

Regulatory Analysis Form

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INDEPENDENT REGULATORY
REVIEW COMMISSION

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Cosmetology

(2) I.D. Number (Governor's Office Use)

16A-4514

IRRC Number: 2628

(3) Short Title

General Revisions – Hairbraiding and General Update

(4) PA Code Cite

49 Pa. Code, Chapter 7, §§ 7.1, 7.2, 7.11 - 7.12a, 7.14 - 7.15, 7.17, 7.31 - 7.32b, 7.32d - 7.32h, 7.34, 7.35, 7.41, 7.43, 7.45, 7.50 - 7.53, 7.62, 7.64 - 7.66, 7.71 - 7.71c, 7.75 - 7.79, 7.81 - 7.83, 7.90 - 7.95, 7.97, 7.98, 7.100, 7.111, 7.114, 7.115, 7.118, 7.118a, 7.120, 7.123, 7.125, 7.128, 7.129, 7.131 - 7.134

(5) Agency Contacts & Telephone Numbers

Primary Contact: Ruth D. Dunnewold, Senior Deputy Chief Counsel, Department of State (717) 783-7200

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(6) Type of Rulemaking (check one)

Proposed Rulemaking
 Final Order Adopting Regulation
 Policy Statement

(7) Is a 120-Day Emergency Certification Attached?

No
 Yes: By the Attorney General
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The State Board of Cosmetology proposes to revise the Board's regulations in order to implement changes made to the Cosmetology Law (63 P.S. § 507 - § 527) by the Act of July 7, 2006 (P.L. 704, No. 99) (Act 99), as well as to generally update the regulations to strengthen safety and sanitation requirements and to reflect current processes and practices utilized by the Board.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The amendments are made under section 11 of the Cosmetology Law (63 P.S. § 517).

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Section 16 of Act 99 mandates that the Board promulgate the regulations required to implement Act 99's provisions within 18 months of Act 99's effective date. The effective date was September 6, 2006. Accordingly, to the extent that these regulations implement provisions of the Law modified or added to Act 99, these regulations are mandatory. However, to the extent the regulations also update existing regulations that were not impacted by Act 99, there is no mandate for those portions of this proposal.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Act 99 made substantial changes to the Cosmetology Law by adding a new limited license classification, the natural hair braider license; by making changes to terminology; by making other changes within the Cosmetology Law to implement the new natural hair braider license; and by extending to all limited license classes (1) the ability to practice outside of a licensed salon in client's residences under specified circumstances, (2) the ability to practice on a temporary license, and (3) the prohibition on booth rental within a licensed salon. These changes require corresponding changes and additions to the Board's existing regulations, and Act 99 requires the Board to promulgate regulations to make those changes within 18 months of Act 99's effective date.

Because the Board needed to make wholesale changes to its regulations in order to implement Act 99, the Board also took the opportunity to propose a number of other changes to the regulations, which were originally promulgated in 1975. Although piecemeal changes have been made to the regulations over the years, generally in response to legislative changes, the Board had not undertaken an overall review and update since 1975. In the intervening period, some of the Board's regulatory provisions have become obsolete, terms of art have changed, standards of sanitation have evolved, some of the Board's licensing and examination processes have changed, and deficiencies or errors in the regulations have become apparent. Accordingly, in this proposal, the Board would make changes, in addition to those demanded by Act 99, that the Board finds necessary to correct problems in the regulations and to address the way the profession and the Board have grown since 1975.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Because the statute mandates that the Board promulgate regulations to implement Act 99, nonregulation is not an option with regard to the changes or additions to the Law that Act 99 made.

With regard to proposed changes unrelated to Act 99, the risk of operating under obsolete or problematic regulations lies in the fact that the safety and sanitation regulations from 30 years ago are not really adequate for today; licensees to whom the regulations apply may not understand

their responsibilities under the regulations if the profession has changed in 30 years or the regulations are not clear; or licensees may expect out of date standards or procedures to apply to licensing and examination processes that have been changed administratively but not in the regulations. Especially with regard to health, safety and general welfare, sanitation and cleanliness standards have changed since 1975, and they need to be updated so that the Board's licensees are operating under 21st century standards, which is what their clients expect and deserve.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Prior to Act 99, individuals were required to possess a cosmetology license in order to lawfully practice natural hair braiding, which meant obtaining 1250 hours of training from a licensed cosmetology school or 2000 hours of training as an apprentice cosmetologist. Individuals who practiced natural hair braiding without a cosmetology license were subject to prosecution and the imposition of civil penalties for practice without a license. However, under Act 99, as implemented in these regulations, individuals who can prove, among other things, 3 years of practice as a natural hair braider prior to the date they apply for licensure as natural hair braiders are exempt from prosecution for unlicensed activity and may obtain a license without having to pass an examination or complete any schooling. Therefore, individuals who learned hair braiding in some context other than a licensed cosmetology school and have been practicing it for 3 years will benefit from this regulation because now it is much simpler for them to obtain a license and practice lawfully. In addition, clients of the new licensees will benefit because with licensing comes accountability to and oversight by the licensing board, which helps to protect the consumers who utilize the new licensees' services. We do not have reliable information available to indicate how many individuals may benefit in these ways, either as a future hair braider licensee or as the client of a future hair braider licensee.

Individuals employed in and who are clients of the various types of salons will benefit from the updated safety and sanitation regulations because the updates will improve the safety and sanitary conditions within salons. Additionally, licensees and applicants for licensees will benefit from clarification of existing provisions that were confusing or from changes to the regulations that update processes and procedures related to examination and licensing so that the processes and procedures set forth in the regulations coincide with those actually in use at present. There are approximately 117,000 active individual licensees in Pennsylvania who must be employed in salons in order to operate, so at least that many individuals would benefit. It is impossible to estimate how many clients all those licensees have and how many individuals may become applicants for licensure in the future.

Holders of limited licenses who desire to obtain teacher licenses will benefit because previously, such licensees had to have the full 1250 hours of cosmetology training, in addition to 500 hours of curriculum specific to teaching methods and practices, in order to obtain a teacher license. Under Act 99's changes, holders of limited licenses need only obtain the additional 500 hours pertaining to teaching in order to obtain a teacher license, albeit a teacher licensed limited to the practice for which the limited licensee is trained. At present, there are approximately 17,000 limited licensees

who in future could obtain their teacher licenses who would benefit from this regulation.

Applicants for school licenses will benefit from the regulation because the regulation broadens what the Board will accept as satisfactory work experience in a potential school supervisor. Previously, the school supervisor named in an application for school license had to have 1800 hours of satisfactory experience as the designated person in charge of a salon; this regulation changes that requirement to, simply, 1800 hours of satisfactory work experience. This broadens the candidate pool for school supervisors. Because this class of beneficiaries of the regulation comprises applicants who in the future may apply for school licenses, or individuals who in the future may aspire to be school supervisors, there is no reliable manner in which to estimate how many school applicants or erstwhile school supervisors may benefit in this way.

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

The Board anticipates no adverse impact from the regulation.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)
All licensees of the Board will be required to comply with the regulation. At present, there are approximately 135,000 active licensees of the Board.

Additionally, any individual who desires to be licensed as a natural hair braider or to operate a natural hair braiding salon will be required to comply with the regulation. There is no reliable information available to enable an estimate as to how many potential natural hair braider licensees or natural hair braider salon licensees there may be in Pennsylvania.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

Because this regulation has been drafted and developed primarily to implement Act 99 and is mandated by Act 99 to be implemented within 18 months of the Act's effective date, no public input was obtained in the development and drafting of this proposal. However, the proposed rulemaking has been discussed at length during regular public meetings of the Board over the past six months and revisions made based on those discussions.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures that may be required.

Candidates in the regulated community who desire to be licensed as natural hair braiders or limited license teachers, or wishing to operate a natural hair braiding salon, will be required to pay the initial licensing fees of \$10 for natural hair braider or limited teacher licenses and \$55 for the salon, and will thereafter be required to pay biennial renewal fees of \$35 for natural hair braider and limited teacher licenses and \$60 for the salon.

These licensure fees are the same as for initial licensure and biennial renewal for existing license classes. The Board is required by section 16(c) of the act (63 P.S. § 522(c)) to reconcile its expenses and revenue biennially and to increase fees as needed to meet or exceed projected expenditures. Lack of these licensing fees would adversely impact the fiscal integrity of the Board.

Additionally, natural hair braiders who are licensed without examination will be required to obtain 150 hours of continuing education in order to renew for the first biennial renewal period after they are initially licensed. The cost of such education is unknown and may vary depending on the particular school that a candidate chooses to attend.

Individuals who desire to be licensed as natural hair braiders by examination will be required to obtain 300 hours of education, the cost of which is unknown and may vary depending on the particular school that a candidate chooses to attend, and will pay an examination fee established by the examination vendor. As of the date of this writing, the exam vendor charges the same fee for all exam candidates, regardless of the license for which they are applying: \$89 for the written portion of the examination and \$60 for the practical portion of the examination.

Limited teacher license candidates will be required to obtain 500 hours of training in education-related subjects at a cost that is not known and which may vary depending on the particular school that a candidate chooses to attend. They will also pay an examination fee established by the examination vendor. As of the date of this writing, the exam vendor charges the same fee for all exam candidates, regardless of the license for which they are applying: \$89 for the written portion of the examination and \$60 for the practical portion of the examination.

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Local governments will not be affected by the regulation.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures that may be required.

The Board expects to incur increases in administrative costs by implementing the regulation. The additional license classifications will increase the number of licensees of the Board, which could well require an increase in personnel/complement in order to provide adequate and appropriate licensing, enforcement and disciplinary action services related to the new and additional licensees. Increasing staffing will require additional funding, depending on the number of additional licensees brought within the Board's oversight. The Board intends, by implementing the initial license and biennial license renewal fees that this proposal would establish in section 7.2, to raise revenue through those licensing fees that will permit the Board to recoup the costs of its operations related to the new license classes. Indeed, section 16(c) of the Law (63 P.S. § 522(c)), mandates that Board revenues meet Board expenses, so this proposal accords with that responsibility.

However, the Board also expects enforcement activity related to unlicensed natural hair braiding, including investigations, inspections, and prosecutions, to decline since licensing is now available that requires much less formal training than a full cosmetology license requires, which is the license that was necessary prior to Act 99's changes in the Law. The Board expects this to result in a cost savings, but it is impossible to determine how much of a savings.

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years. N/A

	Current FY FY 06-07	FY +1 FY 07-08	FY +2 FY 08-09	FY +3 FY 09-10	FY +4 FY 10-11	FY +5 FY 11-12
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated						
Local						
State						
Total Savings						
COSTS:						
Regulated						
Local						
State						
Total Costs						
REVENUE:						
Local						
State						
Total Revenue						

(20a) Explain how the cost estimates listed above were derived.

Because the Board does not have any way of knowing how many individuals will apply to be licensed in the new license classes, the Board is unable to arrive at an estimate of the costs to the regulated community.

However, the costs to new licensees, their biennial renewal costs, and the costs related to other new fees will be as follows:

License class	Proposed initial application fee	Proposed biennial renewal fee
Natural hair braider	\$10.00	\$35.00
Natural hair braider shop	\$55.00	\$60.00
Limited practice teacher	\$10.00	\$35.00

Facility-related fees	Proposed fee
Change in cosmetology school – inspection required	\$110.00
Change in cosmetology school – no inspection required	\$35.00
Change in salon license (any license class) – inspection required	\$55.00
Change in salon license (any license class) – no inspection required	\$15.00
Reinspection of salon (any license class) or cosmetology school	\$40.00

Please see the attached Fee Report Forms that explain and describe the fees and the fee-related activities and costs underlying them.

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 FY 03-04 Actual	FY -2 FY 04-05 Actual	FY -3 FY 05-06 Actual	Current FY FY 06-07 Budgeted
Cosmetology Board	\$2,433,300.26	\$2,367,234.61	\$2,443,197.37	\$3,174,000.00

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The amendments to the existing regulations that would impose licensing fees on these new classes of licensees are mandated by section 16(c) of the act (63 P.S. § 522(c)), so that Board revenues meet Board expenses.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

The Board has been operating since the effective date of Act 99 by establishing internal procedures and practices to address those changes and get the new license classifications up and running as soon as possible. However, this nonregulatory alternative is not permanently acceptable because (1) Act 99 requires the promulgation of regulations to implement its provisions; (2) the absence of regulations means there is no concrete, consistent guidance available for those who would be benefited by the changes that Act 99 made; and (3) the absence of regulations interpreting and implementing Act 99 means that there is no uniform understanding of all of the changes Act 99 made and how they will impact licensees, clients of licensees, and potential licensees. In the void, confusion and rumor about what Act 99 means may abound in the regulated community.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

Because the statute mandates the promulgation of regulations to implement the changes or additions to the Law made by Act 99, and because the balance of the proposal basically amends or clarifies existing regulations, no alternative regulatory schemes were considered.

