

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

Form #2

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2012 MAY 16 AM 11:22

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: BOARD OF BARBERS AND COSMETOLOGISTS TITLE NUMBER: 3

RULE TYPE: LEGISLATIVE CITE AUTHORITY: 30-27-5 AND 30-27-6

AMENDMENT TO AN EXISTING RULE: YES S NO     

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: PROCEDURES, CRITERIA, AND CURRICULA FOR EXAMINATION AND  
LICENSURE OF BARBERS, COSMETOLOGISTS, NAIL TECHNICIANS,  
AESTHETICIANS, AND HAIR STYLISTS

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:     

TITLE OF RULE BEING PROPOSED:     

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON JUNE 22ND AT 10:00AM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WVBBB RULE COMMENT  
1201 DUNBAR AVENUE  
DUNBAR, WV 25064

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



Earl Ray Tomblin  
Governor

State of West Virginia  
**Board of Barbers and Cosmetologists**  
1201 Dunbar Avenue  
Dunbar, WV 25064

p: 304.558.2924  
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www.wvbbs.org

*Director*  
Adam L. Higginbotham

*Board Members*  
Michael Belcher    Justina Gabbert  
Sarah Hamrick    Susan Poveromo  
Jim Ryan            Rick Stache

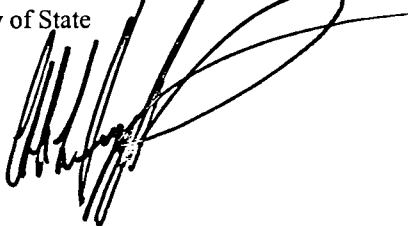
**MEMORANDUM**

To:            Honorable Natalie Tennant, Secretary of State

From:         Adam L. Higginbotham  
                Director  
                Board of Barbers and Cosmetologists

Date:          May 15<sup>th</sup>, 2012

Subject:      Series 1- PROCEDURES, CRITERIA AND CURRICULA FOR EXAMINATION AND  
                LICENSURE OF BARBERS, COSMETOLOGISTS, NAIL TECHNICIANS, AESTHETICIANS,  
                AND HAIR STYLISTS



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A license to perform hair styling, which is separate from cosmetology, passed during the 2012 legislative session. This proposed rule creates the curriculum an individual must complete in order to earn a hair stylist license.

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: PROCEDURES, CRITERIA AND CURRICULA FOR EXAMINATION AND LICENSURE OF BARBERS, COSMETOLOGISTS, NAIL TECHNICIANS, AESTHETICIANS, AND HAIR STYLISTS

Type of Rule:  Legislative  Interpretive  Procedural

Agency: BOARD OF BARBERS AND COSMETOLOGISTS

Address: 1201 DUNBAR AVENUE  
DUNBAR, WV 25064

Phone Number: 304-558-2924 Email: ADAM.L.LHIGGINBOTHAM@WV.GOV

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This rule creates no cost nor provides any revenue for state government.

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: PROCEDURES, CRITERIA AND CURRICULA FOR EXAMINATION AND LICENSURE OF BARBERS, COSMETOLOGISTS, NAIL TECHNICIANS, AESTHETICIANS, AND HAIR STYLISTS

Rule Title: \_\_\_\_\_

3. **Explanation of above estimates (including long-range effect):**  
Please include any increase or decrease in fees in your estimated total revenues.

NA

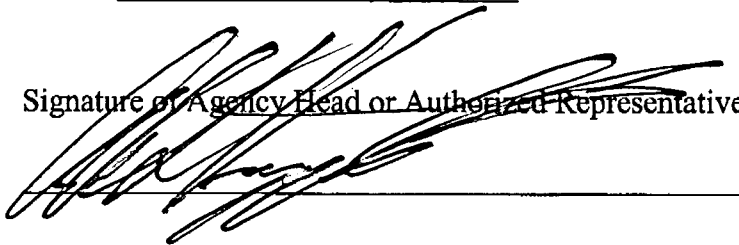
**MEMORANDUM**

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

NA

Date: 5/15/2012

Signature of Agency Head or Authorized Representative



TITLE 3  
LEGISLATIVE RULES  
BOARD OF BARBERS AND COSMETOLOGISTS

FILED

2012 MAY 16 AM 11:22

SERIES 1

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**PROCEDURES, CRITERIA AND CURRICULA FOR EXAMINATION AND  
LICENSURE OF BARBERS, COSMETOLOGISTS, NAIL TECHNICIANS, AND  
AESTHETICIANS, AND HAIR STYLISTS**

**§3-1-1. General**

1.1. **Scope** - This legislative rule establishes the minimum licensing and curriculum requirements for barbers, cosmetologists, aestheticians, and manicurists.

