

Agency Name: Board of Cosmetology
 Statutory Authority: 40-1-70 and 40-13-60
 Document Number: 4075
 Proposed in State Register Volume and Issue: 33/5
 House Committee: Medical, Military, Public and Municipal Affairs Committee
 Senate Committee: Labor, Commerce and Industry Committee
 120 Day Review Expiration Date for Automatic Approval 06/01/2010
 Final in State Register Volume and Issue: 34/6
 Status: Final
 Subject: Requirements of Licensure in the Field of Cosmetology

History: 4075

<u>By</u>	<u>Date</u>	<u>Action Description</u>	<u>Jt. Res. No.</u>	<u>Expiration Date</u>
-	05/22/2009	Proposed Reg Published in SR		
-	01/12/2010	Received by Lt. Gov & Speaker		05/12/2010
H	01/12/2010	Referred to Committee		
S	01/12/2010	Referred to Committee		
H	05/04/2010	Committee Requested Withdrawal 120 Day Period Tolled		
-	05/12/2010	Withdrawn and Resubmitted		06/01/2010
-	06/01/2010	Approved by: Expiration Date		
-	06/25/2010	Effective Date unless otherwise provided for in the Regulation		

Resubmitted: May 12, 2010

Document No. 4075
BOARD OF COSMETOLOGY
CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-60

Chapter 35. Requirements of Licensure in the Field of Cosmetology

Synopsis:

To satisfy the requirements of licensure in the field of cosmetology, Regulations 35-1 through 35-5, Regulations 35-8 through 35-10, Regulations 35-13, 35-15 through 35-16, 35-20, and Regulations 35-23 through 35-26 must be revised and updated in conformance with the current Board of Cosmetology Practice Act. Regulations 35-7, 35-11, 35-12 and 35-22 will be deleted.

A Notice of Drafting was published in the *State Register* on September 26, 2008.

Instructions:

Delete 35-1 through 35-26. Replace text as printed below.

Text:

35-1. Application for Approval to Operate Schools of Cosmetology, Nail Technology, or Esthetics.

(A) Any person, firm, or corporation desiring to open any public or private cosmetology, nail technology, or esthetics school (hereafter referred to as "school") shall make application to the State Board of Cosmetology at least sixty (60) days prior to the anticipated opening date. Such application shall be made on a form prescribed by the board. Each application shall be accompanied by the required application fee. In addition, said applicant shall make available to the board at the time of filing the following information:

(1) Name of owner if solely owned, names of partners if a partnership, names of corporate officers and their respective office if a corporation; and

(2) The name of the school, its location, and the complete mailing address; and

(3) Floor plan drawn to scale showing placement of all equipment with all areas designated to include a clinic, dispensary, classroom, office, and restrooms/dressing rooms; and

(4) Other information which the board deems important in consideration of application may be required.
(B) Cosmetology schools shall have a minimum of two thousand five hundred (2,500) square feet of floor space to accommodate no more than sixty (60) students at any given time. For more than sixty (60) students, additional space shall be designated proportionately. Minimum square footage for the clinic area of the school must total sixty (60) square feet per workstation.

(1) Each cosmetology school implementing a nail technology course shall designate at least two hundred forty (240) square feet of enclosed floor space for every ten students or fraction thereof. Enclosed space shall mean walls or partitions with a minimum height of six feet. Enclosed space shall be visually separated from adjoining areas.

(2) Each cosmetology school implementing an esthetics course shall designate at least two hundred forty (240) square feet of enclosed floor space for every ten esthetics students or fraction thereof. Enclosed space shall mean walls or partitions with a minimum height of six feet. Enclosed space shall be visually separated from adjoining areas.

(C) Nail technology schools shall have a minimum of one thousand five hundred (1,500) square feet of floor space to accommodate no more than thirty-five (35) students at any given time. For more than thirty-five (35) students, additional space shall be designated proportionately.

(D) Esthetics schools shall have a minimum of one thousand five hundred (1,500) square feet of floor space to accommodate no more than thirty-five (35) students at any given time. For more than thirty-five (35) students, additional space shall be designated proportionately.

(E) Combination nail technology/esthetics schools shall have a minimum of two thousand (2,000) square feet of floor space to accommodate no more than forty-five (45) students at any given time. For more than forty-five (45) students, additional space shall be designated proportionately.

(F) Application Approval/Disapproval. Upon receipt of the properly completed application, prescribed fee and a detailed floor plan, the board may require a meeting with the applicant to discuss the proposed school.