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

There are no federal licensure standards.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

Eleven states, including Maryland and Connecticut, require no licensure or training for natural hair braiders to practice. Nine states require natural hair braiders to obtain a specialized license based on reduced training requirements compared to full cosmetology licenses. These include Virginia (170 hours of training), Ohio (450 hours of training), and New York (300 hours of training). The remaining states require either a cosmetology license or 1000 or more hours of training in order for natural hair braiders to lawfully practice. This includes West Virginia, New Jersey, and Delaware.

Act 99, as implemented by these regulations, requires natural hair braider licensees who obtain their licenses without examination to obtain 150 hours of training in order to renew at the first biennial renewal period after they receive their licenses. Additionally, individuals desiring to obtain a natural hair braider license after examination must complete 300 hours of training. From all of this information, the regulation would not appear to put Pennsylvania at a competitive disadvantage with other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The regulations will not affect existing or proposed regulations of any other state agencies.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

The Board reviews regulatory proposals at regularly scheduled public meetings. The Board has not scheduled public hearings or informational meetings regarding this regulation.

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

All existing application forms will have to be modified to reflect the changes in terminology that Act 99 made and that the regulation implements. Also, permanent application and license formats will have to be developed for natural hair braider applicants/licensees, natural hair braiding salon applicants/licensees, limited license teacher applicants/licensees, and for the temporary licenses that all classes of licensees are now able to obtain prior to taking and passing the applicable examinations.

There will also need to be an application form developed for licensing natural hair braiders without examination, since Act 99 permits the licensing of natural hair braiders without examination for one year after these regulations become effective. After that one year expires, however, such application forms would no longer be needed.

Applications for school licensure will have to be updated to reflect the change in the regulations that broadens the definition of what constitutes acceptable work experience for a proposed school supervisor.

The Board will have to add the new license classes of natural hair braider, natural hair braiding salon, and limited license teachers to its electronic recordkeeping system and to the license information accessible on its website.

The Board will have to implement a recordkeeping system to track the 150 hours of education that natural hair braider licensees are required to obtain before their first biennial renewal, in order to renew their licenses if they obtain the licenses without examination.

The Board will have to update existing inspection forms, that the Department of State inspectors utilize when inspecting salons or schools on behalf of the Board, to reflect the new natural hair braiding salon licensees and to reflect changes that the regulations would make to existing equipment and supply requirements for salon and school licensees.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The Board has perceived no special needs of any subset of its applicants or licensees for whom special accommodations should be made.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will be effective upon publication as final rulemaking in the *Pennsylvania Bulletin*. Compliance with the regulation will be required on an ongoing basis, beginning with its effective date.

(31) Provide the schedule for continual review of the regulation.

The Board reviews the effectiveness of its regulations on an ongoing basis.

FACE SHEET
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WITH THE LEGISLATIVE REFERENCE BUREAU

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INDEPENDENT REGULATORY
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Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive or Independent Agencies.

BY: Amy M. Elliott
(DEPUTY ATTORNEY GENERAL)

State Board of Cosmetology
(AGENCY)

BY: Andrew C. Clark

JUN 27 2007

DOCUMENT/FISCAL NOTE NO. 16A-4514

DATE OF APPROVAL

DATE OF ADOPTION: _____

DATE OF APPROVAL
MAR 29 2007

BY: Susan E. Rineer
Susan E. Rineer

(Deputy General Counsel
~~Chief Counsel,~~
Independent Agency
~~(Strike inapplicable title)~~)

TITLE: Chairperson
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable
Copy not approved.
Objections attached.

[] Check if applicable. No Attorney General approval or objection within 30 day after submission.

NOTICE OF PROPOSED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF COSMETOLOGY
49 PA. CODE, CHAPTER 7
GENERAL REVISIONS

The State Board of Cosmetology (Board) proposes to amend Chapter 7 to read as set forth in Annex A. The proposed rulemaking would implement changes made to the Cosmetology Law (act) (63 P.S. § 507 - 527) by the Act of July 7, 2006 (P.L. 704, No. 99) (Act 99), as well as to generally update the regulations to strengthen safety and sanitation requirements and to reflect current processes and practices utilized by the Board.

A. Effective Date

The amendments will be effective upon final-form publication in the Pennsylvania Bulletin.

B. Statutory Authority

Section 11 of the Cosmetology Law (63 P.S. § 517) authorizes the Board to promulgate regulations generally for the conduct of persons, copartnerships, associations or corporations affected by the act. Section 16 of Act 99 requires the Board to promulgate regulations to implement Act 99 within 18 months of its effective date. The effective date of Act 99 was September 5, 2006.

C. Background and Need for Amendment

Act 99 made substantial changes to the Cosmetology Law by adding a new limited license classification – the natural hair braider license; by making changes to terminology in the act; by making other changes within the act to implement the new natural hair braider license; and by extending to all limited license classes (1) the ability to practice outside of a licensed salon in a client's residence under specified circumstances, (2) the ability to practice on a temporary license, and (3) the prohibition on booth rental within a licensed salon. These changes require corresponding changes and additions to Chapter 7. Act 99 requires the Board to promulgate regulations to make those changes within 18 months of its effective date.

Because the Board needed to make wholesale changes to Chapter 7 in order to implement Act 99, the Board also took the opportunity to propose a number of other changes to the regulations. Although piecemeal changes have been made to the regulations over the years, generally in response to legislative changes to the act, the Board had not undertaken an overall review and update since 1975. In the intervening period, some of the Board's regulatory provisions have become obsolete, terms of art have changed, standards of sanitation have evolved, some of the Board's licensing and examination processes have changed and deficiencies or errors in the regulations have become apparent. Accordingly, in this proposal the Board would make changes, in addition to those required by Act 99, that the Board finds necessary to update the regulations and to address the way the profession and the Board have changed since 1975.

D. Description of Proposed Amendments

Terminology and Definitions in General

Act 99 replaces a number of terms in the act with updated terminology. This proposal would replace the following old terms and their definitions throughout the regulations to reflect the updated terminology:

Old term	New term
cosmetician	esthetician
manicuring	nail technology
manicurist	nail technician
shop	salon

Additionally, this proposal would add the following new terms and their definitions to the regulations where applicable, based on Act 99's addition of them to the cosmetology lexicon:

braiding
esthetics
limited license
natural hair braider
natural hair braiding

Because Act 99 added a definition of "limited license" that encompasses the nail technician, esthetician and natural hair braider licenses, the term "limited license" has been substituted throughout the regulations, where appropriate, to reduce the number of times that all three limited license classifications are enumerated.

Finally, throughout the existing regulations, the possessive nouns "cosmetologist's," "teacher's," "barber's," "student's" and "school's" were used to modify another term such as "license," "examination" or "uniform." However, Act 99's additions to the act refer to the "esthetician license," the "nail technician license," and the "natural hair braider license," using the terms as adjectives to modify another term instead of using the possessive forms. Therefore, in order to remain consistent throughout the act and the regulations, this proposal would replace, throughout Chapter 7, the possessive nouns with the unit modifier.

§ 7.1. Definitions.

Section 7.1 (relating to definitions) is amended by amending the existing definitions of "board," "booth space" and "bureau" to comport with the definitions in the act. The proposal would delete the now obsolete definition of "manicuring" and would add the statutory definitions

of "braiding," "cosmetologist," "cosmetology," "department," "esthetics," "esthetician," "limited license," "nail technician," "nail technology," "natural hair braider," "natural hair braiding," "school of cosmetology," and "tanning units."

In addition, the Board proposes adding definitions in § 7.1 of "limited practice salon" and "limited practice teacher" and to use the defined terms throughout the proposed rulemaking to refer to salons licensed by the Board for the provision of esthetician services, nail technology services or natural hair braiding services only, and to those teachers licensed by the Board to provide instruction in the area of esthetics, nail technology or natural hair braiding only. Finally, because the Board recently has had several salon applications and variance requests in which questions arose as to the definition of "lavatory," which is used elsewhere in the regulations, but which is not defined, the Board has added a definition of "lavatory."

§ 7.2. Fees.

In § 7.2 (relating to fees), the proposal would add the natural hair braider license to the list of fees charged by the Board related to individual licenses, making the charges for initial licensure (\$10) and for biennial renewal (\$35) the same as current fees for the other individual license classes. Similarly, the proposal adds the limited practice teacher license fee and the limited practice salon license fee so that the fees for limited practice teachers (\$10 for initial licensure and \$55 for biennial renewal) and limited practice salons (\$55 for initial licensure and \$60 for biennial renewal) are the same as existing fees for cosmetology teachers and for cosmetology salons. Similar changes would be made to the provisions establishing the fees for a change in or reinspection of a salon (\$55 if a change is made that requires an inspection, \$15 if a change is made requiring no inspection, and \$40 for reinspection after failing an inspection).

The Board did not previously have any fees established for making changes in a cosmetology school. However, making changes, whether they require an inspection or not, requires some amount of clerical activity and time for processing. Because the fees are intended to recoup the costs associated with the processing of changes, the Board determined that fees are needed for changes in a school that require an inspection and for changes in a school that do not require an inspection, and has in this proposal established such fees. The fee for a change in a school that requires an inspection would be set at \$110 and the fee for a change that does not require an inspection would be set at \$35. The Board established these fees by taking the existing parallel fees related to salons and increasing them according to the percentage by which the fee for a school license exceeds the fee for a salon license, believing that the amount of work involved would increase by the same proportion because of the additional paperwork and inspection time required with regard to a school.

§ 7.11. Types of individual licenses.

The Board proposes to amend § 7.11 (relating to types of individual licenses) by distinguishing between the cosmetology teacher license and the limited practice teacher license, by replacing the cosmetician and manicurist licenses with esthetician and nail technician licenses, and to add the natural hair braider license.

§§ 7.12 and 7.12a. Scope of teacher licenses.

The Board proposes to amend § 7.12 (relating to scope of cosmetology teacher license) to clarify that this section applies only to cosmetology teachers, and to add § 7.12a (relating to scope of limited practice teacher license), to define the scope of practice of limited practice teachers in esthetics, nail technology and natural hair braiding.

§§ 7.14, 7.14a, 7.15 and 7.17. Scope of individual licenses.

The Board proposes to amend §§ 7.14, 7.14a and 7.15 (relating to scope of cosmetologist license; scope of esthetician license; and scope of nail technician license) and to add § 7.17 (relating to scope of natural hair braider license) to define the scope of practice of the various individual licenses.

§ 7.31. Exceptions to examination requirement.

The Board proposes to amend § 7.31 (relating to examination prerequisite for licensure; exceptions) to incorporate the new terminology of Act 99, and to add the "grandfather" clause for existing natural hair braiders provided in section 6 of Act 99. As required by Act 99, for 1 year after the effective date of these regulations, the Board will issue a natural hair braider license to an applicant who submits the application adopted by the Board, pays the required licensing fee, and provides proof that the applicant has practiced natural hair braiding for 3 consecutive years immediately prior to the date of the application for licensure.

§§ 7.31a, 7.32 and 7.32a. Examinations.

The proposal would amend existing provisions pertaining to the examinations to reflect current processes. The Board's processes related to the examinations have changed over the years since the regulations were initially promulgated because the functions related to exam administration rest with the contracted exam provider, which means the exam administrator makes the day-to-day administration decisions, although it does so in accordance with the statutory requirements as the broad framework within which it operates.

Therefore, because the exam provider now administers the examinations on more frequent occasions than was the case previously, § 7.31a (relating to examination dates and locations) would be amended to delete the specific days and months on which the exams are given, to delete locations that are not always available, and to permit additional locations to be established. Also, because the exams are given more frequently, § 7.32 (relating to deadline for examination applications) would be amended to delete the specific exam deadlines, which are no longer in use, and to simply specify that the deadline is a month prior to the testing date for the specific location where the applicant intends to take the exam, a date to be established by the exam administrator.

