
 - (1) Construction;
 - (2) Adjustment; and
 - (3) Power supply;
 - l. Art, drawing; and
 - m. Portfolio.
8. Anatomy.
- a. Understanding of skin; and
 - b. Parts and functions of skin.
9. Virginia tattooing laws and regulations.
- C. A licensed tattoo school may conduct an assessment of a student's competence in the respective profession and, based on the assessment, give credit towards the hours requirements specified in this section and 18VAC41-50-290.

The school shall make the assessment based on a review of the student's transcript and the successful completion of a board-approved competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic. Credit may only be given for in-person training.

18VAC41-50-290. Hours of instruction and performances.

A. Curriculum requirements specified in 18VAC41-50-280 shall be taught over a minimum of 7501,000 hours as follows:

- 1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5, 6, 8 and 9 of 18VAC41-50-280;
- 2. 150 hours shall be devoted to theory pertaining to subdivision 3 of 18VAC41-50-280; and
- 3. The remaining 250500 hours shall be devoted to practical training to include but not limited to tattooing curriculum requirements and a total minimum of 100 performances pertaining to subdivision 7 of 18VAC41-50-280.

B. An approved tattooing school may conduct an assessment of a student's competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 350700 hours of credit towards the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

Part VII

Permanent Cosmetic Tattooing Schools

18VAC41-50-300. Applicants for permanent cosmetic tattooing school license.

Any person or entity desiring to operate a permanent cosmetic tattooing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.

18VAC41-50-310. General requirements.

A permanent cosmetic tattooing school shall:

1. Hold a permanent cosmetic tattooing school license for each and every location.
2. Hold a permanent cosmetic tattoo salon license if the school receives compensation for services provided in the area where practical instruction is conducted and services are provided.
3. Employ a staff of certified permanent cosmetic tattooing instructors or certified master permanent cosmetic tattooing instructors.
4. Develop individuals for entry-level competency in permanent cosmetic tattooing or master permanent cosmetic tattooing.
5. Submit its curricula for board approval.
6. Inform the public that all services are performed by students if the permanent cosmetic tattooing school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.
7. Conduct classroom instruction in an area separate from the area where practical instruction is conducted and services are provided.
8. Conduct all instruction and training of permanent cosmetic tattooers under the direct supervision of a certified permanent cosmetic tattooing instructor or certified master permanent cosmetic tattooing instructor. Conduct all instruction and training of master permanent cosmetic tattooers under the direct supervision of a certified master permanent cosmetic tattooing instructor.

18VAC41-50-320. School identification. (Repealed.)

~~Each permanent cosmetic tattooing school approved by the board shall identify itself to the public as a teaching institution.~~

18VAC41-50-330. Records.

A. Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the department. All records must be kept on the premises of each school.

B. For a period of five years after a student completes the curriculum, terminates or withdraws from the school, schools are required to provide documentation of hours and performances completed by a student upon receipt of a written request from the student.

C. Prior to a school changing ownership or a school closing, schools are required to provide to current students documentation of hours and performances completed.

D. For a period of one year after a school changes ownership, schools are required to provide documentation of hours and performances completed by a current student upon receipt of a written request from the student.

18VAC41-50-340. Hours reported. (Repealed.)

~~Within 30 days of the closing of a licensed permanent cosmetic tattooing school for any reason, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.~~

18VAC41-50-350. Health education. (Repealed.)

~~Any person desiring to enroll in the permanent cosmetic tattooing school shall be required to provide documentation of satisfactory completion of health education on blood-borne disease.~~

18VAC41-50-360. Permanent cosmetic tattooing school curriculum requirements.

A. Any person desiring to enroll in the permanent cosmetic tattooing school shall be required to provide documentation of satisfactory completion of health education on bloodborne disease.

B. Permanent cosmetic tattooing school curriculum requirements are as follows:

1. Virginia tattooing laws and regulations.
2. Machines and devices.
 - a. Coil machine;
 - b. Hand device; and
 - c. Others devices.
3. Needles.
 - a. Types;
 - b. Uses; and
 - c. Application.
4. Anatomy.
 - a. Layers of skin;
 - b. Parts and functions of skin; and
 - c. Diseases.
5. Color theory.
 - a. Skin and pigment color; and
 - b. Handling and storage of pigments.
6. Transmission cycle of infectious diseases.
7. Immunization.
 - a. Types of immunizations; and
 - b. General preventative measures to be taken to protect the tattooer and client.
8. Sanitation and disinfection.
 - a. Definition of terms.
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation.
 - b. The use of steam sterilization equipment and techniques;
 - c. The use of chemical agents, antiseptics, and disinfectants;
 - d. The use of sanitation equipment;
 - e. Preservice sanitation procedure; and
 - f. Postservice sanitation procedure.
9. Safety.
 - a. Proper needle handling and disposal;
 - b. Blood spill procedures;

- c. Equipment and instrument storage; and
- d. First aid.
10. ~~Blood-borne~~ Bloodborne pathogen standards.
 - a. OSHA and CDC ~~blood-borne~~ bloodborne pathogen standards;
 - b. Overview of compliance requirements; and
 - c. Disorders and when not to service a client.
11. Anesthetics.
 - a. Use;
 - b. Types;
 - c. Application; and
 - d. Removal.
12. Equipment.
 - a. Gloves;
 - b. Masks;
 - c. Apron;
 - d. Chair;
 - e. Lighting; and
 - f. Work table.
13. Professional standards.
 - a. History of permanent cosmetic tattooing;
 - b. Ethics;
 - c. Recordkeeping:
 - (1) Client health history; and
 - (2) Consent forms.
 - d. Preparing station, making appointments, salon ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the salon and establishing clientele.
 - e. Salon management
 - (1) Licensing requirements; and
 - (2) Taxes.
14. Permanent cosmetic tattooing.
 - a. Client consultation;
 - b. Client health form;
 - c. Client disclosure form;
 - d. Client preparation;
 - e. Drawing and mapping;
 - ~~e.f.~~ Sanitation and safety precautions;
 - ~~f.g.~~ Implement selection and use;
 - ~~g.h.~~ Proper use of equipment;
 - ~~h.i.~~ Material selection and use.
 - ~~i.j.~~ Eyebrows;

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- k. Microblading;
 - j-l. Eyeliner;
 - k-m. Lip coloring; and
 - l-n. Lip liners.
- C. Master permanent cosmetic tattooing program curriculum requirements are as follows:
1. Virginia tattooing laws and regulations.
 2. Machines and devices.
 - a. Coil machine;
 - b. Hand device; and
 - c. Others devices.
 3. Needles.
 - a. Types;
 - b. Uses; and
 - c. Application.
 4. Advanced Practical Clinical Anatomy.
 - a. Eyelid Anatomy
 - b. Lip Anatomy
 - c. Breast Anatomy
 5. Advanced Color theory.
 6. Organic and Inorganic Pigment
 7. Understanding the Surgical Process.
 - a. The Latissimus Dorsi Flap Procedure
 - b. Abdominoplasty and Breast Reconstruction
 - c. Other Reconstruction Procedures
 - i. Deep Inferior Epigastric Artery Perforator Flap (DIEP)
 - ii. Superior Gluteal Artery Perforator Flap (SGAP)
 - d. Flap size vs. Areola size
 - e. Implant Reconstruction
 - i. Tissue Expansion
 - ii. Placing the Implant
 - iii. Implant vs. Flap Reconstruction
 - iv. Saline vs. Silicone
 - v. Radiation Therapy
 - vi. Lymphedema
 8. Client Consultation
 9. Breast Areolar Pigmentation
 - a. Chart Notes
 - b. Health Insurance Portability and Accountability Act (HIPAA)
 - c. Room Setup
 - d. Anesthetic for Breast Procedures
 - e. Color selection
 - f. Needle Selection

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be considered for regulation or official Board position.
DRAFT AGENDA

- g. Design and Placement
 - a. Position of the Areola/ Nipple Complex
 - b. The Penn Triangle
 - c. Diameter of the Areola
 - d. Nipple Reconstruction
 - h. Creating 3-dimensional Nipple/Areola
 - a. Understanding and creating a reflection of light
 - b. The Value of Color
 - i. Covering scar tissue and Periareolar scar blending
 - j. Aftercare
 - a. Tegaderm Aftercare Instructions
 - b. Follow up
 - k. Precautions and Contraindications
10. Skin Cancer.
- a. Basal Cell Carcinomas
 - b. Squamous Cell Carcinomas
 - c. Melanoma
11. The Art of Camouflage
- a. Client/Patient Selection and Handling
 - b. Contraindications and When Not to Perform Services
 - c. Skin Tones
 - d. Color Selection and Skin Tone Matching
 - e. Scars
 - f. Burn Scar
 - g. Common Needle Configurations Used for Camouflage
12. Side Effects
13. Insurance
14. Master Permanent Cosmetic Tattooing Procedures
- a. Lip
 - b. Areola
 - c. Scalp
 - d. Blush
 - e. Camouflage
 - f. Eyeshadow

D. A licensed school with an approved permanent cosmetic tattooing or master permanent cosmetic tattooing program may conduct an assessment of a student's competence in the respective profession and, based on the assessment, give credit towards the hours requirements specified in the respective subsection of this section and 18VAC41-50-370.

The school shall make the assessment based on a review of the student's transcript and the successful completion of a board-approved competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed

the actual hours of instruction verified on the transcript or diploma or the number of hours specified in the board-approved curriculum for a specific topic. Credit may only be given for in-person training.

18VAC41-50-370. Hours of instruction and performances.

A. Curriculum and performance requirements specified in 18VAC41-50-360 and this section shall be taught over a minimum of ~~90~~ 200 clock hours for permanent cosmetic tattooing and 200 clock hours for master permanent cosmetic tattooing.

B. A minimum of 50 performances shall be completed as part of the required permanent cosmetic tattooing instruction, including two eyebrow, two microblading procedures, two lip liners, one lip color, and one full lips.

C. A minimum of 70 performances shall be completed as part of the master permanent cosmetic tattooing instruction, including:

<u>Lip (cleft lip repigmentation)</u>	<u>10</u>
<u>Areola</u>	<u>10</u>
<u>Scalp Repigmentation</u>	<u>10</u>
<u>Blush Application</u>	<u>10</u>
<u>Camouflage</u>	<u>10</u>
<u>Scar Repigmentation</u>	<u>10</u>
<u>Eyeshadow</u>	<u>10</u>

D. Completion of performances are determined as follows:

1. Two complete eyebrows constitutes one performance;
2. Two complete eye liners constitutes one performance; and
3. One complete lip liner constitutes one performance.

