

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

2010 JUL 30 PM 1:19

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Board of Barbers and Cosmetologists TITLE NUMBER: 3CSR1

CITE AUTHORITY: 30-27-5

AMENDMENT TO AN EXISTING RULE: YES NO

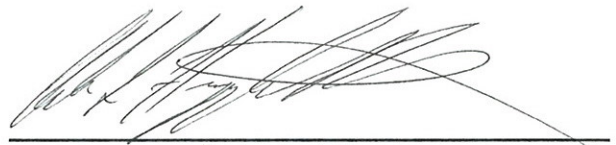
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Procedures, Criteria, and Curricula for Examination and Licensure of Barbers, Cosmetologists, Manicurists, and Aestheticians

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



Authorized Signature

Legislative Rule-Making

JUL 30 2010

Review Committee

**TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS**

SERIES 1

**PROCEDURES, CRITERIA AND CURRICULA FOR EXAMINATION AND
LICENSURE OF BARBERS, COSMETOLOGISTS, MANICURISTS AND AESTHETICIANS**

§3-1-1. General

1.1. **Scope** - This legislative rule establishes the minimum licensing and curriculum requirements for barbers, cosmetologists, aestheticians, and manicurists.

1.2. **Authority** - W. Va. Code § ~~30-27-8~~ 30-27-5 and § ~~30-27-4~~ 30-27-6.

1.3. **Filing Date** - ~~April 4, 2000~~

1.4. **Effective Date** - ~~April 4, 2000~~

~~§ 3-1-2. Definition of Aesthetician~~

~~“Aesthetician” means any person who engages in the practice and use of cosmetic preparations, makeups, antiseptics, tonics, lotions, creams, chemical preparations, or otherwise with hands or mechanical or electrical apparatus or appliances or who massages, cleanses, stimulates, manipulates, exercises, beautifies, grooms or performs similar work to the face, neck, arms and hands.~~

~~§ 3-1-32. License Requirement~~

~~32.1. It is unlawful for any person to practice or offer to practice barbering, beauty culture, manicuring, or aesthetics in this state without first obtaining a license for that purpose from the Board.~~

~~32.2 Every person practicing barbering, beauty culture, manicuring or aesthetics and every student shall display his or her license or license renewal in a conspicuous place at the workstation the licensed individual is currently working in the shop where he or she practices or is employed and whenever required, shall exhibit the license to the board or its authorized representative.~~

~~32.3. In addition to the license that must be displayed as provided for in Subsection 3.2, of this section, every person practicing barbering, beauty culture, manicuring or aesthetics in this state shall possess a pocket identification card containing the licensee’s photograph.~~

~~32.4. The licensee shall show the pocket identification card to the Board, or its authorized representative, upon request.~~

32.5. The pocket identification card is valid for five years and renewable thereafter at five year increments.

32.6. A licensee may obtain the pocket identification card at any Department of Motor Vehicles licensing bureau at a fee to be determined by the Department of Motor Vehicles.

32.7. To obtain the pocket identification card, the Licensee shall provide to the Department of Motor Vehicles evidence of a valid barber, cosmetologist, manicuring or aesthetician license and at least one other form of picture identification including but not limited to a driver's license.

2.8 Board of Barbers and Cosmetologists shall maintain, use, and store the digital pictures taken specifically for the pocket identification card of licensed individuals under Chapter 30, Article 27 Code of West Virginia by Department of Motor Vehicles and transferred from Department of Motor Vehicles database to the licensing database and software operated, secured, and maintained by the Board of Barbers and Cosmetologists.

§ 3-1-43. Qualification for Licensure

43.1. An applicant for licensure as a barber, cosmetologist, manicurist, or aesthetician, shall present satisfactory evidence to the Board that he or she:

(a) Is at least eighteen years of age;

(b) Is of good moral character and temperate habits;

(c) Has completed at least the twelfth grade of public school or its equivalent, or has passed an ability to benefit test approved by the U.S. Dept. Of Education;

(d) Has graduated from a school of barbering or beauty culture approved by the Board, or in the case of a manicurist or aesthetician, has successfully completed an approved course in manicuring or aesthetics in a school of beauty culture or graduated from a school of aesthetics or nail technology/manicuring;

(e) Has passed the appropriate examination;

(f) Has transmitted the appropriate application to the Board with the respective fee; and

(g) Has presented a certificate of health from a licensed physician to the Board.