Additionally, a new subsection (c) would be added to § 7.32 that requires a first-time examinee to complete and pass both the theoretical and the practical portions of the exam within 1 year of each other. The Board finds it desirable to institute such a requirement because it is concerned that if applicants wait too long between taking one portion and the other, the knowledge they have learned in school will begin to become cloudy, lessening their chances of passing the second portion of the exam, and their entrance into the profession will be delayed to the point that their skills will not be as sharp as they otherwise might have been. The new subsection (c) would also give the Board discretion to grant exceptions to the 1-year requirement in order to facilitate the transition from one exam provider to another. This is based on the Board's recent experience in changing from one contracted exam administrator to another, which created delays between some candidates' taking the two portions of the exam.

§ 7.32b. Requirements for teacher examinations.

The changes made by Act 99 allow an individual with a limited license to obtain a limited practice teacher license when previously, in order to teach any area of cosmetology, an individual could obtain a teacher license only if the individual was licensed as a cosmetologist. Accordingly, § 7.32b (relating to requirements for the teacher examinations) would be amended by addressing the requirements for the cosmetology teacher examination in subsection (a) and by providing the requirements for an individual with a limited license to obtain a limited practice teacher license in subsection (b). Subsection (c) would be added to specify that an applicant who already holds a teacher license for one limited practice field (esthetics, nail technology or natural hair braiding) may obtain a teacher license in an additional limited practice field if the applicant meets the teacher license requirements for the additional practice field and successfully completes the practical portion of the teacher exam for the additional practice field.

§ 7.32d. Requirements for cosmetologist examination.

The proposal would amend § 7.32d (relating to requirements for cosmetologist examination) by adding subsection (c), which would allow limited license holders who desire to obtain cosmetology licenses to receive educational credit toward the cosmetology education

credits required for cosmetology licensure from the credits the applicants received when obtaining their education in their limited practice field. The new provision specifies the number of hours each limited licensee may be credited toward the total 1250 hours that comprise the full cosmetology training program. The Board arrived at the credited number of hours for each limited license by totaling the number of hours recommended in § 7.129(d) and (e) (relating to curriculum requirements) that relate to training for the actual techniques that the limited licensee needs to know. Thus, the esthetician curriculum recommendation is for 100 hours of training in facial treatments, 10 hours of training in temporary hair removal, and 50 hours of training in makeup, for a total of 160 hours of training in the actual techniques of esthetics, which is the number that this new subsection (c) would credit a licensed esthetician with if that licensee desired to train for the cosmetology license. The credited hours for the nail technician were calculated the same way, as were the credited hours for a natural hair braider, with these last being based on the technique hours that the Board would establish in the new proposed § 7.129(f). Finally, subsection (d) would be added to require that the total 1250 hours, including those already completed in a limited practice field program, must be completed within 4 consecutive years.

§§ 7.32e, 7.32f, 7.32h. Requirements for limited license examinations.

Act 99 amended the act to specify the qualifications for licensure that all limited license applicants must meet. The act previously was silent as to the qualifications for limited license applicants. While the existing regulations stated the number of hours that an applicant for the cosmetician or manicurist exam had to have completed in order to be eligible for the applicable exam, no other qualifications were set forth. Accordingly, §§ 7.32e and 7.32f (relating to requirements for esthetician examination; and requirements for nail technician examination) would be amended by this proposal to set forth all of the requirements that applicants for esthetician and nail technician licenses must meet. Additionally, this proposal would add § 7.32h (relating to requirements for natural hair braider examination), setting forth the requirements that an applicant for the natural hair braider examination must meet in order to qualify for the examination and licensure after successful completion of the examination. This provision enumerates the qualifications specified by Act 99.

§ 7.32g. Issuance of temporary licenses to qualified examination applicants.

Act 99 also amended the act to allow the Board to issue temporary licenses to all limited license applicants, rather than just to cosmetologist and manicurist applicants. Therefore, § 7.32g (relating to issuance of temporary licenses to qualified examination applicants) would be amended to extend its temporary license provisions to all applicants for limited licenses. This includes establishing the requirement, set forth in Act 99, that holders of temporary limited licenses may practice under the supervision of a holder of a corresponding limited license, as well as under the supervision of a licensed teacher or licensed cosmetologist.

Also, subsection (b) would be amended by deleting the last clause. The existing regulation makes a temporary license valid for 9 months "or until the next examination, whichever comes first." Because of changes in the Board's processes related to the exam being given more frequently than just four times per year, retaining the "or until the next examination, whichever comes first" provision would mean some temporary licenses could be good for less than a month in certain instances. The Board believes it is more equitable to make all temporary licenses valid for 9 months, particularly in light of section 21.1 of the act (63 P.S. § 518.1), which provides that "[t]emporary licenses are granted for a nine-month period."

§ 7.34. Models for practical portion of examination.

The proposal would amend § 7.34 (relating to models for practical portion of examination), which requires an examinee taking the practical portion of an examination to bring a model to the exam. Under current practice, determined by the exam administrator, only individuals taking the esthetics practical are required to provide their own models. Accordingly, this amendment would bring the regulation into harmony with the current practice.

§ 7.35. Failure of examination.

Section 7.35 (relating to failure of examination) would also be amended by this proposal, by the addition of a clause that requires license applicants who fail a portion of the exam to retake and pass the failed portion within 1 year of the date the examinee takes and successfully passes the other portion of the exam. This would make § 7.35 consistent with proposed § 7.32(c) (relating to deadline for examination applicants). The rationale is the same. The Board finds it desirable to institute such a requirement because it is concerned that if applicants wait too long between taking one portion and the other, the knowledge they have acquired in school will begin to become cloudy, lessening their chances of passing the second portion of the exam, and their entrance into the profession will be delayed to the point that their skills will not be as sharp as they otherwise might have been.

§ 7.41. Display of licenses.

The proposal would amend § 7.41 (relating to display of licenses) by slightly modifying the rule pertaining to display of licenses. First, the words "or permit" would be deleted because the Board does not issue permits of any kinds, so the words are meaningless. Additionally, the section would be broken down into two subsections, one relating to salon licenses and one relating to individual licenses. Subsection (a) would require the salon license to be displayed in a conspicuous place with the salon's business premises, while subsection (b) would be added to require that individual licenses should be readily available for inspection at the place of business or employment of the individual holding the license. The Board would make this change because of the recent growth of and concerns about identify theft. If an individual's license is

posted out in the open in a salon, it is there for all to see, thus making the individual susceptible to identity theft of the information that the license contains, including the license number. However, if the license is not out in the open but is readily available for inspection, the public still has access to license information, but the individual will know who has had access to it and might have copied something from it, thus limiting the exposure to and possible theft of personal information. In practice, the Board has permitted this for some time, and many salons now keep the individual licenses in a book under the counter that is readily available for view by anyone who would ask for it. The change to the regulation would make the practice and the regulation consistent, while protecting the licensee from identity theft and still making the license information available to the public.

§ 7.43. Expiration and renewal of licenses.

Section 7.43 (relating to expiration and renewal of licenses) would be amended in subsection (a) to change the word "application" to "notice" in relation to the license renewal. This would align the language of the regulation with current practice, in that, due to the advent of online renewals of licenses, the Board no longer sends out license renewal applications. Rather, it sends out license renewal notices that notify the licensee that it is time to renew and provides a code by which the licensee may renew online directly at the Board's renewal website. The notice also permits the licensee to renew via the traditional hard copy application by either downloading a renewal application form from the Board's website or by contacting the Board and requesting that a hard copy renewal application form be sent via regular mail to the licensee in order to complete the renewal process.

Additionally, the Board proposes to add subsection (c), which sets forth the requirement that, as a condition of biennial renewal for the first biennial renewal after initial licensure, an individual initially licensed as a natural hair braider without examination under § 7.31(c) (relating to examination prerequisite for licensure; exceptions) must provide to the Board proof that the licensee has completed 150 hours of education in specified subject matter areas, within 2 years of the date their licenses were initially issued. This implements the statutory provision from Act 99. Subsection (c) further enumerates the numbers of hours required in each of the subject matter areas specified by Act 99. The Board proposes to require 75 hours in scalp care, 50 hours in hygiene and 25 hours in occupational safety, the provisions of the act and the regulations of the Board, for the statutorily-required total of 150. The Board made this distribution of hours based on its ranking of the importance of and amount of material required for adequate training in each of the subject matter areas.

§ 7.62. Management of salons.

The proposal would amend § 7.62 (relating to management of salons) by adding a provision to establish who may be the designated person in charge for a natural hair braiding salon. This provision permits either a licensed cosmetologist or a licensed natural hair braider to

be the designated person in charge, paralleling the provisions related to esthetics and nail technology salons, which allow the holder of an applicable limited license or a licensed cosmetologist to be the designated person in charge.

§§ 7.71, 7.71a, 7.71b and 7.71c. Equipment and supplies.

The Board proposes to amend §§ 7.71, 7.71a and 7.71b (relating to equipment and supplies for a cosmetology salon; equipment and supplies for an esthetician salon; and equipment and supplies for a nail technology salon) and to add § 7.71c (relating to equipment and supplies for a natural hair braiding salon).

The existing regulations in §§ 7.71, 7.71a and 7.71b contain outdated terminology, require equipment or supplies the Board now views as optional or unnecessary, and do not require some items the Board now believes to be essential for safety and sanitation reasons. Accordingly, in these three provisions, the terminology is updated so that the term "styling station" or "work station" replaces the outdated term "dresserette," and the term "sanitizer" supplants the term "sterilizer." Also, in § 7.71, the Board would delete the requirement that a cosmetology salon have one container for hair pins or clips and one neck strip dispenser, because those are not necessary for a cosmetology salon to operate effectively, safely or in a sanitary fashion. A salon may still have them, but they are no longer required.

Each of these sections would also be amended by deleting the language requiring one dry sterilizer, an outdated requirement, and replacing it with the requirement that each salon have a closed container for sanitized implements. Also, to update the requirements and make all salons safer and more sanitary, the Board would add by this proposal the requirement that all salons have a labeled first aid kit containing nine specifically-enumerated items that the Board views as the minimum first aid equipment required to respond to an emergency in the salon. The Board has always required a first aid kit for salons but believed that, in this day and age when universal precautions for blood spills are taught and practiced in almost every workplace, and when the average salon deals with chemicals of many different kinds, the equipment in a first aid kit must include protective gloves, a blood spill kit, a hazardous waste bag, an eyewash, and burn ointment. The other items enumerated are typically found in a basic first aid kit and make sense for the minor daily mishaps of daily work. To complete its update of the safety and sanitation requirements, the Board would amend these three provisions to require a minimum of twelve sanitary towels for each styling or work station; at least one sink with hot and cold running water that is readily accessible to each styling or work station in the work area of the salon; and one multi-purpose fire extinguisher suitable for use on Class A, B and C fires. Again, given the fact that salons now deal with all kinds of chemicals, some of them flammable, the Board believes the last requirement is something no salon should be without if it is going to provide the best in safety precautions to its clients.

Section 7.71c (relating to equipment and supplies for a natural hair braiding salon) would also be added to establish the minimum equipment and supplies required for a natural hair braiding salon to operate. This provision parallels the provisions at §§ 7.71, 7.71a and 7.71b, which impose similar equipment and supply requirements on cosmetology, esthetician and nail technology salons. These requirements list the minimum equipment that the Board believes a one-person natural hair braider salon needs to be able to provide both adequate service and a safe, sanitary environment to its clients.

§ 7.78. Sign.

Section 7.78 (relating to sign) would be amended by adding the phrase “or limited practice salon” to extend the regulation’s sign display requirement to all types of salons, rather than just to cosmetology salons.

§ 7.79. Lavatories.

The proposal would amend § 7.79 (relating to lavatories), by adding a second sentence defining the term “on the premises.” The Board has seen many salon license applications in which the lavatory is not located inside the licensed premises of the salon, although it may be within the building of which the salon is a part. Consequently, there have been many requests for variances from this provision, or situations in which the applicant questions what the Board’s regulation means by “on the premises.” Accordingly, the second sentence would be added to clarify what is meant by the phrase, and the Board’s definition is “within the square footage of the salon.”

§§ 7.81, 7.82 and 7.83. Activities outside a salon.

