

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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

AGENCY: W. Va. Board of Barbers and Beauticians TITLE NUMBER: 3

CITE AUTHORITY W. Va. Code 30-27-1 et seq

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Curriculum and Minimum requirements,
subjects and hour schedule, rules and regulations for schools of
beauty culture operating in West Virginia, Joint Barber and Beauticians
license

IF NO, SERIES NUMBER OF NEW 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.

Albert C. [Signature]

FISCAL NOTE FOR PROPOSED RULES

Rule Title: CURRICULUM AND MINIMUM REQUIREMENTS, SUBJECTS AND HOUR SCHEDULE, RULES AND REGULATIONS FOR SCHOOLS OF BEAUTY CULTURE OPERATING IN WV, JOINT BARBER AND BEAUTICIAN LICENSE

Type of Rule: X Legislative Interpretive Procedural

Agency BOARD OF BARBERS AND BEAUTICIANS Address 4860 BRENDA LANE, GUTHRIE CENTER, CHARLESTON, WV 25312

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$ 0	\$ 0	\$ 0
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

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2. ~~Explanation of above estimates.~~
~~The proposed rule will not affect present or future budgets.~~

3. Objectives of these rules: ~~The proposed amendments~~ 1) delete curriculum and licensing information which will be consolidated along with similar information from all other series of our Legislative Rules. Said information will be included within a new Legislative Rule, series 4. 2) changes terminology from beautician and beauty culture to cosmetologist and cosmetology. 3) Changes title of senior instructor to master instructor and makes other minor "clean up" changes.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

NONE

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

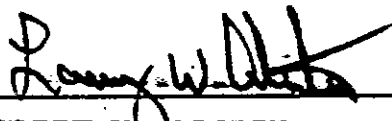
NONE

C. Economic Impact on Citizens/Public at Large.

NONE

Date 6/12/91

Signature of Agency Head or Authorized Representative



LARRY W. ABSTEN, DIRECTOR
BOARD OF BARBERS AND BEAUTICIANS

DATE: Legislative rule making committee

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Board of Barbers and Beauticians

LEGISLATIVE RULE TITLE: 3

1. Authorizing statute(s) citation 30-27-1 et seq

2. a. Date filed in State Register with Notice of Hearing:

June 17, 1991

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

None

c. ~~Date of hearing(s):~~ July 27, 1991

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)

August 13, 1991

f. ~~Name and phone number(s) of agency person(s) to contact for additional information:~~

Albert C. DUan, Jr. 348-2522

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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.

N/A

b. Date of hearing: N/A

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

N/A

d. Attach findings and determinations and reasons:

Attached N/A

TO: Legislative Rule Making Review Committee
FROM: West Virginia Board of Barbers and Beauticians

Summary of Rule:

This No. 1 series rule of Title 3 of the rules of the Board of Barbers and Beauticians establishes the general and specific requirements for an individual to become licensed as a Barber, Beautician or manicurist. This series also provides the curriculum that each applicant must take in order to be eligible for examination and licensure.

Statements of Facts and Circumstances:

This series is prepared for the purpose of repealing and replacing the former rule. This rule was only effective for a one year period, expiring on July 1991, and was also in need of reorganization and rewriting.

TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND BEAUTICIANS

SERIES 1

PROCEDURES, CRITERIA AND CURRICULA FOR EXAMINATION AND
LICENSURE OF BARBERS, BEAUTICIANS, MANICURISTS

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§ 3-1-1. **General**

1.1. **Scope** - This legislative rule establishes the minimum licensing and curriculum requirements for barbers, beauticians and manicurists as promulgated by the West Virginia Board of Barbers and Beauticians (hereinafter Board).

1.2. **Authority** - W. Va. Code § 30-27-1 et seq., Related - W. Va. Code § 30-27-1 et seq.

1.3. **Filing Date** -

1.4. **Effective Date** -

1.5. **Approval Date** -

1.6. **Repeal and Replace** - This rule repeals and replaces the former rule titled "Curriculum and Minimum Requirements, Subjects and Hour Schedule, Rules and Regulations for Schools of Beauty Culture Operating in West Virginia; Joint Barber and Beautician's License," 3 CSR 1, filed December 7, 1990, and effective July 1, 1991.

§ 3-1-2. **License Requirement**

2.1. It shall be unlawful for any person to practice or offer to practice barbering, beauty culture or manicuring in this state without first obtaining a license for such purposes from the Board.

