

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

FILED

1991 AUG 13 AM 9:57

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**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 30-27-1 et seq

AMENDMENT TO AN EXISTING RULE: YES NO

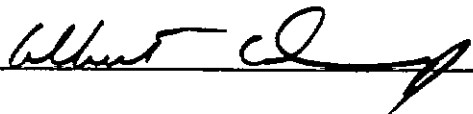
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: Operations standards for school of
Barbering and Beauty culture

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.



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

Summary of Rule:

This rule entitled series 4, establishes the operational standards established by the Board in order to open and run a school of barbering or beauty culture. There are various reporting, staffing, and sanitation requirements to be met as provided by this rule. This rule establishes the number of mandatory classrooms required and the equipment needed to stock a school.

Statements of Facts and Circumstances:

This series is prepared for the purpose of rewriting and reorganizing 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.

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

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SECRETARY OF STATE

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 22, 1991

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

Attached x 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. Dunn, Jr. 348-2522

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

TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND BEAUTICIANS

SERIES 4

OPERATIONAL STANDARDS FOR SCHOOLS OF
BARBERING AND BEAUTY CULTURE

1991 AUG 13 AM 9:58
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
FILED

§ 3-4-1. **General**

1.1. **Scope** - This legislative rule establishes the curriculum, minimum requirements, and operational standards for schools of beauty culture and Barbering which operate in the State of West Virginia as adopted by the Board of Barbers and Beauticians (hereinafter Board).

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

1.3. **Filing Date** -

1.4. **Effective Date** -

1.5. **Approval Date** - This rule was approved by the West Virginia Board of Barbers and Beauticians on

1.6. **Repeal and Replace Former Regulations** - This rule repeals and replaces the former rule titled "Minimum Curriculum for Schools of Barbering", 3 CSR 6, filed December 7, 1990, and effective July 1, 1991.

§ 3-4-2. **Operation of Schools of Barbering and Beauty Culture**

2.1. **Reporting Requirements**

2.1.2. On the first day of each month each school shall post on a bulletin board available to all students, an accurate record of the number of hours devoted to the prescribed subjects during the previous month and the cumulative total of hours completed since the student's enrollment for each student by permit number. This record shall be left posted the entire month. The final examination of each student shall also be made a part of the application for examination of each student before the Board.

2.1.3. A copy of this rule must also be posted on a bulletin board and available to all students in each school.

§ 3-4-3. **Classroom and Equipment Standards for Schools of Beauty Culture**

3.1. **Classrooms, Equipment** - Each school of beauty culture shall have a minimum of two (2) rooms in use at all times. A classroom shall be utilized for the teaching of theory,

illustrations and lectures. A clinical room shall be utilized for clinical or demonstrative work. The equipment necessary for the accommodation of up to twenty (20) students is as follows. Additional equipment must be installed in proportion to any increase in enrollment.

- (a) One (1) blackboard, not less than 4 x 8 feet in size.
- (b) Twenty (20) dresserettes and twenty (20) mirrors, or twenty (20) combination work tables. There must be a work station table and chair for each student enrolled in school at all times.
- (c) Five (5) shampoo bowls.
- (d) Ten (10) hair dryers.
- (e) Three (3) facial chairs.
- (f) Two (2) facial supply trays.
- (g) Two (2) hydraulic haircutting chairs.
- (h) Two (2) vibrators.
- (i) Two (2) therapeutic lamps.
- (j) Four (4) manicure tables.
- (k) Sufficient clean linen cabinet space.
- (l) One (1) dip (wet) sterilizer for each booth and work table.
- (m) Dry sterilization sufficient to accommodate as many students as are engaged in clinical work at any one time.
- (n) Sufficient training aids.
- (o) Twenty (20) hairdressing chairs.
- (p) Head manikins to be furnished by the school for each student, as part of kit for practical hairdressing.
- (q) Twenty (20) classroom chairs.
- (r) At least ten (10) waste containers.
- (s) One (1) large bulletin board conspicuously located for student permits, rules, regulations, notices, etc.

(t) One (1) set of record files.

3.2. General requirements for Schools of Beauty Culture

- (a) All schools shall provide and maintain adequate rest-room facilities.
- (b) No students shall be permitted to enter any class for study, or given credit for any work done in school, prior to the time their student permit has been received from the Board.
- (c) Each school shall maintain a library of suitable reference books approved annually the Board.
- (d) Each school shall hold regular classes for the teaching of both the theory and the practice of all branches of beauty culture.
- (e) Schools shall not guarantee positions to students, nor guarantee financial aid to students for help in adequately equipping a beauty shop.
- (f) Schools are not limited to any particular system of teaching beauty culture. Students should be familiar with the various methods and practices in their profession and the different supplies and equipment used in the beauty industry.
- (g) Each school must have an admission office, properly equipped with a filing cabinet, etc., and maintain duplicate copies of records sent to the Board.
- (h) Each school shall advertise only under the designation of a "beauty school" and shall display conspicuously at the entrance to the school a sign in plain block, display lettering at least one (1) inch in height, to read as follows: "All Work Done By Students Only."
- (i) All service prices must be displayed in the clinic area. The prices must be followed by the words, "Student Work", in lettering at least one half (1/2) the size of the lettering used to display the price.
- (j) Instructors, as well as students, must, during school hours, be attired in washable uniforms which must be kept clean and neat at all times. Uniforms worn by the instructors must be different from those worn by the students so they may be easily recognized.