Part VIII
Standards of Practice

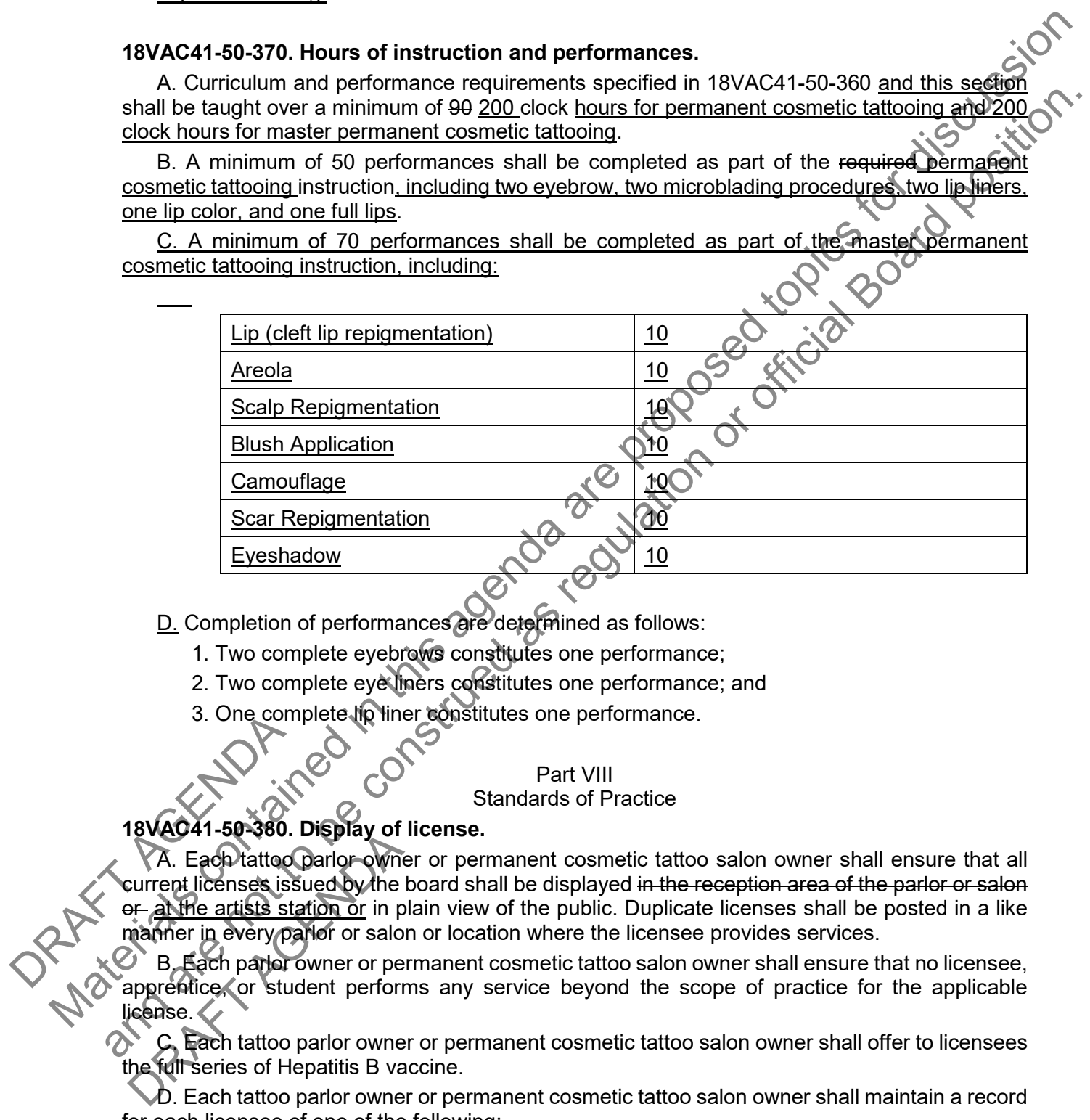
18VAC41-50-380. Display of license.

A. Each tattoo parlor owner or permanent cosmetic tattoo salon owner shall ensure that all current licenses issued by the board shall be displayed in the reception area of the parlor or salon or at the artists station or in plain view of the public. Duplicate licenses shall be posted in a like manner in every parlor or salon or location where the licensee provides services.

B. Each parlor owner or permanent cosmetic tattoo salon owner shall ensure that no licensee, apprentice, or student performs any service beyond the scope of practice for the applicable license.

C. Each tattoo parlor owner or permanent cosmetic tattoo salon owner shall offer to licensees the full series of Hepatitis B vaccine.

D. Each tattoo parlor owner or permanent cosmetic tattoo salon owner shall maintain a record for each licensee of one of the following:



1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

E. All licensees shall operate under the name in which the license is issued.

18VAC41-50-390. Physical facilities.

A. A parlor or salon must be in a permanent building or portion of a building, which must be in a location permissible under local zoning codes, if any. If applicable, the parlor or salon shall be separated from any living quarters by complete floor to ceiling partitioning and shall contain no access to living quarters.

B. The parlor, salon or temporary location shall be maintained in a clean and orderly manner.

C. All facilities shall have a blood spill clean-up kit in the work area.

D. Work surfaces shall be cleaned with an EPA registered, hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids shall be immediately disinfected with an EPA registered germicide solution. Appropriate personal protective equipment shall be worn during cleaning and disinfecting procedures.

E. Cabinets for the storage of instruments, eyes, pigments, single-use articles, carbon stencils and other utensils shall be provided for each operator and shall be maintained in a sanitary manner.

F. Bulk single-use articles shall be commercially packaged and handled in such a way as to protect them from contamination.

G. All materials applied to the human skin shall be from single-use articles or transferred from bulk containers to single-use containers and shall be disposed of after each use.

H. The walls, ceilings, and floors shall be kept in good repair. The tattooing area shall be constructed of smooth, hard surfaces that are nonporous, free of open holes or cracks, light colored, and easily cleaned. New parlors shall not include any dark-colored surfaces in the tattooing area. Existing parlors or salons with dark-colored surfaces in the tattooing area shall replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business.

I. Parlors, salons or temporary locations shall have adequate lighting of at least 50-foot candles of illumination in the tattooing and sterilization areas.

J. Adequate mechanical ventilation shall be provided in the parlor.

K. Each parlor, salon or temporary location shall be equipped with hand-cleaning facilities for its personnel with unobstructed access to the tattooing area such that the tattooer can return to the area without having to touch anything with his hands. Hand-cleaning facilities shall be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities shall be equipped with single-use towels or mechanical hand drying devices and a covered refuse container. Such facilities shall be kept clean and in good repair. All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.

L. Animals are not permitted in the parlor, salon, or temporary location except for guide or service animals accompanying persons with disabilities, or nonmammalian animals in enclosed glass containers such as fish aquariums, which shall be outside of the tattooing or sterilization areas. No animals are allowed in the tattooing or sterilization areas.

M. Use of tobacco products and consumption of alcoholic beverages shall be prohibited in the tattooing or sterilization areas.

N. No food or drink will be stored or consumed in the tattooing or sterilization areas except for client's use in order to sustain optimal physical condition; such food and drink must be individually packaged.

O. If tattooing is performed where cosmetology services are provided, it shall be performed in an area that is separate and enclosed.

P. All steam sterilizers shall be biological spore tested at least monthly.

Q. Biological spore tests shall be verified through an independent laboratory.

R. Biological spore test records shall be retained for a period of three years and made available upon request.

S. Steam sterilizers shall be used only for instruments used by the parlor's employees.

18VAC41-50-400. Tattooer or permanent cosmetic tattooer or master permanent cosmetic tattooer responsibilities.

A. All tattooers shall provide to the owner responsible management one of the following:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

B. All tattooers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

C. All tattooers shall clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after tattooing and as necessary to remove contaminants.

D. All tattooers must wear single-use examination gloves while assembling tattooing instruments and while tattooing.

E. Each time there is an interruption in the service, ~~each time~~ the gloves become torn or perforated, or whenever the ability of the gloves to function as a barrier is compromised:

1. Gloves shall be removed and disposed of; and
2. Hands shall be cleaned and a fresh pair of gloves used.

F. Tattooers shall use standard precautions while tattooing. A tattooer diagnosed with a communicable disease shall provide to the department a written statement from a health care practitioner that the tattooer's condition no longer poses a threat to public health.

G. Tattooers with draining lesions on their hands or face will not be permitted to work until cleared by a health-care professional.

H. The area of the client's skin to be tattooed shall be cleaned with an approved germicidal soap according to label directions.

I. Tattooing inks and dyes pigments shall be placed in a single-use disposable container for each client. Following the procedure, the unused contents and container will be properly disposed of.

J. If shaving is required, razors shall be single-use. After use, razors shall be recapped and properly disposed of in a puncture resistant container.

K. Each tattooer performing any tattooing procedures in the parlor or salon shall have the education training and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of bloodborne pathogens. All procedures shall be performed using aseptic technique.

L. Multiuse Instruments, equipment, furniture, and surfaces that may be contaminated during the tattooing process should be covered or wrapped in a non-porous disposable barrier. This barrier should be removed and disposed of after each service.

M. After the disposable barrier is removed, covered items should be wiped down with an Environmental Protection Agency (EPA) registered disinfectant that is bactericidal, virucidal, and fungicidal.

L.N. A set of individual, sterilized needles shall be used for each client. Single-use disposable instruments shall be disposed of in a puncture resistant container.

M.O. Used, nondisposable instruments, such as stainless steel tubes, tips and grips, shall be kept in a separate, puncture resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving. Contaminated instruments shall be handled with disposable gloves.

N.P. Used nondisposable instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container;

O.Q. Used nondisposable instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.

P.R. The ultrasonic unit shall be sanitized daily with a germicidal solution.

Q.S. Nondisposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If nontransparent bags are utilized, the bag shall also list the contents.

R.T. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall be utilized during the autoclave sterilization process.

S.U. ~~Nondisposable instruments~~ instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.

W. A Sealed, puncture proof dirty tube receptical with cool, liquid sterilant should maintained in the biohazard or cleanup room.

X. Sharps containers should be located within reach of the tattooing area.

T.Y. Contaminated disposable and single-use items shall be disposed of in accordance with federal and state regulations regarding disposal of biological hazardous materials.

U.Z. The manufacturer's written instructions of the autoclave shall be followed.

18VAC41-50-410. Client qualifications, disclosures, and records.

A. Except as permitted in § 18.2-371.3 of the Code of Virginia, a client must be a minimum of 18 years of age and shall present at the time of the tattooing or permanent cosmetic tattooing a valid, government issued, positive identification card including, but not limited to, a driver's license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.

B. The tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer shall verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.

C. No person may be tattooed or permanent cosmetic tattooed who appears to be under the influence of alcohol or drugs.

D. Tattooing or permanent cosmetic tattooing shall not be performed on any skin surface that manifests any evidence of unhealthy conditions such as rashes, boils, infections, ~~or~~ abrasions, or on any assymetrical, irregular, blurred, or multi-colored mole.

E. Before receiving a tattoo or permanent cosmetic tattoo, each client and client's parent or guardian, if applicable, shall be informed verbally and in writing, using the client disclosure form prescribed by the board, about the possible risk and dangers associated with the application of each tattoo. Signatures of both the client and the tattooer shall be required on the client disclosure form to acknowledge receipt of both the verbal and written disclosures.

F. The tattoo parlor or temporary location or permanent cosmetic tattoo salon shall maintain proper records for each client. The information shall be permanently recorded and made available for examination by the department or authorized agent. Records shall be maintained at the tattoo parlor or permanent cosmetic tattoo salon for at least two years following the date of the last entry. The temporary location client records shall be maintained by the license holder. The permanent records shall include the following:

1. The name, address, and telephone number of the client;
2. The date tattooing or permanent cosmetic tattooing was performed;
3. The client's age, date of birth, and a copy of the positive identification provided to the tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer;
4. The specific color or colors of the tattoo or permanent cosmetic tattoo and, when available, the manufacturer's catalogue or identification number of each color used;
5. The location on the body where the tattooing or permanent cosmetic tattooing was performed;
6. The name of the tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer;
7. A statement that the client has received a copy of applicable written care instructions, and that the client has read and understands the instructions; and
8. The signature of the client and if applicable parent or guardian.

18VAC41-50-420. Grounds for license or certificate revocation, suspension or probation; denial of application, renewal or reinstatement; or imposition of a monetary penalty.