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

3.1. An applicant for licensure as a barber, beautician or manicurist shall present satisfactory evidence to the Board that he or she:

- (a) Is at least eighteen years of age;
- (b) Is of good moral character and temperate habits;
- (c) Has completed at least the eighth grade of public school or its equivalent;
- (d) Has graduated from a school of barbering or beauty culture approved by the Board, or in the case of a

manicurist, has successfully completed an approved course in manicuring in such a school;

- (e) Has passed the appropriate examination;
- (f) Has transmitted the appropriate application to the Board with the respective fee;
- (g) In the case of an applicant who seeks licensure as a barber, beautician or manicurist, said applicant must also present a certificate of health from a licensed physician to the Board.

§ 3-1-4. Minimum Curriculum for Barber Permanent Wave License

4.1. Every West Virginia school of barbering shall conduct a course of study consisting of at least two thousand (2,000) clock hours divided as specified in Table 3-1A of this rule and subdivided at the discretion of the faculty of each school.

4.2. Every West Virginia school of barbering and beauty culture shall conduct a course of study consisting of a minimum of three hundred seventy five (375) clock hours divided as specified in Table 3-1B of this rule. This course is designed to enable those persons who previously graduated with one thousand eight hundred (1,800) hours of barber training to acquire their barber permanent wave license. Said license will permit those persons to perform permanent waving and hair coloring services.

§ 3-1-5. Minimum Curriculum for Beauticians

5.1. Every West Virginia school of beauty culture shall conduct a course of study consisting of a minimum of two thousand (2000) clock hours divided as specified in Table 3-1C of this rule. A licensed beautician may also trim beards or mustaches.

5.2. Practical work during the first three hundred (300) hours shall be restricted to manikins only.

§ 3-1-6. Minimum Curriculum for Manicuring Licensure

6.1. Every West Virginia school of beauty culture shall conduct a course of study consisting of a minimum of four hundred (400) clock hours divided as specified in Table 3-1D of this rule.

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

7.1. The curriculum for a barber to adequately pass the Beauty Culture examination in order to obtain a cross-over Beautician's license is specified in Table 3-1E of this rule. An individual must have completed the two thousand (2,000) hours of

barber's training prior to taking the three hundred (300) hours cosmetology cross-over training. An individual who has completed the barber's training may, however, take the cosmetology cross-over training prior to taking the barber examination. Upon completing both sets of training requirements, the individual must then sit for both the two thousand (2,000) hours barber examination and the three hundred (300) hours Beautician examination. Out-of-state applicants will be considered on an individual basis. Requirements of less than two thousand (2,000) hours barber's training are usually accepted if supplemented by one (1) year of practical experience for every three hundred (300) hours of schooling not to exceed one thousand (1,000) hours.

7.2. Barbers desiring a cross-over license and having graduated with the one thousand eight hundred (1,800) hours curriculum must take a cross-over curriculum of five hundred (500) hours as specified in Table 3-1F of this rule.

7.3. The cross-over curriculum from barbering to beauty culture shall be taught in all approved West Virginia schools of beauty culture.

§ 3-1-8. Minimum Curriculum for Beautician to Obtain a Cross-Over Barber License

8.1. The curriculum for a beautician to adequately pass the barber examination in order to obtain a cross-over barber license is specified in Table 3-1G of this rule. Individuals must have completed two thousand (2,000) hours of beautician's training prior to taking the three hundred (300) hours barber cross-over license training. An individual who has completed the beautician's training may, however, take the barber cross-over training prior to taking the beautician examination. Upon completing both sets of training requirements, the individual must then sit for both the two thousand (2,000) hours beautician examination and the three hundred (300) hours barber examination. Out-of-state applicants will be considered on an individual basis. Requirements substantially equal are accepted. Requirements of less than two thousand (2,000) hours cosmetologist's training are usually accepted if supplemented by one (1) year of practical experience for every three hundred (300) hours of schooling not to exceed one thousand (1,000) hours.

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

§ 3-1-9. Reciprocity

9.1. Students who have previously attended school, or who have graduated from a school of barbering or beauty culture in a state other than West Virginia, may receive credit towards the two

thousand (2000) hour requirement for graduation in this state if: Upon 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. Credit may also be awarded to those applicants who can demonstrate work experience. The amount of credit awarded shall be twenty-five (25) hours credit for each month or three hundred (300) hours credit for one year, not to exceed an award of one thousand (1000) hours total.

§ 3-1-9. Administrative Due Process

9.1. Those persons adversely affected by the enforcement of this rule may have the right to request a contested case hearing consistent with the provisions of W. Va. Code § 29A-5-1 et seq.

