

FILED

TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS

1992 MAY 11 AM 10:38

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 4

OPERATIONAL STANDARDS FOR SCHOOLS OF
BARBERING AND BEAUTY CULTURE

§ 3-4-1. General

1.1. Scope - This legislative rule establishes the 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 Cosmetologists (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 -

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. Record and Posting Requirements

2.1.2. The school shall prepare 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 is to be posted on the schools bulletin board at all times and be made available to all students.

2.1.3. The school must post a copy of this rule on a bulletin board and make the rule 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. The school shall utilize a classroom for the teaching of theory, illustrations and lectures. The school shall also utilize a clinical room for clinical or demonstrative work. A school shall have the following equipment for the accommodation of up to twenty

(20) students. A school shall install additional equipment 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 books used solely for the records required by Section 7 of this rule.

3.2. General requirements for Schools of Beauty Culture

- (a) All schools shall provide and maintain adequate rest room facilities.
- (b) A school shall not permit any student to enter any class for study, or give credit for any work done in school, prior to the time his or her permit has been received from the Board.
- (c) Each school shall maintain a library of suitable reference books approved annually by 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) The school must display all service prices 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) During school hours instructors, as well as students, shall wear washable uniforms which must be kept clean and neat at all times. Instructors shall wear different uniforms 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.

- (1) The school shall furnish the Board 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 school shall furnish the Board 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 Board. 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 held. A school shall have the following minimum equipment before being permitted to operate:

- (a) Ten (10) 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 ultraviolet 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 2 x 2 slides.
- (h) One (1) radiant hy-flect glass beaded screen, model D.L., size 60" x 60"; and such 2 x 2 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, 2 x 2, 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.
- (l) One (1) file for duplicate copies of reports sent to the office of the West Virginia Board of Barbers and Cosmetologists.
- (m) One (1) set of books used solely for the records required by Section 7 of this rule.

4.2. The school shall equip the study and lecture room with the required blackboard from subsection (j) above and charts showing illustrations of the skin, circulation of the blood, muscles and bones of the face, scalp, neck, arms and hands. The school shall use this room 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, shall wear 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. A school shall not permit a student enrolled in a school of barbering to work on 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 school shall furnish the Board with such revised materials.

§ 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. For the purpose of this rule, hour means 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. Schools shall not require attendance to exceed eight (8) hours in any twenty-four (24) hour period, exclusive of the lunch period.

6.3. The student must account for any absence for more than twenty percent (20%) of the time after enrollment 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. The school shall provide a minimum of five (5) classroom theory instructions per week, of three (3) hours each, to 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, the number of clinical operations performed, the total number of hours the student is in attendance and the days each student is absent.

7.2. Monthly Records - Schools shall keep a monthly record of the student's entire enrollment and send this record 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; the number of, and the days that each student is absent or present; the hours devoted to each subject, and the number of clinical operations performed by the student to date.

7.3. Permanent Records - The school's manager shall compile a permanent record, including the information described in subsections 7.1. and 7.2., of each school from the daily class records. The manager shall keep this compilation up-to-date in a permanent file, 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. The school shall present this record to the student upon graduation and this record 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 may 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 a school of barbering or a 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. Schools may give private lessons to registered barbers or cosmetologists 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 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 determined 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 3-4A. Kodachrome Slide List

1.	MS2-4	Chancre of the finger
2.	MS2-9	Chancre of the lip
3.	MS2-9.1	Syphilis, primary-lip
4.	MS2-31	Chancre of the face
5.	MS2-33	Chancre of the mouth and face
6.	MS2-47	Secondary syphilis
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 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)

52.9/

Bill B&B, Operational 3-4

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H. B. 4265

(By Delegate Grubb)
(Introduced January 27, 1992; referred to the
Committee on Government Organization then the Judiciary).