(h) Is a citizen of the United State or is eligible for employment in the United States;

(i) Has fulfilled any other requirement specified by the board.

§ 3-1-54. Minimum Curriculum for Barber Permanent Wave License

54.1. Every student desiring a barber permanent wave license shall complete a course of

study consisting of at least two thousand (2,000) clock hours divided as specified in Table 3-1A of this rule and subdivided at the discretion of the faculty of each school.

54.2. Every student desiring a license to perform permanent waving and hair coloring services who has completed one thousand eight hundred (1,800) hours of barber training, shall complete a course of study consisting of a minimum of three hundred seventy five (375) clock hours divided as specified in Table 3-1B of this rule. This course is designed to enable those persons who previously graduated to obtain their permanent wave license.

54.3. Every student has the option of completing a course of study for:

54.3.1. A one thousand eight hundred hour barbering course, exclusive of permanent waving license as specified in Table 3-1I of this rule; or

54.3.2. The existing course of study consisting of at least two thousand clock hours divided as specified in Table 3-1A of this rule and subdivided at the discretion of the faculty of the school.

§ 3-1-65. Minimum Curriculum for Cosmetologists

65.1. Every student wishing to become licensed as a cosmetologist shall complete a course of study consisting of a minimum of two thousand (2,000) clock hours divided as specified in Table 3-1C of this rule. A licensed cosmetologist may also trim beards or mustaches.

65.2. Students wishing to become licensed cosmetologists shall perform practical work during the first three hundred (300) hours on manikins only.

§ 3-1-76. Minimum Curriculum for Manicurists

76.1. Every student wishing to become a licensed manicurist shall complete a course of study consisting of a minimum of four hundred (400) clock hours divided as specified in Table 3-1D of this rule.

§ 3-1-87. Minimum Curriculum for Barbers to Obtain a Cross-Over Cosmetologist's License

87.1. The curriculum for a barber to adequately pass the Beauty Culture examination in order to obtain a cross-over cosmetologist's license is specified in Table 3-1E of this rule. An individual must complete the two thousand (2,000) hours of barber's training prior to taking the three hundred (300) hours cosmetology cross-over training. An individual who has completed the barber's training may, however, take the cosmetology cross-over training prior to taking the barber examination. Upon completing both sets of training requirements, the individual must then sit for both the two thousand (2,000) hours barber examination and the three hundred (300) hours cosmetologist examination. The Board may consider out-of-state applicants for licensure on an individual basis if the applicant's out-of-state licensure requirements are substantially equal to the requirements in this state. The Board may accept less than two thousand (2,000) hours barber's training if supplemented by one (1) year of practical experience for every three hundred (300) hours of schooling not to exceed one thousand (1,000) hours.

87.2. Barbers desiring a cross-over license and having graduated with the one thousand eight hundred (1,800) hours curriculum must take a cross-over curriculum of five hundred (500) hours as specified in Table 3-1F of this rule.

87.3. The cross-over curriculum from barbering to beauty culture shall be taught in all approved West Virginia schools of beauty culture.

§ 3-1-~~98~~. Minimum Curriculum for Cosmetologists to Obtain a cross-Over Barber License

98.1. Every cosmetologist who wishes to pass the barber examination in order to obtain a cross-over barber license shall complete the courses as specified in Table 3-1G of this rule. Individuals must have completed two thousand (2,000) hours of cosmetologist's training prior to taking the three hundred (300) hours barber cross-over license training. An individual who has completed the cosmetologist's training may, however, take the barber cross-over training prior to taking the cosmetologist examination. Upon completing both sets of training requirements, the individual must then sit for both the two thousand (2,000) hours cosmetologist examination and the three hundred (300) hours barber examination. The Board may consider out-of-state applicants for licensure on an individual basis if the applicant's out-of-state licensure requirements are substantially equal to the requirement in this state. The Board may accept less than two thousand (2,000) hours cosmetologist's training if supplemented by one (1) year of practical experience for every three hundred (300) hours of schooling not to exceed one thousand (1,000) hours.

98.2. The cross-over curriculum from beauty culture to barbering shall be taught in all approved West Virginia schools of barbering.

