

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED
1991 JUN 17 PM 1:58
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV BOARD OF BARBERS AND BEAUTICIANS TITLE NUMBER: 3

RULE TYPE: LEGISLATIVE; CITE AUTHORITY §30-27-1

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: MINIMUM CURRICULUM FOR SCHOOLS
OF BARBERING

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON JULY 22, 1991 AT 4:30 PM. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

BOARD OF BARBERS AND BEAUTICIANS

GUTHRIE CENTER

4860 BRENDA LANE

CHARLESTON, WV 25312

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Taunja Willis Miller, Secretary

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

3.40

FISCAL NOTE FOR PROPOSED RULES

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Rule Title: MINIMUM CURRICULUM FOR SCHOOLS OF BARBERING JUN 17 PM 1:58

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Type of Rule: Legislative Interpretive Procedural

Agency BOARD OF BARBERS & BEAUTICIANS Address 4860 BRENDA LANE, GUTHRIE
CENTER, CHARLESTON, WV25312

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.

The proposed amendments will not affect current or future budgets.

3. Objectives of these rules: The proposed amendments 1) change the title of the rule 2) delete the curriculum requirements and licensing fees which were included in the new series 4.

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.

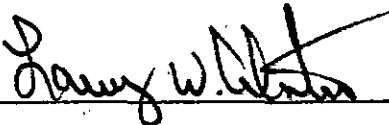
NONE

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

WEST VIRGINIA BOARD OF BARBERS AND BEAUTICIANS

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RULE ABSTRACT

1991 JUN 17 PM 1:58

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Title: Minimum Curriculum for Schools of Barbering

CSR Title & Series: 3 CSR 6

Type: Legislative

Summary: The proposed amendments: 1) change title of rule to "Rules and Regulations for Schools Barbering". 2) deletes curriculum requirements and licensing fees which were included in Series 4. 3) delete repeal of rule clause.

For further information contact: West Virginia Board of Barbers and Beauticians, Guthrie Center, 4860 Brenda Lane, Charleston, West Virginia, 25312. Telephone: 348-2924.

(PROPOSED)

TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND BEAUTICIANS

FILED

SERIES 6

1991 JUN 17 PM 1:58

MINIMUM-CURRICULUM RULES AND
REGULATIONS FOR SCHOOLS OF BARBERING

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§3-6-1. General

1.1. Scope - This legislative rule establishes the minimum curriculum, equipment and operation for schools of barbering.

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. Supersession and Repeal of Former Rules - This rule supersedes and repeals "Minimum Curriculum for Schools of Barbering," Board of Barbers and Beauticians Legislative Rules, 3 CSR 2, filed December 7, 1990, and effective July 1, 1991.

§3-6-2. Application and Enforcement

2.1. Application - This rule applies to the owners and operators of schools of barbering.

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

§3-6-3. Schedule-of-Subjects-and-Hours Operation of Barber Schools

3.1. Minimum-Curriculum-for-Barber-License-Reporting Requirements

3.1.1. ~~Every West Virginia school of barbering shall conduct a course of study consisting of at least two thousand (2000) clock hours, divided as shown in Table 3-6A found at the end of this rule and subdivided at the discretion of the faculty of each school.~~ On the first day of each month the 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 grade on each student shall be presented to each student upon graduation, and shall also be made a part of each student's application for examination before the West Virginia Board of Barbers and Beauticians.

3.1.2. A copy of this rule must be posted on a bulletin board, accessible to all students.

3.2. ~~Minimum Curriculum for Barber/Permanent-Waving License-- Every West Virginia school of barbering shall conduct a course of study consisting of at least two thousand (2000) hours for a barber/permanent-waving license, divided as shown in Table 3-6A found at the end of this rule and subdivided at the discretion of each school.~~

3.3 ~~Curriculum for Barbers to Obtain a Cross-Over Cosmetologist License---The curriculum for a barber to adequately pass the cosmetologist examination in order to obtain a cross-over cosmetologist license is shown in Table 3-6D found at the end of this rule.--An individual must have completed the one thousand eight hundred (1,800) of barber's training prior to taking the five hundred (500) hour cosmetology cross-over license training.--An individual who has completed the barber's training may, however, take the cosmetology cross-over training prior to taking the barber examination.--Upon completing both sets of training requirements, the individual must then submit to both the one thousand eight hundred (1,800) hour barber examination and the five hundred (500) hours cosmetology examination.--Out-of-state applicants shall be considered on an individual basis.--Requirements which are substantially equal are accepted.--Requirements of less than one thousand eight hundred (1,800) hours barber's training are usually accepted if supplemented by one (1) year of practical experience for every three hundred (300) hours of schooling not to exceed one thousand (1,000) hours.~~