- (k) All bottles and containers in use must be distinctly and correctly labeled, showing the use for which the contents are intended.
- (l) The Board shall be furnished with a copy of the current school catalog and copies of all student contracts. At any time when changes are made in the catalog, the Board shall be furnished with a copy of the catalog as revised within thirty (30) days of the change or revision.

§ 3-4-4. Classrooms and Equipment Standards for Schools of Barbering

4.1. **Classrooms, Equipment** - Each school of barbering shall have a minimum of two (2) clinic rooms in use at all times, one (1) to be known as the junior department and the other as the senior department. All beginners will receive instruction in the junior department and will advance to the senior department when they have completed the minimum number of hours specified by the school. Both rooms shall be fully equipped and arranged in a manner to comply with the rules promulgated by the Board. There shall be a third room in every school of barbering where class study, examinations and lectures are to be held. The minimum equipment with which a school shall maintain before being permitted to operate is as follows:

- (a) Ten complete chair units consisting of one (1) chair, lavatory, and complete backstand and providing a proper cabinet for immediate linen supply and individual wet and dry sterilizers;
- (b) One (1) recognized textbook on barbering for each student, approved by the Board;
- (c) Three (3) high frequency or violet ray outfits;
- (d) One (1) standard vibrator for each four (4) students enrolled;
- (e) One (1) therapeutic lamp - infra-red, white and blue for every four (4) students enrolled;
- (f) One (1) three-objective compound microscope with low, high and oil immersion objective (Bausch and Lomb, or Spencer and Zeiss, brand suggested); and microscope slides on related sciences dealing with bacteria and human anatomy as specified in this rule or as the Board may approve and publish in a list from time to time;
- (g) One (1) S.V.E. slide projector, model AK300 watt for 2x2 slides;

- (h) One (1) radiant hy-flect glass beaded screen, model D.L., size 60"x60"; and such 2x2 Kodachrome and lantern slides on bacteriology, diseases of the skin and scalp, and anatomy, as the Board may approve and publish. A partial list of Kodachrome slides, 2x2, 35 mm., prescribed for use in schools of barbering in West Virginia is shown in Table 3-4A found at the end of this rule;
- (i) Sufficient clean linen cabinet space;
- (j) One (1) blackboard, not less than 5'x 8' in size;
- (k) One (1) large bulletin board, conspicuously located, for the posting of rules and regulations, notices, etc.;
- (m) One (1) file for duplicate copies of reports sent to the office of the West Virginia Board of Barbers and Beauticians;
- (n) One (1) set of books used solely for the records required by Section 7 of this rule.

4.2. The study and lecture room shall be equipped with the specified blackboard and charts showing illustrations of the skin, circulation of the blood, muscles and bones of the face, scalp, neck, arms and hands. This room shall be used for the sole purpose of giving scientific instructions to students.

4.3. Each school of barbering shall maintain a library of suitable reference books, including those books as may be approved and published in a list by the Board.

4.4. Each school of barbering shall hold regular classes for the teaching of both the theory and practice of all phases of barbering.

4.5. No one in any way connected with any school of barbering shall guarantee positions to students nor guarantee financial aid to help a student in equipping a barber shop.

4.6. Schools are urged not to advocate the use of any particular equipment. Students should be familiar with the different supplies and equipment used in barber shops.

4.7. Each school shall advertise only under the designation of a barber school, and shall display conspicuously at the entrance to the school a sign in plain, block, display lettering at least one (1) inch in height, as follows: "All Work In This School Done By Students Only."

4.8. When service prices are displayed, or in any manner advertised by a school of barbering, they must be followed by the words "STUDENT WORK" in lettering at least one-half (1/2) the size of the lettering used to display the price.

4.9. During school hours, Instructors, as well as students, must be attired in washable coats which must be kept clean and neat at all times.

4.10. All bottles and containers in use must be distinctly and correctly labeled, showing the intended use of the contents.

4.11. No student enrolled in a school of barbering shall be permitted to work upon a patron who is paying for the service or materials, until such student has attended the school for a period of three hundred (300) hours.

4.12. Each student in his senior year, before graduation, must act in the capacity of manager of the school for at least one (1) week; two (2) weeks if possible. He or she shall be in full charge of the clinical division of the school, under the supervision of the manager of the school.