§ 3-1-10. Severability

10.1. If any provision of this rule, or the application thereof, to any person or circumstance is held to be invalid, such invalidity shall not affect the provisions or applications of this rule which can be given effect without the invalid provision or application, and to this end, the provisions of this rule are severable.

TABLE 3-1A. Minimum Curriculum for a Barber/Permanent Waving License

SCIENTIFIC STUDY

1. Shop management, business law, ethics	100 hours
2. Bacteriology, sanitation, disease of skin	125 hours
3. Cells, anatomy	20 hours
4. Skin and appendages, biochemistry of hair	60 hours
5. Implements, honing, stropping, use and care	10 hours
6. Haircutting procedures, history of barbering	20 hours
7. Electricity, light therapy	5 hours
8. Theory of massage, tonics	5 hours
9. Haircoloring, effects on hair	5 hours
10. Barber law and regulations, salesmanship	75 hours
11. Theory of hair styling, methods	<u>75 hours</u>
	475 hours

DEMONSTRATION AND LECTURE ON SCIENTIFIC STUDY
(NO LECTURE ON SATURDAY)

1. Shop management, business law, ethics, salesmanship	25 hours
2. Bacteriology, sanitation, disease	10 hours
3. Cells, skin and appendages, biochemistry of hair	10 hours
4. Implements, honing, stropping, use and care	5 hours
5. Haircutting procedures, history of barbering	10 hours
6. Electricity, light therapy	5 hours
7. Theory of massage, tonics	5 hours
8. Haircoloring, effects on hair	10 hours
9. Use of audio visual aids for selling merchandise	10 hours
10. Shop arrangement, display of merchandise	<u>10 hours</u>
	100 hours

SUPERVISED PRACTICE

1. Scalp treatments, shampooing	75 hours
2. Honing and stropping	15 hours
3. Shaving	100 hours
4. Facials, massage, packs	50 hours
5. Haircutting	450 hours
6. Hair tonics	10 hours
7. Haircoloring, bleaching	30 hours
8. Hairstyling, methods	200 hours
9. Use of implements	<u>20 hours</u>
	950 hours

TABLE 3-1A. Minimum Curriculum for a Barber/Permanent Waving License, (Cont'd.)

ILLUSTRATED LECTURE AND DEMONSTRATIONS ON PRACTICAL WORK
NO DEMONSTRATION OR LECTURE ON SATURDAY)

1. Scalp treatments, shampooing	20 hours
2. Honing and stropping	5 hours
3. Shaving	10 hours
4. Facials, massage, packs	10 hours
5. Haircutting	10 hours
6. Hair tonics	5 hours
7. Haircoloring, bleaching	10 hours
8. Hairstyling, demonstrations	10 hours
9. Salesmanship	10 hours
10. Unassigned	<u>10 hours</u>
	100 hours

PERMANENT WAVING

	<u>LECTURE</u>	<u>DEMONSTRATION</u>	<u>MANIKIN PRACTICE</u>	<u>TOTAL CLINIC</u>	<u>HOURS</u>
1. Permanent Waving	15	30	40	200	285
2. Chemical Hair Relaxing and Hair Straightening	8	7	10	65	90
	<u>23</u>	<u>37</u>	<u>50</u>	<u>265</u>	<u>375</u>

SUMMARY

Scientific Study	575 hours
Supervised Practice	1050 hours
Permanent Waving	<u>375 hours</u>
2000 hours	

A student must perform a minimum of twenty-five (25) hairstyles before graduation.

TABLE 3-1B. Minimum Curriculum for Barber With One Thousand Eight Hundred (1,800) Hours Training to Acquire a Barber Permanent Waving License

	<u>LECTURE</u>	<u>DEMONSTRATION</u>	<u>MANIKIN PRACTICE</u>	<u>TOTAL CLINIC</u>	<u>HOURS</u>
1. Permanent Waving	15	30	40	145	230
2. Haircoloring	5	10	10	30	55
3. Chemical Hair Relaxing and Hair Straightening	8	7	10	65	90
	<u>28</u>	<u>47</u>	<u>60</u>	<u>240</u>	<u>375</u>