3.4. ~~Curriculum for Cosmetologists to Obtain a Cross-Over Barber License---The curriculum for a cosmetologist to adequately pass the barber examination in order to obtain a cross-over barber license is shown in Table 3-6E found at the end of this rule. Individuals must have completed two thousand (2,000) hours of cosmetologist's training prior to taking the three hundred (300) hours barber cross-over license training.--An individual who has completed the cosmetologist's training may, however, take the barber cross-over training prior to taking the cosmetology examination. Upon completing both sets of training requirements, the individual must then submit to both the two thousand (2,000) hour cosmetology examination and the three hundred (300) hours barber examination. Out-of-state applicants shall be considered on an individual basis. Requirements substantially equal are accepted.--Requirements of less than two thousand (2,000) hours cosmetologist's training are usually accepted if supplemented by one (1) year of practical experience for every three hundred (300) hours of schooling not to exceed one thousand (1,000) hours.~~

3.5. ~~Persons who have completed the cross-over curriculum from barbering to beauty culture or beauty culture to barbering shall be issued a joint Barber/Cosmetology license and shall be liable for only one annual renewal fee of twenty-five dollars (\$25.00).~~

§3-6-4. **Qualifications** - A school owner, or any person who intends to own a school of barbering is required to submit to the West Virginia Board of Barbers and Beauticians satisfactory evidence as to the character and competency of the persons interested in managing and teaching in the school, literature and advertising material pertaining to the school, a copy of the contract to be signed by the prospective students and establish any necessary facts regarding the ownership of the school.

§3-6-5. **Classrooms, Equipment, and General Instructions**

5.1. 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 or beginners department and the other as the senior department. All beginners will receive instructions 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 in every way and at all times with all the rules promulgated by the West Virginia Board of Barbers and Beauticians. There shall be a third room in every school of barbering where class study, examinations and lectures will be held. The minimum equipment with which a school will be permitted to operate is as follows:

(a) Ten complete chair units consisting of one (1) chair, lavatory, and complete backstand, providing a proper cabinet for immediate linen supply and individual wet and dry sterilizers.

(b) One (1) recognized textbook on barbering for each student;

(c) Three (3) high frequency or violet ray outfits;

(d) One (1) standard vibrator to 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 such microscope slides on related sciences dealing with bacteria and human anatomy as may become available, and 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 may become available and as specified in this rule or as the Board may approve and publish in a list from time to time;

- (i) Sufficient clean linen cabinet space;
- (j) One (1) blackboard, not less than 5'x8' in size;
- (k) One (1) large bulletin board, conspicuously located, for posting of rules and regulations, notices, etc.;
- (l) One (1) set of record files;
- (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 8 of this rule.

5.2. 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.

5.3. 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 from time to time.

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

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

5.6. 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.

5.7. Each school shall advertise only under the designation of a barber school, and shall display conspicuously at the entrance to said 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."

5.8. 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.

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

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

5.11. 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 been in attendance for a period of three hundred (300) hours.

5.12. Each senior student, 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, during that time.

5.13. The West Virginia Board of Barbers and Beauticians shall be furnished with a copy of the class schedule being used in each school of barbering, and copies of all advertising material and student contracts. At any time any changes may be made in any of the above, the Board shall be furnished with a copy of same, as revised.

5.14. In teaching the practical part of the training in schools of barbering, all schools will be governed by the "Schedule of Hours, Lecture, Demonstration, and Clinic Operations," shown in Table 3-6BA found at the end of this rule.

§3-6-6. Enrollment - The enrollment in a school of barbering shall not, at any time, exceed fifteen (15) students for each ten (10) barber chairs in the school. This shall be construed to mean that enrollment shall not exceed one and one-half (1-1/2) students per chair.

§3-6-7. Attendance

7.1. All schools of barbering must establish regular school hours.

7.2. All schools shall require that all students attend classes at least eighty percent (80%) of the time 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.

7.3. A minimum of five (5) recitations per week, of three (3) hours each, shall be given all students. These periods shall include lectures, class study and written examinations. All examination and other written papers shall be carefully graded and returned to the students in order that they may see their errors.

Note: Hours herein referred to shall mean full clock hours.

§3-6-8. Records

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

8.2. **Monthly Records** - A monthly record of the entire enrollment must be sent to the office of the West Virginia Board of Barbers and Beauticians on forms furnished to the schools for that purpose, showing the permit number of each student; the number of months each student has been reported for; a record of the days absent and present; hours devoted to each subject and number of clinical operations performed to date.