(1) The board shall review the application at the next scheduled board meeting following receipt of the completed application and must report the approval or denial of the proposed school.

(2) If the board denies the application, the applicant shall be promptly notified in writing of the specific reasons of denial. Upon approval of the application, the board shall so notify the applicant and schedule a preliminary inspection for the purpose of determining the suitability of the proposed school's space and design. The inspection shall be conducted by the department and reported to the board.

(G) Final Inspection/License Issued.

Prior to the final inspection, every school shall furnish:

(1) A list of board approved equipment and sufficient training supplies, by quantity and type; and

(2) A proposed course of study and schedule, in compliance with the board's mandatory minimum standard curriculum which said school shall teach; and

(3) A list of texts and materials conducive to learning the prescribed curriculum; and

(4) A schedule of the hours and days of the week the school will be in operation; and

(5) The name and address and license number of each registered instructor to be employed. Each school shall employ at least one instructor for each course offered. If the number of students attending in any particular course is greater than twenty (20), then one additional instructor shall be employed for each twenty (20) additional students, or fraction thereof, attending; two instructors if the number of students in attendance in the school shall be more than forty (40), then one instructor for each additional twenty (20) students in attendance shall be employed; and

(6) A surety bond to the board issued by a licensed bonding company doing business in this state except in the case of a public school district. Such bond shall be in the penal sum of fifty-thousand (\$50,000) dollars, per location, and shall be conditioned upon the faithful performance of the terms and conditions of all contracts entered into between the school and persons enrolling therein. Suit on the bond may be brought by any student injured by the breach of any of the conditions of the approved contract between the student and the owner of the school on pre-paid tuition only. The bond shall be to the State of South Carolina in favor of every person who pays or deposits any money with the school as payment for instruction. Every bond shall continue in force and in effect until notice of termination is given by registered mail to the board and every bond shall set forth this fact; and

(7) After the inspection and approval, a license to operate the school shall be issued.

(H) Change of Location/Ownership/School Closing.

If, at any time during the year, the physical plant or operation of a school is moved to a new location or address, or if ownership is transferred, or if the controlling interest of a partnership or corporation is altered in such a way as to affect the ownership, or if the name of the school changes, then the license for such school shall become void and a new application shall be filed.

(1) Upon receipt of application and prescribed fee for change of school owner and/or school name, the application shall be promptly processed and, if approved, a license issued. Proof of bond transferal must be required.

(2) No school shall be reopened at a new location, until a new application is received by the board, accompanied by the prescribed fee. The same application and application procedures as a new school shall apply.

(3) Any school terminating its operation shall inform the board at least thirty (30) working days prior to the anticipated termination date and in addition properly terminate its students. If the school is being transferred to a new owner the school must certify and transfer, to the new owner, any and all student records. If the school is being closed, certified student records must be provided to the board in a format approved by the board on or before the last day of operation. The school must provide to each current student a certified transcript detailing hours obtained, completed, and for which the school has been compensated.

(4) Prior to school closure, a record of all students' transcripts, who are currently enrolled and who have met contractual obligations, must be submitted within ten working days, via certified mail, to the board office.

(5) If a school desires to relocate temporarily, it shall notify the board to receive approval.

35-2. School of Cosmetology Building Requirements.

(A) All School of Cosmetology classroom and clinic instruction must be presented in an environment that meets or exceeds the state building, health and fire codes and must, at all times, be maintained in safe and sanitary conditions. Classrooms and clinics shall be subject to inspection by the department during hours of operation. They shall be of sufficient size to accommodate all students enrolled in courses and shall meet all local, state and federal building code requirements.

(B) A school of Cosmetology must contain the minimum equipment identified below and any additional supplies and/or equipment necessary to support the training of its students:

- (1) 1 teacher's desk and chair
- (2) 20 student work areas
- (3) 1 file for records
- (4) 1 blackboard or dry eraser board (4' x 8')
- (5) 3 shampoo bowls
- (6) 16 student stations
- (7) 16 styling chairs
- (8) 8 hair dryers
- (9) 3 manicure tables

(10) A time clock or other electronic recording device to record when students clock in and out of school.