A. The board may, in considering the totality of the circumstances, fine any licensee or certificate holder and suspend, place on probation or revoke or refuse to renew or reinstate any license or certificate, or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board this chapter if the board ~~the board~~ it finds that the licensee, certificate holder, or applicant:

1. ~~The licensee, certificate holder, or applicant is~~ is incompetent, negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as a tattooer, ~~limited term tattooer, tattooer apprentice, permanent cosmetic tattooer, or master permanent cosmetic tattooer,~~ operate a parlor, permanent cosmetic tattooing salon, or school;
2. ~~The licensee, certificate holder, or applicant is~~ is convicted of fraud or deceit in the practice of tattooing or fails to teach the curriculum as provided for in this chapter;
3. ~~The licensee, certificate holder, or applicant obtained~~ Obtained, attempted to obtain, renewed or reinstated a license by false or fraudulent representation;
4. ~~The licensee, certificate holder, or applicant violates~~ Violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which tattooers may practice or offer to practice;
5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance

ADDENDUM 2

of his duties, any federal, state, or local law, regulation, or ordinance governing tattooing as defined in § 54.1-700 of the Code of Virginia;

6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;

7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed parlor, salon, or school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) or this chapter;

~~5. The licensee, certificate holder, or applicant fails~~ 8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with this chapter;

~~6. A licensee or certificate holder fails~~ 9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license. The board shall not be responsible for the licensee's or certificate holder's failure to receive notices, communications and correspondence caused by the licensee's or certificate holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board;

~~7. The licensee, certificate holder, or applicant~~ 10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;

~~8. The licensee, certificate holder, or applicant fails~~ 11. Fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license or certificate in connection with a disciplinary action in any other jurisdiction or of any license or certificate that has been the subject of disciplinary action in any other jurisdiction; or

~~9. In accordance with § 54.1-204 of the Code of Virginia, the licensee or certificate holder has been convicted in any jurisdiction of a misdemeanor or felony that directly relates to the profession of tattooing. The board shall have the authority to determine, based upon all the information available, including the regulant's record of prior convictions, if the regulant is unfit or unsuited to engage in the profession of tattooing or permanent cosmetic tattooing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within 10 days after all appeal rights have expired.~~

12. Has been convicted or found guilty, regardless of the manner of adjudication in Virginia or any other jurisdiction of the United States, of a misdemeanor involving moral turpitude, sexual offense, drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt;

13. Fails to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of any convictions as stated in subdivision 12 of this section;

14. Allows, as responsible management of a shop, salon, or school, a person who has not obtained a license, or guest tattooer license to practice as a tattooer or permanent cosmetic tattooer;

15. Allows, as responsible management of a school, a person who has not obtained an instructor certificate to practice as a tattooing or permanent cosmetic tattooing instructor;

16. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter or any local, state, or federal law or regulation governing the standards of health and sanitation for the practice of tattooing, or the operation of tattoo parlors or permanent cosmetic tattooing salons; or

17. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

B. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation or refuse to renew or reinstate the license of any tattoo parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon or impose a fine as permitted by law, or both, if the board finds that:

1. The owner or operator of the tattoo parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon fails to comply with the facility requirements of tattoo parlors, limited term tattoo parlors, or permanent cosmetic tattoo salons provided for in this chapter or in any local ordinances; or

2. The owner or operator allows a person who has not obtained a license to practice as a tattooer, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer unless the person is duly enrolled as an apprentice.

C. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation, or refuse to renew or reinstate the license of any school or impose a fine as permitted by law, or both, if the board finds that:

1. An instructor of the approved school fails to teach the curriculum as provided for in this chapter;

2. The owner or director of the approved school permits or allows a person to teach in the school without a current tattooing instructor certificate; or

3. The instructor, owner or director is guilty of fraud or deceit in the teaching of tattooing.

D. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation, or refuse to renew or reinstate the license of any licensee or impose a fine as permitted by law, or both, if the board finds that the licensee fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with any local, state or federal law or regulation governing the standards of health and sanitation for the practice of tattooing.

FORMS (18VAC41-50)

[Tattooer Examination & License Application, A425-1231EXLIC \(eff. 9/2011\)](#)

[Tattoo Training & Experience Verification Form, A425-12TATTREXP \(eff. 9/2011\)](#)

[Tattooing Apprenticeship Sponsor Application, A425-12TATSPON \(eff. 9/2011\)](#)

[Tattooer Apprenticeship Certification Application, A425-1234TAC \(eff. 9/2011\)](#)

[Tattoo Apprenticeship Completion Form, A425-12TAC \(eff. 9/2011\)](#)

[Tattoo Client Disclosure Form, A425-12DIS, A425-12TDIS \(eff. 9/2011\)](#)

[Limited Term Tattooer License Application, A450-1233LIC-v8 \(rev. 9/2016\)](#)

[Limited Term Tattoo Parlor License Application, A450-1235LIC-v5 \(rev. 9/2016\)](#)

[Permanent Cosmetic Tattooer Examination & License Application, A425-1236EXLIC \(eff. 9/2011\)](#)

[Master Permanent Cosmetic Tattooer Examination & License Application, A425-1237EXLIC \(eff. 9/2011\)](#)

[License by Endorsement Application, A450-1213END-v9 \(rev. 9/2016\)](#)

[Training & Experience Verification Form, A425-1213TREXP \(eff. 9/2011\)](#)

[Salon, Shop, Spa & Parlor License/Reinstatement Application, A450-1213BUS-v8 \(rev. 9/2016\)](#)

[Licensure Fee Notice, A450-1213FEE-v6 \(rev. 9/2016\)](#)

[Instructor Certification Application, A450-1213INST-v7 \(rev. 9/2016\)](#)

[Individuals - Reinstatement Application, A450-1213REI-v8 \(rev. 9/2016\)](#)

[School License Application, A450-1213SCHL-v9 \(rev. 9/2016\)](#)

[School Reinstatement Application, A450-1213SCH-REIN-v2 \(rev. 9/2016\)](#)

[Tattooer Examination & License Application, A450-1231EXLIC \(rev. 7/2019\)](#)

[Tattoo Client Disclosure Form, A450-12TDIS \(rev. 4/2013\)](#)

[Limited Term Tattoo Parlor License Application, A450-1235LIC-v6 \(rev. 7/2019\)](#)

[Permanent Cosmetic Tattooer Examination & License Application, A450-1236EXLIC-v13 \(rev. 7/2019\)](#)

[Master Permanent Cosmetic Tattooer Examination & License Application, A450-1237EXLIC-v11 \(rev. 7/2019\)](#)

[License by Endorsement Application, A450-1213END-v10 \(rev. 2/2017\)](#)

[Training & Experience Verification Form, A450-1213TREXP-v6 \(eff. 2/2017\)](#)

[Salon, Shop, Spa & Parlor License/Reinstatement Application, A450-1213BUS-v12 \(rev. 7/2019\)](#)

[Licensure Fee Notice, A450-1213FEE-v7 \(rev. 4/2017\)](#)

[Instructor Certification Application, A450-1213INST-v11 \(rev. 7/2019\)](#)

[Individuals - Reinstatement Application, A450-1213REI-v9 \(rev. 2/2017\)](#)

[School License Application, A450-1213SCHL-v11 \(rev. 2/2017\)](#)

[School Reinstatement Application, A450-1213SCH-REIN-v5 \(rev. 3/2017\)](#)

[Convention Tattooer License Application, A450-1233COVLIC-v1 \(eff. 7/2019\)](#)

[Guest Tattooer License Application, A450-1233GLIC-v1 \(eff. 7/2019\)](#)

CHAPTER 60
BODY-PIERCING REGULATIONS

Part I
General

18VAC41-60-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.

"Apprenticeship program" means an approved body-piercing training program conducted by an approved apprenticeship sponsor.

ADDENDUM 2

"Apprenticeship sponsor" means an individual approved to conduct body-piercing apprenticeship training who meets the qualifications in 18VAC41-60-70.

"Aseptic technique" means a hygienic practice that prevents and hinders the direct transfer of microorganisms, regardless of pathogenicity, from one person or place to another person or place.

"Body piercer ear only" means any person who uses only a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both for compensation.

"Body piercing ear only" means the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

~~"Body piercing"~~ "Body piercing ear only salon" means any place in which a fee is charged for the act of using a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Business entity" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.

"Firm" means any business entity recognized under the laws of the Commonwealth of Virginia.

"Gratuitous services" as used in § 54.1-701.5 of the Code Virginia means providing body-piercing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.

~~"Licensee" means any person, partnership, association, limited liability company, or corporation~~ "Licensee" means any person, partnership, association, limited liability company, limited liability partnership, or any other form of organization permitted by law holding a license issued by the Board for Barbers and Cosmetology.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license for another period of time.

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company;
6. The officers or directors of an association or both; and
7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Sole proprietor" means any individual, not a corporation, who is trading under his own name, or under an assumed or fictitious name pursuant to the provisions of §§ 59.1-69 through 59.1-76 of the Code of Virginia.

"Sterilization area" means a separate room or area separate from workstations with restricted client access in which body-piercing instruments are cleaned, disinfected, and sterilized.

"Temporary location" means a fixed location at which body piercing is performed for a specified length of time of not more than seven days in conjunction with a single event or celebration.

Part II
Entry

18VAC41-60-20. General requirements.

~~A. In order to receive a license as a body piercer in compliance with § 54.1-703 of the Code of Virginia, an applicant must~~ Any individual wishing to engage in body piercing shall obtain a license in compliance with § 54.1-703 of the Code of Virginia and meet the following qualifications:

1. The applicant shall be in good standing as a body piercer in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in ~~another~~ Virginia or any other jurisdiction in connection with the applicant's practice as a body piercer. This includes but is not limited to monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as a body piercer.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in body-piercing and body-piercing ear only. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose his physical address. A post office box is not acceptable.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and ~~the board's body-piercing regulations~~ this chapter.

4. ~~In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose a conviction, in any jurisdiction, of any misdemeanor or felony. Any plea of nolo contendere shall be considered a conviction for this purpose of this section. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt. The board, at its discretion, may deny licensure or certification to any applicant in accordance with § 54.1-204 of the Code of Virginia. the following information regarding criminal convictions in Virginia and all other jurisdictions.~~

a. All misdemeanor convictions involving moral turpitude, sexual offense, drug distribution, or physical injury within two years of the date of the application; and

b. All felony convictions within 20 years of the date of application

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination, administered either by the board or by a designated testing service.

6. ~~Persons who (i) make application between April 1, 2007, and March 31, 2008; (ii) have completed three years of documented work experience within the preceding five years as a body piercer; and (iii) have completed a minimum of five hours of health education~~

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~~including but not limited to blood borne disease, sterilization, and aseptic techniques related to body piercing and first aid and CPR that is acceptable to the board are not required to complete subdivision 5 of this subsection.~~

B. Eligibility to sit for board-approved ~~body piercer~~ body piercer examination.

1. Training in the Commonwealth of Virginia. Any person completing an approved body-piercing apprenticeship program in a Virginia licensed body-piercing salon shall be eligible to sit for the examination.

2. Training outside of the Commonwealth of Virginia, but within the United States and its territories. Any person completing a body-piercing training or apprenticeship program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training or apprenticeship to be eligible for examination. If less than required hours of ~~body-piercing~~ body piercing training or ~~body-piercing~~ body piercing apprenticeship was completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent ~~body-piercing~~ body piercing training or ~~body-piercing~~ body piercing apprenticeship or documentation of three years of work experience within the preceding five years as a body piercer and (ii) documentation of completion of a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to body piercing and first aid and CPR that is acceptable to the board in order to be eligible for examination.

C. In order to receive a license as a body piercer ear only, an applicant must meet the following qualifications:

1. The applicant shall have completed a minimum of three hours of health education to include but not limited to blood borne disease and first aid that is acceptable to the board and provide verification of training on a mechanized, presterilized ~~ear-piercing~~ ear piercing system that penetrates the outer perimeter or lobe of the ear or both and aftercare of piercing.

2. The applicant shall be in good standing in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's licensed, certified, or registered practice. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia in any profession regulated by the board.

3. The applicant shall disclose his physical address. A post office box is not acceptable.

4. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and the board's body-piercing regulations.

5. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose a conviction, in any jurisdiction, of any misdemeanor or felony. Any plea of nolo contendere shall be considered a conviction for this purpose of this section. ~~The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt. The board, at its discretion, may deny licensure or certification to any applicant in accordance with § 54.1-204 of the Code of Virginia.~~ the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions involving moral turpitude, sexual offense, drug distribution, or physical injury within two years of the date of the application; and

b. All felony convictions within 20 years of the date of application

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

18VAC41-60-30. License by endorsement.