8.3. **Permanent Records** - A permanent record 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 West Virginia Board of Barbers and Beauticians, or any authorized representative.

8.4. **Final** - The manager of each school shall compile from his or her records a summary of each student's subjects, clinical operations, grades, hours and attendance which shall be presented to the student upon graduation, and which shall also be made a part of his or her application 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 his or her school.

§3-6-9. Teaching Staff

9.1. No school will be permitted to open or operate with less than three (3) licensed senior instructors: Provided, that schools having a valid license as of the effective date of this rule shall employ a minimum of two (2) senior instructors. There must be one (1) senior or student instructor for every twenty (20) students, or reasonable average thereof, and an instructor shall be in the study and classrooms of the school at all hours and supervise all practice student work. Every instructor in a barber school shall devote his entire time, during school hours, to instruction and supervision of all practice student work, and shall not apply his time to the private or public practice of barbering for any reason.

9.2. There must be at least one (1) monthly illustrated or demonstrated lecture during the course of instruction, 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.

9.3. All students must be given a complete course in barbering as prescribed in this rule.

§3-6-10. Postgraduate

10.1. Postgraduate courses may be arranged at the discretion of the faculty of the school and may be open to students who have previously attended school, or who have graduated from another school of barbering, and credit from previous training may apply to the two thousand (2000) hours required for graduation. Upon entrance,

students must present to the school manager credentials showing subjects studied and hours credit received, duly signed and certified by the manager of the school previously attended.

10.2. Private lessons may be given to registered barbers who are desirous of gaining more knowledge in any subject, or subjects, which they are already entitled to practice.

§3-6-11. Credits That May Be Accepted From Schools of Barbering Not Located in West Virginia - A student who has graduated from a recognized school of barbering not located in West Virginia can be given credit only for the amount of hours required for graduation under the regulations in that particular state. These hours may apply on the two thousand (2000) hours required for graduation from a school in this State. All credits accepted under this rule must be duly certified to by the manager of the school the student attended and made a part of his or her application for examination as a barber in this State.

§3-6-12. List of Prescribed 2x2 Kodachrome Transparencies (Lantern Slides)

A partial list of Kodachrome slides, 2x2, 35 mm., prescribed for use in schools of barbering in West Virginia is shown in Table 3-6EB found at the end of this rule.

§3-6-13. Administrative Due Process - 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 Chapter 29A, Article 5 of the West Virginia Code.

§3-6-14. Severability - If any provision of this rule or the application thereof to any person or circumstance shall be 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 declared to be severable.

~~§3-6-15. Repeal-of-Rule---This-rule-will-automatically-be-repealed on-July-1,-1992,-unless-extended-prior-to-that-date-by-an-act-of-the Legislature.~~

Table 3-6B.A 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. & Dem.	Req. Clin. Ops.	54 Days			54 Days			54 Days			54 Days		
			9 Weeks			9 Weeks			9 Weeks			9 Weeks		
			First Quarter			Second Quarter			Third Quarter			Fourth Quarter		
Hrs.	No. C.Op.	Hrs. L-D	Hrs. Op.	Hrs. L-D	Hrs. Op.	Hrs. L-D	Hrs. Op.	Hrs. L-D	Hrs. Op.	Hrs. L-D	Hrs. Op.	Hrs. L-D	Hrs. Op.	
PRACTICAL SUBJECTS														
Scalp Treatments	10	50	3	13	15	3	13	15	2	12	10	2	12	10
Shampooing	10	50	3	7	15	3	7	15	2	6	10	2	5	10
Honing and Stropping	10	-	3	4	-	3	4	-	2	4	-	2	3	-
Shaving	10	375	4	81	75	4	81	75	1	81	110	1	82	115
Facials, Massage, Steam	10	75	3	25	20	3	20	20	2	20	22	2	10	13
Haircutting	10	540	3	100	120	3	100	125	2	100	130	2	125	165
Hair Tonics and Singeing	5	100	2	6	25	1	6	25	1	6	25	1	7	25
Dyeing and Bleaching	5	-	2	3	-	1	3	-	1	2	-	1	2	-
Instruments, Tonics, Soaps, etc.	10	-	3	-	-	3	-	-	2	-	-	2	-	-
Salesmanship	10	-	3	-	-	3	-	-	2	-	-	2	-	-
Unassigned	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	-	-

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

Table 3-6D, 6B, 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. MSc-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

3 CSR 6

51. MS4-45	acid) 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)