10 A BILL to amend and reenact section five, article nine, chapter
11 sixty-four of the code of West Virginia, one thousand nine
12 hundred thirty-one, as amended, relating to authorizing the
13 board of barbers and beauticians to promulgate legislative
14 rules relating to operational standards for schools of
15 barbering and beauty culture.

16 **Be it enacted by the Legislature of West Virginia:**

17 That section five, article nine, chapter sixty-four of the
18 code of West Virginia, one thousand nine hundred thirty-one, as
19 amended, be amended and reenacted, to read as follows:

20 **ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS**
21 **TO PROMULGATE LEGISLATIVE RULES.**

22 **§64-9-5. Board of barbers and beauticians.**

23 (a) The legislative rules filed in the state register on the
24 tenth day of June, one thousand nine hundred eighty-eight,

11

1 modified by the board of barbers and beauticians to meet the
2 objections of the legislative rule-making review committee and
3 refiled in the state register on the eighth day of December, one
4 thousand nine hundred eighty-eight, relating to the board of
5 barbers and beauticians (minimum curriculum for schools of
6 barbering), are authorized with the amendment set forth below:

7 On page 9, by inserting a new section, designated section
8 3-6-14, to read as follows:

9 "**§3-6-14. Repeal of rule** -- This rule will automatically be
10 repealed on July 1, 1991, unless extended prior to that date by
11 an act of the Legislature."

12 (b) The legislative rules filed in the state register on the
13 tenth day of June, one thousand nine hundred eighty-eight,
14 modified by the board of barbers and beauticians to meet the
15 objections of the legislative rule-making review committee and
16 refiled in the state register on the eighth day of December, one
17 thousand nine hundred eighty-eight, relating to the board of
18 barbers and beauticians (qualifications, training, examination
19 and registration of instructors in barbering and beauty culture),
20 are authorized with the amendment set forth below:

21 On page 6, by inserting a new section, designated section
22 3-2-9, to read as follows:

23 "**§3-2-9. Repeal of rule** -- This rule will automatically be
24 repealed on July 1, 1991, unless extended prior to that date by
25 an act of the Legislature."

1 (c) The legislative rules filed in the state register on the
2 tenth day of June, one thousand nine hundred eighty-eight,
3 modified by the board of barbers and beauticians to meet the
4 objections of the legislative rule-making review committee and
5 refiled in the state register on the eighth day of December, one
6 thousand nine hundred eighty-eight, relating to the board of
7 barbers and beauticians (operation of barber shops and schools of
8 barbering), are authorized with the amendment set forth below:

9 On page 5, by inserting a new section, designated section
10 3-3-6, to read as follows:

11 "§3-3-6. Repeal of rule -- This rule will automatically be
12 repealed on July 1, 1991, unless extended prior to that date by
13 an act of the Legislature."

14 (d) The legislative rules filed in the state register on the
15 tenth day of June, one thousand nine hundred eighty-eight,
16 modified by the board of barbers and beauticians to meet the
17 objections of the legislative rule-making review committee and
18 refiled in the state register on the eighth day of December, one
19 thousand nine hundred eighty-eight, relating to the board of
20 barbers and beauticians (curriculum and minimum requirements,
21 subjects and hour schedule, rules and regulations for schools of
22 beauty culture operation in West Virginia: joint barbers and
23 beauticians license), are authorized with the amendments set
24 forth below:

1 On page 7, by inserting a new section, designated section
2 3-1-11, to read as follows:

3 "§3-1-11. Repeal of rule -- This rule will automatically be
4 repealed on July 1, 1991, unless extended prior to that date by
5 an act of the Legislature."

6 (e) The legislative rules filed in the state register on the
7 tenth day of June, one thousand nine hundred eighty-eight,
8 modified by the board of barbers and beauticians to meet the
9 objections of the legislative rule-making review committee and
10 refiled in the state register on the eighth day of December, one
11 thousand nine hundred eighty-eight, relating to the board of
12 barbers and beauticians (operation of beauty shops and schools of
13 beauty culture), are authorized with the amendments set forth
14 below:

15 On page 4, by inserting a new section, designated section
16 3-4-6, to read as follows:

17 "§3-4-6. Repeal of rule -- This rule will automatically be
18 repealed on July 1, 1991, unless extended prior to that date by
19 an act of the Legislature."