The proposal would also amend § 7.81 (relating to rendering of services outside a salon). Under the act as it existed previously, only cosmetologists could render services outside of a salon. However, Act 99 extended the authority to render services outside of a salon to all of the limited licensees. Accordingly, § 7.81 would be amended to add language extending its applicability to limited licensees as well as to cosmetologist licensees. It would also be amended to add the requirement that services be rendered by appointment, which is a specific requirement of section 8 of the act (63 P.S. § 514). Similarly, § 7.82 (relating to record of services rendered outside a salon) would be amended by changing the limited terms “cosmetologist” and “cosmetology services” to the broader terms “licensee” and “licensed services,” thus making the recordkeeping provision applicable to all licensees who render services outside a licensed salon. And finally, § 7.83 (relating to responsibility of a salon for outside services) would be amended. As it reads presently, it makes a salon “that sponsors” services outside the salon responsible for supplying and equipping the cosmetologists who render those services. It would be amended to replace the phrase “that sponsors services outside the shop” with the phrase “through which appointments are made for the rendering of cosmetology or limited license services outside the

salon,” thus clarifying the regulation because the phrase “that sponsors services” was vague and open to interpretation. Additionally, the amendment extends this section’s applicability to all licensees and all licensed salons, rather than just cosmetologists and cosmetology salons.

§§ 7.91 – 7.100. Amendments to the health and safety requirements for salons

Section 7.91 (relating to sanitation and safety generally) would be amended by adding a subsection (c) that requires all sharp implements to be stored upright with the points down or in a protective case. This is an update to the general safety requirements that the Board believes all licensees must implement in order to properly protection their clients and themselves.

The proposal would amend § 7.92 (relating to sterilization of equipment) to update the outdated term “sterilization” and replace it with “sanitization.” It would also clarify that the provision applies to razors for hair, rather than to razors for the skin.

Additionally, § 7.93 (relating to sanitary use of towels) would be amended by the insertion of the term “closed” before “towel dispenser.” The Board believes requiring a closed towel dispenser for clean towels better protects the sanitary nature of the clean towels than would be the case if they were kept in an open container.

Likewise, the proposal would amend § 7.94(c) (relating to sanitary use of supplies) by the insertion of the phrase “or hair” after “skin,” thus prohibiting direct contact by a spatula or similar utensil with the hair of a client and helping to prevent the spread of bacteria and the like from one client to another.

Because of a citation to an inapplicable provision of the act, the proposal would amend § 7.98 (relating to violation of related laws), deleting the reference in the last line to section 20 of the act (63 P.S. §526) and inserting section 13 (63 P.S. § 519) in its place to correct the erroneous citation.

The proposal would also amend § 7.100 (relating to permanent wave operations and chemical applications) by extending the requirement that a client not be left unattended during the heating or processing period of a permanent wave operation to all chemical applications, reflecting the Board’s recognition that chemicals may be applied to a client in other operations and that, for safety’s sake, clients should not be left alone during the heating or processing period of *any* chemical application.

§§ 7.111 – 7.129. Amendments related to licensed schools of cosmetology.

The Board would amend § 7.111 (relating to applications for school license) in that the qualifications of the school supervisor would be slightly modified by inserting the term “work” between the words “satisfactory” and “experience,” and by deleting the last clause, “as the

designated person in charge of a cosmetology shop.” This modification would broaden the range of work experience that the Board finds acceptable in the individual named as a school supervisor in an application for a school license. The Board understands that an individual with a cosmetology teacher license issued by the Board may have a broad range of experience practicing cosmetology in salons, teaching in schools or teaching apprentices in salons, that would make the individual an acceptable school supervisor regardless of whether the individual had ever been the designated person in charge, and this change reflects that understanding.

The Board’s proposal would also amend §§ 7.114 and 7.115 (relating to school equipment and supplies; and student equipment and supplies) for much the same reasons it would amend the provisions discussed above relating to salon equipment, and also to make the school and student equipment and supply requirements consistent with the salon equipment and supply requirements where the two coincide. The existing regulations contains outdated terminology, lack some items the Board now believes to be essential for safety and sanitation reasons. Accordingly, § 7.114 would amend the school equipment and supply requirements, updating the phrase “dry sterilizers” by replacing it with “closed containers for sanitized implements;” updating “sterilizers” by replacing the term with “sanitizers;” and updating “dresserettes” by substituting the phrase “styling stations.” Section 7.114 would also be amended by adding the requirement that a school enrolling 25 students have at least two sanitary towels per student. The equipment and supply requirements for students in § 7.115 would be amended by inserting the words “hair cutting” to modify the term “razor,” thus clarifying that the required razor for cosmetologist students is a hair cutting razor; by deleting the requirement that required tools for nail technology, for both cosmetologist and nail technician students, include nippers or scissors; and by adding the requirement that each cosmetology student have a pair of tweezers.

Additionally, § 7.115 would be amended by adding a subsection (d) that sets forth the required supplies and equipment that each natural hair braiding student must possess. This provision is necessary to cover the new natural hair braider students who will come about as a result of Act 99’s creation of the natural hair braider license.

Section 7.118 (relating to professional staff) would be amended in a minor way, replacing the term “instructor” or “instructors” with the term “teacher” or “teachers,” as appropriate, because there is no other place in the act or in the regulations where the term “instructor” or “instructors” is used.

Also, § 7.120(a) (relating to work done by students on the public) would be amended slightly for clarity. The regulation implemented section 7 of the act (63 P.S. § 513) which prohibits schools from charging “any money whatsoever for treatments done by its students” and permits schools to charge only for “the reasonable cost of materials used in such treatments.” However, over the years, it has become apparent that some schools have been calculating into the “reasonable cost of materials used in the treatment” such items as overhead, pro-rated teacher

salaries, and wear and tear on equipment. The Board does not believe that those broader expenses were intended to be encompassed in the cost of materials used in the treatment of clients, and therefore would make this amendment to clarify that the charge must be based on the reasonable cost of materials "used on the client" only.

Curriculum requirements.

This proposal would amend § 7.129 (relating to curriculum requirements) by replacing the outdated term "sterilization" with the current usage, "disinfection," consistent with changes proposed elsewhere in these revisions. Additionally, § 7.129(a) would be amended by updating the reference to the act, changing "Beauty Culture Law" to "Cosmetology Law" to be consistent with current usage. While there is no actual provision in the act that designates a short title, unlike many other licensing acts, the common usage in the profession is to refer to the act as "the Cosmetology Law." For example, section 1 of Act 99 refers to the act as "the Cosmetology Law." This amendment would adopt that modernization.

The proposal would also amend § 7.129 by adding a new subsection, (f), which would set forth the natural hair braider curriculum that schools must implement in order to train candidates for licensure as natural hair braiders. The regulation establishes a curriculum of 300 hours, as mandated by Act 99, and recommends that schools distribute the hours as follows: 50 to professional practices, including sanitation; 125 to sciences, including scalp care and anatomy; and 125 to cognitive and manipulative skills related to natural hair braiding. This recommended apportionment is similar to the recommended apportionment for the other limited license curricula.

§ 7.132. Apprentice curriculum.

Finally, the Board proposes to amend § 7.132 (relating to apprentice curriculum) by inserting language to clarify the curriculum for apprentices. The existing regulation states merely that the cosmetology teacher responsible for offering instruction to an apprentice in a cosmetology salon shall teach the same cosmetology curriculum that the Board prescribes for schools of cosmetology in § 7.129 (relating to curriculum requirements). However, because section 4 of the act (63 P.S. § 510) requires that apprentices must complete 2000 hours of training in order to sit for the cosmetology exam, which is 750 hours more than a cosmetology student must complete who takes a course of training in a licensed school, some confusion has arisen as to how the hours in an apprenticeship program should be apportioned. This proposed amendment would insert the apportionment of hours for the cosmetology curriculum set forth in § 7.129, and assigns the additional 750 hours to the category of "cosmetology cognitive and manipulative skills." This narrows down the subject matter of the additional hours but leaves the actual content to the discretion of the cosmetology teacher and apprentice. The amendment, therefore, gives the cosmetology teacher some guidance but permits leeway as to what else

should be taught, thus allowing for differences in interest and in the nature of the services a given salon may actually provide.

E. Fiscal Impact and Paperwork Requirements

There is no adverse fiscal impact or paperwork requirement imposed on the Commonwealth, any political subdivision, or the private sector.

F. Sunset Date

The board continuously monitors its regulations. Therefore, no sunset date has been assigned.

G. Regulatory Review

Aug. 15, 2007 Under Section 5(a) of the Regulatory Review Act (71 P.S. §745.5(a)), on the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of the material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objection raised.

H. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Hilarene Staller, Administrator, State Board of Cosmetology, P.O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the Pennsylvania Bulletin.

Susan E. Rineer, Chairperson

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 7. STATE BOARD OF COSMETOLOGY

GENERAL PROVISIONS

§ 7.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * *

Board—The State Board of Cosmetology [of the Commonwealth].

Booth space—[Any area in a cosmetology shop, cosmetician shop or manicurist shop separated or not separated which is designated to be used by a licensed teacher, cosmetologist, cosmetician or manicurist] The area of a salon in which a licensed cosmetologist or a holder of a limited license provides to a client a service for which a license is required under the act.

Braiding—Intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, including extending the hair with natural or synthetic hair fibers.

Bureau—The Bureau of Professional and Occupational Affairs [of the Commonwealth] in the Department of State.

Cosmetologist—A licensed individual who is engaged in the practice of cosmetology.

Cosmetology—Any or all work done for compensation by any person, which work is generally and usually performed by cosmetologists, which work is for the embellishment, cleanliness and beautification of the human hair, such as arranging, braiding, dressing, curling, waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, pressing, or similar work thereon and thereabout, and the removal of superfluous hair, and the massaging, cleansing, stimulating, manipulating, exercising, or similar work upon the scalp, face, arms or hands, or the upper part of the body, by the use of mechanical or electrical apparatus or appliances or cosmetics, preparations, tonics, antiseptics, creams or lotions, or by any other means, and of manicuring the nails, which enumerated practices shall be inclusive of the term cosmetology but not in limitation thereof. The term also includes the acts comprising the practice of nail technology, natural hair braiding and esthetics.

Department—The Commissioner of Professional and Occupational Affairs in the Department of State.

Esthetics—The practice of massaging the face, applying cosmetic preparations, antiseptics, tonics, lotions or creams to the face, removing superfluous hair by tweezers, depilatories or waxes and the dyeing of eyelashes and eyebrows.

Esthetician—An individual licensed by the Board to practice esthetics.

Lavatory—A working toilet and a working sink with hot and cold running water that are located in a separate room that affords privacy to the user.

Limited license—A license issued by the Board to an individual which permits that individual to engage in the practice of esthetics, natural hair braiding or nail technology.

Limited practice salon—A salon licensed by the Board for the provision of esthetician services, nail technology services or natural hair braiding services only.

Limited practice teacher—A teacher licensed by the Board for the purpose of providing instruction in the area of esthetics, nail technology or natural hair braiding only.

[Manicuring—Work or maintenance done to the nail or cuticle of the hands or the feet for cosmetic purposes including, and limited to, filing, polishing, coating, nipping, shaping, sculpturing and applying artificial tips and other extensions. The term does not include the removal of corns and callouses but does include the removal of thin, dry skin for cosmetic purposes with a pumice stone or similar nonmetal instrument.]

Nail technician—An individual licensed by the Board to engage in the practice of nail technology.

Nail technology—The practice of manicuring the nails of an individual, applying artificial or sculptured nails to an individual, massaging the hands of an individual or massaging the lower arms of an individual up to the individual's elbow, massaging the feet of an individual or the lower legs of an individual up to the individual's knee, or a combination of these acts.

Natural hair braider—An individual licensed by the Board to engage in the practice of natural hair braiding.

Natural hair braiding—The practice of utilizing techniques that result in tension on hair roots of individuals, such as twisting, wrapping, weaving, extending, locking or braiding of the hair. The term does not include the application of dyes, reactive chemicals or other preparations to alter the color or to straighten, curl or alter the structure of hair.

School of cosmetology—Any individual, partnership, association, business corporation, nonprofit corporation, municipal corporation, school district or any group of individuals however organized whose purpose is to provide courses of instruction in cosmetology or the teaching of cosmetology.

Tanning units—Equipment that utilizes ultraviolet light for the purpose of cosmetic tanning.

§ 7.2. Fees.