Table 3-1C. Minimum Curriculum for a Beautician's License

TOTAL	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Ethics, Personal Hygiene, Visual Poise and Personality Development	10				10
Sanitation, Sterilization and Bacteriology	15	5			20
Shampooing and Rinsing	5	2	1		8
Hair and Scalp Treatment	6	1	3		10
Manicuring and First Aid	3	1			4
Haircutting	5	5	10		20
Hairstyling	10	10	30		50
Permanent Waving	15	10	40		65
Safety Precautions	10				10
Salesmanship and Merchandising	10				10
Wiggery and Hair Pieces	2	1	4		7
Review for Clinic Floor		5			5
Facials, Massage, Paks and Eyebrow Arching	5	3	3		11
Chemical Hair Relaxing and Hair Straightening	8	7	10		25
Hair Coloring and Lightening	20	20	5		45
SUB TOTAL First 300 Hours	124	70	106		300

TABLE 3-1C. Minimum Curriculum for a Beautician's License
(Cont'd.)

SUPERVISED CLINIC PRACTICE

	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Sanitation, Sterilization and Bacteriology				60	60
Shampooing and Rinsing				37	37
Hair and Scalp Treatment				40	40
Manicuring and First Aid		2		31	33
Haircutting		13		300	313
Beard & Mustache Shaping	5	15		40	60
Hairstyling		13		400	413
Permanent Waving		20		200	220
Wiggery and Hair Pieces		2			2
Merchandising				20	20
Unassigned				7	7
Facials, Massage, Paks and Eyebrow Arching				44	44
Chemical Hair Relaxing and Hair Straightening				65	65
Hair Coloring and Lightening		13		155	168
SUB TOTAL	5	78		1399	1482

TABLE 3-1C. Minimum Curriculum for a Beautician's License
(Cont'd.)

LECTURE ON SCIENTIFIC SUBJECTS

	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Nail disorders	3				3
Chemistry	15				15
Skin, Scalp and Hair Disorders	9				9
Electricity, Light Therapy	12				12
Anatomy and Cells	20				20
State Laws and Regulations	20				20
Beauty Salon Management	25				25
Dispensary				80	80
Appointment Desk	1	2		16	19
Job Placement	<u>10</u>			<u>5</u>	<u>15</u>
SUB TOTAL	115	2		101	218
TOTAL					2000

SUMMARY

Scientific Subjects	239
Beginner's Demonstration	70
Beginner's Manikin Practice	106
Demonstrations, Clinic Manikin Practice	<u>1585</u>
TOTAL PRESCRIBED TRAINING PERIOD	2000

TABLE 3-1D. Minimum Curriculum Requirements for a Manicuring License

Personal Hygiene	Lecture	Demonstration	Clinic	Total
Ethics	10	0	0	= 10
Visual Poise				
Personal Development				
Sanitation				
Sterilization	15	5	120	= 140
Bacteriology				
First Aid	1	1	4	= 6
Manicuring	3	3	90	= 96
Nail Disorders	3		0	= 3
State Law	20	0	0	= 20
Unassigned	0	0	25	= 25
Advanced Nail	<u>25</u>	<u>25</u>	<u>50</u>	= <u>100</u>
TOTAL	77	34	289	= 400

Table 3-1E. Curriculum requirements for barbers with 2,000 hour barber/permanent wave training to obtain a cross-over cosmetology license.

	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>CLINIC PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Manicuring & Disorders	3	2		5	10
Hairdressing	15	10	30	75	130
Haircutting	10	10	20	40	80
Makeup	3	2		5	10
Haircoloring & Lightening	20	20		15	55
Dispensary	—	—	—	<u>15</u>	<u>15</u>
TOTALS	51	44	50	155	300

TABLE 3-1F. Curriculum Requirements for Barbers with 1800 hours to Obtain a Cross-Over Cosmetologist License

	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>CLINIC PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Manicuring & Disorders	3	2		5	10
Hairdressing	15	10	30	75	130
Permanent Waving & Haircutting	30	30	60	160	280
Makeup	3	2		5	10
Haircoloring & Lightening	20	20		15	55
Dispensary				<u>15</u>	<u>15</u>
TOTALS	71	64	90	275	500

TABLE 3-1G. Curriculum Requirements for a Beautician to Obtain a Cross-Over Barber License.

	<u>LECTURE</u>	<u>DEMONSTRATION</u>	<u>CLINIC PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Mustaches & Beards	4	2		21	27
Haircutting	10	10		85	105
Hairstyling	10	15		65	90
Honing, Stropping & Shaving	8	8		37	53
Hair Pieces	<u>10</u>	<u>10</u>	<u>5</u>	<u> </u>	<u>25</u>
TOTALS	42	45	5	208	300