§ 3-1-~~109~~. Minimum Curriculum for Aestheticians

109.1. Every student wishing to become a licensed aesthetician shall complete a course of study consisting of a minimum of six hundred (600) clock hours divided as specified in Table 3-1H of this rule.

§ 3-1-~~110~~. Reciprocity

110.1. Students who have previously attended school, or who have graduated from a school of barbering or beauty culture in a state other than West Virginia, may receive credit towards the two thousand (2,000) hour requirement for graduation in this state if, on entrance into a school in this state, the student requests credit for hours obtained in another state and subsequently presents to the in-state school manager, credentials showing subjects studied and the hours of credit received, duly signed and certified by the manager of the school previously attended. The Board may also award credit to those applicants who can demonstrate work experience. The amount of credit awarded shall be twenty-five (25) hours credit for each month or three hundred (300) hours credit for one year, not to exceed a total award of one thousand (1,000) hours.

§ 3-1-~~121~~. Administrative Due Process

121.1. Those persons adversely affected by the enforcement of this rule have the right to

request a contested case hearing consistent with the provisions of W. Va. Code § ~~29A-5-1~~ 30-27-20 et seq.

TABLE 3-1A. Minimum Curriculum for Barber/Permanent Waving Licenses.

SCIENTIFIC STUDY

- | | |
|--|-----------|
| 1. Shop management, business law, ethics | 100 hours |
|--|-----------|

2.	Bacteriology, sanitation, disease of skin	125 hours
3.	Cells, anatomy	20 hours
4.	Skin and appendages, biochemistry of hair	60 hours
5.	Implements, honing, stropping, use and care	10 hours
6.	Haircutting procedures, history of barbering	20 hours
7.	Electricity, light therapy	5 hours
8.	Theory of massage, tonics	5 hours
9.	Hair coloring, effects on hair	25 hours
10.	Barber law and regulations, salesmanship	20 hours
11.	Chemistry	<u>16 hours</u>
		406 hours

DEMONSTRATION AND LECTURE ON SCIENTIFIC STUDY
(NO LECTURE ON SATURDAY)

1.	Shop management, business law, ethics, salesmanship	25 hours
2.	Bacteriology, sanitation, disease	10 hours
3.	Cells, skin and appendages, biochemistry of hair	10 hours
4.	Implements, honing, stropping, use and care	5 hours
5.	Haircutting procedures, history of barbering	10 hours
6.	Electricity, light therapy	5 hours
7.	Theory of massage, tonics	5 hours
8.	Hair coloring, effects on hair	10 hours
9.	First Aid	10 hours
10.	Shop arrangement, display of merchandise	<u>10 hours</u>
		100 hours

SUPERVISED PRACTICE

1.	Scalp treatments, shampooing	50 hours
2.	Shaving	50 hours
3.	Facials, massage, packs	50 hours
4.	Haircutting	450 hours
5.	Hair coloring, bleaching	135 hours
6.	Hairstyling, methods	200 hours
7.	Use of implements	20 hours
8.	Desk	19 hours
9.	Dispensary	<u>40 hours</u>

1014 hours

TABLE 3-1A. Minimum Curriculum for a Barber/Permanent Waving License, (Cont'd.).

ILLUSTRATED LECTURE AND DEMONSTRATION ON PRACTICAL WORK
(NO DEMONSTRATION OR LECTURE ON SATURDAY)

1.	Scalp treatments, shampooing	20 hours
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2.	Honing and stropping	5 hours
3.	Shaving	10 hours
4.	Facials, massage, packs	10 hours
5.	Haircutting	10 hours
6.	Hair tonics	5 hours
7.	Hair coloring	10 hours
8.	Hairstyling, demonstrations	10 hours
9.	Salesmanship	15 hours
10.	Unassigned	<u>10 hours</u>
		105 hours

PERMANENT WAVING

	<u>LECTURE</u>	<u>DEMONSTRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
1. Permanent Waving	15	30	40	200	285
2. Chemical Hair Relaxing and Hair Straightening	<u>8</u>	<u>7</u>	<u>10</u>	<u>65</u>	<u>90</u>
	23	37	50	265	375

SUMMARY

Scientific Study	575 hours
Supervised Practice	1050 hours
Permanent Waving	<u>375 hours</u>
	2000 hours

A student shall perform a minimum of twenty-five (25) hairstyles before graduation.

