

**ARKANSAS
STATE BOARD
OF COSMETOLOGY**

**LEGISLATIVE
COMMITTEE**

MEETING REPORT

SEPTEMBER 17, 2007

LEGISLATIVE COMMITTEE MEMBERS (PRESENT)

Ann Pickering, Chair

Cathy Caver-Blade, President

Scottie Burchett, Board Member

Jane Powell, 1st Vice President

Susan Collins-Burrough, 2nd Vice President

Kathy Wittum, Director

Erika Gee, Legal Counsel

COMMITTEE MEMBERS (NOT PRESENT)

OTHER PARTICIPANTS IN ATTENDANCE

Chris Strawn, Arthur's Beauty College

Carla Jones, Arthur's Beauty College

Meeting Report

The Legislative Committee met today following the regular board meeting to continue reviewing the Board’s Rules to make recommendations for upcoming rule revisions. The meeting was called to order at 2:12 p.m.

Committee members were provided a copy of the draft rule revisions, which was color-coded to help each committee focus only on the areas for which it is responsible for reviewing. Board Member Scottie Burchett questioned if an effort would be made to better organize the rules in a manner that would be more consistent with the law. Legal Counsel Erika Gee spoke in favor of this idea.

The Committee moved into a review of each rule. The below outlines whether a change is recommended to the rule, and if so, what the change is. Comments and/or modifications suggested during the meeting are also included.

Rule 1 – Cosmetology Board and Staff

1.1) Purpose	No changes recommended
1.2) Board Composition	No changes recommended
1.3) Administrative Division	No changes recommended
1.4) Inspection Division	Remove “ <i>and regulations</i> ” and consistently refer to rules as rules
1.5) Location	No changes recommended
1.6) Meetings	No changes recommended
1.7) Collection of Fees	Modify language to reflect the office can accept credit card payments now
1.8) Fees – Method of Payment	FEE STRUCTURE COMMITTEE

Rule 2 – Requirements for Cosmetology and Related Occupations

2.1) Establishment	No changes recommended Ms. Burchett questioned if clarification should be made to this rule to address a problem heard at today’s disciplinary meeting. The issue concerned whether posted licenses were indicative of the salon being open for business. The issue was discussed and no changes were suggested to be made.
2.2) Practitioner	Add language concerning practitioner’s ability to perform services out of the establishment for special events, which is compliant to a law revision.
2.3) Demonstrator	FEE STRUCTURE COMMITTEE

Rule 3 - Examinations

3.1) Application	Change title to “Eligibility” and include language explaining eligibility process/determination
3.2) Application Deadline 3.3) Cancellations 3.4) Language 3.6) Models 3.7) Anonymity 3.8) Exam Materials	Strike existing language under these rules and combine language under rule 3.2 with a new title of “General Policies and Procedures” Ms. Gee suggested keeping language in 3.2 addressing ADA compliance even though it is contained in PCS and LaserGrade’s policies. She also suggested not referring to PCS and LaserGrade specifically, but rather referring to them as Testing Providers. Suggestion was made to include language barring a student from examining if hours are uncertified by the school (meaning tuition is owed to the school) or if they have a debt with the board, such as a civil penalty or hot check.
3.5) Grades	Change rule # to 3.3 with title of “Grades” and clarify grading requirements for the state law exam. Strike language addressing the 3-year requirement, which is compliant to a law revision.

Rule 4 – Requirements for Both Cosmetological Schools and Establishments

4.1) Definitions	Remove definitions for Salon or Cosmetological Establishment and Student, as these are in the law. Revise code sites that changed because of law revisions.
4.2) Health and Safety Rules	A) Strike references to “and regulation” for consistency and add language concerning photograph on license. A)4) Ms. Powell questioned why the existing language in this provision would exclude students from presenting identification. After a brief discussion, the Committee decided to leave the language as is. B) Clarify license must be posted in clinic area, reception area and that practitioner can wear the license if it is visible to the public. Also clarify that an expired or invalid license is not to be posted. C) Strike references to “and Human Services” when referring to the Health Department. C)21)b) Committee discussed a request made last year to remove or modify this language to allow instruments to be carried on a practitioner’s person. After a brief discussion, the Committee decided to leave the language as is. C)22)23)24) Director Wittum requested Committee members to review the NIC Health and Safety Committee Report brought back from the national conference and decide if anything needs to be changed concerning disinfecting implements.
4.3) Facility Use - Non-Accredited Courses	No changes recommended