Fees charged by the Board are as follows:

Licensure of cosmetologist, [manicurist or cosmetician] nail technician, esthetician or natural hair braider \$10

Licensure of cosmetology teacher or limited practice teacher \$10

Licensure of cosmetology [shop, manicurist shop or cosmetician shop] salon or limited practice salon \$55

* * *

Biennial renewal of [manicurist's] nail technician license \$35

Biennial renewal of [cosmetician's] esthetician license \$35

Biennial renewal of [cosmetologist's] cosmetologist license \$35

Biennial renewal of natural hair braider license \$35

Biennial renewal of cosmetology [teacher's] teacher or limited practice teacher license \$55

Biennial renewal of cosmetology [shop's] salon or limited practice salon license \$60

[Biennial renewal of cosmetician or manicurist shop's license. \$60]

Biennial renewal of cosmetology [school's] school license \$150

* * *

Change in cosmetology[, cosmetician or manicurist shop] salon or limited practice salon
(inspection required) \$55

Change in cosmetology[, cosmetician or manicurist shop] salon or limited practice salon
(no inspection required) \$15

Change in cosmetology school (inspection required) \$110

Change in cosmetology school (no inspection required) \$35

Reinspection of cosmetology[, cosmetician or manicurist shop] salon or limited practice
salon or cosmetology school \$40

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INDIVIDUAL LICENSES

§ 7.11. Types of individual licenses.

The following licenses are issued by the Board to qualified individuals under the act:

- (1) [Teacher] Cosmetology teacher.
- (2) Limited practice teacher.
- (3) Cosmetologist.
- [(3) Cosmetician] (4) Esthetician.
- [(4) Manicurist] (5) Nail technician.
- (6) Natural hair braider.

§ 7.12. Scope of [teacher's] cosmetology teacher license.

An individual holding a [teacher's] cosmetology teacher license is qualified, without further licensure, to perform the functions of a teacher, cosmetologist, [cosmetician or manicurist] esthetician, nail technician or natural hair braider.

§ 7.12a. Scope of limited practice teacher license.

(a) An individual holding a limited practice teacher license in esthetics is qualified, without further licensure, to teach esthetics in a licensed school of cosmetology and to perform the functions of an esthetician.

(b) An individual holding a limited practice teacher license in nail technology is qualified, without further licensure, to teach nail technology in a licensed school of cosmetology and to perform the functions of a nail technician.

(c) An individual holding a limited practice teacher license in natural hair braiding is qualified, without further licensure, to teach natural hair braiding in a licensed school of cosmetology and to perform the functions of a natural hair braider.

* * * * *

§ 7.14. Scope of [cosmetologist's] cosmetologist license.

An individual holding a [cosmetologist's] cosmetologist license is qualified, without further licensure, to perform the functions of a cosmetologist, [cosmetician or manicurist] esthetician, nail technician or natural hair braider.

§ 7.14a. Scope of [cosmetician's] esthetician license.

An individual holding [a cosmetician's] an esthetician license is qualified to perform [cosmetician] esthetician services only.

§ 7.15. Scope of [manicurist's] nail technician license.

An individual holding a [manicurist's] nail technician license is qualified to perform [manicuring] nail technology services only.

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§ 7.17. Scope of natural hair braider license.

An individual holding a natural hair braider license is qualified to perform natural hair braiding services only.

EXAMINATIONS

§ 7.31. Examination prerequisite for licensure; [exception] exceptions.

(a) Except as provided in [subsection] subsections (b) and (c), an individual who wants to obtain a [teacher's, cosmetologist's, cosmetician's or manicurist's] cosmetology teacher, limited practice teacher, cosmetologist, esthetician, nail technician or natural hair braider license listed in §§ 7.12—[7.15]7.17 shall pass the examination required by the Board for that license.

* * *

(c) For 1 year after (Editor's note: Insert the effective date of this rulemaking), the Board will issue a natural hair braider license to an applicant who does all of the following:

(1) Submits the application adopted by the Board.

(2) Pays the required licensing fee set forth in § 7.2 (relating to fees).

(3) Provides proof that the applicant has practiced natural hair braiding for 3 consecutive years immediately prior to the date of the application for licensure.

(i) Proof of practice requires that the applicant provide tax records of employment and an affidavit from the applicant and the applicant's immediate supervisor, where applicable, verifying the applicant's practice of natural hair braiding for 3 consecutive years immediately prior to the date of the licensure application.

(ii) The Board will accept the information provided without penalty to the applicant for failure to comply with the licensing provisions prior to September 5, 2006, the effective date of the act of July 7, 2006 (P.L. 704, No. 99).

§ 7.31a. Examination dates and locations.

Licensing examinations are given [on the third Tuesdays of January, April, July and October]monthly in Philadelphia, Pittsburgh, [Wilkes-Barre,]Harrisburg and [Erie]additional locations established by the examination administrator after consultation with the Board.

§ 7.32. Deadline for examination applications.

(a) The [deadlines] deadline for submitting an examination [applications are as follows:

<i>Examination date</i>	<i>Deadline for First-time examinees</i>	<i>Deadline for Reexaminees</i>
3rd Tuesday in January	December 1	December 10
3rd Tuesday in April	March 1	March 10
3rd Tuesday in July	June 1	June 10

3rd Tuesday in October

September 1

September 10]

application is 1 month prior to the testing date for the specific location where the applicant intends to take the exam, a date established by the examination administrator.

* * *

(c) A first-time examinee must complete and pass both the theoretical and practical portions of the exam within 1 year. In the event the exam provider changes, the Board retains discretion to grant exceptions to this 1-year requirement in order to facilitate the transition from one exam provider to another.

§ 7.32a. Contents of examination application.

(a) The application of a first-time examinee shall include the following:

- (1) Proof of having met the requirements for the examination applied for as set forth in §§ 7.32b—7.32[f]h.

* * * * *

§ 7.32b. Requirements for [teacher's examination] teacher examinations.

(a) An applicant for the [teacher's] cosmetology teacher examination shall:

- (1) Be 18 years of age or older.
- (2) Have completed a 12th grade education or its equivalent.
- (3) Possess a current [cosmetologist's] cosmetologist license.
- (4) Have completed 500 hours of instruction in a cosmetology teacher curriculum [in] provided by a licensed school of cosmetology.

(b) An applicant for the limited practice teacher examination in esthetics, nail technology or natural hair braiding shall:

- (1) Be 18 years of age or older.
 - (2) Have completed a 12th grade education or its equivalent.
 - (3) Possess a current limited license in the relevant limited practice field.
 - (4) Have completed 500 hours of instruction in a cosmetology teacher or limited practice teacher curriculum provided by a licensed school of cosmetology.
- (c) An applicant who has already obtained a limited practice teacher license in one of the limited practice fields and desires to obtain a limited practice teacher license in an additional limited practice field shall:

- (1) Meet the requirements in subsection (b) for the additional limited practice field.
- (2) Successfully complete the practical portion of the teacher examination for the additional limited practice field in which the applicant desires to become a licensed teacher.

* * * * *

§ 7.32d. Requirements for [cosmetologist's] cosmetologist examination.

- (a) An applicant for the [cosmetologist's] cosmetologist examination who holds no limited licenses shall:

* * *

- (c) An applicant for the cosmetologist examination who holds one or more active limited licenses issued by the Board and who obtained educational credits through a licensed cosmetology school will be given credit for the number of educational hours obtained to qualify for the active limited license or licenses as follows:

- (1) An applicant who holds an active esthetician license will be given credit for 160 hours toward the total cosmetology training program of 1250 hours.

- (2) An applicant who holds an active nail technician license will be given credit for 100 hours toward the total cosmetology training program of 1250 hours.
- (3) An applicant who holds an active natural hair braider license will be given credit for 125 hours toward the total cosmetology training program of 1250 hours.
- (d) An applicant seeking credit for educational credits under subsection (c) shall complete the total of 1250 cosmetology training hours, including those already completed in the limited license practice field for which the applicant is seeking credit, within 4 consecutive years.

§ 7.32e. Requirements for [cosmetician's]esthetician examination.

(a) An applicant for the [cosmetician's]esthetician examination shall [have]:

- (1) Be 16 years of age or older.
- (2) Except as provided in subsection (b), have done one of the following:
 - (i) Completed a 10th grade education or its equivalent.
 - (ii) Received training from or under the auspices of the Bureau of Rehabilitation in the Department of Labor and Industry.
- (3) Have completed 300 hours of instruction in skin care in a licensed school of cosmetology.

(b) Subsection (a)(2) does not apply to an applicant who is one of the following:

- (1) A veteran.
- (2) Thirty-five years of age or older.

§ 7.32f. Requirements for [manicurist's]nail technician examination.

(a) An applicant for the [manicurist's]nail technician examination shall [have]:

(1) Be 16 years of age or older.

(2) Except as provided in subsection (b), have done one of the following:

(i) Completed a 10th grade education or its equivalent.

(ii) Received training from or under the auspices of the Bureau of Rehabilitation in the Department of Labor and Industry.

(3) Have completed 200 hours of instruction in [manicuring]nail technology in a licensed school of cosmetology.

(b) Subsection (a)(2) does not apply to an applicant who is one of the following:

(1) A veteran.

(2) Thirty-five years of age or older.

§ 7.32g. Issuance of temporary licenses to qualified examination applicants.

(a) A temporary license may be issued to an applicant who is eligible for admission to the [cosmetologist's or manicurist's] cosmetologist examination or to any limited license examination and who pays the examination fee set by the professional testing organization and the license fee prescribed in § 7.2 (relating to fees). The purpose of a temporary license is to allow an otherwise qualified applicant to practice pending the applicant's scoring a passing grade on the examination.

(b) A temporary license is valid for 9 months[or until the next examination, whichever comes first].

(c) The holder of a temporary [cosmetologist's] cosmetologist license shall practice under the supervision of a licensed cosmetology teacher or cosmetologist. The holder of a temporary [manicurist's] limited license shall practice under the supervision of a licensed cosmetology teacher, [or] cosmetologist, limited practice teacher in the corresponding limited practice field or holder of a corresponding limited license.

§ 7.32h. Requirements for natural hair braider examination.

(a) An applicant for the natural hair braider examination shall:

(1) Be 16 years of age or older.

(2) Except as provided in subsection (b), have done one of the following:

(i) Completed a 10th grade education or its equivalent.

(ii) Received training from or under the auspices of the Bureau of Rehabilitation in the Department of Labor and Industry.

(3) Have completed 300 hours of board-approved subject relating to sanitation, scalp care, anatomy and natural hair braiding in a licensed school of cosmetology.

(b) Subsection (a)(2) does not apply to an applicant who is one of the following:

(1) A veteran.

(2) Thirty-five years of age or older.

* * * * *

§ 7.34. Models for practical portion of examination.

An examinee taking the practical part of [an] the esthetics examination shall bring with him a model.

§ 7.35. Failure of examination.

An examinee who fails either the practical or theoretical part of the examination for a cosmetology teacher, limited practice teacher, cosmetologist, [cosmetician or manicurist] esthetician, nail technician or natural hair braider license will be required to retake and pass the failed portion of the examination within 1 year of the date the examinee takes and passes the other portion of the examination.

* * * * *

DISPLAY, LOSS AND RENEWAL OF LICENSES AND PERMITS

§ 7.41. Display of licenses [and permits].

(a) A salon license [or permit] issued by the Board shall be displayed in a conspicuous place within the business premises of the salon.

(b) An individual license shall be readily available for inspection by the public or representatives of the Board at the place of business or employment of the individual holding the license [or permit].

* * * * *

§ 7.43. Expiration and renewal of licenses.

(a) Licenses issued by the Board expire at biennial intervals. A license renewal [application] notice is mailed to each licensee approximately 4 weeks before the license expiration date. Renewal of the license is accomplished by submission of the license renewal application and the license renewal fee prescribed in § 7.2 (relating to fees).

* * *

(c) Within 2 years of the initial issuance of a natural hair braider license issued without examination under § 7.31(c) (relating to examination prerequisite for licensure;

exceptions), the natural hair braider licensee shall provide to the Board proof that the licensee has completed 150 hours of education from a licensed school of cosmetology as a condition of renewal of the license. The 150 hours of education must include, at a minimum:

- (1) 75 hours in scalp care.
- (2) 50 hours in hygiene.
- (3) 25 hours in occupational safety, the provisions of the act and this chapter.

* * * * *

§ 7.45. Reexamination if the license is not current for 5 or more years.

The holder of a [teacher's, cosmetologist's, cosmetician's or manicurist's] cosmetology teacher, limited practice teacher, cosmetologist, esthetician, nail technician or natural hair braider license that has been expired or in escrow for at least 5 years shall retake and pass the practical part of the examination for that license before submitting a renewal application.

LICENSURE AND MANAGEMENT OF [SHOPS] SALONS

§ 7.50. Applicability of requirements.

The requirements of §§ 7.51—7.53, 7.65 and 7.71—7.71b, 7.75—7.78, 7.81 and 7.82, apply equally to cosmetology [shops, cosmetician shops and manicurist shops] salons, esthetician salons, nail technology salons and natural hair braiding salons, unless the context indicates otherwise.