20 On page 4, by inserting a new subsection, designated
21 subsection 3.25, to read as follows:

22 "3.25 Notwithstanding any law to the contrary or
23 interpretation of law to the contrary, any licensed beautician
24 may trim beards or mustaches."

1 (f) The legislative rules filed in the state register on the
2 tenth day of June, one thousand nine hundred eighty-eight,
3 modified by the board of barbers and beauticians to meet the
4 objections of the legislative rule-making review committee and
5 refiled in the state register on the eighth day of December, one
6 thousand nine hundred eighty-eight, relating to the board of
7 barbers and beauticians (licensing schools of barbering or beauty
8 culture), are authorized with the amendments set forth below:

9 On page 2, subsection 4.1, by deleting subdivision (b) and
10 relettering the remaining subdivisions.

11 And,

12 On page 6, by inserting a new section, designated section
13 3-5-8, to read as follows:

14 **"§3-5-8. Repeal of rule --** This rule will automatically be
15 repealed on July 1, 1991, unless extended prior to that date by
16 an act of the Legislature."

17 (g) The legislative rules filed in the state register on the
18 tenth day of August, one thousand nine hundred ninety, modified
19 by the board of barbers and beauticians to meet the objections of
20 the legislative rule-making review committee and refiled in the
21 state register on the seventh day of December, one thousand nine
22 hundred ninety, relating to the board of barbers and beauticians
23 (licensing of schools of barbering and beauty culture), are
24 authorized with the amendment set forth below:

1 On page 6, by inserting a new section, designated section
2 3-5-8, to read as follows:

3 "§3-5-8. Repeal of rule -- This rule will automatically be
4 repealed on July 1, 1992, unless extended prior to that date by
5 an act of the Legislature."

6 (h) The legislative rules filed in the state register on the
7 tenth day of August, one thousand nine hundred ninety, modified
8 by the board of barbers and beauticians to meet the objections of
9 the legislative rule-making review committee and refiled in the
10 state register on the seventh day of December, one thousand nine
11 hundred ninety, relating to the board of barbers and beauticians
12 (qualifications, training, examination and registration of
13 instructors in barbering and beauty culture), are authorized with
14 the amendment set forth below:

15 On page 6, by inserting a new section, designated section
16 3-2-9, to read as follows:

17 "§3-2-9. Repeal of rule -- This rule will automatically be
18 repealed on July 1, 1992, unless extended prior to that date by
19 an act of the Legislature."

20 (i) The legislative rules filed in the state register on the
21 tenth day of August, one thousand nine hundred ninety, modified
22 by the board of barbers and beauticians to meet the objections of
23 the legislative rule-making review committee and refiled in the
24 state register on the seventh day of December, one thousand nine
25 hundred ninety, relating to the board of barbers and beauticians

1 (minimum curriculum for schools of barbering), are authorized
2 with the amendment set forth below:

3 On page 7, by inserting a new section, designated section
4 3-6-14, to read as follows:

5 **"§3-6-14. Repeal of rule --** This rule will automatically be
6 repealed on July 1, 1992, unless extended prior to that date by
7 an act of the Legislature."

8 (j) The legislative rules filed in the state register on the
9 tenth day of August, one thousand nine hundred ninety, modified
10 by the board of barbers and beauticians to meet the objections of
11 the legislative rule-making review committee and refiled in the
12 state register on the seventh day of December, one thousand nine
13 hundred ninety, relating to the board of barbers and beauticians
14 (curriculum and minimum requirements, subjects and hour schedule,
15 rules and regulations for schools of beauty culture operation in
16 West Virginia; joint barbers and beauticians license), are
17 authorized with the amendment set forth below:

18 On page 7, by inserting a new section, designated section
19 3-1-11, to read as follows:

20 **"§3-1-11. Repeal of rule --** This rule will automatically be
21 repealed on July 1, 1992, unless extended prior to that date by
22 an act of the Legislature."

