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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

May 17, 2006

Susan E. Rineer, Chairperson
State Board of Cosmetology
2601 North 3rd Street
Harrisburg, PA 17110

Re: Regulation #16A-4511 (IRRC #2528)
State Board of Cosmetology
Accreditation of Licensed Schools

Dear Chairperson Rineer:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director

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Enclosure

cc: Honorable Robert M. Tomlinson, Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Thomas P. Gannon, Majority Chairman, House Professional Licensure Committee
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee
Honorable Pedro A. Cortes, Secretary, Department of State

Comments of the Independent Regulatory Review Commission

on

State Board of Cosmetology Regulation #16A-4511 (IRRC #2528)

Accreditation of Licensed Schools

May 17, 2006

We submit for your consideration the following comments on the proposed rulemaking published in the March 18, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Cosmetology (Board) to respond to all comments received from us or any other source.

1. Implementation procedures and timetables for compliance.

In a letter dated May 5, 2006, the House Professional Licensure Committee questions what the Board's policy will be if a school changed ownership and the prior owner was delinquent in obtaining accreditation. We note that the Board's response to Question 14 in the Regulatory Analysis Form states there are 158 licensed cosmetology schools in Pennsylvania and 139 of those are accredited. This implies that 19 schools are licensed, but are not yet accredited. These unaccredited schools could experience legitimate difficulty meeting the five year deadline as a result of a change of ownership, change of location or even within the accreditation process itself. The regulation should include or cross reference a provision to allow the licensee the opportunity to demonstrate good cause to the Board and request additional time to get initial accreditation.

2. Clarity.

The cross reference in Paragraph 7.111(a)(7) to Article XVIII of the Public School Code should be corrected to read 24 P.S. §§ 18-1801 – 18-1855.

Facsimile Cover Sheet

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Cynthia Montgomery
To: ~~Suzanne Hoy~~
Agency: Department of State
Licensing Boards and Commissions
Phone: 7-2628
Fax: 7-0251 -
Date: May 17, 2006
Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the State Board of Cosmetology's regulation #16A-4511 (IRRC #2528). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: *Cynthia K. Montgomery* **Date:** 5/17/06