Upon proper application to the board, any person currently licensed to practice as a body piercer in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter may be issued a ~~body piercer~~ body piercer license without an examination. The applicant must also meet the requirements set forth in 18VAC41-60-20 A 1 through A 4.

18VAC41-60-40. Examination requirements and fees.

A. Applicants for initial licensure shall pass an examination approved by the board. The examinations may be administered by the board or by a designated testing service.

B. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.

C. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

D. Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application

E. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

F. Any candidate failing to apply for initial licensure within five years of passing the written examination shall be required to retake the examination. Records of examinations shall be maintained for a maximum of five years.

~~18VAC41-60-50. Reexamination requirements. (Repealed.)~~

~~Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.~~

~~18VAC41-60-60. Examination administration. (Repealed.)~~

~~A. The examinations may be administered by the board or the designated testing service.~~

~~B. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.~~

~~C. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may~~

~~be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.~~

18VAC41-60-70. General requirements for a ~~body-piercing~~ body piercing apprenticeship sponsor.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section may be eligible to sponsor a ~~body-piercing~~ body piercing apprentice if the person:

1. Holds a current Virginia ~~body-piercing~~ body piercing license;
2. Provides documentation of legally practicing body piercing for at least five years; and
3. Provides documentation indicating that he is in good standing in all jurisdictions where the practice of body piercing is regulated.

B. Apprenticeship sponsors shall be required to maintain a ~~body piercer~~ body piercer license.

C. Apprenticeship sponsors shall ensure compliance with the 1500-hour ~~Body Piercing~~ Body Piercing Apprenticeship Program and Body-Piercing Apprenticeship Standards.

18VAC41-60-80. Salon license.

A. Any individual wishing to operate a ~~body-piercing~~ body piercing salon or ~~body-piercing~~ body piercing ear only salon shall obtain a salon license in compliance with § 54.1-704.1 of the Code of Virginia- and shall meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall be in good standing as a licensed shop or salon in Virginia and all other jurisdictions where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any body piercing salon or body piercing ear only salon or practice of the profession. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a body piercing salon or body piercing ear only salon.

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of a body piercing salon or body piercing ear only salon. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose his physical address. A post office box is not acceptable.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body piercing license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions involving moral turpitude, sexual offense, drug distribution, or physical injury within two years of the date of the application; and

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b. All felony convictions within 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall disclose the firm's responsible management.

B. ~~A body-piercing~~ body piercing salon license or ~~body-piercing~~ body piercing ear only salon license shall not be transferable and shall bear the same name and address of the business. Any changes in the name, or address, or ownership of the salon shall be reported to the board in writing within 30 days of such changes. New owners shall be responsible for reporting such changes in writing to the board applying for a new license within 30 days of the changes.

C. ~~In the event of a closing of a body-piercing salon or body-piercing ear only salon, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned by the owners to the board. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license, within 30 days of the change in the business entity. Such changes include [but are not limited to]:~~

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

~~D.E.~~ Any individual firm wishing to operate body-piercing body piercing salon in a temporary location must have a body-piercing body piercing salon license issued by the board.

Part III Fees

18VAC41-60-90. Fees.

The following fees apply:

FEE TYPE	AMOUNT DUE September 1, 2016, through August 31, 2018	AMOUNT DUE September 1, 2018, and after	WHEN DUE
Individuals:			
Application	\$75	\$105	With application
License by Endorsement	\$75	\$105	With application
Renewal:	\$75	\$105	With renewal card prior to expiration date

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Reinstatement	\$150* *includes \$75 renewal fee and \$75 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Salons:			
Application	\$130	\$190	With application
Renewal	\$130	\$190	With renewal card prior to expiration date
Reinstatement	\$260* *includes \$130 renewal fee and \$130 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application

18VAC41-60-100. Refunds.

All fees are nonrefundable and shall not be prorated.

Part IV Renewal/Reinstatement

18VAC41-60-110. License renewal required.

All ~~body piercer~~ body piercer, body piercer ear only, body piercing ~~body piercing~~ body piercing salon and ~~body piercing~~ body piercing ear only salon licenses shall expire two years from the last day of the month in which they were issued.

18VAC41-60-120. Continuing education requirement.

All licensed body piercers shall be required to satisfactorily complete a minimum of five hours of health education to include but not limited to ~~blood borne~~ bloodborne disease, sterilization, and aseptic techniques related to body piercing and first aid and CPR during their licensed term. All licensed body piercers ear only shall be required to satisfactorily complete a ~~minimum of three hours of~~ health education to include but not limited to ~~blood borne~~ bloodborne disease and first aid during their licensed term. Documentation of training completion shall be provided at the time of renewal along with the required fee.

18VAC41-60-130. Notice of renewal.

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.

18VAC41-60-140. Failure to renew.

A. When a ~~body piercer or body piercer ear only~~ an individual or business entity fails to renew their license within 30 days following its expiration date, the licensee shall meet the renewal requirements prescribed in 18VAC41-60-120 and 18VAC41-60-130 and apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

B. When a ~~body piercer or body piercer ear only~~ an individual or business entity fails to renew his license within two years following the expiration date, reinstatement is no longer possible. To

resume practice, the former ~~body piercer~~ licensee shall apply for licensure as a new applicant, shall meet all current application requirements, shall pass the board's current examination if applicable, and shall receive a new license. ~~To resume practice, the former body piercer ear only licensee shall apply for licensure as a new applicant, shall meet all current application requirements, and shall receive a new license.~~

~~C. When a body piercing salon or body piercing ear only salon fails to renew its license within 30 days following the expiration date, it shall be required to apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.~~

~~D. When a body piercing salon or body piercing ear only salon fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.~~

E. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

F. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the ~~previous expiration date of the license~~ date of the last day of the month of reinstatement.

G. A licensee who reinstates his license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.

H. A licensee who fails to reinstate his license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.

Part V

~~Body Piercing~~ Body Piercing Apprenticeship Programs

18VAC41-60-150. Applicants for board approval.

A. Any person desiring to enroll in the body-piercing apprenticeship program shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to body piercing, and first aid and CPR.

B. Any body piercer desiring approval to perform the duties of an apprenticeship sponsor and offer the board's body-piercing apprenticeship program shall meet the requirements in 18VAC41-60-70.

C. All apprenticeship training shall be conducted in a body-piercing salon that has met the requirements of 18VAC41-60-80.

18VAC41-60-160. Body-piercing apprenticeship curriculum requirements.

Body-piercing apprenticeship curriculum requirements are set out in this section:

1. Microbiology:
 - a. Microorganisms, viruses, bacteria, fungi;
 - b. Transmission cycle of infectious diseases; and
 - c. Characteristics of antimicrobial agents.
2. Immunization;
 - a. Types of immunizations;

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- b. Hepatitis A—G transmission and immunization;
 - c. HIV/AIDS;
 - d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
 - e. Measles, mumps, and rubella;
 - f. Vaccines and immunization; and
 - g. General preventative measures to be taken to protect the body piercer and client.
3. Sanitation and disinfection:
- a. Definition of terms:
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation;
 - b. The use of steam sterilization equipment and techniques;
 - c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
 - d. The use of sanitation equipment;
 - e. Pre-service sanitation procedure; and
 - f. Post-service sanitation procedure.
4. Safety:
- a. Proper needle handling and disposal;
 - b. How to avoid overexposure to chemicals;
 - c. The use of Material Safety Data Sheets;
 - d. Blood spill procedures;
 - e. Equipment and instrument storage; and
 - f. First aid and CPR.
5. ~~Blood-borne~~ Bloodborne pathogen standards.
- a. OSHA and CDC ~~blood-borne~~ bloodborne pathogen standards;
 - b. Control plan for ~~blood-borne~~ bloodborne pathogens;
 - c. Exposure Control Plan for Body Piercers;
 - d. Overview of compliance requirements; and
 - e. Disorders and when not to service a client.
6. Professional standards:
- a. History of body piercing;
 - b. Ethics;
 - c. Recordkeeping:
 - (1) Client health history;
 - (2) Consent forms; and
 - (3) HIPAA Standards (Health Insurance Portability and Accountability Act of 1996 Privacy Rule);

- d. Preparing station, making appointments, salon ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the salon and establishing clientele;
- e. Salon management:
 - (1) Licensing requirements; and
 - (2) Taxes; and
- f. Supplies:
 - (1) Usages;
 - (2) Ordering; and
 - (3) Storage.
- 7. Body piercing:
 - a. Client consultation;
 - b. Client health information;
 - c. Client disclosure form;
 - d. Client preparation;
 - e. Sanitation and safety precautions;
 - f. Implement selection and use;
 - g. Proper use of equipment;
 - h. Material selection and use;
 - i. Grade of jewelry; and
 - j. Metals to use.
- 8. Body-piercing procedures:
 - a. Ear lobe;
 - b. Helix—ear;
 - c. Concha—ear;
 - d. Tragus—ear;
 - e. Tongue;
 - f. Navel;
 - g. Eyebrow;
 - h. Lip;
 - i. Septum;
 - j. Nostril;
 - k. Male nipple;
 - l. Female nipple;
 - m. Monroe (face cheek);
 - n. Prince Albert (male genitalia);
 - o. Frenum (male genitalia);
 - p. Clitoral hoods (female genitalia); and
 - q. Labias (female genitalia).
- 9. Virginia body piercing body piercing laws and regulations.

18VAC41-60-170. ~~Body piercing~~ Body piercing hours of instruction and performances.

A. Curriculum requirements specified in 18VAC41-60-160 shall be taught over a minimum of 1,500 hours as follows:

1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5, and 6 of 18VAC41-60-160;
2. 150 hours shall be devoted to theory pertaining to subdivision 3 of 18VAC41-60-160, and
3. The remaining 1,000 hours shall be devoted to practical training and the following performances pertaining to subdivision 7 of 18VAC41-60-160:

~~Body Piercing~~ Body Piercing
Performances

ear lobe	minimum of 5
helix - ear	minimum of 5
concha - ear	minimum of 5
tragus - ear	minimum of 5
tongue	minimum of 5
navel	minimum of 5
eyebrow	minimum of 5
lip	minimum of 5
septum	minimum of 5
nostril	minimum of 5
additional piercings of choice	minimum of 50
Total	100

B. An approved body-piercing apprenticeship program may conduct an assessment of an apprentice's competence in the theory and practical requirements for body piercing and, based on the assessment, give a maximum of 500 hours of credit towards the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

Part VI
Standards of Practice

18VAC41-60-180. Display of license.

A. Each ~~body piercing~~ body piercing salon owner or ~~body piercing~~ body piercing ear only salon owner shall ensure that all current licenses issued by the board shall be displayed in the reception area of the salon in plain view of the public. Duplicate licenses shall be posted in a like manner in every salon location where the licensee provides services.

B. Each ~~body piercing~~ body piercing salon or ~~body piercing~~ body piercing ear only salon owner shall ensure that no licensee performs any service beyond the scope of practice for the applicable license.

C. Each ~~body piercing~~ body piercing salon or ~~body piercing~~ body piercing ear only salon owner shall offer to licensees the full series of Hepatitis B vaccine.

D. Each ~~body piercing~~ body piercing salon or ~~body piercing~~ body piercing ear only salon owner shall maintain a record for each licensee of:

1. Proof of completion of the full series of Hepatitis B vaccine;
 2. Proof of immunity by blood titer; or
 3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.
- E. All licensees shall operate under the name in which the license is issued.

18VAC41-60-190. Physical facilities.

A. A ~~body piercing~~ body piercing salon or ~~body piercing~~ body piercing ear only salon must be in a permanent building, which must be in a location permissible under local zoning codes, if any. If applicable, the ~~body piercing~~ body piercing salon or ~~body piercing~~ body piercing ear only salon shall be separated from any living quarters by complete floor to ceiling partitioning and shall contain no access to living quarters.

B. The ~~body piercing~~ body piercing salon, ~~body piercing~~ body piercing ear only salon, or temporary location shall be maintained in a clean and orderly manner.

