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SECRETARY OF STATE
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ADMINISTRATIVE LAW DIVISION

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #2

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: BOARD OF BARBERS AND COSMETOLOGISTS TITLE NUMBER: 3

RULE TYPE: LEGISLATIVE; CITE AUTHORITY WV CODE 30-1-8

AMENDMENT TO AN EXISTING RULE: YES NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 8

TITLE OF RULE BEING PROPOSED: CONTINUING COMPETENCE

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 MAY 23, 2000 AT 4:30PM. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

BOARD OF BARBERS & COSMETOLOGISTS

1716 PENNSYLVANIA AVE., SUITE 7

CHARLESTON, WV 25302

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



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

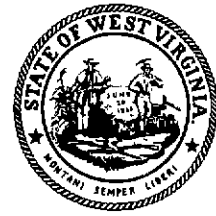
3,00

State of West Virginia

Board of Barbers and Cosmetologists

1716 Pennsylvania Avenue, Suite 7, Charleston, West Virginia 25302

Phone (304) 558-2924 Phone/Fax (304) 558-3450

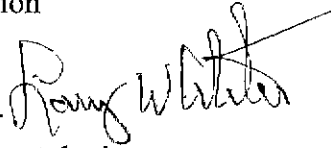


Larry W. Absten
Director

MEMO

DATE: April 19, 2000

TO: West Virginia Secretary of State
Ms. Judy Cooper
Administrative Law Division
Charleston, WV 25305

FROM: Larry W. Absten, Director 
Board of Barbers and Cosmetologists

RE: Proposed Rule Title 3 Series 8 of The Board of Barbers and Cosmetologists
Legislative Rules

The purpose of this rule is to comply with Senate Bill 358 enacted by the West Virginia Legislature in the 1996 Legislative session mandating continuing education requirements for barbers, cosmetologists, manicurists and aestheticians.

**TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS**

SERIES 8

CONTINUING COMPETENCE

§ 3-8-1. General

1.1. **Scope** - This legislative rule establishes requirements for continuing competence to practice barbering, cosmetology, manicuring and aesthetics.

1.2. **Authority** - W. Va. Code § 30-27-8 and § 30-27-1.

1.3. **Filing Date** -

1.4. **Effective Date** -

§ 3-8-2. Definition of Terms, Continuing Competence

2.1. “Approved provider” means a state or national agency, organization, association or individual registered with and recognized by the Board.

2.2. “Audit” means the selection of individual licensees for verification of satisfactory completion of continuing education requirements during a specified time period; or the selection of approved providers for verification of adherence of continuing education provider requirements during a specified time period.

2.3. “Continuing education” means planned organized learning activities engaged in following initial licensure and designed to maintain, improve or extend licensee’s knowledge and skills or to develop new knowledge and skills to enhance service to and safety and health of the public.

2.4. “Methods of instruction” shall include lectures and workshops from a Board approved provider or related classes from any degree granting college or university recognized by the West Virginia college and university systems.

§ 3-8-3. Continuing Competence - A Prerequisite for Renewal

3.1. Continuing education requirements

3.1.1 Each applicant for renewal of a license, if the license is currently active, or reinstatement of a license if a license is lapsed or on the inactive list, shall verify that he or she has completed (16) contact hours of continuing education during the prescribed two (2) year

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reporting period.

Units of measurement for continuing education courses are:

- (a) 1 contact hour = 50 minutes of instruction.
- (b) 1 contact hour = 50 minutes of clinical practice in a workshop
- (c) 1 continuing education unit (CEU) = 8 contact hours of instruction
- (d) 1 academic semester hour = 10 contact hours of instruction

3.1.2 During the licensing year January 1, 2002 through December 31, 2002, each licensed barber, cosmetologist, manicurist and aesthetician with an active license shall complete a minimum of 8 hours of continuing education as approved by this rule. The licensee shall report his or her continuing education requirements to the Board no later than December 31, 2002, with the application for renewal of his or her license for the licensing year January 1, 2003 to December 31, 2003.

3.1.3 After the one year phase in period, each licensed barber, cosmetologist, manicurist or aesthetician with an active license to practice in West Virginia shall complete 16 hours of continuing education as approved by this rule, every two calendar or licensing years, on or before December 31, 2005, and every other December 31st thereafter, each active licensee of the Board shall file a report of their continuing education activities with the Board at the time the licensee files an application for renewal of his or her license.

3.1.4 The Board shall not grant credit for identical continuing education activities submitted during any single two year reporting period. Continuing education credits from a previous two (2) year reporting period may not be used, nor shall credits be accumulated for use in a future two year reporting period.

3.1.5 Exceptions to continuing education requirements.

The Board shall exempt from continuing education requirements a licensee who qualifies for exceptions set forth in this rule.

3.1.6 A licensee who obtains a license for the first time in West Virginia during the first twelve months of any (24) twenty four month reporting period shall complete 8 hours of continuing education activities as set forth in this rule, before the end of the current reporting period. A licensee who obtains a license for the first time in West Virginia during the second twelve (12) months of any two year reporting period is exempt from the continuing education requirements for the entire reporting period.