4.13. Each school of barbering shall furnish the Board with a copy of the class schedule being used in the school, and copies of all advertising material and student contracts. At any time, if any changes are made in class schedules, advertising material or student contracts, the Board shall be furnished with such revised materials.

4.14. In teaching the practical part of the training in schools of barbering, all schools are governed by the "Schedule of Hours, Lecture, Demonstration, and Clinic Operations," specified in Table 3-6B of this rule.

§ 3-4-5. Enrollment

5.1. The enrollment in a school of barbering shall not, at any time, exceed one and one-half (1-1/2) students per chair.

§ 3-4-6. Attendance at Schools of Barbering and Beauty Culture

6.1. All schools of barbering and beauty culture must establish regular school hours. Hours herein referred to shall mean full clock hours.

6.2. All schools shall require that all students attend classes at least eighty percent (80%) of the time that they are enrolled in school. Attendance shall not be required to exceed eight (8) hours in any twenty-four (24) hour period, exclusive of the lunch period.

6.3. Any absence for more than twenty percent (20%) of the time after enrollment must be accounted for by a written excuse from a doctor, dentist, or someone who can verify to the Board the necessity of the student's absence.

6.3. A minimum of five (5) classroom theory instructions per week, of three (3) hours each, shall be given all students. These classroom periods shall include lectures, class study and written examinations. All examinations and other written papers shall be carefully graded and returned to the students.

§ 3-4-7. Records

7.1. **Daily Records** - Each school shall keep a daily class record of each student, showing the number of hours devoted to the respective subjects, number of clinical operations performed, the total number of hours the student is in attendance and days each student is absent.

7.2. **Monthly Records** - A monthly record of the student's entire enrollment must be sent to the Board on forms furnished to the schools for that purpose, showing the permit number of each student; the number of months addressed by the report; a record of the days absent and present; hours devoted to each subject, and the number of clinical operations performed by the student to date.

7.3. **Permanent Records** - A permanent record including the information described in subsections 7.1 and 7.2 shall be compiled by the manager of each school from the daily class records. This record shall be kept up-to-date in a permanent file, and shall be subject to inspection at any time by any member of the Board or any authorized representative.

7.4. **Final** - The manager of each school shall compile from the school's records a summary of each student's subjects, clinical operations, grades, hours and attendance. This record shall be presented to the student upon graduation and shall also be made a part of the student's application to the Board for licensure by examination. The manager must sign each copy of the required records and must certify that the record is correct and that the student has received a diploma from the school.

§ 3-4-8. Teaching Staff

8.1. No school will be permitted to open or operate with less than three (3) licensed master instructors: Provided, that schools having a valid license as of the effective date of this rule shall employ a minimum of two (2) master instructors. There must be one (1) master instructor for every twenty (20) students or reasonable average thereof. An instructor shall be in the classrooms of the school at all hours and supervise all practice student work.

8.2. No instructor in either school of barbering or school of beauty culture may use any portion of the allotted time for school hours, in the performance of any public or private practice of his or her respective profession, for compensation or remuneration of any form.

8.3. In schools of barbering, there must be at least one (1) monthly illustrated or demonstrated lecture during the course of instruction. This lecture must be given by a duly licensed physician or some person who has had special training in anatomy, hygiene, bacteriology, physiology, electricity and/or other science related to the study of barbering who is not related to any member of the present teaching staff.

8.4. A demonstrator may exhibit new processes, preparations and appliances to the student only in the presence of the licensed instructors.

8.5. Private lessons may be given to registered barbers or beauticians who desire to gain more knowledge in any subject, or subjects, which they are already entitled to practice.

§ 3-4-9. Administrative Due Process

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

§ 3-4-10. Severability

10.1. If any provision of this rule, or the application thereof, to any person or circumstance is held 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 3-4A Kodachrome Slide List

