

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #4

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2009 DEC 14 PM 3:43

WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Board of Barbers and Cosmetologists TITLE NUMBER: 3

CITE AUTHORITY: 30-27-6 & 30-1

AMENDMENT TO AN EXISTING RULE: YES NO

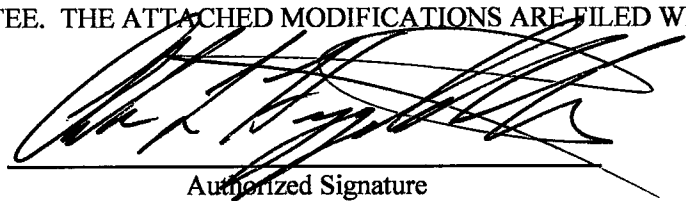
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 10

TITLE OF RULE BEING PROPOSED: Standard of Ethics

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



Authorized Signature

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TITLE 3

2009 DEC 14 PM 3: 44

LEGISLATIVE RULE

BOARD OF BARBERS AND COSMETOLOGISTS

OFFICE OF THE SECRETARY OF STATE

SERIES 10

STANDARD OF ETHICS

§3-10-1. General.

1.1. Scope. –

The Standards of Ethics of the West Virginia Board of Barbers and Cosmetologists apply solely to persons holding a License or Permit issued by the Board and to persons applying for examination and licensure in order to become a West Virginia Licensed Barber, Cosmetologist, Nail Tech, or Aesthetician.

This Standard of Ethics consists of the Standard of Practice and the Code of Ethics.

1.2. Authority. -- W. Va. Code 30-27-1 and 30-1-1

1.3. Filing Date. --

1.4. Effective Date. --

~~§3-10-2. Application.~~

~~This rule applies to all licensees and permittees under W. Va. Code §30-27-1 et seq.~~

~~§3-10-32. Definitions.~~

The following words and phrases as used in this rule have the following meanings:

~~32.1. "Applicant" means any person making application for examination and/or a license to become a Licensed Barber, Cosmetologist, Nail Tech, or Aesthetician.~~

~~32.2. "Beauty Culture" means the practice or act of barbering, cosmetology, nail technician or manicurist, and aesthetician or any of the applications listed in WV CODE 30-27-43.~~

~~32.3. "Individual" means any person holding a license or permit issued by the Board.~~

~~§3-10-43. Standard of Practice.~~

~~43.1. The Standard of Practice shall is a guide by which the individual or the board may evaluate his or her professional conduct as it relates to clients, employers, colleagues, and the Board. The Standard of~~

Practice is intended to assist the individuals and applicants in maintaining a high level of ethical conduct and in providing for the protection, safety, and sanitation of clients.

The individual shall:

~~43.1.1. e~~Conduct herself or himself in a professional manner;

~~43.1.2. d~~ Deliver client service unrestricted by the concerns of personal attributes and without discrimination on the basis of sex, race, creed, religion or socioeconomic status;

~~43.1.3. u~~Use equipment and accessories, employ techniques and procedures, perform services in accordance with an accepted standard of practice;

~~43.1.4. e~~Continually strive to improve knowledge and skills by participating in continuing education and professional activities, sharing knowledge with colleagues and investigating new aspects of professional practice.

~~§3-10-54.~~ Code of Ethics.

~~54.1. These are standards of minimally acceptable professional conduct for all present licensees, permittee's and applicants. Because the public relies on the Board to issue licenses and permits, it is essential that these individuals and applicants act consistently with this Code of Ethics. The Code of Ethics is intended to promote the protection, safety, and sanitation of clients and their services. The individuals and applicants engaging in any of the following conduct or activities, or who permit the occurrence of the following conduct or activities with respect to them, have violated the Code of Ethics and could be subject to sanctions.~~

An individual may not:

~~54.1.1. Employ fraud or deceit in procuring or attempting to procure, maintain, renew or obtain reinstatement of a license or permit issued by or to the Board for employment in the beauty culture field. This includes altering in any respect any document issued by the Board or any state or federal agency, or by indicating in writing certification or registration with the Board when that is not the case;~~

~~54.1.2. Subvert or attempt to subvert the Board's examination process. Conduct that subverts or attempts to subvert the Board's examination process includes, but is not limited to:~~

~~54.1.2.a. conduct that violates the security of Board examination materials, such as removing or attempting to remove examination materials from an examination room, or having unauthorized possession of any portion concerning a future or current examination of the Board; or disclosing information concerning any portion of a future, current or previously administered examination of the Board; or disclosing what purports to be, or under all circumstances is likely to be understood by the recipient as, any portion of or "inside" information concerning any portion of a future current or previously administered examination of the Board;~~

54.1.2.b. e Conduct that in any way compromises ordinary standards of test administration, such as communicating with another applicant during administration of the examination, copying another applicant's answers, permitting another applicant to copy one's answers, or possessing unauthorized materials; or

54.1.2.c. i Impersonating an applicant or permitting an impersonator to take the examination on one's own behalf;

54.1.3. Failure to report to the Board that:

54.1.3.a. e Charges regarding the individual's permit or license to practice beauty culture are pending or have been resolved adversely to the individual in any jurisdiction (including but not limited to, imposed conditions, probation, suspension or revocation); or

54.1.3.b. † That the individual has been refused a permit, license or registration certificate to practice beauty culture by another jurisdiction;

54.1.4. Engage in unprofessional conduct;

54.1.5. Engage in any unethical conduct, including, but not limited to, conduct likely to deceive, defraud or harm the public; or demonstrate a willful or careless disregard for the health, welfare or safety of a client. Actual injury need not be established;

54.1.7. Knowingly aid, assist, advise or allow a person without a current and appropriate permit or license to engage in the practice of beauty culture, in a jurisdiction which requires a person to have a current and appropriate permit or license in order to practice beauty culture in that jurisdiction;

54.1.8. Violate a rule adopted by any state board with competent jurisdiction, an order of the board, or state or federal law relating to the practice of beauty culture;

54.1.9. Practice outside the scope of practice authorized by the individual's current permit or license;

54.1.10. Make a false statement or knowingly providing false information to the Board, or to a national certification or accrediting organization;

54.1.11. Engage in false, fraudulent, deceptive or misleading communications to any person regarding the individual's education, training, credentials, experience or qualifications, or the status of the individual's state permit or license; or

54.1.12. Know of a violation or a probable violation of this Standard of Ethics by any individual or by a applicant and fail to promptly report it in writing to the Board.

54.2. An individual shall report convictions, criminal proceedings or military court-martials as set forth in this section. The individual shall report:

54.2.1. The conviction of a felony or misdemeanor pertaining to or in relation to the ~~beauty industry~~ practice of beauty culture or sanitation/safety issues.

54.2.2. A criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered, or a criminal proceeding where the individual enters a plea of guilty or nolo contendere.