

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

Form #3

Do Not Mark In This Box

FILED

2012 JUN 29 PM 3: 52

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: BOARD OF BARBERS AND COSMETOLOGISTS TITLE NUMBER: 3

CITE AUTHORITY: 30-27-5 AND 30-27-6

AMENDMENT TO AN EXISTING RULE: YES NO

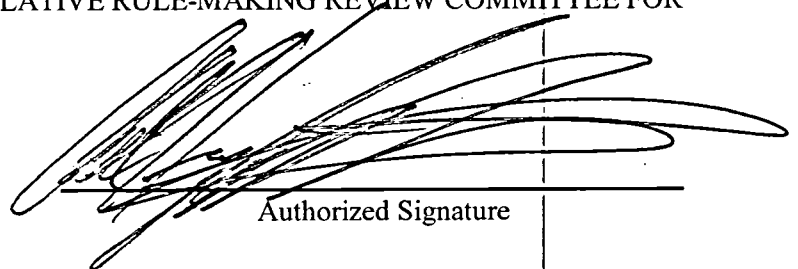
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

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

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature



Earl Ray Tomblin
Governor

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

p: 304.558.2924
f: 304.558.3450
www.wvbbc.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: June 29th, 2012

Subject: Series 13- Barber Apprenticeship

This rule establishes the barber apprenticeship program.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

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

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.HIGGINBOTHAM@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 will create additional expenses and revenue for the Board of Barbers and Cosmetologists Special fund.

Additionally, the jobs and businesses that will be created through this rule is unmeasurable to determine the revenue that may be generated through other state agencies.

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 | | | |
| Current Expenses | 0.00 | 0.00 | 0.00 |
| Repairs & Alterations | | | |
| Assets | | | |
| Other | | | |
| 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, AND 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.

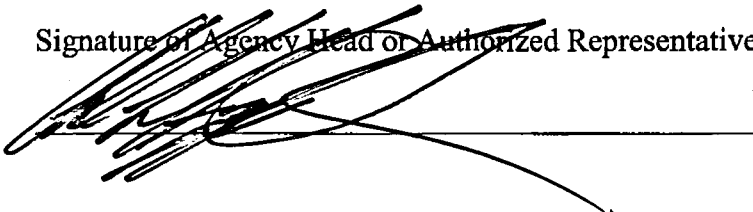
NA

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.

Date: June 29, 2012

Signature of Agency Head or Authorized Representative



FILED

TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS

2012 JUN 29 PM 3: 52

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 16th, 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~~ 300 clock hours consisting of the ~~manicuring-nail technology~~ (Table 3-1C) and 500 clock hours consisting of aesthetics (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

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

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

Table 3-1B Minimum Curriculum for a Cosmetologist

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

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

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

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

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

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

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

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

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

| General Professional Information | <u>Theory Work</u> | <u>Practical Work</u> |
|---|---------------------------|------------------------------|
| <p>In this section, students will learn:</p> <ul style="list-style-type: none"> • Professional Development • Effective Communication • Human Relations • Business Management/Ownership • State Law • Sanitation in the Licensed Facility • Sanitation Processes and Guidelines • First Aid • General Infection Control | 100 clock hours | 0 clock hours |
| The Science of Nail Technology | <u>Theory Work</u> | <u>Practical Work</u> |
| <p>In this section, students will learn:</p> <ul style="list-style-type: none"> • Infection Control Specifically for Nail Technicians • General Anatomy and Physiology • Skin Structure and Growth • Nail Structure and Growth • Nail Diseases and Disorders • Basics of Chemistry • Nail Product Chemistry • Electricity | 64 clock hours | 10 clock hours |

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

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

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

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

Table 3-1E Minimum Curriculum for Aestheticians

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

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

Table 3-1F Minimum Curriculum for Hair Stylists

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

| <u>Chemicals</u> | <u>Theory Work</u> | <u>Practical Work</u> |
|--|------------------------|------------------------|
| <u>In this section, students will learn:</u> <ul style="list-style-type: none"><li data-bbox="228 380 621 415">• <u>Chemical Texture Services</u><li data-bbox="228 420 456 455">• <u>Hair Coloring</u> | <u>100 clock hours</u> | <u>100 clock hours</u> |

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: June 29th, 2012

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Board of Barbers and Cosmetologists
1201 Dunbar Avenue
Dunbar, WV 25064
304-558-2924

LEGISLATIVE RULE TITLE: Procedures, Criteria, and Curricula for Examination and
Licensure or Barbers, Cosmetologists, Nail Technicians,
Aestheticians, and Hair Stylists

1. Authorizing statute(s) citation 30-27-5 and 30-27-6

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

May 16th, 2012

b. What other notice, including advertising, did you give of the hearing?

Posted on Board's website.

c. Date of Public Hearing(s) *or* Public Comment Period ended:

June 22nd, 2012

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached

No comments received

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

June 29th, 2012 afternoon

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all written correspondence regarding this rule: (Please type)

Adam L. Higginbotham, Director

1201 Dunbar Avenue

Dunbar, WV 25064

304-558-2924

adam.l.higginbotham@wv.gov

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached
