

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

DO NOT MARK IN THIS BOX

FILED

1988 JUN 10 AM 8 27

OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

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

AGENCY: Board of Barbers and Beauticians TITLE NUMBER: 3

CITE AUTHORITY W. Va. Code §30-27-10

AMENDMENT TO AN EXISTING RULE: YES NO

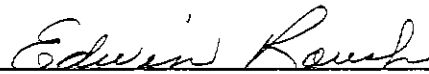
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Operation of Barber Shops and Schools
of Barbering

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.


Edwin Roush, Executive Director

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Operation of Barber Shops and Schools of Barbering (3 CSR 3)

Type of Rule: X Legislative Interpretive Procedural

Agency Board of Barberés 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					

2. Explanation of above estimates.

Although there will be some increase in the Board's workload, existing funding is adequate.

3. Objectives of these rules:

The proposed amendments delete outdated language concerning water storage tanks where no running water is available; add standards for permanent waving; and make a few "clean'up" changes.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 May 16, 1988

Signature of Agency Head or Authorized Representative

Edwin B. Roush

Edwin B. Roush
Executive Director

DATE: June 10, 1988

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Board of Barbers and Beauticians

LEGISLATIVE RULE TITLE: Operation of Barber Shops and Schools
of Barbering (3 CSR 3)

1. Authorizing statute(s) citation _____

W. Va. Code §30-27-10

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

September 25, 1987

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

Notice was sent to schools of barbering and beauty culture

and was published in several newspapers

c. Date of hearing (s): October 26, 1987

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 10, 1988

f. Name and phone number of agency person to contact for additional information:

Edwin Roush, Executive Director - 348-2924

Kay Howard, Department of Health - 348-3223

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

WEST VIRGINIA BOARD OF BARBERS AND BEAUTICIANS

RULE ABSTRACT

Title: Operation of Barber Shops and Schools of Barbering

CSR Title and Series: 3 CSR 3

Type: Legislative

Summary: The proposed amendments delete outdated language concerning water storage tanks where no running water is available; add standards for permanent waving; and make a few "clean-up" changes.

For further information contact: Regulatory Development Section, Health Department, 1800 Washington Street, East, Charleston, WV 25305, Telephone 348-3223, or WV Board of Barbers and Beauticians, 4860 Brenda Lane, Guthrie Center, Charleston, WV 25312, Telephone 348-2924.

Proposed Rules
Public Comments Received,
Discussion and Response

Title: "Operation of Barber Shops and Schools of Barbering,"
West Virginia Board of Barbers and Beauticians Legis-
lative Rules, 3 CSR 3.

A public hearing regarding this rule was held on October 26, 1987, and was attended by twelve people., Copies of comments are attached.

For "proposed": 1) Strike-throughs indicate a deletion proposed for public hearing. 2) Underlining indicates new text proposed for public hearing. 3) Strike-throughs of underlined text indicate deletion of a proposed addition. 4) Double underlining indicates text added after the hearing. 5) Restoration of text proposed to be deleted is shown by double underlining plus strike-throughs. Deletion of existing text after the hearing is shown by strike-throughs enclosed in brackets.

(1) Comment (Betty Dixon): This proposed rule will increase the workload of the Board. (Fiscal Note)

Response: The fiscal note has been revised to state more precisely that although there will be some increase in the Board's workload, the Board can support the increase out of existing funding.

(2) Comment (Betty Dixon): This proposed rule the Board did not make or approve.

Response: Discussion at the Board meeting of December 7, 1987 clarified that the comment referred only to the proposed amendment of §3.13 which added a prohibition of shorts and open-toed shoes. Counsel to the Board has also advised the Board through an informal opinion of the Attorney General that the Board may impose a dress code only for reasons of health and safety. Therefore, the Board has withdrawn the proposed language.

Proposed: §3.13. Each barber student, and ~~junior student~~ barber shall be held responsible for keeping his, or her, individual chair, work stand, mirror, drawers, individual sterilizers, and entire booth, or stand, clean and neat during working hours. Each such barber practicing in any capacity must keep his entire personal appearance clean and neat, and above reproach, at all times. ~~Shorts-and-open-tee-shoes-are-prohibited.~~

(3) The Board has determined that changes currently being proposed in other rules permitting the teaching of permanent waving in schools of barbering should be accompanied by incorporating into this rule the safety and sanitation requirements related to permanent waving which are found in 3 CSR 4, "Opera-

tion of Beauty Shops and Schools of Beauty Culture."

Proposed:

3.11. Every barber must have at least six combs in use. Every comb must be washed and thoroughly sterilized after each use. Every barber must have at least two neck dusters in use, and each must be kept clean at all times. A barber who performs permanent waving shall have at least twelve (12) combs in use.

3.13. Waving brushes shall be washed and thoroughly sterilized after each use. Every waving brush must be kept clean at all times. A barber who performs permanent waving shall have at least six brushes in use.

3.14. All rollers used in permanent waving shall be washed and thoroughly sterilized after each use. Every roller must be kept clean at all times. A barber who performs permanent waving shall have at least six rollers in use.

3.15. All hairbrushes used in permanent waving shall be washed and thoroughly sterilized after each use. Every hairbrush must be kept clean at all times. A barber who performs permanent waving shall have at least six hairbrushes in use.

[PROPOSED]

TITLE 3

LEGISLATIVE RULES
BOARD OF BARBERS AND BEAUTICIANS

OPERATION OF BARBER SHOPS AND SCHOOLS OF BARBERING

SERIES 3

198_

For Filing with the Legislative
Rule-Making Review Committee

[PROPOSED]
LEGISLATIVE RULES
BOARD OF BARBERS AND BEAUTICIANS

OPERATION OF BARBER SHOPS AND SCHOOLS OF BARBERING

3 CSR 3

INDEX

	Page
Section 1. General	1
Section 2. Application and Enforcement	1
Section 3. <u>Sites Sanitation and Operation Requirements</u>	1
Section 4. Duty to Carry Out Rules, Reporting and Complaints	4

[PROPOSED]
TITLE 3
WEST VIRGINIA LEGISLATIVE RULES
BOARD OF BARBERS AND BEAUTICIANS

FILED

1988 JUN 10 AM 8:27

SERIES 3
OPERATION OF BARBER SHOPS AND SCHOOLS OF BARBERING
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§3-3-1. General

1.1. Scope - ~~These legislative rules govern~~ This legislative rule governs the operation of barbershops and schools of barbering.

1.2. Authority - W. Va. Code §30-27-10. Related - W.Va. Code §30-27-1, et.seq.

1.3. Filing Date -

1.4. Effective Date -

~~1.5. Refiling Date --- December 30, 1982.~~

1.5. Supersession and Repeal of Former Regulations - This rule supersedes and repeals Operation of Barber Shops and Schools of Barbering, West Virginia Legislative Rule, 3 CSR 3, 1972.

§3-3-2. Application and Enforcement

2.1. Application - ~~These legislative rules apply~~ This rule applies to the owners and operators of barbershops and schools of barbering.

2.2. Enforcement - ~~Enforcement of these legislative rules~~ this rule is vested in the West Virginia Board of Barbers and Beauticians.

§3-3-3. Sanitation and Operation Requirements

3.1. ~~Every barber shop, or school of barbering, shall before opening its place of business notify the Board, in writing, at least ten (10) days before the proposed opening date of such shop, or school. (A twenty-five (\$25.00) opening inspection fee for new or change of location.)~~ at least ten days prior to opening return to the board the completed shop opening application and twenty-five dollar inspection fee. All barber shops must have cross, or approved, ventilation before opening.

3.2. All such shops, schools, bathrooms, toilets and adjoining rooms used in connection therewith must be kept clean, sanitary, well lighted and ventilated at all times. The use of chunk alum, powder puffs and styptic pencils in any such shop or school is prohibited. No pets such as cats, dogs, birds, etc. shall be kept in or allowed to habit shops or the entrance to such shops or schools.

3.3. Each barber, instructor ~~junior barber,~~ and student

shall thoroughly cleanse his or her hands with soap and water immediately before serving any patron.

3.4. Each patron must be served with clean, freshly laundered linen which is kept in a closed cabinet used for that purpose alone. All linens immediately after being used shall be placed in a receptacle used for that purpose alone.

3.5. A freshly laundered towel or paper neck strip must be placed around the neck of every patron so that the chair cloth or shampoo apron does not come in contact with the patron's skin.

3.6. The wiping of hands or instruments of any kind on linen being used is prohibited.

3.7. The headrests of all barber chairs must possess an attachment allowing a change of paper for each customer. Used shaving papers must be deposited in a receptacle used for that purpose alone.

3.8. All barber shops must be equipped with hot and cold running water piped to hot and cold water faucets of a lavatory. (For purposes of this regulation, rule, a lavatory is that plumbing fixture commonly used for hand washing.) An individual lavatory shall be provided for each barber chair in all such shops, and shall be located in the working area of each barber chair. Waste water must be drained through proper plumbing facilities into the public sewer system. ~~In places where there is no water under pressure, storage tanks to supply running water may be used, one for hot and one for cold water. Openings in storage tanks shall not exceed 2 inches in diameter. The dipping of any towels or cloths of any nature, or other articles, into water tanks is prohibited.~~ The use of steamers, sterilizers, bowls or receptacles of any kind into which to put hot towels, or hot water, is prohibited.

3.9. All rooms used for barber shops must be equipped with all implements, supplies, sterilizers, linen and all other equipment and requisites necessary to perform any or all of the services usually rendered in barber shops. Shops located in residences must have a private entrance, proper toilet facilities and must be confined strictly to rooms used exclusively for barbering.

3.10. Every barber who uses hair brushes must have at least six (6) in use. After each brush is used, it must be thoroughly washed and immersed in an approved disinfectant solution, dried and placed in a cabinet sterilizer until used again.

3.11. Every barber must have at least six (6) combs in use. Every comb must be washed and thoroughly sterilized after each use. Every barber must have at least two (2) neck dusters in use, and each must be kept clean at all times. A barber who performs permanent waving shall have at least twelve (12) combs

in use.

3.12. All razors, scissors, tweezers, needles, blades and other instruments shall be thoroughly cleaned and disinfected by immersion in an approved disinfecting solution, after they have been in use, and such tools, instruments and appliances shall, when not in use, be kept in a dry cabinet sterilizer. Massage cups, glass applicators and metallic accessories must be detached after each use and thoroughly washed, disinfected and then placed in a dry sterilizer. The bottom blade of all clippers shall be sponged with a small pledget of cotton that has been dipped in an approved disinfectant before each use.

3.13. Waving fluid, or other liquid preparations, must be applied to the hair only through a sanitary dispenser, or by dripping, pouring, or spraying on the hair.

3.14. All rollers must be cleaned and sterilized after each patron and, when not in use, kept in a closed cabinet used for that purpose only.

3.15. The advertised price of a permanent wave must include a shampoo and all other preparations necessary prior to giving the wave, and every act necessary to complete the permanent wave. The manager of each shop will be held responsible for seeing that the shop has on hand at all times all supplies required to give each individual permanent wave advertised, by name, by that particular shop.

~~3.13.~~ 3.16. Each barber student, and ~~junior~~ student barber shall be held responsible for keeping his or her individual chair, workstand, mirror, drawers, individual sterilizers and entire booth or stand clean and neat during working hours. Each such barber practicing in any capacity must keep his entire personal appearance clean and neat, and above reproach at all times.

~~3.14.~~ 3.17. Every barber must have adequate cabinet space for storing tools and accessories only. Each barber must have an approved, compartment-type, individual dip sterilizer, which must be of sufficient size to allow combs to be completely submerged. Dip sterilizers may be made of glass, or other noncorrosive materials, and must contain, at all times, an adequate fresh supply of an approved disinfectant. Combs, brushes and other implements shall be washed in soap and water prior to being placed in the dip sterilizer, and shall be dried before being placed in the cabinet sterilizer.

~~3.15.~~ 3.18. No person practicing barbering, in any capacity, is permitted to remove warts, moles or skin blemishes. Neither must they attempt to treat any disease of the skin or scalp. Persons desiring, or in need of treatment of any disease, must be referred to a licensed physician.

~~3-16-~~ 3.19. Floors must be kept clean and free from hair, and where possible, mopped each day. Where cuspidors are used, they must be cleaned at least once a day, and a disinfectant solution left in them at all times.

~~3-17-~~ 3.20. Any member of the State Board of Barbers and Beauticians, or its agents, shall be privileged to enter and inspect any barber shop, or barber school, during business hours, or check any part of the premises, to ascertain whether or not any part of the law, or any Rules and Regulations are is being violated, and to take any other action necessary properly to enforce the law.

~~3-18-~~ 3.21. A copy of these this Rules and-Regulations must be framed and posted in a conspicuous place in every barber shop and school of barbering. License must be framed and posted near barber chair or work stand.

~~3-19-~~ 3.22. Failure on the part of the owner, manager or employees to comply with ~~the foregoing Rules and Regulations~~ this rule will be deemed a violation of the law and sufficient cause for the State Board of Barbers and Beauticians to revoke, or fail to renew any certificate of registration.

~~3-20-~~ 3.23. An approved disinfectant shall mean a one-thousandth (1/1000) solution of quaternary ammonium salts of high germicidal activity, or its equivalent.

§3-4-4. Duty to Carry Out Rules, Reporting and Complaints

4.1. It shall be the duty of the proprietors of all barber shops, barber schools and all registered barbers, ~~junior barbers,~~ students, and others, to assist in carrying out ~~these Rules and Regulations~~ this rule by reporting any violation to the State Board of Barbers and Beauticians, or any of its duly authorized agents.

4.2. All complaints will please be handed to an inspector on his visit to your barber shop or school of barbering. Such complaints will immediately be investigated. Complaints sent to the office of the Division of Barbers and Beauticians cannot possibly receive prompt attention.

PUBLIC HEARING

Barbers & Beauticians Rules

10-26-87

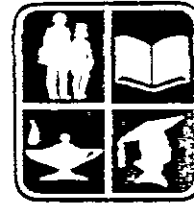
DO YOU WISH
TO COMMENT
(YES/NO)

GROUP REPRESENTED
(IF ANY)

ADDRESS

NAME

Rebecca Mills	4128 th St. Hgh. W.V. 25701	Hgh. Sch. of Beauty Culture	NO
John Bunkle	84.1 Box 498 Clarksburg, WV	Board Member BHB	NO
Edmund Board of Barbers & Beauticians		NO
J. J. ...	311 Elm St C. Bay, W.V.	Bd. of Barbers & Beauticians	und.
Betty J. Dixon	4328 Hughes St Huntington	Society of Barbers & Beauticians	und.
Genevieve Schaub	329 S Overn St - Martinsburg	International Beauty Enty	YES -
Charles B. Lynch	329 S Green St Martinsburg	International Beauty Enty	NO -
David M. Swine	1502 Market St Wheeling, WV	Wheeling Beauty College	Yes -
Nona Co. Dept	
Ronald Board of Barbers & Beauticians		
Bernadine Penam	338 Washington Ave	W.V. ... Barber College	NO -



Phillips Colleges, Inc.

One Hancock Plaza
Suite 1408
Gulfport, Mississippi 39501
(601) 864-6096

VIA FEDERAL EXPRESS

October 21, 1987

Department of Health
Regulatory Development Section
1800 Washington Street, E.
Charleston, WV 25305

Gentlemen:

The enclosed are comments of opposition to certain proposed rule changes governing the beauty culture and barbering industry in the State of West Virginia.

I represent Phillips Colleges, Inc., owner of Wheeling Beauty College. During the past (7) seven years, I have worked diligently to resolve legislative and departmental rule conflicts. While these proposed rule changes may have some merit, their broad effect would cripple the beauty industry within the state as well as be deemed unconstitutional based on the "Restriction of Trade Doctrine."

I desire to speak at the upcoming public hearing to further voice my opposition to these proposed changes.

Sincerely,

PHILLIPS COLLEGES, INC.

D. David McGuire
Vice President for Cosmetology

DDM/tw
cc: Gerald D. Adams, President

RECEIVED

OCT 23 1987

**REGULATORY DEVELOPMENT
SECTION**



Phillips Colleges, Inc.

One Hancock Plaza
Suite 1408
Gulfport, Mississippi 39501
(601) 864-6096

October 21, 1987

RECEIVED

OCT 23 1987

**REGULATORY DEVELOPMENT
SECTION**

Department of Health
Regulatory Development Section
1800 Washington Street, E.
Charleston, WV 25305

RE: Proposed Rule Change
Chapter 30, Article 27, Section 1

Gentlemen:

I write in opposition to the proposed changes of this rule based on the following reasoning:

Section 4 Licensing Standards

4.1 General Policy

- (b) Imposing a five-year residency requirement for owners of schools of barbering and beauty culture greatly limits the number of prospective operators of such schools within the State of West Virginia. The worst scenario would be a situation of financial insolvency or death of a current school owner. This likely scenario would potentially cause a school to close, harming a number of students by depriving them of their education.
- (e) The proposed requirement of three rather than two registered regular senior instructors places a financial burden on schools desiring to operate with a fewer number of students by requiring the smaller school to pay instructors they actually do not need.

4.3 Financial Responsibility

The requirement of a (\$125,000.00) one hundred twenty-five thousand dollar performance bond is ludicrous. The existing bond requirement is one of the highest in the nation. (See attachment) This amendment seems directed as a restriction of trade within West Virginia.

Department of Health
October 21, 1987
Page Two (con't)

4.5 Instructors

Please refer to comments in subsection 4.1 regarding requirement of three senior instructors.

RECEIVED

OCT 23 1987

**REGULATORY DEVELOPMENT
SECTION**

Department of Health
October 21, 1987
Page Three (con't)

RE: Proposed Rule Change
Chapter 30, Article 27, Section 1
Series Number 2

I write in opposition to the proposed rule change governing the Qualifications, Training, Examination and Registration of Instructors in Barbering and Beauty Culture, more particularly the proposed 100 hour curriculum and examination required for a barber instructor to qualify to teach permanent waving.

Subsection 4.3

It seems ludicrous to require barber instructors to complete only 100 hours of instruction in the art of permanent waving and at the same time require students to complete 375 hours of instruction in the same area of expertise. I must ask, "who will teach who?" I believe that an instructor should be required to complete as a minimum, an equal number of training hours as that of the students he/she will teach.

RECEIVED

OCT 23 1987

**REGULATORY DEVELOPMENT
SECTION**

RECEIVED

OCT 23 1987

REGULATORY DEVELOPMENT
SECTION

STATE	ORIGINAL	RENEWAL	RESPONSIBILITY
Alabama	300	400 ^B	\$5000 bond
Alaska	700	400	Personal proof of financial responsibility
Arizona	350	300	\$10,000 bond
Arkansas	500	100	\$5000 bond
California	216	185	\$5000 bond
Colorado	345	69	\$10,000 bond
Connecticut	Schools are no longer licensed		
Delaware	50	50	\$5000 for 25 students
Dist. of Columbia	100	50	None
Florida	150	75 ^A	\$10,000 & up based on sq. footage
Georgia	175	150 ^A	None
Hawaii	500	Kore ^B	\$5000 bond
Idaho	500	150	\$5000 bond
Illinois	100	200 ^A	None
Indiana	400 ^C	400 ^C	None
Iowa	500	200	\$15,000 bond
Kansas	100	25	None
Kentucky	1000	100	Personal proof of financial responsibility
Louisiana	305	155	\$5000 bond or financial statement
Maine	Schools are no longer regulated or licensed by the board		
Maryland	100	100 ^B	Personal proof financial responsibility
Massachusetts	200	200	\$5000 bond up to 25 students; \$10,000 bond over 25 students
Michigan	100 ^D	300 ^D	\$10,000 bond
Minnesota	150 fee + 750 fee	750 (3 yrs)	\$10,000 bond and personal proof financial responsibility
Mississippi	55	30	\$5000 bond
Missouri	185	185	None
Montana	100	100	\$5000 bond
Nebraska	1000	100	\$5000 bond for ea. 20 students (1st year only)
Nevada	450	450	\$5000 bond & 25 bona fide students
New Hampshire	125	125	None
New Jersey	100	50	\$10,000 minimum
New Mexico	500 + 100 ^E	500 + 500	\$5000 bond
New York	600	Note ^F	\$20,000 bond
North Carolina	50	50	Personal proof financial responsibility
North Dakota	500	200	\$10,000 bond
Ohio	200	200	\$10,000 bond
Oklahoma	400	100	\$2000 bond for 15 students & 1 instructor; \$1000 bond per additional instructor
Oregon	200	200	\$2500 bond
Pennsylvania	50	50	\$100 per student
Puerto Rico	50	None	None
Rhode Island	75	75	\$2000 bond
South Carolina	100	25	\$5000 bond
South Dakota	150	150	Not indicated
Tennessee	300	75	\$5000 bond
Texas	500	200	\$5000 personal bond
Utah	100	60 ^A	\$5000 bond
Vermont	100	50	\$2000 bond
Virginia	65	35	None
Virgin Islands	200	200	None
Washington	150	150	To be determined by Director of Dept. of Lic.
West Virginia	500	250	Personal proof financial responsibility
Wisconsin	50	50 ^A	None
Wyoming	100	100	None

To: Board of Farmers' Health
From: Pamela Shafer
1215 24th & Parker College

Re: 100 hrs. Farmers' Insurance,
Oct. 26, 1987 ^{Ed. training in L.W.}

The 100 hours training would
be comprehensive in terms
of training.

The 375 hours in
business many hours
will be spent sitting
on the clinic floor
waiting for customers.

I feel the 100 hour
training is adequate
when you consider
it is actual work
done and not wasted
time.

Advanced training and
permanent wave
training, previously

acquired should be reviewed. Whether Parker College staff has had years of training that has never been considered.

SUBJECT:

FROM:

TO:

DATE:

I believe it would be a good idea in the future to do a random survey of students on the actual training they are receiving in beauty schools and on actual training the crossover students have received.

MEMORANDUM



STATE OF WEST VIRGINIA

DEPT. OF HEALTH



International Beauty Enterprises, Inc.

329 South Queen Street
Martinsburg, WV 25401
October 22, 1987

RECEIVED

OCT 26 1987

Department of Health
Regulatory Development Section
1800 Washington Street, E.
Charleston, WV 25305

REGULATORY DEVELOPMENT
SECTION

Re: 3 CSR 5

To Whom It May Concern:

The following is our response to the proposed changes of Rules and regulations for Licensing Schools of Barbering or Beauty Culture.

The general policy (4.1) under Licensing Standards , Section 4 will require a five year residency prior to the issuance of a license for a school of barbering or beauty culture. It is most evident that little or no thought has gone into this proposed regulation. Our comments regarding this issue are as follows:

We deeply resent, if the need ever arises, being forced to sell our cosmetology school to an extremely limited market. The ability to operate a school of cosmetology arts and sciences is not something that one acquires from being a resident of West Virginia for the period of five (5) years. It is also something that cannot be acquired from reading a textbook or attending a seminar. As a school that is accredited by the National Accrediting Commission of Cosmetology Arts and Sciences I believe it is in the industry's best interest to sell the institution to someone with a similar background. In West Virginia that narrows the market to eight (8) other Nationally Accredited Cosmetology Schools. Is this any reason for ever considering owning or even expanding a cosmetology school in West Virginia?

If I am restricted to selling my school to a limited market and I do not receive the fair market value on my investment do I have any recourse?

If I offer my cosmetology school for sale and I have no interested parties that have the five year residency requirement do I just close the establishment and deprive the already enrolled students of their education?

In the minutes of the State Board of Barbers and Beauticians, Page 5, dated August 16, 1987 the following statement is made: "...franchised salons and schools are coming into this state and are creating much competition."

This type of antiquated thinking can be most detrimental to the growth of the cosmetology profession in West Virginia. Competition should be looked upon with much challenge and the desire to strengthen educational programs that are already in existence. It is through healthy competition that cosmetology students and licensed cosmetologists can grow further in their field. Complacency is not going to improve our industry in West Virginia.

The proposed five year residency requirement prior to issuance of a license for a barber or beauty school is a detriment to the growth of our industry and should not be a part of the proposed rules and regulations.

Secondly, the proposed requirement stating that the applicant has contracted for the employment of three or more registered regular senior instructors should also be deleted. In questioning the availability of senior instructors in the State of West Virginia we find there are approximately 37 active instructors. Simple mathematics will show that the availability of senior instructors to accommodate the needs of the accredited, non accredited and vocational schools in the state will utilize every available licensee in the state.

This proposed regulation would then require a school of cosmetology to deny enrollment if they are unable to find a third senior instructor.

This proposed regulation would also require an institution to send home students when a senior instructor calls in sick because they will no longer be meeting the requirements of the State Board of Barbers and Beauticians.

When a senior instructor takes a vacation and a replacement can't be found the school would be in violation unless they send their students home.

Unfortunately the piece of paper that states an individual is a licensed senior instructor does not mean that this individual is a qualified instructor. As a result of this

complacency in teaching will also become the norm. Why should a teacher even attempt to improve his or her ability when they have a piece of paper, a license that is a passport to a position, wether qualified or not, because a school owner needs three senior instructors to keep his doors open.

The present requirements to obtain senior instructor licensure in West Virginia is extensive and not realistic as it presently stands. To further require an institution to expand their staff would create extreme hardship on the institution and could possibly force the closing of some cosmetology schools in West Virginia.

We have already discussed the five year residency status with a Washington law firm that specializes in the field of cosmetology arts and sciences. Their immediate reaction was that a violation of law would take place if such a rule was enacted. We have since sent them the complete text of proposed changes. If the proposed changes are adopted we will most actively pursue any and all means to rescind these detrimental changes.

In closing it is indeed unfortunate that such a tremendous amount of time is being wasted caused by individuals that would rather limit, control and stifle the cosmetology school industry in West Virginia. Can you just imagine the growth of our total profession if this negative energy could be harnessed into developing and enhancing our educational programs so our students can truly reap the benefits of superior cosmetology education.

Yours truly,



George W. Schaub, President
International Beauty Schools

cc: Edwin Roush, WV Board of Barbers and Beauticians
Carol Cataldo, National Accrediting Commission of
Cosmetology Arts and Sciences
Dr. James Murphy, National Association of Accredited
Cosmetology Schools
Jenny Adams, Phillips Colleges, Inc.

AMENDED 1

Page 3. Section 4.2 - Classroom and Equipment - Minumum with which a barber and a beauty school will be permitted to operate for no more than 50 students instead of 20.

2. Change 20 dresserettes and 20 mirrors to 50 of each.
15. Change 20 hairdressing chairs to 50
17. Change 20 Classroom chairs to 50.

Jo Ann Berwick

ALL THE AMENDMENTS MUST PERTAIN TO THE OPENING OF A NEW BEAUTY OR BARBER SCHOOL OR THE PURCHASING OF AN EXISTING SCHOOL.

AMENDED # 5

1. Turn page to title : Rules and Regulations for Licensing Schools of Beauty Culture and Barbering.
 1. All the amendments must pertain to the opening of a new beauty or barber or the purchasing of an existing school.
 2. A five (5) year residency requirement for major stockholders, not just owner.
 3. Full time employment of three (3) registered regular instructors, not the proposed employment.
 4. Increase Bond to \$125,000.00.
2. Page 1: Section 2.1 Application
Rules must apply to major stockholders
3. Page 1& 2 Section 4.1. General Policy: applicant must be changed to major stockholder.
Turn to page 2 - Contracted changed to hired full time Instructors/
4. Page 2 Section 4.5 - Show to proposed employment must be changed to hired full time.
5. Page 2 - Section 5.1: Name of applicant must be changed to Major stockholders.
6. Page 3 Section 5.3: Board Action- Employment of at least 2 registered Instructors changed to Three Instructors.

John Berwick

Representing Jack Dorta - Huntington
School of Beauty Culture
412 8th St.
Hgn., W.V. 25701

10-26-87

It is my hope that there would be much more time put into research and study of these said proposals. I do not believe there has been adequate thought and honest research done to warrant a "risk" through of these proposals as they read now.

- Concerning the proposal of 3 Senior Instructors
I feel it would work better if it were stated one Senior Instructor for 20 students currently enrolled in any said school.

Concerning the proposal of a 5 year required residence - - What happens if the current owner dies? Or, if he decides to sell what happens to "free enterprise"?

The proposed rule for Esthetician should read a proposed rule for "Skin Care".

Finally who will teach a Barber to qualify him/herself to instruct?? How? + Who?

Rebecca Mills

10-25-87

I ~~request~~ request that these Comments on proposed changes in the Rule & Regulations governing Beauticians, Barbers, ^{Instructors,} Salons, Shops and Schools be made a part of the record.

When we first started working on proposed changes, I kept suggesting that the Board needed time & ^{work} meetings to properly make needed changes. Also research as to other States. It is my personal feeling's the board has not had adequate time & research to do this.

~~The meeting +~~

The public hearing today is on Proposed Rule Series # 1, 2, 3, 4, 5, 6
What I have read is not the changes the Board of Barbers and Beauticians worked on. There have been proposed rule deleted also changes made in proposed rule and there have been additions to proposed rule that the Board of Barbers and Beauticians did not approve.

(1)

10-25-87

Proposed Rule # 1 ^{Series}

Curriculum and minimum Requirements
Subject & Hour Schedule Rules & Regulations
for Schools of Beauty Culture in West Virginia
Joint Barbers and Beauticians License

#1. The effect of proposed rule will
increase the work load of the W.V. Board
of Barber & Beauticians which is always
short handed.

#2. The Aesthetician Curriculum has
NO Rules or regulations. Inspector

#3. The last page same as above
also it is the ^{31D} Cross over Curriculum
for ^{Barber} Schools. 31C is the Cross over Curriculum
for Beauty schools

~~If the Board cannot~~ If the Board cannot
issue rules & regulations relating to
Aestheticians then I feel we should not propose
~~for~~ a curriculum. We need to change
~~to propose~~ this curriculum to propose a
Curriculum for 300hr SKIN Care

(2)

10-25-87

Proposed Rule Series # 2

Qualifications, Training, Examination and
Registration of Instructors in Barbering
& Beauty Culture

1. This proposed rule will increase the
work load of the WV. Board of Barbers & Beauticians

2. 4.3.1. 100 hr curriculum for Barber Instructors
to qualify to teach permanent waving.

~~This~~ This like Medication Curriculum the
Board can not issue rules & regulations when
they should not propose this rule.

Proposed Rule # 3^{Series}

Operation of Barber Shops & Schools of Barbering

1 This proposed rule The WV Board
of Barbers & Beauticians did not make or
approve

Proposed Rule Series # 4 Operation of Beauty Shops
and Schools of Beauty Culture

1 This proposed rule The WV Board of
Barbers & Beauticians did not make or approve
(3)

10-25-87

Proposed Rule Series 5

Rules & Regulation for Licensing Schools of Barbering & Beauty Culture

- # 1 4.1. The changes are incorrect
- # 2 4.5. The changes are incorrect
- # 3 5.3. Incorrect
- # 4 6.2. The changes are incorrect
- # 5 Page 5 4th paragraph Changes are incorrect

Proposed Rule Series 6

Minimum Curriculum for schools of Barbering

1 These changes will ~~effect~~ ~~the~~ increase the work load of the WV Board of Barber & Beauticians which is always short handed

2 As in Reshtecian of The Board cannot issue rules & regulations for the proposed permanent waving curriculum then The Board should not propose a Curriculum

3 There is no Equal Opportunity by taking away from the Beauticians Curriculum & adding to the Barber Curriculum

(4)

10-25-87

Equal should be to take away from the Barber Curriculum & giving to the Beauty Culture Curriculum.

With the Cross over Curriculum in effect now the employment opportunities are better & ~~has~~^{has} shorter for the students in W.V. Barber Schools ~~in~~ as compared to surrounding States

In summary, I feel the primary function of the Board of Barbers & Beauticians is to protect the Health Safety and Welfare of the Public. The proposed rule changes omits rules and regulation which are important to the Health Safety & Welfare of the Public. I am in favor of changes & updating of rules & regulation.

Betty J. Dixon
4328 Hughes St
Huntington, W. Va. 25704
(5)