C. A ~~body piercing~~ body piercing salon, ~~body piercing~~ body piercing ear only salon, or temporary location shall have a blood spill clean-up kit in the work area.

D. Work surfaces in a ~~body piercing~~ body piercing salon, ~~body piercing~~ body piercing ear only salon, or temporary location shall be cleaned with an EPA-registered, hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids shall be immediately disinfected with an EPA-registered germicide solution. Appropriate personal protective equipment shall be worn during cleaning and disinfecting procedures.

E. In a ~~body piercing~~ body piercing salon, ~~body piercing~~ body piercing ear only salon, or temporary location, cabinets or containers for the storage of instruments, single-use articles, and other utensils shall be provided for each operator and shall be maintained in a sanitary manner.

F. In a ~~body piercing~~ body piercing salon, ~~body piercing~~ body piercing ear only salon, or temporary location, bulk single-use articles shall be commercially packaged and handled in such a way as to protect them from contamination.

G. In a ~~body piercing~~ body piercing salon, ~~body piercing~~ body piercing ear only salon, or temporary location, all materials applied to the human skin shall be from single-use articles or transferred from bulk containers to single use containers and shall be disposed of after each use.

H. In a ~~body piercing~~ body piercing salon or ~~body piercing~~ body piercing ear only salon, the walls, ceilings, and floors shall be kept in good repair. The ~~body piercing~~ body piercing area shall be constructed of smooth, hard, surfaces that are nonporous, free of open holes or cracks, light colored, and easily cleaned. New physical facilities shall not include any dark-colored surfaces in the ~~body piercing~~ body piercing area. Existing physical facilities with dark-colored surfaces in the body-piercing area shall replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business.

I. A ~~body piercing~~ body piercing salon, ~~body piercing~~ body piercing ear only salon, or temporary location shall have adequate lighting of at least 50 foot-candles of illumination in the body-piercing and sterilization areas.

J. In a ~~body piercing~~ body piercing salon, ~~body piercing~~ body piercing ear only salon, or temporary location, adequate mechanical ventilation shall be provided.

K. A ~~body piercing~~ body piercing salon, ~~body piercing~~ body piercing ear only salon, or temporary location shall be equipped with hand-cleaning facilities for its personnel with unobstructed access to the ~~body piercing~~ body piercing or ~~body piercing~~ body piercing ear only area such that the body piercer or body piercer ear only can return to the area without having to touch anything with his hands. Hand-cleaning facilities shall be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities shall be equipped with single-use towels or mechanical

hand drying devices and a covered refuse container. Such facilities shall be kept clean and in good repair. All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.

L. Animals are not permitted in the ~~body-piercing~~ body piercing salon, ~~body-piercing~~ body piercing ear only salon, or temporary location except for guide or service animals accompanying persons with disabilities or nonmammalian animals in enclosed glass containers such as fish aquariums, which shall be outside of the body-piercing or sterilization areas. No animals are allowed in the body-piercing, body-piercing ear only or sterilization areas.

M. In a body-piercing salon, body-piercing ear only salon, or temporary location, the use of tobacco products and consumption of alcoholic beverages shall be prohibited in the ~~body-piercing~~ body piercing, ~~body-piercing~~ body piercing ear only or sterilization areas.

N. In a ~~body-piercing~~ body piercing salon, ~~body-piercing~~ body piercing ear only salon, or temporary location, no food or drink will be stored or consumed in the ~~body-piercing~~ body piercing, ~~body-piercing~~ body piercing ear only, or sterilization areas.

O. In a ~~body-piercing~~ body piercing salon, ~~body-piercing~~ body piercing ear only salon, or temporary location, if body-piercing or body-piercing ear only is performed where cosmetology services are provided, it shall be performed in an area that is separate and enclosed.

P. All steam sterilizers shall be biological spore tested at least monthly.

Q. Biological spore tests shall be verified through an independent laboratory.

R. Biological spore test records shall be retained for a period of three years and made available upon request.

S. Steam sterilizers shall be used only for instruments used by the salon's employees.

18VAC41-60-200. Body piercer and body piercer ear only responsibilities.

A. All body piercers and body piercers ear only shall provide to the owner one of the following:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

B. All body piercers and body piercers ear only shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

C. All body piercers and body piercers ear only shall clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after body piercing and as necessary to remove contaminants.

D. All body piercers and body piercers ear only must wear single-use examination gloves while assembling instruments and another pair of single-use examination gloves while providing piercing services.

E. Each time there is an interruption in the service, each time the gloves become torn or perforated or become contaminated, or whenever the ability of the gloves to function as a barrier is compromised:

1. Gloves shall be removed and disposed of; and
2. Hands shall be cleaned and a fresh pair of gloves used.

F. Body piercers and body piercers ear only shall use standard precautions while providing piercing services. A body piercer or body piercer ear only diagnosed with a communicable disease shall provide to the department a written statement from a health care practitioner that the body piercer's condition no longer poses a threat to public health.

G. Body piercers and body piercers ear only with draining lesions on their hands or face will not be permitted to work until cleared by a health-care professional.

H. The area of the client's skin to be pierced shall be cleaned with an approved germicidal soap or antiseptic product according to label directions.

I. The external skin of the client to be pierced shall be cleaned with an approved germicidal soap or antiseptic product according to the label directions. In the case of oral piercings, the operator shall provide the individual with antiseptic mouthwash in a single-use cup and shall ensure that the individual utilizes the mouthwash provided. In the case of a lip, labret or cheek piercing, procedures described in this subsection for both skin and oral piercings shall be followed.

J. If shaving is required, razors shall be single-use and disposed of in a puncture-resistant container.

K. Each body piercer or body piercer ear only performing any piercing procedures in the salon shall have the education, training and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of blood borne pathogens. All procedures shall be performed using aseptic technique.

L. An individual, single-use, pre-sterilized piercing needle shall be used for each client. Single-use disposable instruments shall be disposed of in a puncture-resistant container.

M. Used, nondisposable instruments shall be kept in a separate, puncture-resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving. Contaminated instruments shall be handled with disposable gloves.

N. Used nondisposable instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container.

O. Used nondisposable instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.

P. The ultrasonic unit shall be sanitized daily with a germicidal solution.

Q. Nondisposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If nontransparent bags are utilized, the bag shall also list the contents.

R. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall be utilized during the autoclave sterilization process.

S. Nondisposable instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.

T. Contaminated disposable and single-use items shall be disposed of in accordance with federal and state regulations regarding disposal of biological hazardous materials.

U. The manufacturer's written instruction of the autoclave shall be followed.

18VAC41-60-210. ~~Body piercing~~ Body piercing client qualifications, disclosures, and records.

A. Except as permitted in § 18.2-371.3 of the Code of Virginia, a client must be a minimum of 18 years of age and shall present at the time of the body piercing a valid, government-issued, positive identification card including, but not limited to, a driver's license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.

B. The body piercer shall verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.

C. No person may be body pierced who appears to be under the influence of alcohol or drugs.

D. Body piercing shall not be performed on any skin surface that manifests any evidence of unhealthy conditions such as rashes, boils, infections, or abrasions.

E. Before receiving a body piercing, each client and client's parent or guardian, if applicable, shall be informed verbally and in writing, using the client disclosure form prescribed by the board, about the possible risk and dangers associated with the application of each body piercing. Signatures of the client, the client's parent or guardian, if applicable, and the body piercer shall be required on the client disclosure form to acknowledge receipt of both the verbal and written disclosures. Each client and client's parent or guardian, if applicable, shall be informed verbally and in writing of aftercare for each piercing.

F. The body-piercing salon or temporary location shall maintain proper records for each client. The information shall be permanently recorded and made available for examination by the department or authorized agent. Records shall be maintained at the body-piercing salon for at least two years following the date of the last entry. The temporary location client records shall be maintained by the license holder. The permanent records shall include the following:

1. The name, address, and telephone number of the client;
2. The date body piercing was performed;
3. The client's age, date of birth, and a copy of the positive identification provided to the body piercer;
4. The specific type of jewelry used for the piercing and, when available, the manufacturer's catalogue or identification number for the type of jewelry used;
5. The location on the body where the body piercing was performed;
6. The name of the body piercer;
7. A statement that the client has received a copy of applicable written care instructions and that the client has read and understands the instructions; and
8. The signature of the client and, if applicable, parent or guardian.

18VAC41-60-220. Grounds for license revocation or suspension or probation; denial of application, renewal or reinstatement; or imposition of a monetary penalty.

A. The board may, in considering the totality of the circumstances, fine any licensee and suspend, place on probation or revoke or refuse to renew or reinstate any license, or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia ~~the regulations of the board~~ this chapter if the board ~~it~~ finds that the licensee or applicant:

1. ~~The licensee is~~ Is incompetent or negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as a body piercer or body piercer ear only, or to operate a body piercing salon;
2. ~~The licensee or applicant is~~ Is convicted of fraud or deceit in the practice body piercing or body piercing ear only;
3. ~~The licensee or applicant attempted~~ Attempted to obtain, obtained, renewed, or reinstated a license by false or fraudulent representation;
4. ~~The licensee or applicant violates~~ Violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which body piercers or body piercers ear only may practice or offer to practice;
5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance

ADDENDUM 2

of his duties, any federal, state, or local law, regulation, or ordinance governing body-piercing as defined in § 54.1-700 of the Code of Virginia;

6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;

7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed salon for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) or this chapter;

~~5. The licensee or applicant fails~~ 8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with this chapter;

~~6. A licensee fails~~ 9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license. The board shall not be responsible for the licensee's failure to receive notices, communications and correspondence caused by the licensee's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board;

~~7. The licensee or applicant~~ 10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;

~~8. The licensee or applicant fails~~ 11. Fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license, certificate, or permit in connection with a disciplinary action in any other jurisdiction or of any license, certificate, or permit which has been the subject of disciplinary action in any other jurisdiction;

~~9. The licensee or applicant has been convicted or found guilty in any jurisdiction of any misdemeanor or felony. Any plea of nolo contendere shall be considered a conviction for the purpose of this section. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt; or~~

12. Has been convicted or found guilty, regardless of the manner of adjudication in Virginia or any other jurisdiction of the United States, of a misdemeanor involving moral turpitude, sexual offense, drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt;

~~10. The licensee, certificate holder, temporary license holder, or applicant fails to notify the board in writing within 30 days that the licensee, certificate holder, temporary license holder, or applicant has pleaded guilty or nolo contendere or was convicted and found guilty of any misdemeanor or felony.~~ 13. Fails to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of any convictions as stated in subdivision 12 of this section;

14. Allows, as responsible management of a salon, a person who has not obtained a license to practice as a body piercer or body piercer ear only;

15. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter or any local, state, or federal law or regulation governing the standards of health and sanitation for the practice of body piercing, or the operation of body piercing or body piercing ear only salons; or

16. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

B. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation or refuse to renew or reinstate the license of any body piercing salon or body piercing ear only salon or impose a fine as permitted by law, or both, if the board finds that:

1. The owner or operator of the body piercing salon or body piercing ear only salon fails to comply with the facility requirements of body piercing salons or body piercing ear only salons provided for in this chapter or in any local ordinances; or
2. The owner or operator allows a person who has not obtained a license to practice as a body piercer or body piercer ear only unless the person is duly enrolled as an apprentice.

C. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation or refuse to renew or reinstate the license of any licensee or impose a fine as permitted by law, or both, if the board finds that the licensee fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with any local, state or federal law or regulation governing the standards of health and sanitation for the practice of body piercing or body piercing ear only.