1. MS2-4	Chancre of the finger
2. MS2-9	Chancre of the lip
3. MS2-9.1	Syphillits, primary-lip
4. MS2-31	Chancre of the face
5. MS2-33	Chancre of the mouth and face
6. MS2-47	Secondary syphillits
7. MS2-58	Syphilitic alopecia
8. MS2-200.5	Acne vulgaris, face, male
9. MS2-200.6	Acne vulgaris, face, male
10. MS2-202	Alopecia areata
11. MS2-202.1	Alopecia capitis totalis
12. MS2-205A	Comedones
13. MS2-208A	Dermatitis seborrheica (impetigo sicca, face)
14. MS2-210F	Erysipelas - face
15. MS2-210H	Favus capitis
16. MS2-210.H.1	Favus capitis, close-up
17. MC-84.0	Herpes zoster (scalp and face, 10th day of eruption)
18. MS2-213	Herpes simplex - lip
19. MS2-213.1	Herpes simplex - face
20. MS2-216	Herpes zoster - close-up
21. MS2-216.3	Herpes zoster close-up, head lesion
22. MS2-219A	Impetigo contagiosa, face
23. MS2-221	Leprosy, face
24. MS2-225.2	Lupus erythematosus, face
25. MS2-242A	Rosacea, face
26. MS2-246	Sycosis vulgaris under chin
27. MS2-250-2	Tinea capitis
28. MS2-252	Vitiligo - hands
29. MS3-19	Acute eczema
30. MS3-19A	Acute eczema
31. MS3-20	Chronic eczema
32. MS3-21	Psoriasis - early
33. MS3-23	Pustular psoriasis
34. MS3-27	Pityriasis rubra pilaris
35. MS3-44	Acne varioliformis
36. MS3-67	Keratosis seborrheica
37. MS3-92	Herpes simplex
38. MS3-92a	Herpes simplex
39. MS3-93	Verruca plana
40. MS3-93a	Verruca plana
41. MS4-1	Ringworm of the scalp, clinical picture
42. MS4-2	Circinate lesion, clinical picture
43. MS4-3	Microsporum in hair
44. MS4-12	Nail lesion, clinical picture
45. MS4-13	Trichophyton in hair, endothrix
46. MS4-14	Trichophyton in hair, favus type
47. MS4-15	Trichophyton in the skin
48. MS4-26	Epidermophyton, clinical picture
49. MS4-43	Pityrosporum ovale in dandruff, scale
50. MS4-44	Pityrosporum ovale (In wort agar and oleic

acid)
51. MS4-45 Pityrosporum ovale (Microscopic of culture)
52. MS2-212 Hatband dermatitis
53. MC-81.0 Erysipelas (venenata face, 6th day of rash)
54. MC-82.0 Erysipelas (dermatitis venenata face, 6th day of rash)
55. MC-82.1 Erysipelas (close-up of face)
56. MC-90.0 Impetigo, lesion of face
57. MC-91.0 Impetigo, lesion of face
58. MC-92.1 Impetigo, close-up of face, chest, and abdomen
59. MS3-96 Impetigo contagiosa
60. MC-83-0 Dermatitis venenata (face, 3rd day of rash)

Table 3-4B Schedule of Hours

Lecture, Demonstration and Clinic Operations

for

Schools of Barbering in West Virginia

Minimum Total Hours Practical Training = 1050

Practical Schedule 1-a

1050 Hours Clinical Practice Lecture and Demonstration	Lec. 6	Req. Clin.	54 Days		54 Days		54 Days		54 Days		54 Days						
			9 Weeks		9 Weeks		9 Weeks		9 Weeks		9 Weeks						
			Hrs.	Ops.	Hrs.	Ops.	Hrs.	Ops.	Hrs.	Ops.	Hrs.	Ops.					
PRACTICAL SUBJECTS	Dem.	No. C.Op.	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Fourth Quarter						
			Hrs.	Ops.	Hrs.	Ops.	Hrs.	Ops.	Hrs.	Ops.	Hrs.	Ops.					
			10	50	3	13	15	3	13	15	2	12	10	2	12	10	
			10	50	3	7	15	3	7	15	2	6	10	2	5	10	
			10	-	3	4	-	3	4	-	2	4	-	2	3	-	
			10	375	4	81	75	4	81	75	1	81	110	1	82	115	
			10	75	3	25	20	3	20	20	2	20	22	2	10	13	
			10	540	3	100	120	3	100	125	2	100	130	2	125	165	
			5	100	2	6	25	1	6	25	1	6	25	1	7	25	
			5	-	2	3	-	1	3	-	1	2	-	1	2	-	
			10	-	3	-	-	3	-	-	2	-	-	2	-	-	
			10	-	3	-	-	3	-	-	2	-	-	2	-	-	
			10	-	3	-	-	3	-	-	2	-	-	2	-	-	
			TOTAL UNITS	100	1190	32	239	270	30	234	275	19	231	307	19	246	338
			TOTAL HOURS	-	-	271	-	-	264	-	-	250	-	-	265	-	-

NOTES: The mark "-" means no assignment
 C., Clin. = Clinic
 D, Dem. = Demonstration
 Hrs. = Hour
 L, Lec. = Lecture
 Op. = Operations
 Req. = Required

Table 3-4A Kodachrome Slide List

1. MS2-4	Chancre of the finger
2. MS2-9	Chancre of the lip
3. MS2-9.1	Syphillitis, primary-lip
4. MS2-31	Chancre of the face
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15. MS2-210H	Favus capitis
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25. MS2-242A	Rosacea, face
26. MS2-246	Sycosis vulgaris under chin
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33. MSc-23	Pustular psoriasis
34. MS3-27	Pityriasis rubra pilaris
35. MS3-44	Acne varioliformis
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