

PROPOSED HAIR BRAIDING REGULATIONS
Adopted April 26, 2004

CHAPTER 30.
REGULATIONS – HAIR BRAIDING

PART I.
GENERAL.

18 VAC 41-30-10. Definitions.

The following words and terms when used in this chapter shall have the following meaning, 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.

“Direct supervision” means that a Virginia licensed cosmetologist or hair braider shall be present in the hair braiding salon at all times when services are being performed by a temporary license holder.

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

"Licensee" means any individual, partnership, association, limited liability company, or corporation holding a license issued by the Board for Barbers and Cosmetology, as defined in § 54.1-700 of the Code of Virginia.

"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.

“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.

PART II.

ENTRY.

18 VAC 41-30-20. General requirements for a hair braider license.

A. In order to receive a license as a hair braider, an applicant must meet the following qualifications:

1. The applicant shall be in good standing as a licensed hair braider in every jurisdiction where licensed. 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 practice as a cosmetologist or hair braider. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as a cosmetologist or hair braider.
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 hair braiding license laws and the board's hair braiding regulations.
4. In accordance with § 54.1-204 of the Code of Virginia, the applicant shall not have been convicted in any jurisdiction of a misdemeanor or felony which directly relates to the profession of cosmetology or hair braiding. 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 hair braiding. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be

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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 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.

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 hair braiding training program in a Virginia licensed cosmetology or hair braiding school, or a Virginia public school's hair braiding program approved by the State Department of Education shall be eligible for examination.

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

Any person completing a hair braiding 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 170 hours of training to be eligible for examination. If less than 170 hours of hair braiding training was completed, an applicant must submit a certificate, diploma or other documentation acceptable to the board verifying the completion of a substantially equivalent hair braiding course and documentation of six months of work experience as a hair braider in order to be eligible for the hair braider examination.

18 VAC 41-30- 30. License by endorsement.

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Upon proper application to the board, any person currently licensed to practice as a hair braider or cosmetologist 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 hair braider license without an examination. The applicant must also meet the requirements set forth in 18 VAC 41-30-20.A.

18 VAC 41-30-40. Exceptions to training requirements.

- A. Virginia licensed cosmetologists shall be eligible for the hair braider examination.

- B. Any hair braider applicant having been trained as a hair braider in any Virginia state institution shall be eligible for the hair braiding examination.

- C. Any hair braider applicant having a minimum of two years experience in hair braiding in the United States armed forces and having provided documentation satisfactory to the board of that experience shall be eligible for the examination.

18 VAC 41-30-50. Examination requirements and fees.

- A. Applicants for initial licensure shall pass a written examination approved by the board. The examination 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 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

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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 \$225.00 per candidate.

18 VAC 41-30-60. Reexamination requirements.

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.

18 VAC 41-30-70. Examination administration.

A. The examination shall 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.

18 VAC 41-30-80. Hair braider temporary licenses.

A. A temporary license to work under the supervision of a currently licensed hair braider or cosmetologist may be issued only to applicants for initial licensure that the board finds eligible for examination. There shall be no fee for a temporary license.

B. The temporary license shall remain in force for 45 days following the examination date. The examination date shall be the first test date after the applicant has successfully submitted an application to the board that an examination is offered to the applicant by the board.

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C. Any person continuing to practice hair braiding services after a temporary license has expired may be prosecuted and fined by the Commonwealth under § 54.1-111.A.1 of the Code of Virginia.

D. No applicant for examination shall be issued more than one temporary license.

18 VAC 41-30-90. Salon license.

A. Any individual wishing to operate a hair braiding salon shall obtain a salon license in compliance with § 54.1-704.1 of the Code of Virginia.

B. A hair braiding salon license shall not be transferable and shall bear the same name and address of the business. Any changes in the name, 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 within 30 days of the changes.

C. In the event of a closing of a hair braiding 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.

18 VAC 41-30-100. School license.

A. Any individual wishing to operate a hair braiding school shall obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia. All instruction and training of hair braiders shall be conducted under the direct supervision of a certified cosmetologist instructor, or licensed hair braider.

B. A hair braiding 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

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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 within 30 days of the changes.

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.

PART III.

FEES.