FORMS (18VAC41-60)

[Body Piercer Examination & License Application, A425-1241EXLIC \(eff. 9/2011\)](#)

[Body Piercing Training & Experience Verification Form, A425-12BPTREXP \(eff. 9/2011\)](#)

[Body Piercing Apprenticeship Sponsor Application, A425-12BPSPON \(eff. 9/2011\)](#)

[Body Piercing Apprentice Certification Application, A425-1244BPAC \(eff. 9/2011\)](#)

[Body Piercing Apprenticeship Completion Form, A425-12BPAC \(eff. 9/2011\)](#)

[Body Piercing Client Disclosure Form, A425-12BPDIS \(eff. 9/2011\)](#)

[Body Piercer Ear Only License Application, A450-1245LIC-v6 \(rev. 9/2016\)](#)

[License by Endorsement Application, A450-1213END-v9 \(rev. 9/2016\)](#)

[Training & Experience Verification Form, A425-1213TREXP \(eff. 9/2011\)](#)

[Salon, Shop, Spa & Parlor License/Reinstatement Application, A450-1213BUS-v8 \(rev. 9/2016\)](#)

[Licensure Fee Notice, A450-1213FEE-v6 \(rev. 9/2016\)](#)

[Individuals - Reinstatement Application, A450-1213REI-v8 \(rev. 9/2016\)](#)

[Body Piercer Examination & License Application, A450-1241EXLIC-v13 \(rev. 7/2019\)](#)

[Body Piercing Client Disclosure Form, A450-12BPDIS-v2 \(rev. 4/2013\)](#)

[Body Piercer Ear Only License Application, A450-1245LIC-v7 \(rev. 7/2019\)](#)

[License by Endorsement Application, A450-1213END-v10 \(rev. 2/2017\)](#)

[Training & Experience Verification Form, A450-1213TREXP-v6 \(eff. 2/2017\)](#)

[Salon, Shop, Spa & Parlor License/Reinstatement Application, A450-1213BUS-v12 \(rev. 7/2019\)](#)

[Licensure Fee Notice, A450-1213FEE-v7 \(rev. 4/2017\)](#)

[Individuals - Reinstatement Application, A450-1213REI-v9 \(rev. 2/2017\)](#)



DPOR Board for Barbers & Cosmetology, rr <barbercosmo@dpor.virginia.gov>

Request for consideration of regulatory change - Microneedling less than .3mm

1 message

Chris LeRoy <chl3272@gmail.com>

Wed, Nov 20, 2019 at 2:37 PM

To: barbercosmo@dpor.virginia.gov

Cc: Sarah Akram <sarah.a.akram@gmail.com>

My wife is a licensed master esthetician in Virginia (Sarah Akram - license #1264000712.) I am writing to you on her behalf to consider a regulatory change with respect to an Esthetics service she would like to offer (Micropuncturing) which, under current VA licensing regulations; is outside the scope of a Master Esthetics license (as micropuncturing is akin to microneedling based on VA Interpretation of what license is required to perform certain procedures under Code of Virginia §54.1-700 et. seq. , re: Eyelash Extensions, Microblading, Microneedling, Chemical Exfoliation.)

Under current FDA regulations issued in 2015 - microneedling devices with needles longer than .3mm must be classified as a Class 1 medical device. Under those same FDA guidelines, estheticians can only use microneedling devices of less than .3mm and only those that do not make medical claims. I am humbly asking the board to consider conforming its stance on microneedling to those of the FDA (i.e. either master estheticians or estheticians can only use microneedling devices of less than .3mm) as the service is NOT medical in nature, is not marketed as such and is purely used for Esthetics purposes.

I attach an example of such a device and it clearly is not marketed nor intended for medical use. Thank you for your attention to this matter. Do not hesitate to call or email me with any questions.

Chris LeRoy 917-327-9320

FT Micro-Puncture Lab - EN.pdf
125K

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Micro-Puncture Lab[®]

DEVICE

Stage	Treatment
Category	Device
Skin Instants [®]	Matures



The **Micro-Puncture Lab[®]** activates collagen production with intra-epidermal micro-stimulations and helps to fight against the premature signs of skin ageing. This technique is based on the skin's ability to regenerate itself following external stimulation in order to multiply the desired results.

MODE OF ACTION

- Superficial micro-stimulations, 0.25 mm deep into the skin (strictly intra-epidermal target zone with no risk of bleeding).
- Micro-stimulation of collagen synthesis through the skin.
- Optimal penetration of Research Biological serums.

BENEFITS

- Fight against the signs of premature skin ageing
- Moisturizes and improves skin elasticity
- Corrective effect on fine lines and wrinkles
- Smooths and plumps the epidermis
- Improves complexion radiance and skin quality
- Results visible from the first session

DIRECTIONS FOR USE

1. Refer to the Micro-Puncture Lab[®] user manual.

CAUTIONS

- The needles used are sterile and single-use.
- Always remove the needles when moving over the face.
- Do not slide the needles along the skin.
- Never use on the cheekbone.
- Contraindicated in: pregnant women, people with eczema, skin infection, cancer, fever or infection in general.
- Carefully consult the instructions for use.



DPOR Board for Barbers & Cosmetology, rr <barbercosmo@dpor.virginia.gov>

IMMEDIATE RELEASE - National Interstate Council of State Boards of Cosmetology (NIC) Embraces Leading Change

1 message

NIC <communicate.nic@gmail.com>
To: communicate.nic@gmail.com

Tue, Nov 26, 2019 at 8:39 PM



**National Interstate Council
of State Boards of Cosmetology**

National Interstate Council of State Boards of Cosmetology (NIC) Embraces Leading Change

SOUTH CAROLINA, November 25, 2019 - NIC is a leader in testing administration and provides a national forum for networking and collaboration for its members and partners. NIC recently had a substantial change in the leadership of the Executive Board at the 2019 annual conference. The new Executive Board embraces leading change and building an organization recognized for developing strong relationships and supporting our partners (members and non-members) while providing legally defensible testing. The Board is excited to announce the following:

Website: NIC is in the process of a complete website redesign to better serve our customers. The new website is projected to be released March 1, 2020.

Translated Exams: NIC is adding ten new written translated exams in the next year for candidates. Five translated exams are expected to be released in the first six months of 2020 and the remaining languages are projected to be released in the following six months. The approved translations include Chinese, Russian, Arabic, German, Japanese, Tagalog, Hindi, Mon-Khmer, (Cambodian) Persian and Laotian.

Written Practical Exams: NIC is in the process of developing a written practical examination for all license types and is projected to be released June 2020.

National License Database: NIC is pursuing the development of a national licensee database for purposes of verifying license status that would be available to member states.

National Equivalency Exam: NIC is exploring the development of a national equivalency examination that would be available to candidates who are interested in portability of licensure. Candidates will be able to register through NIC to take the examination to obtain a national endorsement and will have the ability to request their national exam results be sent to any state or jurisdiction.

Marketing: NIC is focusing future efforts on how the organization can serve and support our partners on a national basis by establishing a marketing team. The main purpose of this team is to collaborate with our partners using innovative and progressive ideas to encourage and promote the protection of the health, safety and welfare of the public.

About NIC

The National Interstate Council of State Boards of Cosmetology (NIC) mission statement is to promote the protection of the health, safety, and welfare of the public and the professional workforce by actively pursuing excellence in cosmetology and related fields.

The organization accomplishes the mission with the following objectives:

- ❖ Provide a forum for the exchange of state regulatory ideas to promote the highest standards for consumer safety.
- ❖ Offer a standardized, valid, and legally defensible National Examination Program based on the highest standards and requirements for entrance into the profession of cosmetology and related fields.
- ❖ Promote national endorsement and standardization of regulations affecting the practice of cosmetology and related fields within all jurisdictions.
- ❖ Encourage competency in the practice of cosmetology and related fields.
- ❖ Cultivate professional relationships with industry partners to achieve common goals

NIC hosts regional and annual national conferences to encourage networking among states and other jurisdictions. NIC representatives will attend board meetings, association meetings, and legislative hearings upon request to share national standards regarding education, consumer health and safety.

NIC welcomes the opportunity to work with our partners and listen to concerns on a state by state basis. NIC utilizes the national forum as an opportunity to continue to share information and encourage uniformity among states and other jurisdictions. If you have questions or would like to request additional information, please contact us at communicate.nic@gmail.com.



TO: VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY
FROM: STEPHEN KIRSCHNER, EXECUTIVE DIRECTOR
SUBJECT: REVISED PROPOSED REGULATORY CHANGES
DATE: DECEMBER 30, 2019

At the December 2, 2019 Tattooer Subcommittee meeting, the committee adopted revisions to the proposed tattooing and body piercing regulations. The committee has made substantial revisions to the proposed regulations based on industry recommendations, public comments, and their own professional expertise. The final revisions are included in the tattooer subcommittee minutes attached earlier in the agenda. The committee also reviewed all of the public comments received during the proposed phase and approved recommended responses to those comments. Please be sure review these proposed changes included in the tattooer subcommittee minutes.

Staff will provide you a summary of the comments and recommended responses prior to the January 13, 2020 Board meeting. At the January 13th meeting, the Board will have an opportunity to discuss the comments and proposed changes to the regulations, as well as adopt responses to the public comments and approved the proposed regulations. Because of the significant amount of changes, staff recommends that the Board approve the changes as a revised proposed stage. If the Board concurs with the proposed regulations and responses, the Board can vote to “adopt the recommended responses to public comment and approved the revised proposed tattooing and body piercing regulations.”

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and are not to be construed as representing an official Board position.
DRAFT AGENDA



TO: VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY
FROM: STEPHEN KIRSCHNER, EXECUTIVE DIRECTOR
SUBJECT: PROPOSED REGULATORY CHANGES
DATE: DECEMBER 30, 2019

At the November 18th, 2019 Standing Committee on Training meeting, the Committee considered several changes to training in Virginia and recommended the Board adopt a substantial change to the instructor programs.

Prior to the merger of the Board for Barbers and Board of Cosmetology, the Boards regulations contained a specific instructor curriculum and hours requirements. Under the Board of Cosmetology, a single instructor program could be completed which allowed an individual to instruct in any profession in which they had the underlying license. When the Boards were merged, the instructor curriculum and hours requirement was not transferred into the new regulations, and for the last 16 years, there has not been a curriculum or hours requirement in the regulations. Further, because of the wording in the regulations, in order to teach in a profession, a prospective instructor must complete an instructor program in that profession's school under that profession's instructor. For example, an individual who wants to teach barbering must complete an instructor program in a barber school under a barber instructor. In reality, the instructor programs, whether barber, cosmetology, nail, or wax, cover teaching techniques and are not profession specific. However, because of the wording of the regulations, schools frequently must obtain multiple instructor programs in order to offer the instructor program to each license type they train, even though these instructor programs are identical. Staff frequently receive complaints about this onerous requirement from schools.

When the esthetics regulations were created, the Board inserted a specific instructor curriculum and hours requirements that it believed was necessary for instructors to reach minimum competence. This curriculum covers teaching techniques, is 400 hours, and is not profession specific. The Standing Committee on Training has reviewed the esthetics instructor program and believes that this curriculum and length is appropriate for all professions. The committee proposes to create a single instructor curriculum covering teaching techniques. This proposal unifies all of the instructor programs for barbers, cosmetologists, nail and wax technicians, and bring the curriculum in line with the current esthetician instructor curriculum. All curriculum requirements would be the same and once a person obtains the instructor certificate, they can use it in any profession in which they hold a license. For example, a cosmetologist who obtains an instructor certificate would not be required to take any additional instructor training if they subsequently obtain a barber license and want to teach barbering. Their instructor certificate would cover both professions.

The pages below provide the specific proposed regulatory changes necessary to enact these proposals. Because this change will require some schools to alter their current curriculum, staff believes it would be appropriate for the Board to conduct this regulatory change through the standard rulemaking process. If the Board concurs with this change, it can start the process by voting to “begin the standard rulemaking process to revise the Barbers and Cosmetology Regulations and Esthetics Regulations to create a single instructor program curriculum and allow certified instructors to teach in any profession in which they hold a license.”

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DRAFT AGENDA

Instructor Training Program – Regulatory Amendments

18VAC41-20-100. General Requirements for a an Instructor Certificate, Cosmetology Instructor Certificate, Nail Technician Instructor Certificate, or Wax Technician Instructor Certificate.

