



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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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: Barbers And Cosmetologists TITLE-SERIES: 3-16
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: 3-16 Cosmetology Apprenticeship

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: W. Va. Code §30-27-8(a)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This legislative rule establishes procedures for a cosmetology apprenticeship pursuant to W. Va. Code §30-27-8 (a).

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 4/7/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 5/31/2023

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This legislative rule establishes procedures for a cosmetology apprenticeship pursuant to W. Va. Code §30-27-8 (a).

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2023 Increase/Decrease (use "-")	2024 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Danielle J Cordle -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 3
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF BARBERS AND COSMETOLOGISTS

SERIES 16
COSMETOLOGY APPRENTICESHIP

§ 3-16-1. General.

1.1. Scope. -- This legislative rule establishes a cosmetology apprenticeship.

1.2. Authority. -- W. Va. Code §30-27-8(a).

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2029.

§ 3-16-2. Definitions.

2.1. "Cosmetologist Apprentice" means a permitted person seeking to learn cosmetology under a permitted licensed cosmetologist.

2.2. "Apprenticeship Provider" means a permitted licensed cosmetologist that instructs and is responsible for a cosmetologist apprentice during the time of the apprenticeship.

2.3. "Cosmetology Apprenticeship" means the program in which a cosmetology apprenticeship provider instructs a cosmetologist apprentice in the profession of cosmetology which includes theory and practical instruction.

2.4. "Paying Customer" means an individual paying for services.

2.5. "Barber" means a person licensed under the provisions of W. Va. Code § 30-27 and who engages in the practice of barbering.

§ 3-16-3. Qualifications for a Cosmetologist Apprentice.

3.1. To be eligible to practice as a cosmetologist apprentice, an applicant:

3.1.a. Must be at least sixteen years of age;

3.1.b. Has a high school diploma, a GED, proof of high school enrollment, or has passed the “ability to benefit test” approved by the US Department of Education;

3.1.c. Has paid the application fee;

3.1.d. Has a certificate of health from a licensed physician;

3.1.e. Is a citizen of the United States or is eligible for employment in the United States; and

3.1.f. Has submitted completed application to the Board.

§ 3-16-4. Qualifications for an Apprenticeship Provider Offering Cosmetology Apprenticeship.

4.1. To be eligible to be a cosmetologist apprenticeship provider, the provider:

4.1.a. Has had an active Cosmetologist license in West Virginia for at least five years;

4.1.b. Has worked in a licensed salon/shop in West Virginia for the last five years;

4.1.c. Can provide training at a licensed salon/shop in West Virginia which has consistent history of satisfactory inspections conducted by Board.

4.1.d. Has a Cosmetologist license currently in good standing with the Board; and works in a barber shop currently in good standing with the Board;

4.1.e. Has paid the application fee; and

4.1.f. Has submitted completed application to the Board.

§ 3-16-5. Cosmetologist Apprentice Requirements.

5.1. To obtain a cosmetologist license, a cosmetologist apprentice:

5.1.a. Shall complete 3,600 clock hours of apprenticeship training offered solely by a cosmetology apprenticeship provider at a licensed salon/shop or 2,600 clock hours by a cosmetology apprenticeship provider at a licensed salon/shop and 1,000 clock hours with an approved school of cosmetology.

5.1.b. Shall obtain a work permit from the Board immediately after completing apprenticeship hours and while waiting to take the examination. A work permit can only be issued if the applicant is registered for the upcoming examination and can only be renewed once.

5.1.c. Shall use Milady Cosmetology Textbook or Pivot Point Cosmetology Textbook, less than 5

years from published date, for apprenticeship theory work.

5.1.d. Shall successfully pass each chapter review examination with at least a 70%.

5.1.e. Shall complete apprenticeship program within 48 months of commencing studies.

5.1.f. Shall have direct supervision from the registered Apprenticeship Provider while performing services.