1.2. **Authority** - W. Va. Code § 30-27-5 and § 30-27-6.

1.3. **Filing Date** – May 16<sup>th</sup>, 2012

1.4 **Effective Date** – NA

**§ 3-1-2. License Requirement**

2.1. It is unlawful for any person to practice or offer to practice barbering, beauty culture, manicuring, or aesthetics in this state without first obtaining a license for that purpose from the Board.

2.2 A person and student practicing barbering, cosmetology, manicuring or aesthetics shall display his or her license or license renewal at the workstation the individual is currently working and shall exhibit the license to the board or its authorized representative.

2.3. In addition to the license that must be displayed as provided for in Subsection 3.2, of this section, every person practicing barbering, cosmetology, manicuring or aesthetics in this state shall possess a pocket identification card containing the licensee's photograph.

**§ 3-1-3. Qualification for Licensure**

3.1. An applicant for licensure shall present satisfactory evidence to the Board that he or she:

(a) Is at least 18 years of age;

(b) Is of good moral character and temperate habits;

(c) Has completed at least the twelfth grade of public school or its equivalent, or has passed an ability to benefit test approved by the U.S. Dept. Of Education;

(d) Has graduated from a school of barbering or cosmetology approved by the Board, or in the case of a manicurist or aesthetician, has successfully completed an approved course in manicuring or aesthetics in a school of cosmetology or graduated from a school of aesthetics or nail technology/manicuring;

(e) Has passed the appropriate examination;

(f) Has transmitted the appropriate application to the Board with the respective fee; and

(g) Has presented a certificate of health from a licensed physician to the Board.

(h) Is a citizen of the United State or is eligible for employment in the United States;

(i) Has fulfilled any other requirement specified by the board.

#### **§ 3-1-4. Minimum Curriculum for Barbers**

4.1 A barber student shall complete a course of study consisting of 1200 clock hours divided as specified in Table 3-1A of this rule to obtain a barber license.

4.2 A barber student shall have 250 clock hours before working on the general public in a licensed school.

#### **§ 3-1-5. Minimum Curriculum for Cosmetologists**

5.1. A student shall complete a course of study consisting of a minimum of 1,800 clock hours divided as specified in Table 3-1B of this rule to become licensed as a cosmetologist; and

5.2. A cosmetology student shall have at least 300 clock hours before working on the general public in a licensed school.

#### **§ 3-1-6. Minimum Curriculum for Manicurists**

6.1. A student shall complete a course of study consisting of a minimum of 400 clock hours divided as specified in Table 3-1C of this rule to become a licensed manicurist.

6.2. A manicuring student shall have at least 150 clock hours before working on the general public in a licensed school.

#### **§ 3-1-7. Minimum Curriculum for Barbers to Obtain a Cross-Over Cosmetologist's License**

7.1. A barber student who has completed 1200 hours or a licensed barber wishing to obtain a cross-over cosmetologist's license must complete 500 clock hours consisting of the manicuring (Table 3-1C) and aesthetic (Table 3-1E) curriculums and 100 clock hours of the "chemicals"

course of cosmetology (Table 3-1B) in this rule.

7.2. The cross-over curriculum from barbering to cosmetology shall be taught in all approved West Virginia schools of cosmetology.

**§ 3-1-8. Minimum Curriculum for Cosmetologists to Obtain a cross-Over Barber License**

8.1. A cosmetology student who has completed 1,800 hours of cosmetology or a licensed cosmetologist wishing to obtain a cross-over barber's license must complete a 100 clock hour course specializing in just clipper cuts, shaving, and facial hair trimming.

8.2. The cross-over curriculum from cosmetology to barbering shall be taught in all approved West Virginia schools of barbering.

**§ 3-1-9. Minimum Curriculum for Aestheticians**

9.1. A student shall complete a course of study consisting of a minimum of 600 clock hours divided as specified in Table 3-1E of this rule to become a licensed aesthetician.

9.2. An aesthetic student shall have at least 200 clock hours before working on the general public in a licensed school.

**§ 3-1-10. Minimum Curriculum for Hair Stylist**

10.1. A student shall complete a course of study consisting of a minimum of 1,000 clock hours divided as specified in Table 3-1F of this rule to become a licensed hair stylist.

10.2. A hair stylist student shall have at least 250 clock hours before working on the general public in a licensed school.