23 (k) The legislative rules filed in the state register on the
24 tenth day of August, one thousand nine hundred ninety, modified
25 by the board of barbers and beauticians to meet the objections of

1 the legislative rule-making review committee and refiled in the
2 state register on the seventh day of December, one thousand nine
3 hundred ninety, relating to the board of barbers and beauticians
4 (operation of barber and beauty shops and schools of barbering
5 and beauty culture), are authorized with the amendment set forth
6 below:

7 On page 4, by inserting a new section, designated section
8 3-3-6, to read as follows:

9 "§3-3-6. Repeal of rule -- This rule will automatically be
10 repealed on July 1, 1992, unless extended prior to that date by
11 an act of the Legislature."

12 (1) The legislative rules filed in the state register on the
13 thirteenth day of August, one thousand nine hundred ninety-one,
14 modified by the board of barbers and beauticians to meet the
15 objections of the legislative rule-making review committee and
16 refiled in the state register on the thirty-first day of
17 December, one thousand nine hundred ninety-one, relating to the
18 board of barbers and beauticians (operational standards for
19 schools of barbering and beauty culture), are authorized.

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21 NOTE: The purpose of this bill is to authorize the Board of
22 Barbers and Beauticians to promulgate legislative rules relating
23 to operational standards for schools of barbering and beauty
24 culture.

25
26 Strike-throughs indicate language that would be stricken from
27 the present law, and underscoring indicates new language that
28 would be added.



STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
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December 27, 1991

Debra A. Graham
Counsel, LRMRC
Capitol Complex
Charleston, West Virginia 25305

Dear Debra,

This letter is being prepared in order to chronologically track the procedure by which the West Virginia Board of Barbers and Beauticians has utilized in order to have the Legislative Rule-Making Review Committee approve the Board's proposed rules, series 1 through 6.

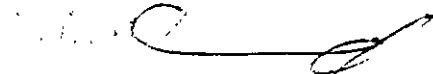
The Board filed the proposed legislative rules for public comment on June 17, 1991. The public comment period ended July 22, 1991, with no comments having been received by the Board. The comment period ended on July 22, 1991.

The Proposed rules, series 1 through 6 were then filed by the Board with the Secretary of State's Office on July 22, 1991, and subsequently filed with your office on August 12, 1991 for review. At your request, the Board proceeded to revise the rules, series 1 through 6, in order to create a more organized set of rules. The rules that were reorganized were intended to be "modified" versions of the proposed rules and not offered as new proposed rules. There were no substantive changes to the rules, only a reorganization of the subject matter in order to make the rules more easily understandable and to allow the general public the opportunity to find information within the rules in an logical order.

These rules which were intended to modify the proposed rules were filed with the LRMRC on August 12, 1991. Due to the mass reorganization of the rules, the titles of the rules had changed. (thereby creating possible confusion for persons wanting to receive a copy of the rules from the Secretary of State's Office and prompting the preparation of this letter) The rules that were submitted for public comment contained the exact same subject matter as the revised or modified rules.

These revised or modified rules were reviewed by the LRMRC on December 9, 1991 and were approved pending very minor modifications relating to grammar. These changes were made and the final rule was submitted on the date of this letter, December 1991.

Very truly yours,



Albert C. Dunn, Jr.
Assistant Attorney General

cc: Judy Cooper
Larry Absten



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Secretary of State

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Deputy Secretary of State

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(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

TO: Larry W. Absten

AGENCY: Board of Barbers & Cosmetologists

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: October 15, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 4 TITLE: 3 Board of Barbers & Cosmetologists

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: *Larry W. Absten*

TITLE OF PERSON SIGNING: Director

DATE: 10/22/92

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.