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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

October 22, 2002

COMMITTEES

PROFESSIONAL LICENSURE,
MAJORITY CHAIRMAN
LIQUOR CONTROL
FIREFIGHTERS' CAUCUS,
COCHAIRMAN EMERITUS

John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, PA 17101

Dear Chairman McGinley:

I am writing to inform you that the House Professional Licensure Committee held a meeting on October 22, 2002, and voted to approve Regulations 16A-695, 16A-424 and 16A-6310.

Please feel free to contact my office if any questions should arise.

Sincerely,

A handwritten signature in cursive script that reads "Mario J. Civera".

Mario J. Civera, Chairman
House Professional Licensure Committee

MJC/sms
Enclosures

cc: Thomas F. Matta, Ph.D., Chairperson
State Board of Social Workers, Marriage and Family
Therapists and Professional Counselors
Cheryl McDermott, Chairperson
State Board of Barber Examiners
Alex M. Siegel, J.D., Ph.D., Chairman
State Board of Psychology
Honorable C. Michael Weaver, Secretary of the Commonwealth
Department of State

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REVIEW COMMISSION

Regulation 16A-424

State Board of Barber Examiners

PROPOSAL: Regulation 16A-424 amends 49 PA Code, Chapter 3, regulations of the State Board of Barber Examiners. The amendments revise the provisions pertaining to sanitation standards in barber shops and barber schools, and revise other provisions pertaining to required equipment, barber curriculum, licensure examination and unlicensed personnel.

Regulation 16A-424 is Final Rulemaking which was delivered to the Professional Licensure Committee on October 3, 2002. The Professional Licensure Committee has until October 23, 2002 to approve or disapprove the regulation.

ANALYSIS: The Board's regulations pertaining to sanitation and disease control have not been amended since 1992. The proposed amendments would recognize technological advances in preventing the spread of disease through the use of chemicals and disinfectants regulated by the Federal Environmental Protection Agency (EPA). References to the term "sterilization" would be replaced with the terms "disinfect" and "cleanse," since sterilization is now associated with infection control in highly sensitive environments such as hospitals. Sterilization is not required of equipment used in barber shops and schools, so Sec. 3.55 pertaining to barber shops, and Sec. 3.86 pertaining to barber schools would be amended to contain the primary requirements for sanitation and disinfection of equipment and implements.

Sec. 3.43 would be amended to include mannequins in the list of tools an applicant should bring to the practical portion of the licensure exam. Sec. 3.54, pertaining to required equipment in barber shops, would be amended to decrease the amount of items that are no longer widely used in shops. Sec. 3.57, pertaining to shampoo personnel, would be deleted in that it is redundant with Sec. 13(a) of the Barber License Law. Sec. 3.71 would be amended to reflect that barber students may be taught by both barber teachers and barber managers. Subjects would be added to the curriculum for practical work to reflect modern barber practices.

Sec. 3.72(a) would be amended to clarify that student records be kept for inspection by the Board. Sec. 3.72(b) would be added to require barber teachers or managers to keep quarterly reports of hours earned by students training in shops. Sec. 3.88 would be amended to reflect that a barber school must, at all times, be under the immediate supervision of a licensed teacher rather than a supervisor who possesses a teacher's certificate.

The Committee noted that throughout the Barber License Law, reference is made to the licensure categories of "manager-barber" and "barber-teacher." Sec. 3.12 of the proposed regulations, in part, referred to "teacher" rather than "barber-teacher." Sections 3.22, 3.41 and 3.71 used the terminology "barber-manager" rather than the statutory language of "manager-barber." The Committee recommended that the regulatory language be consistent with the statutory language. The Board has adopted that recommendation.

The Committee requested an explanation for the amendments regarding the number of headrests and combs that would be required per barber chair. The Board states that headrests on modern barber chairs are removable and not needed for all services that are performed. The amended regulation will allow barbers to provide the services that require a headrest while eliminating the need to store unused equipment. The designation of at least 6 combs per chair will likewise eliminate the need to store unused equipment and allow barbers to choose the number of combs they believe necessary to perform services. The Board further states that the changes will not result in a reduction of sanitary standards.

The Committee noted that Sec. 3.55(c)(2), pertaining to the requirement of disinfecting equipment with an EPA registered disinfectant, uses virtually the same language as provided in Sec. 3.1 for the definition of "disinfect." The Committee recommended that the definitions of "disinfect" and "EPA registered disinfectant" be consolidated in Sec. 3.1, and that Sec. 3.55(c)(2) reference the definition rather than redefining the term within that section. The Board elected to not consolidate the two terms, but has referenced both Secs. 3.55(c)(2) and 3.86(b)(2) to the definition of "disinfect" as provided in Sec. 3.1

The Committee recommended that the title of Sec. 3.86, "Maintenance and sterilization," be changed to "Maintenance and sanitation" to be consistent with the proposed title of Sec. 3.55 and to more accurately reflect the content of that section. The Board has adopted this recommendation.

The Committee requested an explanation as to why "Gray's Anatomy" would be deleted as a requirement for barber schools. The Board states that Sec. 3.85(a)(10) requires barber schools to maintain a set of library books on anatomy, and that reference to a specific anatomy book is being deleted in order to allow barber schools to choose from the various anatomy books published.

RECOMMENDATIONS: It is recommended that the Professional Licensure Committee approve the regulation.

House of Representatives
Professional Licensure Committee
October 16, 2002