**§ 3-1-1011. Reciprocity**

1011.1. A student who has previously attended school, or who has graduated from a school of barbering or cosmetology in another state, may receive credit towards the 1800 for cosmetologists or 1200 for barbering clock requirement for graduation in this state if, on entrance into a school in this state, the student requests credit for hours obtained in another state and subsequently presents to the in-state school manager, credentials showing subjects studied and the hours of credit received, duly signed and certified by the manager of the school previously attended. The Board may also award credit to those applicants who can demonstrate work experience. The amount of credit awarded shall be 25 hours credit for each month or 300 hours credit for 1 year, not to exceed a total award of 50% of West Virginia's hour requirements.

**§ 3-1-1112. Administrative Due Process**

1112.1. A person adversely affected by the enforcement of this rule has the right to request a contested case hearing consistent with the provisions of W. Va. Code §30-27-1 et seq. and §29A-5-1 et seq.

**Table 3-1A Minimum Curriculum for a Barber**

<b>General Professional Information</b>	<u><b>Theory Work</b></u> 100 clock hours	<u><b>Practical Work</b></u> 0 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> <li>• Professional Development</li> <li>• Effective Communication</li> <li>• Human Relations</li> <li>• Business Management/Ownership</li> <li>• State Law</li> <li>• Sanitation in the Licensed Facility</li> <li>• Sanitation Processes and Guidelines</li> <li>• First Aid</li> <li>• General Infection Control</li> </ul>		
<b>Introduction into Barbering</b>	<u><b>Theory Work</b></u> 3 clock hours	<u><b>Practical Work</b></u> 0 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> <li>• Course Outlines</li> <li>• History of Barbering</li> <li>• Study Skills</li> <li>• Professional Image as a Student and Future Licensee</li> </ul>		
<b>The Science of Barbering</b>	<u><b>Theory Work</b></u> 200 clock hours	<u><b>Practical Work</b></u> 150 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> <li>• Microbiology</li> <li>• Infection Control Specifically to Barbering</li> <li>• Implements, Tools, and Equipment</li> <li>• Anatomy and Physiology</li> <li>• Chemistry</li> <li>• Electricity</li> <li>• Properties and Disorders of the Skin, Hair, and Scalp</li> </ul>		

<b>Professional Barbering</b>	<b><u>Theory Work</u></b> 150 clock hours	<b><u>Practical Work</u></b> 597 clock hours
In this section, students will learn: <ul style="list-style-type: none"><li>• Treatment of the Hair and Scalp</li><li>• Shaving and Facial Hair Design</li><li>• Men's Haircutting and Styling</li><li>• Men's Hair Replacements</li></ul>		

**Table 3-1B Minimum Curriculum for a Cosmetologist**

<b>General Professional Information</b>	<u><b>Theory Work</b></u> 100 clock hours	<u><b>Practical Work</b></u> 0 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> <li>• Professional Development</li> <li>• Effective Communication</li> <li>• Human Relations</li> <li>• Business Management/Ownership</li> <li>• State Law</li> <li>• Sanitation in the Licensed Facility</li> <li>• Sanitation Processes and Guidelines</li> <li>• First Aid</li> <li>• General Infection Control</li> </ul>		
<b>The Science of Cosmetology</b>	<u><b>Theory Work</b></u> 200 clock hours	<u><b>Practical Work</b></u> 50 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> <li>• Infection Control Specifically for Cosmetology</li> <li>• General Anatomy and Physiology</li> <li>• Skin Diseases and Disorders and Structure</li> <li>• Properties of the Hair and Scalp</li> <li>• Basics of Chemistry</li> <li>• Basics of Electricity</li> </ul>		
<b>Professional Cosmetology</b>	<u><b>Theory Work</b></u> 50 clock hours	<u><b>Practical Work</b></u> 400 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> <li>• Principles of Hair Design</li> <li>• Scalp Care, Shampooing, and Conditioning</li> <li>• Haircutting</li> <li>• Hairstyling</li> <li>• Braiding and Extensions</li> <li>• Wigs and Hair Additions.</li> </ul>		

<b>Chemicals</b>	<b><u>Theory Work</u></b> 100 clock hours	<b><u>Practical Work</u></b> 100 clock hours
In this section, students will learn: <ul style="list-style-type: none"> <li>• Chemical Texture Services</li> <li>• Hair Coloring</li> </ul>		

<b>The Science of Aesthetics</b>	<b><u>Theory Work</u></b> 117 clock hours	<b><u>Practical Work</u></b> 50 clock hours
In this section, students will learn: <ul style="list-style-type: none"> <li>• Infection Control Specifically for Aesthetics</li> <li>• General Anatomy and Physiology</li> <li>• Basics of Chemistry</li> <li>• Basics of Electricity</li> <li>• Basics of Nutrition</li> </ul>		