18 VAC 41-30-110. Fees.

The following fees apply:

<u>FEE TYPE</u>	<u>AMOUNT DUE</u>	<u>WHEN DUE</u>
<u>Individuals:</u>		
<u>Application</u>	<u>\$55</u>	<u>With application</u>
<u>License by Endorsement</u>	<u>\$55</u>	<u>With application</u>
<u>Renewal:</u>	<u>\$55</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$55</u>	<u>With reinstatement application</u>
<u>Salons:</u>		
<u>Application</u>	<u>\$90</u>	<u>With application</u>

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<u>Renewal</u>	<u>\$90</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$90</u>	<u>With reinstatement application</u>
<u>Schools:</u>		
<u>Application</u>	<u>\$120</u>	<u>With application</u>
<u>Renewal</u>	<u>\$120</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$120</u>	<u>With reinstatement application</u>

18 VAC 41-30-120. Refunds.

All fees are nonrefundable and shall not be prorated.

PART IV.

RENEWAL/REINSTATEMENT.

18 VAC 41-30-130. License renewal required.

All hair braider licenses, hair braiding salon licenses, and hair braiding school licenses shall expire two years from the last day of the month in which they were issued.

18 VAC 41-30-140. 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

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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.

18 VAC 41-30-150. Failure to renew.

- A. When a licensed individual or entity fails to renew its license within 30 days following its expiration date, the licensee shall apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application and renewal fee and reinstatement fee.
- B. When a hair braider fails to renew his 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, and shall pass the Board's current examination. Individuals applying for licensure under this section shall be eligible to apply for a temporary license from the board under 18 VAC 41-30-80.
- C. When a hair braiding 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.
- D. The application for reinstatement for a hair braiding school shall provide the reasons for failing to renew prior to the expiration date, and 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 by the Department of Professional and Occupational Regulation and if the school's records are maintained in accordance with 18 VAC 41-30-210 and 18 VAC 41-30-220. Pursuant to 18 VAC 41-30-160, upon

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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.

When a hair braiding 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.

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.

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

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licensee for a violation of the law or regulations during the period of time for which the individual was licensed.

PART V.

HAIR BRAIDING SCHOOLS.

18 VAC 41-30-160. Applicants for school license.

A. Any person, firm, or corporation desiring to operate a hair braiding school shall submit an application to the board at least 60 days prior to the date for which approval is sought.

B. Hair braiding schools under the Virginia Department of Education shall be exempted from licensure requirements.

18 VAC 41-30-170. General requirements.

A hair braiding 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 licensed and certified cosmetology instructors or licensed hair braiders.
4. Develop individuals for entry level competency in hair braiding.

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5. Submit its curricula for board approval. Hair braider curricula shall be based on a minimum of 170 clock hours and shall include performances in accordance with 18 VAC 41-30-190.

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 salon in plain view of the public.

7. Classroom instruction must be conducted in an area separate from the clinic area where practical instruction is conducted and services are provided.

18 VAC 41-30-180. Curriculum requirements.

1. Professional Requirements:
 - a. Virginia licensing requirements;
 - b. Professional ethics and conduct;
 - c. Human relations, retailing and salesmanship; and
 - d. Salon management.

2. Safety and Health:
 - a. Virginia laws and regulations;
 - b. Bacteriology, sanitation, and disinfection;
 - c. Diseases and disorders, recognition, transmission, and control; and
 - d. MSDS sheets, OSHA Rules and Regulations.

3. Hair and Scalp Disorders and Diseases:
 - a. Dandruff;
 - b. Alopecia;

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c. Fungal infections;

d. Infestations; and

e. Infections.

4. Hair Analysis and Scalp Care:

a. Hair structure, composition, texture;

b. Hair growth patterns;

c. Effects of physical and chemical treatments on the hair;

d. Combing, brushing, detangling;

e. Shampoo products, composition and procedures;

f. Rinsing products, composition and procedures;

g. Conditioning products, composition and procedures;

h. Procedures for hair and scalp disorders;

i. Scalp manipulations; and

j. Braid removal and scalp care.

5. Client Preparation and Consultation:

a. Face and head shapes, facial features;

b. Client hair and scalp analysis; and

c. Client education, pre/post care, home care, follow-up services.