TABLE 3-1B. Minimum Curriculum for Barber With One Thousand Eight Hundred (1, 800) Hours Training to Acquire a Barber Permanent Waving License.

<u>LECTURE</u>	<u>DEMONSTRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
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1.	Permanent Waving	15	30	40	145	230
2.	Hair coloring	5	10	10	30	55
3.	Chemical Hair Relaxing and Hair Straightening	<u>8</u>	<u>7</u>	<u>10</u>	<u>65</u>	<u>90</u>
		28	47	60	240	375

TABLE 3-1C. Minimum Curriculum for a Cosmetologist's License.

	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Ethics, Personal Hygiene, Visual Poise and Personality Development	10				10
Sanitation, Sterilization and Bacteriology	15	5			20
Shampooing and Rinsing	5	2	1		8
Hair and Scalp Treatment	6	1	3		10
Manicuring and First Aid	3	1			4
Haircutting	5	5	10		20
Hairstyling	10	10	30		50
Permanent Waving	15	10	40		65
Safety Precautions	10				10
Salesmanship and Merchandising	10				10
Wiggery and Hair Pieces	2	1	4		7
Review for Clinic Floor		5			5
Facials, Massage, Packs and Eyebrow Arching	5	3	3		11
Chemical Hair Relaxing and Hair Straightening	8	7	10		25
Hair Coloring and Lightening	<u>20</u>	<u>20</u>	<u>5</u>		<u>45</u>
SUB TOTAL First 300 hours	124	70	106		300

TABLE 3-1C. Minimum Curriculum for a Cosmetologist's License (Contd.).

<u>SUPERVISED CLINIC PRACTICE</u>					
	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Sanitation, Sterilization and Bacteriology				60	60
Shampooing and Rinsing				37	37
Hair and Scalp Treatment				40	40
Manicuring and First Aid		2		31	33
Haircutting		13		300	313
Beard & Mustache Shaping	5	5		5	15
Hairstyling		13		400	413
Permanent Waving		20		200	220
Wiggery and Hair Pieces		2			2
Merchandising				20	20
Unassigned				7	7
Facials, Massage, Packs and Eyebrow Arching				44	44
Chemical Hair Relaxing and Hair Straightening				65	65
Hair Coloring and Lightening	—	<u>13</u>	—	<u>155</u>	<u>168</u>
SUB TOTAL	5	68		1364	1437

TABLE 3-1C. Minimum Curriculum for a Cosmetologist's License (Contd.).

LECTURE ON SCIENTIFIC SUBJECTS

	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Nail Disorders/Structure	3				18
Chemistry	15				15
Skin, Scalp and Hair Disorders/Structure	29				29
Electricity, Light Therapy	12				12
Anatomy and Cells	20				20
State Laws and Regulations	20				20
Beauty Salon Management	25				25
Dispensary				80	80
Appointment Desk	1	2		16	19
Job Placement	<u>10</u>	—	—	5	15
SUB TOTAL	135	2		101	<u>253</u>
TOTAL					2000

SUMMARY

Scientific Subjects	253
Beginner's Demonstration	70
Beginner's Manikin Practice	106
Demonstrations' Clinic Manikin Practice	<u>1571</u>
TOTAL PRESCRIBED TRAINING PERIOD	2000

TABLE 3-1D Minimum Curriculum Requirements for a Manicuring License.

	<u>LECTURE</u>	<u>DEMONSTRATION</u>	<u>CLINIC</u>	<u>TOTAL</u>
Professional Image, Ethics, Hygiene, Interpersonal Skills, Communication	10			10
Bacteriology, Decontamination, Sterilization, Personal Protection, Sanitation, Safety, OSHA	15	5	45	65
First Aid	1	1	4	6
Manicuring & Polish Techniques	4	6	70	80
Massage (Hand & Arm)	2	2	10	14
Physiology, Anatomy for the Manicurist	10			10
Skin & Skin Disorders/Diseases	5			5
Nail & Nail Disorders/Diseases (Including Fungus and Mold)	5			5
Chemistry for the Manicurist, Composition of Nail Products, Toxicity & Allergic Reactions	10	5		15
Electricity, Light Therapy, Machines Nail Equipment	4	2	5	11
Art of Nail Technology	5	10	65	80
West Virginia State Law, Rules and Licensing Requirements	20			20
Management, Salesmanship	15	5	20	40
1. Salon Operations				
2. Selling Techniques				
3. Job Opportunities (Resume, Employment Applications, Conduct, Payroll Deductions)				
Appointment Desk	1	1	10	12
Dispensary	1	1	5	7
Supplemental Techniques	<u>5</u>	<u>5</u>	<u>10</u>	<u>20</u>
TOTAL	113	43	244	400