§ 7.51. Application for a [shop] salon license.

(a) An owner-applicant for a [shop] salon license shall submit a license application to the Board with the following:

(1) A sketch plan showing the layout of the [shop] salon, including the position of the doors, windows, partitions, shampoo basins, lavatories, adjustable chairs and other floor equipment.

(2) The name and license number of the individual who will be the designated person in charge of the [shop] salon in the absence of the owner.

(3) The [shop] salon license fee prescribed in § 7.2 (relating to fees).

(b) A license will not be issued until the Board has verified the sworn statements made by the owner-applicant in the application and the [shop] salon has been inspected by a Bureau inspector for compliance with the facility requirements of this chapter. If the inspector determines that the [shop] salon meets the facility requirements of the act and this chapter, a license will be issued.

§ 7.52. Change of location or physical dimensions.

(a) A [shop] salon license is valid only for the location stated on the license. The owner of a [shop] salon who wishes to change its location shall submit an application to the Board for a change of [shop] salon location together with the information required in § 7.51 (relating to application for [shop] salon license) and the fee for change of [shop] salon location prescribed in § 7.2 (relating to fees). The application will be processed in the manner prescribed by § 7.51.

(b) A [shop] salon owner shall submit to the Board for its approval a sketch plan of any proposed change in the physical dimensions of the [shop] salon.

§ 7.53. Change of ownership.

The owner of a [shop] salon shall immediately notify the Board in writing of a change in the controlling ownership of the [shop] salon. If a partner or co-owner is being added or deleted, the owner shall submit to the Board an application for change of license and the fee for change of license prescribed in § 7.2 (relating to fees).

* * * * *

§ 7.62. Management of [cosmetology shop] salons.

(a) A cosmetology [shop] salon shall be managed by the [shop] salon owner or, in the absence of the [shop] salon owner, a person in charge designated by the [shop] salon owner.

(b) The designated person in charge shall be a licensed cosmetologist[.], except as follows:

(1) In the case of [a cosmetician shop] an esthetician salon, the designated person in charge may be either a licensed cosmetologist or a licensed [cosmetician] esthetician.

(2) In the case of a [manicurist shop] nail technology salon, the designated person in charge may be either a licensed cosmetologist or a licensed [manicurist] nail technician.

(3) In the case of a natural hair braiding salon, the designated person in charge may be either a licensed cosmetologist or a licensed natural hair braider.

(c) Both the owner and the designated person in charge are responsible for posting the name of the owner or designated person in charge in a conspicuous place in the [shop] salon as required by section 4.4(b) of the act.

(d) The owner or designated person in charge of the [shop] salon shall be readily available in person to Bureau inspectors during regular business hours.

* * * * *

§ 7.64. Responsibilities of [shop] salon owner or designated person in charge.

(a) The primary responsibilities of a [shop] salon owner and designated person in charge are the administration of the business and personnel affairs of the [shop] salon and to assure compliance within the [shop] salon with all laws of the Commonwealth, this chapter and the Pennsylvania Human Relations Act (43 P. S. §§ 951—963).

(b) A [shop] salon owner or designated person in charge will be subject to disciplinary action by the Board for a violation of the act or this chapter committed by a licensed employee of the [shop] salon, if the owner or designated person in charge had knowledge of, or control over, the violation or should have had knowledge or control.

§ 7.65. Rental of booth space.

The rental of booth space within a [shop] salon is prohibited.

§ 7.66. Discrimination.

It is prohibited for any person to refuse, withhold from, or deny to any person because of the person's race, color, religious creed, ancestry or National origin, either directly or indirectly, any of the accommodations, advantages, facilities or privileges of a

cosmetology, [cosmetician or manicuring shop] esthetician, nail technology or natural hair braiding salon.

PHYSICAL REQUIREMENTS OF A [BEAUTY SHOP] SALON

§ 7.71. Equipment and supplies for a cosmetology [shop] salon.

(a) A cosmetology [shop] salon shall contain the following equipment, which is considered the minimum equipment needed for a [shop] salon with one cosmetologist:

- (1) One adjustable chair.
- (2) One [dresserette] styling station with mirror.
- (3) One labeled first-aid kit containing the following items:
 - (i) An antiseptic.
 - (ii) Cotton balls.
 - (iii) Protective plastic or latex gloves.
 - (iv) A blood spill kit.
 - (v) A hazardous waste bag.
 - (vi) Eyewash.
 - (vii) Burn ointment.
 - (viii) Plastic or latex bandage strips of varying sizes and shapes.
 - (ix) Sterile gauze pads.
- (4) One dryer or blow dryer.
- (5) One shampoo tray or basin.
- (6) Twelve combs and twelve brushes.
- (7) One covered waste container.

- (8) [One container for hair pins or clips.
 - (9) One neck strip dispenser.
 - (10)] A closed storage area for soiled linen.
 - ([11] 9) One timer clock.
 - ([12] 10) One closed towel cabinet for clean linen.
 - ([13] 11) [One dry sterilizer]A closed container for sanitized implements.
 - ([14] 12) One wet [sterilizer]sanitizer.
 - ([15] 13) A reception desk.
 - (14) Twelve sanitary towels for each styling station in the salon.
 - (15) One sink with hot and cold running water that is readily accessible to each styling station in the work area of the salon.
 - (16) One multi-purpose fire extinguisher suitable for use on Class A, B and C fires.
- (b) For each additional cosmetologist, supplies and equipment shall be increased so that each cosmetologist can render services safely and efficiently.

§ 7.71a. Equipment and supplies for [a cosmetician shop] an esthetician salon.

- (a) [A cosmetician shop] An esthetician salon shall contain the following equipment and supplies, which is considered the minimum equipment needed for a [shop] salon with one [cosmetician] esthetician:
- (1) One adjustable chair.
 - (2) One [dresserette] work station with mirror.
 - (3) One labeled first-aid kit containing the following items:
 - (i) An antiseptic.

(ii) Cotton balls.

(iii) Protective plastic or latex gloves.

(iv) A blood spill kit.

(v) A hazardous waste bag.

(vi) Eyewash.

(vii) Burn ointment.

(viii) Plastic or latex bandage strips of varying sizes and shapes.

(ix) Sterile gauze pads.

(4) One covered waste container.

(5) A closed storage area for soiled linen.

(6) One closed towel cabinet for clean linen.

(7) One timer clock.

(8) [One dry sterilizer]A closed container for sanitized implements.

(9) One wet [sterilizer]sanitizer.

(10) One magnifying lamp.

(11) A reception desk.

(12) Twelve sanitary towels for each work station in the salon.

(13) One sink with hot and cold running water that is readily accessible to each work station in the work area of the salon.

(14) One multi-purpose fire extinguisher suitable for use on Class A, B and C fires.

(b) For each additional [cosmetician] esthetician, equipment and supplies shall be increased so that each [cosmetician] esthetician can render services safely and efficiently.

§ 7.71b. Equipment and supplies for a [manicuring shop] nail technology salon.

(a) A [manicuring shop] nail technology salon shall contain the following equipment and supplies, which is considered the minimum equipment needed for a [shop] salon with one [manicurist] nail technician:

- (1) One chair for use in manicure and pedicure.
- (2) One manicure table with light, chair and stool.
- (3) One pedicure basin and stand.
- (4) One labeled first-aid kit containing the following items:
 - (i) An antiseptic.
 - (ii) Cotton balls.
 - (iii) Protective plastic or latex gloves.
 - (iv) A blood spill kit.
 - (v) A hazardous waste bag.
 - (vi) Eyewash.
 - (vii) Burn ointment.
 - (viii) Plastic or latex bandage strips of varying sizes and shapes.
 - (ix) Sterile gauze pads.
- (5) One covered waste container.
- (6) A closed storage area for soiled linen.
- (7) One closed towel cabinet for clean linen.
- (8) [Clean linen] Twelve sanitary towels for each work station in the salon.
- (9) One wet [sterilizer] sanitizer.
- (10) [One dry sterilizer] A closed container for sanitized implements.

(11) A reception desk.

(12) One sink with hot and cold running water that is readily accessible to each work station in the work area of the salon.

(13) One multi-purpose fire extinguisher suitable for use on Class A, B and C fires.

(b) For each additional [manicurist] nail technician, equipment and supplies shall be increased so that each [manicurist] nail technician can render services safely and efficiently.

§ 7.71c. Equipment and supplies for a natural hair braiding salon.

(a) A natural hair braiding salon shall contain the following equipment and supplies, which is considered the minimum equipment needed for a salon with one natural hair braider:

(1) One adjustable chair.

(2) One styling station with mirror.

(3) One labeled first-aid kit containing the following items:

(i) An antiseptic.

(ii) Cotton balls.

(iii) Protective plastic or latex gloves.

(iv) A blood spill kit.

(v) A hazardous waste bag.

(vi) Eyewash.

(vii) Burn ointment.

(viii) Plastic or latex bandage strips of varying sizes and shapes.

- (ix) Sterile gauze pads.
 - (4) One dryer or blow dryer.
 - (5) One shampoo tray or basin.
 - (6) Twelve combs and twelve brushes.
 - (7) One covered waste container.
 - (8) A closed storage area for soiled linen.
 - (10) One closed towel cabinet for clean linen.
 - (11) A closed container for sanitized implements.
 - (14) One wet sanitizer.
 - (15) A reception desk.
 - (16) Twelve sanitary towels for each styling station in the salon.
 - (17) One sink with hot and cold running water that is readily accessible to each styling station in the work area of the salon.
 - (18) One multi-purpose fire extinguisher suitable for use on Class A, B and C fires.
- (b) For each additional natural hair braider, equipment and supplies shall be increased so that each natural hair braider can render services safely and efficiently.

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§ 7.75. Entrances.

The entrance to a [shop] salon that is located in a private home shall permit clients to enter the [shop] salon directly from the public thoroughfare without passing through any part of the home.

§ 7.76. Floor space.

(a) The floor area of a [shop] salon operated by one licensee shall have a minimum area of 180 square feet with a minimum width of 10 feet. An additional area of at least 60 square feet is required for each additional licensee in the [shop] salon. The Board, upon an applicant's request, may grant a variance from the space requirements concerning a [shop] salon which the Board believes is reasonable.

(b) [Shops] Salons opened prior to September 15, 1976 which have been operating with one cosmetologist shall have sufficient floor space to properly install the equipment with regard to the health and safety of the patrons of the cosmetology [shop] salon. It is suggested that the floor space be a minimum of 10 feet by 12 feet or 120 square feet, with 60 square feet for each additional operator. The Board, after examination of the [shop's] salon's layout, may grant variance from the [shop] salon space requirements which the Board believes is reasonable.

§ 7.77. Use of [shop] salon for other purposes prohibited.

No part of a [shop] salon, including lavatories and laundry facilities, may be used for other purposes.

§ 7.78. Sign.

A [shop] salon shall display, at or near its main entrance, a sign that is clearly visible indicating to the public that it is a cosmetology [shop] salon or limited practice salon.

§ 7.79. Lavatories.

A [shop] salon shall have adequate lavatories on the premises. For the purposes of this section, “on the premises” means within the square footage of the salon.

ACTIVITIES OUTSIDE A [SHOP] SALON

§ 7.81. Rendering of services outside a [shop] salon.

A cosmetologist or holder of a limited license, with the permission of the employing [shop] salon, may render by appointment cosmetology or limited license services to persons at their residences and to persons who are confined to institutions due to illness, imprisonment, old age or similar circumstances.

§ 7.82. Record of services rendered outside a [shop] salon.

A [cosmetologist] licensee who renders [cosmetology] licensed services outside the [shop] salon shall maintain at the employing [shop] salon complete records for each service rendered outside the [shop] salon, including the date, time, place and fee charged. The record of outside services shall be considered part of the records of the [shop] salon.

§ 7.83. Responsibility of a [shop] salon for outside services.

A [shop that sponsors] salon through which appointments are made for the rendering of cosmetology or limited license services outside the [shop] salon shall be responsible for ensuring that the [cosmetologists] licensees are fully supplied and equipped when they perform services outside the [shop] salon and that all other requirements of this chapter are complied with.

HEALTH AND SAFETY IN [SHOPS] SALONS

§ 7.90. Applicability of requirements.

The requirements of this section and §§ 7.91—7.98 and 7.100 apply equally to cosmetology [shops, cosmetician shops and manicurist shops] salons, esthetician salons, nail technology salons and natural hair braiding salons, unless the context indicates otherwise.

§ 7.91. Sanitation and safety generally.

(a) A [shop] salon shall be well lighted and well ventilated.