6. Hair Braiding, Locking, Weaving and Styling:

a. Basic styling knowledge, history;

b. Growth patterns, styles, textures, sectioning, partings;

c. Tools and equipment, types of combs, brushes, hooks, yarn, loops, hook needles, thread, coils;

d. Preparations for hair braiding, dryer equipment, decorations, beads, ribbons;

e. Types and patterns of braids, twists, knots, multiple strands, corn rows, hair locking;

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- f. Materials for extensions;
- g. Hair braiding and cornrows with extensions;
- h. Methods of hair weaving, glued, bonded, woven, sewn-in;
- i. Artificial hair design and special effects;
- j. Trimming of artificial hair, cutting of perimeter lines, braid ends; and
- k. Braid removal and scalp care.

18 VAC 41-30-190. Hours of instruction and performances.

A. Curriculum and performance requirements for hair braiding shall be offered over minimum of 170 clock hours.

B. The curriculum requirements in 18 VAC 41-30-180.1 through 18 VAC 41-30-180.5. shall be offered over a minimum of 40 clock hours.

C. The curriculum for hair braiding shall include the following minimum performances:

<u>Single braids</u>	<u>5</u>
<u>Single braid with extensions</u>	<u>5</u>
<u>Cornrows</u>	<u>5</u>
<u>Cornrows with extensions</u>	<u>5</u>
<u>Twists</u>	<u>5</u>
<u>Knots</u>	<u>5</u>
<u>Multiple strands</u>	<u>5</u>
<u>Hair locking</u>	<u>5</u>
<u>Weaving - glued</u>	<u>5</u>
<u>Weaving - bonded</u>	<u>5</u>

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<u>Weaving - sewn-in</u>	<u>5</u>
<u>TOTAL</u>	<u>55</u>

D. A licensed hair braiding school or cosmetology school with an approved hair braiding program may conduct an assessment of a student's competence in hair braiding and, based on the assessment, give a maximum of 130 hours of credit towards the requirements specified in 18 VAC 41-30-180.6 and 18 VAC 41-30-190. No credit shall be allowed for the 40 hour minimum curriculum requirements in 18 VAC 41-30-180.1 through 18 VAC 41-30-180.5.

18 VAC 41-30-200. School identification.

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

18 VAC 41-30-210. 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, the schools are required to provide to current students documentation of hours and performances completed.

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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.

18 VAC 41-30-220. Hours reported.

Within 30 days of the closing of a licensed hair braiding 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.

PART VI.

STANDARDS OF PRACTICE.

18 VAC 41-30-230. Display of license.

A. Each salon owner or school owner shall ensure that all current licenses and temporary licenses issued by the board shall be displayed in the reception area of the salon or school in plain view of the public. Duplicate licenses or temporary licenses shall be posted in a like manner in every salon or school location where the regulant provides services.

B. Each salon owner or school owner shall ensure that no licensee or student performs any service beyond the scope of practice for the hair braider license.

C. All licensees and temporary license holders shall operate under the name in which the license or temporary license is issued.

18 VAC 41-30-240. Sanitation and safety standards for salons, and schools.

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A. Sanitation and safety standards:

1. Any salon or school where hair braiding services are delivered to the public must be clean and sanitary at all times.

2. Compliance with these rules does not confer compliance with other requirements set forth by federal, state and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health.

3. Licensees shall take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section and shall insure that all employees likewise comply.

B. General sanitation and safety requirements:

1. All furniture, walls, floors, and windows shall be clean and in good repair;

2. The floor surface in the immediate work area must be of a washable surface other than carpet.
The floor must be kept clean, free of hair, dropped articles, spills and electrical cords;

3. Walls and ceilings in the immediate work area must be in good repair, free of water seepage and dirt. Any mats shall be secured or shall lay flat;

4. A fully functional bathroom with a working toilet and sink must be available for clients. 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 individual towels for

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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;

5. General areas for client use must be neat and clean with a waste receptacle for common trash;

6. Electrical cords shall be placed to prevent entanglement by the client or licensee;

7. Electrical outlets shall be covered by plates;

8. The salon area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals, and to allow the free flow of air; and

9. Adequate lighting shall be provided.

C. Equipment sanitation:

1. Service chairs, wash basins, shampoo sinks and workstations shall be clean. Floors shall be kept free of hair, and other waste materials. Combs, brushes, towels, scissors, and other instruments shall be cleaned and sanitized after every use and stored free from contamination;

2. The top of workstands or back bars shall be kept clean;

3. The work area shall be free of clutter, trash, and any other items which may cause a hazard;

4. Heat producing appliances and equipment shall be placed so as to prevent any accidental injury to the client or licensee; and

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5. Electrical appliances and equipment shall be in safe working order at all times.