<b>Skin Sciences</b>	<b><u>Theory Work</u></b> 40 clock hours	<b><u>Practical Work</u></b> 90 clock hours
In this section, students will learn: <ul style="list-style-type: none"> <li>• Physiology and Histology of the Skin</li> <li>• Disorders and Diseases of the Skin</li> <li>• Skin Analysis</li> <li>• Skin Care Products: Chemistry, Ingredients and Selection</li> </ul>		

<b>General Aesthetics</b>	<b><u>Theory Work</u></b> 36 clock hours	<b><u>Practical Work</u></b> 167 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> <li>• The Treatment Room</li> <li>• Basic Facial</li> <li>• Facial Massage</li> <li>• Hair Removal</li> <li>• Advance Topics and Treatments</li> <li>• Makeup</li> </ul>		

<b>The Science of Nail Technology</b>	<b><u>Theory Work</u></b> 64 clock hours	<b><u>Practical Work</u></b> 10 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> <li>• Infection Control Specifically for Nail Technicians</li> <li>• General Anatomy and Physiology</li> <li>• Skin Structure and Growth</li> <li>• Nail Structure and Growth</li> <li>• Nail Diseases and Disorders</li> <li>• Basics of Chemistry</li> <li>• Nail Product Chemistry</li> <li>• Electricity</li> </ul>		

<b>Basic Procedures</b>	<b><u>Theory Work</u></b> 12 clock hours	<b><u>Practical Work</u></b> 80 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> <li>• Pre and Post Service Procedures</li> <li>• Handling and Exposure Incidents</li> <li>• Performing Basic Manicures and Pedicures</li> <li>• Hand, Arm, Foot, and Leg Messages</li> <li>• Disinfecting Tools and Implements</li> <li>• Wraps, Tips, Paraffin Wax Treatments</li> <li>• Polishing, UV Gel, and Design</li> </ul>		

<b>The Art of Nail Technology</b>	<b><u>Theory Work</u></b>	<b><u>Practical Work</u></b>
	21 clock hours	113 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"><li>• Advanced Manicuring and Pedicuring</li><li>• Electric Filing</li><li>• Nail Tips and Wraps</li><li>• Monomer Liquid and Polymer Powder Nail Enhancements</li><li>• UV Gels</li><li>• Creative Design</li></ul>		

**Table 3-1C Minimum Curriculum for Manicurists/Nail Technicians**

<b>General Professional Information</b>	<u><b>Theory Work</b></u>	<u><b>Practical Work</b></u>
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> <li>• Professional Development</li> <li>• Effective Communication</li> <li>• Human Relations</li> <li>• Business Management/Ownership</li> <li>• State Law</li> <li>• Sanitation in the Licensed Facility</li> <li>• Sanitation Processes and Guidelines</li> <li>• First Aid</li> <li>• General Infection Control</li> </ul>	100 clock hours	0 clock hours

<b>The Science of Nail Technology</b>	<u><b>Theory Work</b></u>	<u><b>Practical Work</b></u>
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> <li>• Infection Control Specifically for Nail Technicians</li> <li>• General Anatomy and Physiology</li> <li>• Skin Structure and Growth</li> <li>• Nail Structure and Growth</li> <li>• Nail Diseases and Disorders</li> <li>• Basics of Chemistry</li> <li>• Nail Product Chemistry</li> <li>• Electricity</li> </ul>	64 clock hours	10 clock hours

<b>Basic Procedures</b>	<u><b>Theory Work</b></u> 12 clock hours	<u><b>Practical Work</b></u> 80 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> <li>• Pre and Post Service Procedures</li> <li>• Handling and Exposure Incidents</li> <li>• Performing Basic Manicures and Pedicures</li> <li>• Hand, Arm, Foot, and Leg Massages</li> <li>• Disinfecting Tools and Implements</li> <li>• Wraps, Tips, Paraffin Wax Treatments</li> <li>• Polishing, UV Gel, and Design</li> </ul>		

<b>The Art of Nail Technology</b>	<u><b>Theory Work</b></u> 21 clock hours	<u><b>Practical Work</b></u> 113 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> <li>• Advanced Manicuring and Pedicuring</li> <li>• Electric Filing</li> <li>• Nail Tips and Wraps</li> <li>• Monomer Liquid and Polymer Powder Nail Enhancements</li> <li>• UV Gels</li> <li>• Creative Design</li> </ul>		