5.1.g. Shall work with Apprenticeship Provider to ensure accurate record keeping including, but not limited to, daily hours attended, number of customers serviced, hours spent learning theory, and other information to assist with ensuring completion of the apprentice program. A Board created and required records form will be issued to apprentice and Apprenticeship Provider. Tracking of hours, services, and education progress will be indicated on the form.

5.1.h. Shall keep all records on file at the salon/shop in which the apprentice is training for inspection by the Board or its agents.

5.1.i. Shall have access to all records pertaining to his/her apprenticeship within three days of request from the Apprenticeship Provider.

5.1.j. Shall submit to questions from Board's agent pertaining to sanitation steps and processes used.

5.1.k. Shall submit an application for registration for licensure to the Board after completing apprenticeship and passing the cosmetology examination.

§ 3-16-6. Cosmetology Apprenticeship Provider Requirements.

6.1. To be an apprenticeship provider, a licensed cosmetologist shall:

6.1.a. Promote good attendance from apprentice that would ensure completion of the cosmetology apprenticeship within 48 months of commencing studies.

6.1.b. Ensure apprentice is professionally competent before practicing on a live individual in a licensed salon/shop.

6.1.c. Grade and oversee completion of theory work and written examinations.

6.1.d. Oversee and check all practical work performed during the apprenticeship.

6.1.e. Use Milady Cosmetology Textbook or Pivot Point Cosmetology Textbook, less than 5 years

from published date, for apprenticeship theory work.

6.1.f. Keep accurate records to include name of apprentice(s), daily hours attended, number of customers serviced, hours spent learning theory, and other information to assist with ensuring completion of the apprentice program.

6.1.g. Submit monthly records on a form created by the Board electronically.

6.1.h. Have no more than one apprentice at any time and no more than three apprentices at a salon/shop at any time.

6.1.i. Assume professional responsibility over apprentice at all times while apprentice is in the salon/shop and must have direct supervision over apprentice while apprentice is performing services.

6.1.j. Perform frequent practical demonstrations for apprentice to include hair, aesthetic, and nail practices and techniques commonly used by licensed cosmetologists. Demonstrations may be done on paying customers or mannequin.

6.1.k. Submit to inspection of shop, apprentice documents, and other required records ensuring compliance with this rule and other rules created by the Board.

§ 3-16-7. Salon/Shop Requirements.

7.1. Salon/Shop shall have at least two working hydraulic chairs.

7.2. Salon/Shop shall maintain proper equipment in good repair and products to perform daily services typically offered in a salon/shop which provides hair, aesthetic, and nail services.

7.3. Salon/Shop shall have and post a sign clearly visible to the public indicating a cosmetologist apprentice is on staff and shall have service prices indicating the cost for cosmetologist apprentice.

§3-16-8. Barber Requirements for Cosmetology Apprenticeship.

8.1. A barber who wants to obtain licensure as a cosmetologist through an apprentice program shall:

8.1.a. Submit application to the Board;

8.1.b. Pay the applicable issuance fee;

8.1.c. Have a West Virginia barber license in good standing;

8.1.d. Complete 300 clock hours consisting of nail technology, 500 clock hours consisting of

aesthetics, and 100 clock hours consisting of the “chemicals” course of cosmetology as defined pursuant to W. Va. Code § 30-27-3.

8.1.e. Complete the total 900-hour apprentice program within 24 months of commencing studies;
and

8.1.f. Sit for the cosmetologist examination and must pass within 6 months of completing apprenticeship.

§3-16-9. Revocation of Apprenticeship Provider and Cosmetologist Apprentice Permit.

9.1. The permit of an Apprenticeship Provider and Cosmetologist Apprentice may be revoked or suspended by the Board for any reason specified in W.Va. Code § 30-27-1 et seq.

§3-16-10. Administrative Due Process.

10.1. Those persons adversely affected by the enforcement of this rule have the right to request a hearing in a manner pursuant to the provisions of W.Va. Code § 30-27-1 et seq.