D. Articles, tools and products:

1. Any multi-use article, tool or product which cannot be cleansed or sanitized is prohibited from use;

2. Soiled implements must be removed from the tops of work stations immediately after use;

3. Clean spatulas, other clean tools, or clean disposable gloves shall be used to remove bulk substances from containers;

4. A clean spatula shall be used to remove creams or ointments from jars. Sterile cotton shall be used to apply creams, lotions and powders. Cosmetic containers shall be recovered after each use;

5. All sharp tools, implements, and heat-producing appliances shall be safely stored;

6. Pre-sanitized tools and implements, linens and equipment shall be stored for use in a sanitary enclosed cabinet or covered receptacle;

7. Soiled towels, linens and implements shall be deposited in a container made of cleanable materials and separate from those that are clean or pre-sanitized;

8. 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; and

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9. Any disposable material making contact with blood or other body fluid shall be disposed of in a sealed plastic bag and removed from the salon or school in accordance with the guidelines of the Department of Health.

E. Chemical storage and emergency information:

1. Salons and schools shall have in the immediate working area a binder with all Material Safety Data Sheets (MSDS) provided by manufacturers for any chemical products used;
2. Salons and schools shall have a blood spill clean-up kit in the work area;
3. Flammable chemicals shall be stored in a non-flammable storage cabinet or a properly ventilated room; and
4. Chemicals that could interact in a hazardous manner (oxidizers, catalysts and solvents) shall be separated in storage.

F. Client health guidelines:

1. All employees providing client services shall cleanse their hands with an antibacterial product prior to providing services to each client;
2. No salon or school providing hair braiding services shall have on the premises hair braiding products containing hazardous substances that have been banned by the U.S. Food and Drug Administration (FDA) for use in hair braiding products;
3. No product shall be used in a manner that is disapproved by the FDA; and

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4. Hair braiding salons must be in compliance with current building and zoning codes.

G. In addition to any requirements set forth in this section, all licensees and temporary license holders shall adhere to regulations and guidelines established by the Virginia Department of Health and the Occupational and Safety Division of the Virginia Department of Labor and Industry.

H. All salons and schools shall immediately report the results of any inspection of the salon, or school by the Virginia Department of Health as required by Virginia Code Section 54.1-705.

I. All salons and schools shall conduct a self-inspection on an annual basis and maintain a self-inspection form on file for 5 years, so that it may be requested and reviewed by the board at its discretion.

18 VAC 41-30-250. Grounds for license revocation or suspension; 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 temporary license holder, and to suspend or revoke or refuse to renew or reinstate any license or temporary 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 and the regulations of the board if the board finds that:

1. The licensee, temporary license holder or applicant is incompetent, or negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as a hair braider; or

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2. The licensee, temporary license holder or applicant is convicted of fraud or deceit in the practice or teaching of hair braiding; or

3. The licensee, temporary license holder or applicant attempting to obtain, obtained, renewed or reinstated a license or temporary license by false or fraudulent representation; or

4. The licensee, temporary license holder or applicant 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 any hair braider may practice or offer to practice; or

5. The licensee, temporary license holder or applicant 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; or

6. A licensee or temporary license holder 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 or temporary license. The board shall not be responsible for the licensee's or temporary license holder's failure to receive notices, communications and correspondence caused by the licensee's or temporary license 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; or

7. The licensee, temporary license holder or applicant publishes or causes to be published any advertisement that is false, deceptive, or misleading; or

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8. The licensee, temporary license holder or applicant fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license or temporary license in connection with a disciplinary action in any other jurisdiction or of any license or temporary license which 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 temporary license holder has been convicted in any jurisdiction of a misdemeanor or felony which directly relates to the profession of hair braiding or cosmetology. 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 hair braiding. 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 regulant shall provide a certified copy of a final order, decree or case decision by a court 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 regulant to the board within 10 days after all appeal rights have expired.

B. In addition to Subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend 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;
or

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

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

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

1. The owner or operator of the salon fails to comply with the sanitary requirements of hair braiding 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 or a temporary license to practice as a hair braider.

D. In addition to Subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend 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 hair braiding.