Rule 5 – Cosmetology Establishment / Certificate of Registration and Licensure

<p>5.1) Enforcement 5.2) Authorization 5.3) Inspection of Facilities 5.4) Change and Notification Req.</p>	<p>References to “and regulations” being removed</p>
<p>5.5) General Licensure Req.</p>	<p>D) Strike references to “and Human Services” when referring to the Health Department</p> <p>E) Remove completely, as there is no longer a square-foot requirement for new salons</p>

Rule 6 – Cosmetology School Requirements

<p>6.1) Application</p>	<p>During the discussion, it was suggested to add language in this section concerning a school changing its name and changing ownership</p>
<p>6.2) Building 6.3) Equipment</p>	<p>No changes recommended</p>
<p>6.4) Initial Inspection of a New or Relocated School</p>	<p>Recommend striking this section</p>
<p>6.5) Application for New School</p>	<p>Recommend changing this to 6.4 under the title of “<i>Application for New Private School</i>” and adding 6.5 under the title of “<i>Application for a New Cosmetology Program in a Public or State-Operated School</i>” to distinguish between the private and public/state-operated schools and their differences in pursuing a license.</p> <p>A lengthy discussion ensued around this recommendation and the fact that new school applicants believed the initial meeting with the board would result in an “approval” and this is misleading, as the Board is limited in the reasons why it could deny a license to a new school applicant. Ms. Powell stated it is a formality for them to appear before the Board to acknowledge their intent to come into the state and offer programs in cosmetology. Ms. Gee agreed it is a presentation to the board as opposed to an approval process.</p> <p>Ms. Burchett stated she thought the programs in a public or state-operated school were not treated any differently than the private schools. Ms. Gee agreed they all have to follow the guidelines; however, there are differences in the initial application process seeking a license. She stated the law specifically states that the Department of Education (DOE) is responsible for licensing cosmetology programs in a state-supported school. She explained the draft Director Wittum prepared for review was the result of meetings she and Director Wittum had with the Department of Higher Education (DHE) who acknowledged they do want approval by the Cosmetology Board, as they are not experts in the field of cosmetology. She stated there are things the DHE wants the proposed school to demonstrate before they (DHE) will approve the program.</p>

	The discussion included remarks about the fact that the DOE is not the agency for the Board to communicate with. Ms. Burchett stated if the program is in a high school, then the Department of Work Force Education (DWFE) would be the appropriate agency; and if the program is in a college, then it would be the DHE. Ms. Gee stated contact would need to be made with the DWFE and DOE at this point.
6.6) Purchase of an Existing School	Recommend adding language requiring notification to the Board at least 30 days prior to the sell/purchase of an existing school
6.7) Registration Requirements	Add language requiring photo and simplifying of transfer/re-enrollment students' paperwork Committee members and Chris Strawn from the audience engaged in a lengthy discussion concerning this language: "based on standards mandated by the Arkansas Department of Education." Discussion surrounded the question of whether the Ability to Benefit (ATB) test is valid verification of a person's education level. The consensus was that these tests are valid for use in determining if a person has achieved the equivalent of two (2) years of high school; however, Ms. Gee and Director Wittum stated they had been unable to get the Arkansas Department of Education to confirm this to be fact. The decision was made to revise the language to allow the results of a nationally recognized test to be sufficient.
6.8) Cosmetology Training Requirements	Director Wittum requested the Committee to consider removing the mandate for a student to be terminated after an absence of two consecutive months.

The Committee chose to conclude its review and begin at Rule 6.9 at the next meeting. Committee members encouraged a meeting to be held in October instead of waiting until the November board meeting.

During public comment, Ms. Strawn commented about the move towards placing a photograph on the student permit and believes it would result in a burden of paperwork. Director Wittum stated the law revisions include this mandate for student permits, as well as practitioner, establishment and school licenses.

After no additional comments were forthcoming from participants, the meeting was concluded at 4:05 p.m.

*** End of Report ***

Report prepared by:

Kathy Wittum, Director