TABLE 3-1E. Curriculum Requirements for Barbers With 2,000 Hours Barber/Permanent Wave Training to Obtain A Cross-Over Cosmetology License.

	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Manicuring & Disorders	3	2		5	10
Hairdressing	15	10	30	75	130
Haircutting	10	10	20	40	80
Makeup	3	2		5	10
Hair coloring & Lightening	20	20		15	55
Dispensary	—	—	—	<u>15</u>	<u>15</u>
TOTAL	51	44	50	155	300

TABLE 3-1F. Curriculum Requirements for Barbers With 1,800 Hours to Obtain a Cross-Over Cosmetologist License.

	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Manicuring & Disorders	3	2		5	10
Hairdressing	15	10	30	75	130
Permanent Waving & Haircutting	30	30	60	160	280
Makeup	3	2		5	10
Hair coloring & Lightening	20	20		15	55
Dispensary	—	—	—	<u>15</u>	<u>15</u>
TOTAL	71	64	90	275	500

TABLE 3-1G. Curriculum Requirements for a Cosmetologist to Obtain a Cross-Over Barber License.

	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Mustaches & Beards	4	2		21	27
Haircutting	10	10		85	105
Hairstyling	10	15		65	90
Honing, Stropping & Shaving	8	8		37	53
Hair Pieces	<u>10</u>	<u>10</u>	<u>5</u>	—	<u>25</u>
TOTALS	42	45	5	208	300

TABLE 3-1H. Minimum Curriculum Requirements for an Aesthetician License.

	<u>LECTURE</u>	<u>DEMONSTRATION</u>	<u>CLINIC</u>	<u>TOTAL</u>
Professional Image, Ethics, Interpersonal Skills Communication	10			10
Bacteriology, Decontamination, Sterilization, Personal Protection, Sanitation, Safety & OSHA	20	5	45	70
First Aid	5			5
Physiology, Anatomy for the Aesthetician	15			15
Skin Structure and Function	8			8
Skin Disorders, Dermatology and Special Esthetic Procedures	6	2	4	12
Chemistry for the Aesthetician	15			15
Product Knowledge, Ingredient and Products Analysis	5	21	6	10
Nutrition and Health of the Skin	5			5
Massage Theory and Techniques for Professional Massage	10	5	35	50
Facial and Skin Care Treatment Procedures, Packs and Masks	25	25	75	125
Professional Make-Up Techniques, Understanding Color Co-ordination	6	8	21	35
Theatrical/Photography Make-Up Techniques, Camouflage Make-Up, Corrective Make-Up	3	5	12	20
Electricity, Light Therapy, Machines and Professional Skin Care Equipment	10	5	65	80
West Virginia State Law, Rules and Licensing Requirements	20			20

TABLE 3-1H Minimum Curriculum Requirements for an Aesthetician License (continued)

	<u>LECTURE</u>	<u>DEMONSTRATION</u>	<u>CLINIC</u>	<u>TOTAL</u>
Management, Salesmanship, 1. Salon Operations 2. Selling Techniques 3. Job Opportunities (Resume, Employment Applications, Conduct, Payroll Deductions)	30			30
Hair Structure and Temporary Removal Methods	2	2	6	10
Eyebrow Arching, Tinting, Artificial Eye Lashes, Facial Hairpieces, Eyebrow Alternatives	2	2	6	10
Appointment Desk	1	1	18	20
Dispensary	1	1	18	20
Supplemental Techniques	<u>5</u>	<u>5</u>	<u>20</u>	<u>30</u>
	201	68	331	600