A. Any individual wishing to engage in barbering instruction, master barbering instruction, cosmetology instruction, nail care instruction, or waxing instruction in barbering, master barbering, cosmetology, nail care, or waxing shall meet the following qualifications:

1. The applicant shall be in good standing as a licensed barber, master barber, cosmetologist, nail technician, or wax technician, and instructor, respectively, in Virginia and all other jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a barber, master barber, cosmetologist, nail technician, or wax technician, or in the practice of teaching any of those professions. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as a barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor an instructor in barbering, master barbering, cosmetology, nail care, or waxing.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in the instruction of barbering, cosmetology, nail care, or waxing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

2. The applicant shall hold a current Virginia barber, master barber, cosmetology, nail technician, or wax technician license, respectively;

3. The applicant shall:

a. Pass a course in teaching techniques at the post-secondary educational level;

b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified barber, master barber, cosmetologist, nail technician, or wax technician instructor in a barber, cosmetology, nail technician, or wax technician school, respectively; or

Instructor Training Program – Regulatory Amendments

c. Pass an instructor examination ~~in barber, master barber, cosmetology, nail technician, or wax technician instruction respectively~~, administered by the board or by a testing service acting on behalf of the board; and

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions involving moral turpitude, sexual offense, drug distribution, or physical injury within two years of the date of the application; and

b. All felony convictions within 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

B. Instructors shall be required to maintain a barber, master barber, cosmetology, nail technician, or wax technician license, respectively.

18VAC41-20-110. Student Instructor Temporary Permit.

A. A licensed barber, master barber, cosmetologist, nail technician, or wax technician may be granted a student instructor temporary permit to function under the direct supervision ~~of a barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor respectively~~ a certified instructor in a licensed school. ~~A licensed nail technician or wax technician may also be granted a student instructor permit to function under the direct supervision of a cosmetology instructor.~~

B. The student instructor temporary permit shall remain in force for not more than 12 months after the date of issuance and shall be nontransferable and nonrenewable.

C. No applicant for examination shall be issued more than one student instructor temporary permit.

~~D. C.~~ Failure to maintain a barber, master barber, cosmetology, nail technician, or wax technician license shall disqualify an individual from holding a student instructor temporary permit.

~~E. D.~~ Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18VAC41-20-100.

Instructor Training Program – Regulatory Amendments

18VAC41-20-200. General Requirements.

A barber, cosmetology, nail, or waxing school shall:

1. Hold a school license for each and every location.
2. Hold a salon license if the school receives compensation for services provided in its clinic.
3. Employ a staff of and ensure all training is conducted by licensed and certified barber, master barber, cosmetology, nail technician, or wax technician instructors, respectively.
 - a. Licensed and certified cosmetology instructors may also instruct in nail and waxing programs.
 - b. Licensed and certified esthetics instructors and master esthetics instructors may also instruct in waxing programs.
 - c. Instructor programs must be taught by a certified instructor.**
4. Develop individuals for entry level competency in barbering, master barbering, cosmetology, nail care, or waxing.
5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board.
 - a. Barber curricula shall be based on a minimum of 1,100 clock hours and shall include performances in accordance with 18VAC41-20-220.
 - b. Master barber curricula shall be based on a minimum of 400 clock hours and shall include performances in accordance with 18VAC41-20-220.
 - c. Dual barber/master barber program curricula shall be based on a minimum of 1,500 clock hours and shall include performances in accordance with 18VAC41-20-220.
 - d. Cosmetology curricula shall be based on a minimum of 1,500 clock hours and shall include performances in accordance with 18VAC41-20-220.
 - e. Nail technician curricula shall be based on a minimum of 150 clock hours and shall include performances in accordance with 18VAC41-20-220.
 - f. Wax technician curricula shall be based on a minimum of 115 clock hours and shall include performances in accordance with 18VAC41-20-220.

Instructor Training Program – Regulatory Amendments

g. Instructor curricula shall be based on a minimum of 400 clock hours and shall include student teaching.

6. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.

7. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.

8. Possess the necessary equipment and implements to teach the respective curriculum. If any such equipment or implement is not owned by the school, then a copy of all agreements associated with the use of such property by the school shall be provided to the board.

18VAC41-20-210. Curriculum Requirements

G. The instructor curriculum and hours of instruction shall consist of 400 hours or equivalent credit hours and shall include, but not be limited to, the following:

1. Orientation, Introduction to Teaching, Professional Ethics;

2. Curriculum;

3. Course outline and development;

4. Lesson planning;

5. Classroom management;

6. Teaching techniques;

7. Methods of instruction (including theory and practical instruction*);

8. Learning styles;

9. Learning disabilities;

10. Teaching aids;

11. Developing, administering and grading examinations;

12. School administration;

Instructor Training Program – Regulatory Amendments

13. Recordkeeping;

14. Laws and regulations;

15. Supervision of clinic floor; and

16. Practicum teaching.

*These items incorporate the theory and practical instruction items included in the esthetics instructor curriculum.

18VAC41-20-220. Hours of Instruction and Practical Performance Requirements.

A. Curriculum and performance requirements shall be offered over a minimum of 1,100 clock hours for barbering, 400 clock hours for master barbering, 1,500 clock hours for dual barber/master barber program and cosmetology, 150 clock hours for nail care, and 115 clock hours for waxing.

B.A. The curriculum requirements for barbering must include the following minimum performances:

Hair and scalp treatments	10
Hair services	320
Hair coloring (including tinting, temporary rinses, and semi-permanent color)	35
Basic facials	5
TOTAL	370

C.B. The curriculum requirements for master barbering must include the following minimum performances:

Bleaching and frosting	10
Cold permanent waving or chemical relaxing	25
Hair shaping	50
Wig care, styling, placing on model	5
Finger waving and thermal waving	30
TOTAL	120

D.C. The curriculum requirements for dual barber/master barber program must include the following minimum performances:

Instructor Training Program – Regulatory Amendments

Hair and scalp treatments	10
Hair styling services	320
Bleaching and frosting	10
Hair coloring (including tinting, temporary rinses, and semi-permanent color)	35
Cold permanent waving or chemical relaxing	25
Hair shaping	50
Wig care, styling, placing on model	5
Finger waving and thermal waving	30
Basic facials and waxings	5
TOTAL	490

E.D. The curriculum requirements for cosmetology must include the following minimum performances:

Hair and scalp treatments	10
Hair styling	320
Tinting	15
Bleaching and frosting	10
Temporary rinses	10
Semi-permanent color	10
Cold permanent waving or chemical relaxing	25
Hair shaping	50
Wig care, styling, placing on model	5
Finger waving and thermal waving	30
Manicures and pedicures	15
Basic facials and waxings	5
Sculptured nails, nail tips, and wraps	20
TOTAL	525

F.E. The curriculum requirements for nail care must include the following minimum performances:

Manicures	30
Pedicures	15
Individual sculptured nails and nail tips	200
Individual removals	10
Individual nail wraps	20
TOTAL	275

G.E. The curriculum requirements for waxing must include the following minimum performances:

Arms	4
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Instructor Training Program – Regulatory Amendments

Back	2
Bikini area	6
Brows	12
Chest	1
Facial (i.e., face, chin, and cheek and lip)	6
Leg	3
Underarm	2
TOTAL	36

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TO: VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY
FROM: STEPHEN KIRSCHNER, EXECUTIVE DIRECTOR
SUBJECT: TRANSFER HOURS REGULATORY CHANGE
DATE: DECEMBER 30, 2019

At the November 18th, 2019 Standing Committee on Training meeting, the Committee considered several changes to training in Virginia and recommended the Board adopt a uniform transfer hours policy across its Barbers and Cosmetology Regulations and Esthetics Regulations.

This proposal would resolve many of the complaints about the current guidance document which limits transfers between schools under the Barbers and Cosmetology regulations. The proposal is based on the esthetics regulation governing student transfers, and would allow transfers between schools based on a competency exam and transcripts from the prior school. The number of hours awarded may not exceed the actual number of hours of instruction, or the number of hours specified for a topic in the Board approved curriculum. This proposal also removed the limit on hours that can be transferred in the esthetics regulations.

The pages below provide the specific proposed regulatory changes necessary to enact these proposals. Because this change replaces a guidance document limiting transfer hours, and resolves longstanding complaints about transfer hour limitations, staff believes it will not be controversial and is appropriate for the fast-track rulemaking process. If the Board agrees with this change, it can start the process by voting to “begin the fast-track rulemaking process to revise the Barbers and Cosmetology Regulations and Esthetics Regulations to create a single transfer hours policy for schools.”

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Transfer Students Proposal – Regulatory Amendments

18 VAC 41-20-210 (Barber/Cosmo/Nail/Wax)

G. A licensed school with an approved barber, master barber, dual barber/master barber, cosmetology, nail technician, or wax technician program may conduct an assessment of a student's competence in the respective profession and, based on the assessment, give credit towards the hours requirements specified in the respective subsection of this section and 18VAC41-20-220.

The school shall make the assessment based on a review of the student's transcript and the successful completion of a board-approved competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic.

18VAC41-20-50. Exceptions to Training Requirements.

A. Virginia licensed cosmetologists with a minimum of two years of work experience shall be eligible for the master barber examination; likewise, a Virginia licensed master barber with a minimum of two years of work experience shall be eligible for the cosmetology examination.

B. Virginia licensed master barbers with less than two years of work experience and Virginia master barber students enrolling in a Virginia cosmetology training school shall be given educational credit for the training received for the performances completed at a barber school; likewise, licensed Virginia cosmetologists with less than two years of work experience and Virginia cosmetology students enrolling in a Virginia barber or master barber training school shall be given educational credit for the training received for the performances completed at a cosmetology school.

B.C. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having been trained as a barber, master barber, cosmetologist, nail technician, or wax technician in any Virginia state institution shall be eligible for the respective examination.

C.D. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having a minimum of two years experience in barbering, master barbering, cosmetology, nail care, or waxing in the United States armed forces and having provided documentation satisfactory to the board of that experience shall be eligible for the respective examination.

D.E. Any licensed barber or barber student enrolling in a master barber training program in a licensed barber school shall be given educational credit for the training and performances completed in a barbering program at a licensed barber school.

Transfer Students Proposal – Regulatory Amendments

18 VAC 41-70-200.D (Esthetics)

D. A licensed esthetics school with an approved esthetics program may conduct an assessment of a student's competence in esthetics and, based on the assessment, give a maximum of 300 hours credit towards the requirements specified in subsection B of this section and 18VAC41-70-200

A. A licensed esthetics school with an approved master esthetics program may conduct an assessment of a student's competence in master esthetics and, based on the assessment, give a maximum of 300 hours credit towards the requirements specified in subsection C of this section and 18VAC41-70-200 B.

The school shall make the assessment based on a review of the student's transcript and the successful completion of a board-approved competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic.

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TO: VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY
FROM: STEPHEN KIRSCHNER, EXECUTIVE DIRECTOR
SUBJECT: EXPERIENCE IN LEIU OF TRAINING REGULATORY CHANGE
DATE: DECEMBER 30, 2019

At the November 18th, 2019 Standing Committee on Training meeting, the Committee recommended the Board adopt a proposal to allow individuals who completed out-of-state training that is not substantially equivalent to Virginia's training in a profession to use work experience in the profession to make up for the missing training hours. Exam and endorsement applicants who completed training that is not substantially equivalent must submit documentation demonstrating five years of legal work experience in the respective profession.

Training requirements for the professions under the Board vary from state to state. Other states vary from 50% to 150% of Virginia's required hours in some professions. Because of these widely varying training requirements, individuals attempting to transfer their hours into Virginia frequently find they have not completed substantially equivalent training to Virginia's and must complete additional training to become eligible for a license they already possess in another state. It is not uncommon for individuals who have been practice for 20+ years in another state to not meet the substantially equivalent training requirement to transfer their license to Virginia.