(b) All areas of the [shop] salon, including the floors and lavatories, shall be maintained in a safe, orderly and sanitary condition.

(c) Sharp implements shall be stored upright with the points down or in a protective case.

§ 7.92. [Sterilization] Sanitization of equipment.

Razors for hair, tweezers, combs, hairbrushes, and other tools, instruments, utensils and appliances that come into contact with a client shall be sanitized immediately after each use and maintained in a sanitary condition at all times.

§ 7.93. Sanitary use of towels.

(a) Only clean cloth towels or disposable paper towels shall be used on clients. Unused cloth towels shall be kept in a closed cabinet. Unused paper towels shall be kept in a closed cabinet or closed towel dispenser. A cloth towel that has been used on a client shall be immediately placed in a closed container for soiled linen. A disposable paper

towel that has been used on a client shall be immediately discarded in a covered waste container.

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§ 7.94. Sanitary use of supplies.

(a) The use of powder puffs or styptic pencils in a [shop] salon is prohibited.

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(c) Creams and other semisolid substances shall be removed from their containers with a sterile spatula or similar utensil. The spatula or similar utensil may not be permitted to come into contact with the skin or hair of a client.

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§ 7.95. Individual cleanliness.

Every [shop employe] salon employee who serves the public shall be clean as to person and dress and shall thoroughly cleanse the hands immediately before rendering services to a client and immediately after using the lavatory.

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§ 7.98. Violation of related laws.

The license of a licensee who has pled guilty or nolo contendere to, or has been convicted of, a felony under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or a similar State or Federal law, shall be subject to suspension or revocation under section [20] 13 of the act (63 P. S. § 519).

* * * * *

§ 7.100. Permanent wave operations and chemical applications.

A client may not be left unattended during the heating or processing period of a permanent wave operation or chemical application.

* * * * *

LICENSURE AND ADMINISTRATION OF SCHOOLS OF COSMETOLOGY

§ 7.111. Application for a school license.

(a) An owner-applicant for a school license shall submit a license application to the Board with the following:

* * * * *

(2) The name, signature and license number of the school supervisor, together with proof that the supervisor meets the following qualifications:

(i) Possesses a current [teacher's] cosmetology teacher license issued by the Board.

(ii) Has done one of the following:

(A) Acquired 2500 hours of satisfactory experience as a cosmetology teacher.

(B) Acquired 1250 hours of satisfactory experience as a cosmetology teacher and 1800-hours of satisfactory work experience [as the designated person in charge of a cosmetology shop].

* * * * *

§ 7.114. School equipment and supplies.

(a) A school enrolling 25 students or less shall have, at a minimum, the following equipment:

(1) Four shampoo basins.

- (2) Eight hair dryers.
- (3) Four manicure tables and chairs.
- (4) Four [dry sterilizers]closed containers for sanitized implements.
- (5) Four wet [sterilizers]sanitizers.
- (6) Four facial chairs.
- (7) Four complete sets of cold wave equipment.
- (8) One mannequin for each student.
- (9) Twelve [dresserettes]styling stations, mirrors and chairs.
- (10) One locker for each student.
- (11) Four closed containers for soiled linen.
- (12) Three closed waste containers.
- (13) One container for sterile solution for each manicure table.
- (14) One bulletin board with dimensions of at least 2 feet by 2 feet.
- (15) One chalkboard with dimensions of at least 4 feet by 4 feet.
- (16) One linen cabinet.
- (17) An arm chair or usable table and chair for each student in the theory room.
- (18) Three timer clocks.
- (19) Attendance records.
- (20) Two sanitary towels per student.

* * * * *

§ 7.115. Student equipment and supplies.

(a) A school shall ensure that each cosmetology student possesses and maintains in sanitary condition the following:

- (1) One shampoo cape.
- (2) One pair of scissors.
- (3) One hair cutting razor.
- (4) Two brushes.
- (5) Six combs.
- (6) A minimum of 100 pin curl clips.
- (7) Complete tools for [manicuring] nail technology, including emery boards, [nipper or scissors,] pusher and brush.
- (8) A carrying case of sufficient size to accommodate the equipment and supplies used by the student.
- (9) A basic cosmetology text book. A book of questions and answers is not considered a textbook.
- (10) One pair of tweezers.

(b) A school shall ensure that each [cosmetician] esthetician student possesses and maintains in sanitary condition the following:

- (1) One facial cape.
- (2) Two spatulas.
- (3) One pair of tweezers.
- (4) One make-up kit.
- (5) Facial supplies.

(6) A carrying case of sufficient size to accommodate the equipment and supplies used by the student.

(7) A basic skin care/make-up textbook.

(c) A school shall ensure that each [manicuring] nail technology student possesses and maintains in sanitary condition the following:

(1) One polish kit.

(2) Complete tools for [manicuring] nail technology, including emery boards, [nipper or scissors,] pusher and brush.

(3) A carrying case of sufficient size to accommodate the equipment and supplies used by the student.

(4) A basic [manicuring] nail technology textbook.

(d) A school shall ensure that each natural hair braiding student possesses and maintains in sanitary condition the following:

(1) One shampoo cape.

(2) One comb-out cape.

(3) Two brushes.

(4) Six combs.

(5) A minimum of 100 pin curl clips.

(6) A carrying case of sufficient size to accommodate the equipment and supplies used by the student.

(7) A basic natural hair braiding textbook.

* * * * *

§ 7.118. Professional staff.

(a) A school shall employ as [instructors] teachers of courses that are part of the required curriculum persons who possess a current [teacher's] cosmetology teacher or limited practice teacher license issued by the Board, except that a school may employ as [instructors] teachers of business or teaching skills persons who hold a current teacher's certificate issued by the Department of Education.

(b) The [teacher's] license of each [instructor] teacher employed by the school shall be conspicuously displayed in the school.

(c) A school shall employ at least one full-time [instructor] teacher.

(d) The student/teacher ratio of a class taught for credit may not exceed 25 to 1, except if a guest lecture is given by a person who is not regularly employed by the school as an [instructor] teacher.

(e) A school shall have attached to its staff for consultation purposes a physician who possesses a current license to practice medicine in this Commonwealth.

§ 7.118a. Uniforms.

Teachers and students shall be attired in washable uniforms during school hours. A [teacher's] teacher uniform shall be distinguished from a [student's] student uniform.

* * * * *

§ 7.120. Work done by students on the public.

(a) A school may permit students who have completed at least 300 hours of instruction to work on the public, if the charges for the students' services are based on the reasonable cost of materials used on the client only.

* * * * *

§ 7.123. Duty work.

A school shall require students to keep their stations clean and to assist in general clean-up and other duties that may be required in an operating [shop] salon, except that students may not be required to scrub floors, wash windows or perform janitorial tasks.

* * * * *

§ 7.125. Health and safety in school.

A school shall observe the same health and safety requirements that are prescribed for [shops] salons in §§ 7.91—7.98, 7.100 and 7.101.

* * * * *

§ 7.128. Mandatory offering of cosmetology curriculum.

(a) A school shall offer instruction in the curriculum for cosmetologists prescribed in § 7.129 (relating to curriculum requirements).

(b) A school may offer instruction in the curriculum for teachers, [cosmeticians and manicurists] estheticians, nail technicians and natural hair braiders prescribed in § 7.129.

§ 7.129. Curriculum requirements.

(a) Except as provided in subsection (b), a school's cosmetology curriculum, excluding electives, shall comprise 1250 hours, and cover the following subjects; the accompanying breakdown of hours by subject is recommended:

BASIC COSMETOLOGY CURRICULUM

	Recommended Hours
Professional Practices	50

Bacteriology, [Sterilization] <u>Disinfection</u> , Sanitation	
Professional Attitude	
Business Practices	
PA [Beauty Culture] <u>Cosmetology</u> Law	
Sciences	200
Histology	
Trichology	
Chemistry	
Physiology	
Cosmetic Dermatology	
Electricity	
Cosmetology Skills-Cognitive and Manipulative	1000
Shampooing	
Hair Shaping	
Hair Styling/Fingerwaving	
Permanent Waving	
Hair Coloring	
Hair Straightening	
Skin Care	
[Manicuring] <u>Nail technology</u>	
Temporary Hair Removal	
Scalp Treatment	
Care of all hair types and textures	

Total 1250

* * * * *

(d) A school's [cosmetician] esthetics curriculum, excluding electives, shall comprise 300 hours and cover the following subjects; the accompanying breakdown of hours by subject is recommended:

[COSMETICIAN] ESTHETICS CURRICULUM

	Recommended Hours
Professional Practices	40
Sciences	100
Facial Treatments	100
Temporary Hair Removal	10
Makeup	50
	Total 300

(e) A school's [manicurist] nail technology curriculum, excluding electives, shall comprise 200 hours and cover the following subjects; the accompanying breakdown of hours by subjects is recommended:

[MANICURING] NAIL TECHNOLOGY COURSE OUTLINE

	Recommended Hours
Professional Practice	25
Sciences	75
Nail Treatments	75
Pedicuring	25
	Total 200

(f) A school's natural hair braiding curriculum, excluding electives, shall comprise 300 hours and cover the following subjects; the accompanying breakdown of hours by subjects is recommended:

NATURAL HAIR BRAIDING COURSE OUTLINE

	<u>Recommended Hours</u>
<u>Professional practices, including sanitation</u>	<u>50</u>
<u>Sciences, including scalp care and anatomy</u>	<u>125</u>
<u>Cognitive and manipulative skills related to natural hair braiding</u>	<u>125</u>
	<u>Total 300</u>

* * * * *

PREPARATION BY APPRENTICESHIP METHOD

§ 7.131. Introduction.

An individual who chooses to seek eligibility for the [cosmetologist's] cosmetologist examination by apprenticeship shall comply with section 10 of the act (63 P. S. § 516) and the applicable requirements of this subchapter.

§ 7.132. Apprentice curriculum.

The cosmetology teacher responsible for offering instruction to an apprentice in a cosmetology [shop] salon shall teach the same cosmetology curriculum that the Board prescribes for schools of cosmetology in § 7.129 (relating to curriculum requirements), with additional hours included so that the total number of hours adds up to 2000, as follows:

BASIC COSMETOLOGY APPRENTICE CURRICULUM

Professional Practices 50

Bacteriology, Disinfection, Sanitation

Professional Attitude

Business Practices

PA Cosmetology Law

Sciences 200

Histology

Trichology

Chemistry

Physiology

Cosmetic Dermatology

Electricity

Cosmetology Skills-Cognitive and Manipulative 1750

Shampooing

Hair Shaping

Hair Styling/Fingerwaving

Permanent Waving

Hair Coloring

Hair Straightening

Skin Care

Nail technology

Temporary Hair Removal

Scalp Treatment

Care of all hair types and textures

Total 2000

§ 7.133. Application for apprentice permit.

To qualify for apprenticeship training in a cosmetology [shop] salon, an individual shall apply to the Board for an apprentice permit.

§ 7.134. Apprentice reports.

The owner of a cosmetology [shop] salon that employs apprentices shall submit to the Board, on a form provided by the Board, a quarterly report of the hours earned by each apprentice. The reports shall be submitted by the following dates: April 15, July 15, October 15 and January 15.

* * * * *

FEE REPORT FORM

Agency: State - BPOA

Date: 11/03/06

Contact: Basil Merenda
Commissioner, Bureau of Professional & Occupational Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

License Application – Cosmetologist, Nail Technician, Esthetician or
Natural Hair Braider: \$10.00

Estimated Biennial Revenue: \$000.00 (0,000 applications x \$10.00)

Fee Description:

The fee will be charged to every applicant who applies for licensure as a Cosmetologist, Nail Technician, Esthetician or Natural Hair Braider.

Fee Objective:

The fee should offset the identifiable costs incurred by the State Board of Cosmetology to review and process a request for licensure as a Cosmetologist, Nail Technician, Esthetician or Natural Hair Braider and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Board Staff - process application (0.20 hr)	4.44
Administrative Overhead:	<u>8.56</u>
Total Estimated Cost:	\$13.00
Proposed Fee:	\$10.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$10.00 be established for processing an application for licensure as a Cosmetologist, Nail Technician, Esthetician or Natural Hair Braider.

Application for Licensure - Cosmetologist, Nail Technician, Esthetician or Natural Hair Braider

Board staff: When obtained by examination, an electronic record of passing exam results is transmitted to board staff from test administrator. Board staff imports these records into the database to generate new licenses. When obtained by reciprocity or grandfathered clause, board staff reviews application and, with approval, manually enters records into database to generate new license. Upon generation of a new license in the computer database, a display license and wallet card are printed. Printed document is sent to the Bureau's mailing contractor for processing and mailing to licensee. The administrative overhead charge offsets expenses such as rent, phones, mailroom/microfilm services that are charged to each board based on a licensee population.