TABLE 3-II Minimum Curriculum for 1800 Clock Hour Barber License

SCIENTIFIC STUDY

1. History of Barbering	10
2. Professional Images, Ethics, Hygiene, Good Grooming & Personality	10
3. Bacteriology, Sterilization & Sanitation, Decontamination & Safe Work Places	125
4. First Aid, Hazard Communication	10
5. Implements, tools, and equipment; Haircutting methods	65
6. Honing, stropping, use and care; Shaving fundamentals, Mustache & Beard Design	30
7. Properties and Disorders of the Skin, Scalp, and Hair	10
8. Theory of Massage; Hair and Scalp Treatments, Shampooing & Tonics	10
9. Facial Massage & Treatments	10
10. Anatomy & Physiology	20
11. Electricity & Light Therapy	5
12. Chemistry	20
13. Nail Structure, Disorders & Diseases	5
14. Artificial Hairpieces theory & development	10
15. Hairstyling Techniques and methods	10
16. Hair coloring & Lightening theory and effects	35
17. Shop Management, merchandising, salesmanship, job search, business law	70
18. West Virginia State Regulations & Barber law	<u>20</u>
	Total
	475

DEMONSTRATION AND LECTURE ON SCIENTIFIC STUDY

1. History of Barbering	5
2. Professional Images, Ethics	5
3. Bacteriology, Sterilization & Sanitation, Decontamination & Safety in the Work Place	10
4. First Aid & Hazard Communication	10
5. Implements, tools, honing & stropping use and care	5
6. Haircutting procedures & Hairstyling techniques	20
7. Properties and Disorders of the skin, scalp & hair	5
8. Theory of Massage, tonics	5
9. Electricity & Light Therapy	5
10. Chemistry	5
11. Cells, Anatomy & Physiology	5
12. Hair coloring, effects on hair	10
13. Shop Arrangement, display of merchandise, business	<u>10</u>
	Total
	100

SUPERVISED PRACTICE

1. Scalp Treatments, tonics, Shampooing	85
2. Honing & Stropping	15
3. Shaving	100
4. Facials, massage, packs	60
5. Hair coloring & Hair lightening	50
6. Haircutting Techniques	500
7. Hairstyling methods	225
8. Use of tools & implements & equipment	20
9. Artificial hair pieces	<u>20</u>
Total	1075

ILLUSTRATED LECTURE AND DEMONSTRATIONS ON PRACTICAL WORK

1. Scalp treatments, shampooing	20
2. Honing and stropping	5
3. Shaving	20
4. Facials, massage, packs	10
5. Haircutting	25
6. Hair tonics	5
7. Hair coloring & hair lightening	15
8. Hairstyling demonstrations	15
9. Artificial hair pieces	15
10. Retail display & salesmanship	10
11. Unassigned	<u>10</u>
<u>Total</u>	150

Scientific Study	575 hrs.
Supervised Practice	1215 hrs.
Unassigned	<u>10 hrs.</u>
	1800 hrs.



Joe Manchin III
Governor

Adam L. Higginbotham
Director

State of West Virginia
Board of Barbers and Cosmetologists

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Dunbar, WV 25064
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www.wvbhc.org

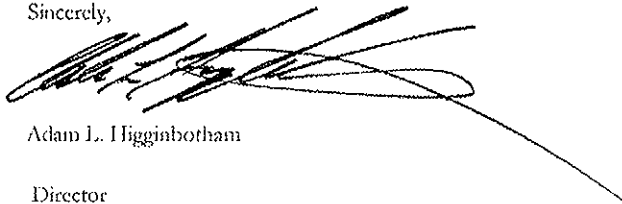
Board Members

Michael Belcher
Justina Gabbert
Sarah Hamrick
Paula Kurezak
Susan Poveromo
Jim Ryan
Rick Stache

TO: SECRETARY OF STATE NATALIE TENNANT
FROM: ADAM L. HIGGINBOTHAM, DIRECTOR, BOARD OF BARBERS AND COSMETOLOGISTS
SUBJECT: 3 CSR 1
DATE: 6/17/2010

The attached proposed rule changes remove the definition of aesthetician in the rule and add language to correspond with Chapter 30, Article 27.