As more and more states reduce their training hours requirement, staff expect a significant rise in applicants who have experience in the field, but to not meet the training hours requirement in Virginia. Over 40 states have addressed this issue by allowing applicants to substitute training hours with years of experience in the profession. The committee's recommendation adopts the most common approach other states have taken: allowing five years of licensed experience to substitute for the training hours requirement. This proposal also defines substantially equivalent training, providing greater clarity to applicants about whether their training is sufficient.

The pages below provide the specific proposed regulatory changes necessary to enact these proposals. The recommended proposal would only apply to applicants with non-equivalent training within the United States. The Board may wish to consider expanding the experience waiver to include individuals with out-of-country training.

Because this change implements a policy almost universally adopted across the country, and resolves a problem affecting many applicants, staff believes it will not be controversial and is appropriate for the fast-track rulemaking process. If the Board agrees with this change, it can start the process by voting to "begin the fast-track rulemaking process, revising the Barbers and Cosmetology Regulations to allow applicants who completed a training program that is not substantially equivalent to Virginia's to substitute five years of work experience for training."

Experience Waiver - Proposed Regulatory Amendments

18VAC41-20-10. Definitions.

Part I

General

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.

"Barber school" means a place or establishment licensed by the board to accept and train students and that offers a barber, master barber, or dual barber/master barber curriculum approved by the board.

"Business entity" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

"Direct supervision" means that a Virginia licensed barber, cosmetologist, nail technician, or wax technician shall be present in the barbershop, cosmetology salon, nail salon, or waxing salon at all times when services are being performed by a temporary permit holder or registered apprentice.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.

"Firm" means any business entity recognized under the laws of the Commonwealth of Virginia.

"Licensee" means any person, sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law holding a license issued by the Board for Barbers and Cosmetology, as defined in § 54.1-700 of the Code of Virginia.

"Post-secondary educational level" means an accredited college or university that is approved or accredited by the Southern Association of Colleges and Schools Commission on Colleges or by an accrediting agency that is recognized by the U.S. Secretary of Education.

"Reciprocity" means a conditional agreement between two or more states that will recognize one another's regulations and laws for equal privileges for mutual benefit.

"Reinstatement" means having a license or certificate restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license or certificate for another period of time.

"Responsible management" means the following individuals:

Experience Waiver - Proposed Regulatory Amendments

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company;
6. The officers or directors of an association or both; and
7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Sole proprietor" means any individual, not a corporation, who is trading under his own name, or under an assumed or fictitious name pursuant to the provisions of §§ 59.1-69 through 59.1-76 of the Code of Virginia.

"Substantially equivalent training" means at least 80% of the required hours in Virginia and curriculum content covering Virginia's scope of practice for that profession.

"Substantially equivalent exam" means an examination administered by the licensing entity which covers Virginia's scope of practice for that profession.

"Virginia state institution" for the purposes of this chapter means any institution approved by the Virginia Department of Education or the Virginia Department of Corrections.

18VAC41-20-20. General Requirements for a Barber, Master Barber, Cosmetologist, Nail Technician, or Wax Technician License.

Part II Entry

A. Any individual wishing to engage in barbering, cosmetology, nail care, or waxing shall obtain a license in compliance with § 54.1-703 of the Code of Virginia and shall meet the following qualifications:

1. The applicant shall be in good standing as a licensed barber, master barber, cosmetologist, nail technician, or wax technician in Virginia and all other jurisdictions where licensed. The applicant

Experience Waiver - Proposed Regulatory Amendments

shall disclose to the board at the time of application for licensure, any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a barber, master barber, cosmetologist, nail technician, or wax technician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if he has been previously licensed in Virginia as a barber, master barber, cosmetologist, nail technician, or wax technician.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in barbering, cosmetology, nail care, or waxing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose his physical address. A post office box is not acceptable.
3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and this chapter.
4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:
 - a. All misdemeanor convictions involving moral turpitude, sexual offense, drug distribution, or physical injury within two years of the date of the application; and
 - b. All felony convictions within 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination, administered either by the board or by independent examiners.

B. Eligibility to sit for board-approved examination.

1. Training in the Commonwealth of Virginia. Any person completing an approved barber, master barber, cosmetology, nail technician, or wax technician training program in a Virginia licensed

Experience Waiver - Proposed Regulatory Amendments

barber, cosmetology, nail technician, or wax technician school, respectively, or a Virginia public school's barber, master barber, cosmetology, nail technician, or wax technician program approved by the Virginia Department of Education shall be eligible for examination.

2. Training outside of the Commonwealth of Virginia, but within the United States and its territories.

a. Any person completing a barber, master barber, cosmetology, nail care, or waxing training program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the substantially equivalent training to be eligible for examination. If less than 1,100 hours of barber training was completed, an applicant must submit a certificate, diploma, or other documentation acceptable to the board verifying the completion of a substantially equivalent barber course and documentation of six months of barber work experience in order to be eligible for examination. Applicants who completed a training program that is not substantially equivalent to Virginia's training may substitute five years of work experience for training. Applicants should provide their work history demonstrating five years of experience as a licensed barber, master barber, cosmetologist, nail technician, or wax technician in any other state or jurisdiction of the United States on a form provided by the Board.

b. Any person completing a master barber or cosmetology training program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of 1,500 hours of training to be eligible for examination. ~~If less than 1,500 hours of master barber or cosmetology training was completed, an applicant must submit a certificate, diploma, or other documentation acceptable to the board verifying the completion of a substantially equivalent master barber or cosmetology course and documentation of six months of master barber or cosmetology work experience in order to be eligible for examination.~~

c. Any person completing a nail technician training program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of 150 hours of training to be eligible for examination. ~~If less than 150 hours of nail technician training was completed, an applicant must submit a certificate, diploma, or other documentation acceptable to the board verifying the completion of a substantially equivalent nail technician course and documentation of six months of nail technician work experience in order to be eligible for the nail technician examination.~~

d. Any person completing a wax technician training program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of 115 hours of training to be eligible for examination. ~~If less than 115 hours of wax technician training was completed, an applicant must submit a certificate, diploma, or other documentation acceptable to the board verifying the completion of a substantially equivalent wax technician course and documentation of six months of wax technician work experience in order to be eligible for the wax technician examination.~~

Experience Waiver - Proposed Regulatory Amendments

18VAC41-20-30. License by Endorsement.

A. Upon proper application to the board, any person currently licensed to practice as a barber, master barber, cosmetologist, nail technician, or wax technician ~~who is a barber, master barber, cosmetologist, nail technician, or wax technician instructor,~~ or who is a licensed instructor in the respective profession in any other state or jurisdiction of the United States and who has completed both a training program and a written and practical examination that is substantially equivalent to that required by this chapter, may be issued a barber, master barber, cosmetologist, nail technician, or wax technician license or ~~a barber, master barber, cosmetology, nail technician, or wax technician~~ the respective instructor certificate, ~~respectively,~~ without an examination. The applicant must also meet the requirements set forth in 18VAC41-20-20 A and 18VAC41-20-100.

B. Applicants for licensure by endorsement who completed a training program that is not substantially equivalent to Virginia's training, but otherwise meet all the requirements listed in Section A, may substitute five years of work experience for training. Applicants should provide their work history demonstrating five years of legal experience in any other state or jurisdiction of the United States on a form provided by the Board.

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TO: VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY
FROM: STEPHEN KIRSCHNER, EXECUTIVE DIRECTOR
SUBJECT: FINANCIAL STATEMENTS
DATE: DECEMBER 30, 2019

Attached you will find the most recent Statement of Financial Activity and the Supporting Statement of Year-to-Date Activity for the Board. Additionally, you will find the Agency Statement of Financial Activity.

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**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Board for Barbers and Cosmetology
954230**

2018-2020 Biennium

November 2019

	November 2019 Activity	Biennium-to-Date Comparison	
		July 2016 - November 2017	July 2018 - November 2019
Cash/Revenue Balance Brought Forward			6,798,122
Revenues	218,245	5,063,034	4,847,190
Cumulative Revenues			11,645,312
Cost Categories:			
Board Expenditures	12,217	221,483	257,447
Board Administration	96,697	1,432,139	1,622,331
Administration of Exams	5,404	83,590	95,223
Enforcement	64,842	905,535	1,060,623
Legal Services	12,564	28,582	32,940
Information Systems	65,518	993,651	1,248,006
Facilities and Support Services	29,715	397,271	468,918
Agency Administration	54,990	901,639	745,910
Other / Transfers	0	93,739	(57)
Total Expenses	341,947	5,057,628	5,531,340
Transfer To/(From) Cash Reserves	(123,702)	0	6,113,972
Ending Cash/Revenue Balance			0

Cash Reserve Beginning Balance	6,237,674	0	0
Change in Cash Reserve	(123,702)	0	6,113,972
Ending Cash Reserve Balance	6,113,972	0	6,113,972

Number of Regulants	
Current Month	74,069
Previous Biennium-to-Date	72,167

Department of Professional and Occupational Regulation
 Supporting Statement of Year-to-Date Activity
 Board for Barbers and Cosmetology - 954230
 Fiscal Year 2020

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	19,497	16,088	18,327	17,122	12,217	0	0	0	0	0	0	0	88,252	194,364	111,112	189,237	5,128	2.6%
Board Administration	146,943	99,052	94,646	81,802	96,697	0	0	0	0	0	0	0	519,139	1,370,170	851,031	1,113,967	256,203	18.7%
Administration of Exams	9,573	6,192	6,055	4,810	5,404	0	0	0	0	0	0	0	32,033	66,517	34,484	70,455	-3,938	-5.9%
Enforcement	98,240	67,957	68,154	58,876	64,842	0	0	0	0	0	0	0	358,068	1,017,523	659,454	763,072	254,451	25.0%
Legal Services	0	0	0	0	12,564	0	0	0	0	0	0	0	12,564	25,128	12,564	30,154	-5,026	-20.0%
Information Systems	41,475	61,090	59,913	94,732	65,518	0	0	0	0	0	0	0	322,729	960,257	637,528	741,177	219,080	22.8%
Facilities / Support Svcs	15,310	29,472	28,049	27,119	29,715	0	0	0	0	0	0	0	129,665	357,480	227,815	300,551	56,929	15.9%
Agency Administration	57,657	44,410	44,816	47,187	54,990	0	0	0	0	0	0	0	249,059	636,617	387,558	541,097	95,520	15.0%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Charges	388,695	324,261	319,961	331,646	341,947	0	0	0	0	0	0	0	1,706,510	4,628,057	2,921,547	3,749,710	878,347	19.0%

**Department of Professional and Occupational Regulation
Statement of Financial Activity**

Agency Total

2018-2020 Biennium

November 2019

	November 2019 Activity	Biennium-to-Date Comparison	
		July 2016 - November 2017	July 2018 - November 2019
Cash/Revenue Balance Brought Forward			27,183,878
Revenues	1,261,062	26,027,846	26,096,302
Cumulative Revenues			53,280,180
Cost Categories:			
Board Expenditures	138,334	2,223,921	2,553,324
Board Administration	395,333	5,851,679	6,643,371
Administration of Exams	25,464	364,837	454,623
Enforcement	561,428	8,971,786	9,622,977
Legal Services	64,096	297,092	304,247
Information Systems	274,528	4,155,236	5,236,110
Facilities and Support Services	170,902	2,475,178	2,754,901
Agency Administration	230,413	3,771,748	3,128,501
Other / Transfers	0	(1,531)	8,280
Total Expenses	1,860,497	28,109,946	30,706,334
Transfer To/(From) Cash Reserves	(507,118)	0	22,500,938
Ending Cash/Revenue Balance			72,909

Cash Reserve Beginning Balance	23,008,056	0	0
Change in Cash Reserve	(507,118)	0	22,500,938
Ending Cash Reserve Balance	22,500,938	0	22,500,938

Number of Regulants

Current Month	313,956
Previous Biennium-to-Date	305,784