FEE REPORT FORM

Agency: State - BPOA

Date: 11/03/06

Contact: Basil Merenda
Commissioner, Bureau of Professional & Occupational Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

License Application-Cosmetology or Limited Practice Salon license: \$55.00

Estimated Biennial Revenue: \$000.00 (0,000 applications x \$55.00)

Fee Description:

The fee will be charged to every applicant who applies for licensure of a Cosmetology or Limited Practice Salon

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Cosmetology to review and process a request for licensure of a Cosmetology or Limited Practice Salon and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- process application	(1.00 hr)	22.40
BEI - inspect facility	(1.00 hr)	22.27
Administrative Overhead:		<u>8.56</u>
	Total Estimated Cost:	\$53.23
	Proposed Fee:	\$55.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$55.00 be established for processing an application for licensure of a Cosmetology or Limited Practice Salon.

Board staff: Receives application, reviews for completeness, contacts applicant to obtain any missing information and/or documents, forwards to Bureau of Enforcement and Investigation for inspection of facility. BEI conducts inspection, forwards report to board staff who issue license if requirements are met or letter of discrepancy if unmet.

FEE REPORT FORM

Agency: State - BPOA

Date: 11/03/06

Contact: Basil Merenda
Commissioner, Bureau of Professional & Occupational Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

License Application-Cosmetology or Limited Practice Teacher license: \$10.00

Estimated Biennial Revenue: \$000.00 (00 applications x \$10.00)

Fee Description:

The fee will be charged to every applicant who applies for licensure as a Cosmetology or limited license teacher.

Fee Objective:

The fee should offset the identifiable costs incurred by the State Board of Cosmetology to review and process a request for licensure of Cosmetology or Limited Practice Teacher License and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Board Staff - process application (0.20 hr)	4.44
Administrative Overhead:	<u>8.56</u>
Total Estimated Cost:	\$13.00
Proposed Fee:	\$10.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$10.00 be established for processing an application for licensure of Cosmetology or Limited Practice Teacher License.

Board staff: Receives an electronic record from test administrator of pass exam results. Board staff imports these electronic records into the computer database to generate new licenses. Upon generation of a new license, a display license and wallet care are printed. Printed document is sent to the Bureau's mailing contractor for processing and mailing to licensee. The administrative overhead charge offsets expenses such as rent, phones, mailroom/microfilm services that are charged to each board based on a licensee population.

FEE REPORT FORM

Agency: State - BPOA

Date: 11/03/06

Contact: Basil Merenda
Commissioner, Bureau of Professional & Occupation Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Cosmetology – Natural Hair Braider Biennial Renewal Fee: \$35.00

Estimated Biennial Revenue: \$000.00 (000 renewals x \$35)

Fee Description:

The fee will be charged to every applicant for renewal of their Natural Hair Braider license.

Fee Objective:

The fee should defray a portion of the operational costs of the State Board of Cosmetology.

Analysis, Comment, and Recommendation:

It is recommended that an biennial renewal fee of \$35.00 be established to renew a Natural Hair Braider license to coincide with all other Cosmetology personal licenses.

FEE REPORT FORM

Agency: State - BPOA

Date: 11/03/06

Contact: Basil Merenda
Commissioner, Bureau of Professional & Occupation Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Cosmetology or Limited Practice Salon license Annual Renewal Fee: \$60.00

Estimated Biennial Revenue: \$000.00 (000 renewals x \$60)

Fee Description:

The fee will be charged to every applicant for renewal of their Cosmetology or Limited Practice Salon license.

Fee Objective:

The fee should defray a portion of the operational costs of the State Board of Cosmetology.

Analysis, Comment, and Recommendation:

It is recommended that a biennial renewal fee of \$60.00 be established to renew a Cosmetology or Limited Practice Salon license.

FEE REPORT FORM

Agency: State - BPOA

Date: 11/03/06

Contact: Basil Merenda
Commissioner, Bureau of Professional & Occupation Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Cosmetology or Limited Practice Teacher License Biennial Renewal Fee: \$55.00

Estimated Biennial Revenue: \$000.00 (000 renewals x \$55)

Fee Description:

The fee will be charged to every applicant for renewal of their Cosmetology, Limited Practice Teacher license.

Fee Objective:

The fee should defray a portion of the operational costs of the State Board of Cosmetology.

Analysis, Comment, and Recommendation:

It is recommended that an biennial renewal fee of \$55.00 be established to renew a Cosmetology Limited License Practice Teacher license.

FEE REPORT FORM

Agency: State - BPOA Date: 11/03/06
Contact: Basil Merenda
Commissioner, Bureau of Professional & Occupational Affairs
Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Change in Cosmetology School - Inspection Required: \$110.00
Estimated Biennial Revenue: \$000.00 (000 applications x \$110.00)

Fee Description:

The fee will be charged to each applicant who requests a change to an existing license due to relocation, remodeling or some other change to the physical location.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Cosmetology to process a change application and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Board Staff- process application:	(1.00 hr)	22.40
BEI - inspect facilities	(3.50 hr)	77.70
Administrative Overhead:		<u>8.56</u>
	Total Estimated Cost:	108.66
	Proposed Fee:	\$110.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$110.00 be established to process a business change application when an inspection is required.

Staff receives application, reviews for completeness, contacts applicant to request any missing information. Notifies BEI to request inspection to confirm compliance. BEI verifies that regulations are met, sends board office inspection results. If in compliance, board staff updates computer information and issues license.

FEE REPORT FORM

Agency: State - BPOA Date: 11/03/06
Contact: Basil Merenda
Commissioner, Bureau of Professional & Occupational Affairs
Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Change in Cosmetology School - No Inspection Required: \$35.00
Estimated Biennial Revenue: \$ 00.00 (00 applications x \$35.00)

Fee Description:

The fee will be charged to each applicant who requests change of address (post office change) or change of ownership with no change in business name or location.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Cosmetology to process a change application that does not require an inspection and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Board Staff- process application: (1.00 hr)	22.40
Administrative Overhead:	<u>8.56</u>
Total Estimated Cost:	30.96
Proposed Fee:	\$35.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$35.00 be established to process a business change application that does not require an inspection to determine compliance.

Staff receives application, reviews for completeness, contacts applicant to request any missing information. Verifies that name of school has not changed as a result of ownership change or that change of address is due to postal address reassignment and that no physical location change has taken place. Processes information through the computer and issues license.

FEE REPORT FORM

Agency: State - BPOA

Date: 11/03/06

Contact: Basil Merenda
Commissioner, Bureau of Professional & Occupational Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Change in Cosmetology or Limited Practice Salon license - No Inspection Required:
- \$15.00

Estimated Biennial Revenue: \$000.00 (0 applications x \$15.00)

Fee Description:

The fee will be charged to every applicant who requests a change to an existing Cosmetology or Limited Practice Salon that does not require an inspection.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Cosmetology to review and process a request for change to an existing Cosmetology or Limited Practice Salon that does not require an inspection and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- process application (.25 hr)	5.60
Administrative Overhead:	<u>8.56</u>
Total Estimated Cost:	\$14.16
Proposed Fee:	\$15.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$15.00 be established for processing an application for change to an existing Cosmetology or Limited Practice Salon that does not require an inspection.

Change in Cosmetology or Limited Practice Salon - No Inspection Required

Board staff: Receives application, reviews for completeness, contacts applicant to obtain any missing information and/or documents, updates information on computer and issues license.

FEE REPORT FORM

Agency: State - BPOA

Date: 11/03/06

Contact: Basil Merenda
Commissioner, Bureau of Professional & Occupational Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Change in Cosmetology or Limited Practice Salon license - Inspection Required: \$55.00

Estimated Biennial Revenue: \$000.00 (000 applications x \$55.00)

Fee Description:

The fee will be charged to process a request to change an existing license (change of location, remodeling, etc.) when an inspection is required to determine compliance with requirements for a Cosmetology or Limited Practice Salon

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Cosmetology to process a request to change a Cosmetology or Limited Practice Salon license and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- process application	(1.00 hr)	22.40
BEI - inspect facility	(1.00 hr)	22.27
Administrative Overhead:		<u>8.56</u>
	Total Estimated Cost:	\$53.23
	Proposed Fee:	\$55.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$55.00 be established to process a request to change an existing Cosmetology or Limited Practice Salon license.

Board staff: receives application, reviews for completeness, contacts candidate to request any missing information and/or documents, forwards to Bureau of Enforcement and Investigation for inspection of facility. BEI conducts inspection, forwards report to board staff who update computer information and issue license if requirements are met or letter of discrepancy if unmet.

FEE REPORT FORM

Agency: State - BPOA

Date: 11/03/06

Contact: Basil Merenda
Commissioner, Bureau of Professional & Occupation Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Re-inspection of Cosmetology or Limited Practice Salon or Cosmetology School: \$40.00

Estimated Biennial Revenue: \$000.00 (00 applications x \$40.00)

Fee Description:

The fee will be charged to re-inspect a Cosmetology or Limited Practice Salon or Cosmetology School after initial failure.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Cosmetology to re-inspect a Cosmetology or Limited Practice Salon or Cosmetology School after initial failure and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- process application	(.25 hr)	5.63
BEI - inspect facility	(1.00 hr)	22.27
Administrative Overhead:		<u>8.56</u>
	Total Estimated Cost:	\$36.46
	Proposed Fee:	\$40.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$40.00 be established to re-inspect a Cosmetology or Limited Practice Salon or Cosmetology School after initial failure.

Board staff: After failure at initial inspection, applicant notifies board when deficiencies have been corrected, board forwards to Bureau of Enforcement and Investigation for inspection of facility. BEI conducts inspection, forwards report to board staff who issue license if requirements are met or letter of discrepancy if unmet. This fee will be charged each time a re-inspection is necessary to determine compliance with regulations for a new or relocated salon.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

DATE: December 22, 2006

SUBJECT: Proposed Rulemaking
State Board of Cosmetology
16A-4514: General Revisions

TO: Andrew C. Clark, Deputy General Counsel
Office of General Counsel

FROM: Ruth D. Dunnewold, Senior Deputy Chief Counsel
State Board of Cosmetology

RDD

There are no significant legal and policy issues presented by this proposed rulemaking which is required to revise the Board's regulations in order to implement changes made to the Cosmetology Law (act) (63 P.S. § 507 – 527) by the Act of July 7, 2006 (Act 99), as well as generally update the regulations to strengthen safety and sanitation requirements and to reflect current processes and practices utilized by the Board.

I certify that I have reviewed this regulation for form and legality, that I have discussed any legal and policy issues with the administrative officers responsible for the program, and that all information contained in the Preamble and Annex is correct and accurate.

RDD:kmh



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF COSMETOLOGY
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-7130

August 15, 2007

The Honorable Arthur Coccodrilli, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

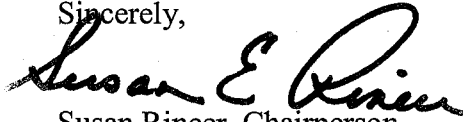
Re: Proposed Regulation
State Board of Cosmetology
16A-4514: General Revisions

Dear Chairman Coccodrilli:

Enclosed is a copy of a proposed rulemaking package of the State Board of Cosmetology pertaining to General Revisions.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,


Susan Rineer, Chairperson
State Board of Cosmetology

SR/CWF/:rs

Enclosure

cc: Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
Albert H. Masland, Chief Counsel
Department of State
Joyce McKeever, Deputy Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Gerald S. Smith, Senior Counsel in Charge
Department of State
C. William Fritz, II, Counsel
State Board of Cosmetology
State Board of Cosmetology

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

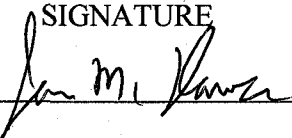

I.D. NUMBER: 16A-4514
SUBJECT: GENERAL REVISIONS
AGENCY: DEPARTMENT OF STATE
STATE BOARD OF COSMETOLOGY

RECEIVED
2007 AUG 15 PM 12: 22
INDEPENDENT REGULATORY
REVIEW COMMISSION

TYPE OF REGULATION

- X Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
a. With Revisions b. Without Revisions

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
8/15/07		HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
8-15-07		SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
8/15/07		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
8/15/07		LEGISLATIVE REFERENCE BUREAU (for Proposed only)