Sincerely,



Adam L. Higginbotham
Director

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Procedures, Criteria, and Curricula for Examination and Licensure of Barbers, Cosmetologists, Manicurists, and Aestheticians

Type of Rule: Legislative Interpretive Procedural

Agency: Board of Barbers and Cosmetologists

Address: 1201 Dunbar Avenue
Dunbar, WV 25064

Phone Number: 304-558-2924 Email: wybbo@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

NA

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: Procedures, Criteria, and Curricula for Examination and Licensure of Barbers, Cosmetologists, Manicurists, and Aestheticians

Rule Title: _____

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

NA

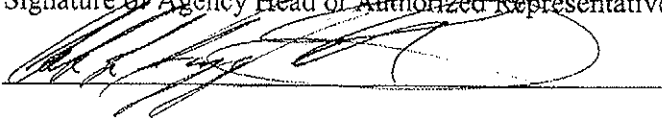
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

This rule has no fiscal impact.

Date: 6/17/2010

Signature of Agency Head or Authorized Representative



- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

7/30/2010

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Adam L. Higginbotham
Director
304-558-2924

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

NA

- 3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

NA

b. Date of hearing or comment period:

NA

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

NA

d. Attach findings and determinations and reasons:

Attached NA

Higginbotham, Adam L

From: Joe Mamone [joe@scottcollegeofcosmetology.edu]
Sent: Thursday, July 22, 2010 5:14 PM
To: Higginbotham, Adam L
Subject: Proposed changes 1, 2 & 4

Dear Adam Higginbotham,

I am writing in regards to proposed changes 1, 2 & 4. I have read all 3 and have found nothing in any of the 3 that I would be opposed to.

I do want to say that even though I am not opposed to proposal 4 as I do feel it will be better than as currently written I want to take this opportunity to say that I am opposed to the 2 tier instructor status in West Virginia. I feel the proposed changes will make more people eligible to test for a masters license but I see no useful advantage to the masters instructor status and I also feel that being a successful hairdresser for 15 years certainly does not guarantee that that individual would make a good instructor.

I want to go on record and say that in my opinion the best thing for the industry in West Virginia would be to switch back to a 1 tier instructor license. I have research the licensing of instructors though out the United States and cannot find another state that requires a 2nd tier level instructor to be able to operate a school of cosmetology.

Thank you for this opportunity to express my opinion.

Sincerely,

Joe Mamone
Scott College of Cosmetology
1502 Market Street
Wheeling, WV. 26003



Joe Manchin III
Governor

Adam L. Higginbotham
Director

State of West Virginia
Board of Barbers and Cosmetologists
1201 Dunbar Ave.
Dunbar, WV 25064
Telephone: 304-558-2924
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Board Members
Michael Belcher
Justina Gabbert
Sarah Hamrick
Paula Kurczak
Susan Poveromo
Jim Ryan
Rick Staehle

Joe Mamone
Scott College of Cosmetology
1502 Market Street
Wheeling, WV 26003

July 28th, 2010

Dear Mr. Mamone,

On behalf of the Board I would like to thank you for your response to the proposed rule changes posted on our website for the upcoming 2011 legislative session.

I definitely concur with your opinion that being a hairdresser for fifteen (15) years will not guarantee that the individual would make a good instructor. I would even venture to state that the completion of any three tracks or options to master instructor status would guarantee an individual being a good instructor. The main reasons for trying to create additional tracks or options to obtain master instructor status are to create more master instructors to replenish their decreasing numbers and to increase the opportunities of individuals with different life experiences to provide valuable insight professionally and educationally to neophytes in the beauty industry.

As for the request to eliminate the two-tiered system of instructors in West Virginia (instructor and master instructor), there are many that agree with your opinion. At this time the Board has three rules open for proposed changes. The rules covering master instructors include four different rules. Therefore, if the Board would choose to propose the elimination of the master instructor program in the current three rules that mention the master instructors, one rule would still mention the master instructor program causing our rules to be inconsistent. Since the four different rules would not be in unison we could not proceed with a proposed elimination of the two-tiered system for the 2011 legislative session.

If the elimination of the two-tiered system of instructors is important to the industry or your business growth, I strongly encourage your input at a board meeting during the February, March, April, May months of 2011.

Again, I would like to thank you for your participation and input for the proposed rule changes.

Sincerely

Adam L. Higginbotham
Director