**Table 3-1D Barber to Obtain Cosmetology Cross-Over**

<b>Chemicals</b>	<u><b>Theory Work</b></u>	<u><b>Practical Work</b></u>
In this section, students will learn: <ul style="list-style-type: none"><li>• Chemical Texture Services</li><li>• Hair Coloring</li></ul>	<u>100 clock hours</u>	<u>100 clock hours</u>

## Table 3-1E Minimum Curriculum for Aestheticians

<b>General Professional Information</b>	<b><u>Theory Work</u></b>	<b><u>Practical Work</u></b>
	100 clock hours	0 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> <li>• Professional Development</li> <li>• Effective Communication</li> <li>• Human Relations</li> <li>• Business Management/Ownership</li> <li>• State Law</li> <li>• Sanitation in the Licensed Facility</li> <li>• Sanitation Processes and Guidelines</li> <li>• First Aid</li> <li>• General Infection Control</li> </ul>		
<b>The Science of Aesthetics</b>	<b><u>Theory Work</u></b>	<b><u>Practical Work</u></b>
	117 clock hours	50 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> <li>• Infection Control Specifically for Aesthetics</li> <li>• General Anatomy and Physiology</li> <li>• Basics of Chemistry</li> <li>• Basics of Electricity</li> <li>• Basics of Nutrition</li> </ul>		
<b>Skin Sciences</b>	<b><u>Theory Work</u></b>	<b><u>Practical Work</u></b>
	40 clock hours	90 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> <li>• Physiology and Histology of the Skin</li> <li>• Disorders and Diseases of the Skin</li> <li>• Skin Analysis</li> <li>• Skin Care Products: Chemistry, Ingredients and Selection</li> </ul>		

<b>General Aesthetics</b>	<b><u>Theory Work</u></b>	<b><u>Practical Work</u></b>
In this section, students will learn: <ul style="list-style-type: none"><li>• The Treatment Room</li><li>• Basic Facial</li><li>• Facial Massage</li><li>• Hair Removal</li><li>• Advance Topics and Treatments</li><li>• Makeup</li></ul>	36 clock hours	167 clock hours

**Table 3-1F Minimum Curriculum for Hair Stylists**

<b><u>General Professional Information</u></b>	<b><u>Theory Work</u></b> <u>100 clock hours</u>	<b><u>Practical Work</u></b> <u>0 clock hours</u>
<p><u>In this section, students will learn:</u></p> <ul style="list-style-type: none"> <li>• <u>Professional Development</u></li> <li>• <u>Effective Communication</u></li> <li>• <u>Human Relations</u></li> <li>• <u>Business Management/Ownership</u></li> <li>• <u>State Law</u></li> <li>• <u>Sanitation in the Licensed Facility</u></li> <li>• <u>Sanitation Processes and Guidelines</u></li> <li>• <u>First Aid</u></li> <li>• <u>General Infection Control</u></li> </ul>		
<b><u>The Science of Cosmetology</u></b>	<b><u>Theory Work</u></b> <u>200 clock hours</u>	<b><u>Practical Work</u></b> <u>50 clock hours</u>
<p><u>In this section, students will learn:</u></p> <ul style="list-style-type: none"> <li>• <u>Infection Control Specifically for Cosmetology</u></li> <li>• <u>General Anatomy and Physiology</u></li> <li>• <u>Skin Diseases and Disorders and Structure</u></li> <li>• <u>Properties of the Hair and Scalp</u></li> <li>• <u>Basics of Chemistry</u></li> <li>• <u>Basics of Electricity</u></li> </ul>		
<b><u>Professional Cosmetology</u></b>	<b><u>Theory Work</u></b> <u>50 clock hours</u>	<b><u>Practical Work</u></b> <u>400 clock hours</u>
<p><u>In this section, students will learn:</u></p> <ul style="list-style-type: none"> <li>• <u>Principles of Hair Design</u></li> <li>• <u>Scalp Care, Shampooing, and Conditioning</u></li> <li>• <u>Haircutting</u></li> <li>• <u>Hairstyling</u></li> <li>• <u>Braiding and Extensions</u></li> <li>• <u>Wigs and Hair Additions.</u></li> </ul>		

<b><u>Chemicals</u></b>	<b><u>Theory Work</u></b> <u>100 clock hours</u>	<b><u>Practical Work</u></b> <u>100 clock hours</u>
<u>In this section, students will learn:</u> <ul style="list-style-type: none"><li>• <u>Chemical Texture Services</u></li><li>• <u>Hair Coloring</u></li></ul>		