3.1.7 A licensee who resides outside of West Virginia and who holds a license to practice in a state other than West Virginia who also has mandatory continuing education is exempt from the continuing education set forth in this rule. A licensee who claims this exemption shall retain evidence of the out-of-state license and present the evidence to the Board upon request.

3.1.8 A licensee or licensed spouse of anyone serving on active duty in the military in

another state or foreign country is exempt from continuing education requirements for the duration of active duty by the licensee or licensed spouse not residing within the state of West Virginia.

3.1.9 The Board may grant a waiver to a licensee who has a physical or mental disability or illness or who is providing direct care to a member of his or her immediate family during all or a portion of the reporting period. A waiver may also provide for an extension of time or exemption from some or all of the continuing education requirements. Any licensee may request an application for waiver from the Board. The Board shall approve or deny an application for waiver after review of the application. The Board shall not grant an exception from continuing education requirements for more than one (1) two (2) year reporting period, as set forth in this rule.

3.1.10 Failure to meet requirements or exceptions to requirements.

The Board may take the following actions if a licensee fails to meet the continuing education requirements or the conditions for exceptions for renewal.

3.1.11 The Board may place the licensee on inactive status without penalty and may waive the continuing education requirements, providing the licensee notifies the Board in writing of his or her desire to have the Board place his or her license on inactive status before the last day of the reporting period. The Board shall not charge a fee to place the license on inactive status.

3.1.12 The Board shall lapse the license of any person who fails to notify the Board in writing prior to the last day of the reporting period that he or she wishes to place his or her license on inactive status.

3.1.13 Reinstatement of a license on lapsed status.

A license on lapsed status may be reinstated only by payment of all lapsed fees specified by West Virginia Code §30-27-4, and completion of continuing education requirements specified in this rule.

3.1.14 Audit of licenses.

The Board may select any licensee who holds a current license to audit for compliance with continuing education requirements. To comply with audit requests, the licensee shall submit legible copies of certificates of attendance at continuing education offerings and shall submit all requested documents within thirty (30) days of the date he or she received the request. The Board may grant an extension of time for submission of the documents, on an individual basis, providing the licensee makes a written request for an extension of time and provides justification for the request.

3.1.15 Licensees are required to keep copies of certificates of attendance at continuing education offerings, and documentation of exceptions from continuing education requirements for a two year period following submission of continuing education activities to the Board.

3.1.16 Licensees shall be required to furnish proof of 16 contact hours of continuing education for each two (2) year reporting period regardless of the number of licenses they hold.

3.1.17 The Board shall notify the licensee of the satisfactory completion of an audit. if a person fails to submit the audit information requested by the Board or meet the standards for continuing education set forth in this rule, the Board shall not renew a license until the audit is completed.

3.1.18 The Board shall take action pursuant to West Virginia Code §30-27-11 against any licensee who submits false information to the Board.

3.1.19 A licensee who fails to notify the Board of a current mailing address is not absolved from the audit or continuing education requirements. The Board shall not renew the license until the audit is completed.

§ 3-8-4. Continuing Education Providers

4.1. The Board shall recognize as approved providers an agency, corporation or individual which meets minimum provider standards as set forth in subparagraph 4.2 of this rule. approved providers include, but are not limited to: any degree granting college or university recognized by the West Virginia State college and university systems. the State colleges and universities are exempt from any provider fees imposed by the Board.

4.2 Minimum standards for approved providers.

4.2.1 The minimum duration shall be at least 1 contact hour .

4.2.2 The provider shall prepare written objectives in measurable terms which describe what a licensee can expect to learn.

4.2.3 The program content shall relate to the program objectives.

4.2.4 The provider shall furnish the instructor's qualifications in the subject areas to be taught, in writing.

4.2.5 The providers shall establish a written method to determine whether the participant has achieved the stated objectives of the offering. Methods may include but are not limited to self-evaluation check lists or tests.

4.2.6 The provider shall furnish a written statement of completion to each participant who satisfactorily completes the continuing education activity which is signed by the instructor or a designee and the individual participant.

4.2.7 The provider shall maintain a record of individuals who attend a continuing education offering for a period of not less than three (3) years.

4.2.8 Applications for continuing education providers will be reviewed by the Board on an individual basis.

4.2.9 The Board reserves the right to limit the number of continuing education providers for any particular reporting period.

4.2.10 The Board shall impose an initial registration fee of five hundred (500) dollars and an annual renewal fee of two hundred fifty (250) dollars for all continuing education providers with the exception of those providers exempted by subparagraph 4.1 of this rule.

4.2.11 A provider number will be assigned to each registered provider approved by the Board.

4.3 The photo identification jointly issued by the West Virginia Board of Barbers and Cosmetologists and the West Virginia Department of Motor Vehicles is the only approved ID authorizing admittance to any continuing education class or offering.

4.4 The following activities are not acceptable for continuing education credit:

4.4.1 Orientation and presentation of programs as part of licensees on-going job responsibilities.

4.4.2 Activities which are part of a licensee's usual job responsibility.

4.4.3 Classes or offerings by anyone other than a continuing education provider approved by the Board.