(C) Additional equipment for existing Cosmetology schools wishing to teach Nail Technology and/or Esthetics:

- (1) Nail Technology course—for every two (2) students:
 - (a) one manicure table
 - (b) one patron chair
 - (c) one operator chair
- (2) Esthetics course—for every four (4) students:
 - (a) one facial chair or bed
 - (b) one facial steamer
 - (c) one magnifying lamp
 - (d) one Wood's lamp

(D) A school of Nail Technology must contain the minimum equipment identified below and any additional supplies and/or equipment necessary to support the training of its students:

- (1) 1 teacher's desk and chair
- (2) 15 student work areas
- (3) 10 manicure tables

- (4) 10 client stools
- (5) 10 operator stools
- (6) 1 blackboard or dry eraser board (4' x 8')
- (7) A time clock or other electronic recording device to record when students clock in and out of school.

(E) A school of Esthetics must contain the minimum equipment identified below and any additional supplies and/or equipment necessary to support the training of its students:

- (1) 1 teacher's desk and chair
- (2) 15 student work areas
- (3) 3 Wood's lamps
- (4) 3 magnifying lamps
- (5) 10 facial chairs or beds
- (6) 6 facial steamers
- (7) 1 blackboard or dry eraser board (4' x 8')
- (8) A time clock or other electronic recording device to record when students clock in and out of school.

(F) Combination school of Nail Technology and Esthetics must contain the minimum equipment identified below and any additional supplies and/or equipment necessary to support the training of its students:

- (1) 1 teacher's desk and chair
- (2) 15 student work areas
- (3) 5 manicure tables
- (4) 5 client stools
- (5) 5 operator stools
- (6) 1 Wood's lamp
- (7) 3 magnifying lamps
- (8) 3 facial chairs or beds
- (9) 3 facial steamers
- (10) 1 blackboard or dry eraser board (4' x 8')
- (11) A time clock or other electronic recording device to record when students clock in and out of school.

35-3. Minimum Curriculum for a School of Cosmetology, Nail Technology, or Esthetics.

(A) Basic course for a School of Cosmetology 1500 Hours Curriculum

Subjects	Hours
(1) Science of Cosmetology:	
(a) Sanitation and Sterilization	45
(b) Personal Hygiene and Grooming	30
(c) Professionalism--Professional Ethics	35
(d) Public Relations, Salesmanship and Psychology	50
(e) Anatomy	45
(f) Dermatology	25
(g) Trichology	25
(h) Nail Structure	15
(i) Chemistry	100
(j) Safety Precautions (Public Safety)	30
(2) Practice of Cosmetology:	
(a) Shampoos and Rinses (Safety)	45
(b) Scalp and Hair Care-Treatments (Safety)	30
(c) Hair Shaping (Safety)	150

(d) Hair Styling (Safety)	325
(i) Thermal Pressing	
(ii) Thermal Curling	
(iii) Wiggery	
(iv) Roller Placement	
(v) Molding	
(vi) Pin Curling	
(e) Nail Technology (Safety)	25
(f) Chemical (Cold) Waving, Chemical Relaxing or Straightening (Safety)	225
(g) Hair Tinting (Coloring) and Lightening (Bleaching) (Safety)	225
(h) Facial--Skin Care and Make-up (Safety)	30
(3) State Law: Rules, Regulations, Code	15
(4) Threading	10
(5) Unassigned: Specific Needs	20
Total	1500

(B) Basic course for a School of Nail Technology 300 Hours Curriculum

Subjects	Hours
(1) Sanitation and Safety Measures	75
(a) Bacteriology	
(i) Classifications	
(b) Sanitation	
(i) Chemical Agents	
(ii) Sanitizing methods and Procedures	
(2) Anatomy and Physiology (Arms, Hands, Feet)	30
(a) Nail Shapes, Structures, Growth	
(i) Nail Irregularities	
(ii) Nail Diseases	
(b) Bones, Muscles, Nerves	
(i) Bones of arm, hand	
(ii) Muscles of arm, hand	
(iii) Nerves of arm, hand	
(c) Skin	
(i) Histology	
(ii) Functions	
(d) Blood Circulation	
(i) Blood Vessels	
(ii) Blood supply of the arm, hand foot	
(3) Nail Technology (hands and feet)	105
(a) Preparation	
(b) Equipment and Implements	
(c) Supplies	
(d) Procedures	
(i) Basic Nail Technology	
(ii) Oil Nail Technology	
(iii) Nail analysis	
(iv) Hand and arm massage	
(e) Pedicure	
(f) Polish--Application	
(g) Specific Needs	
(4) Artificial Nails	50

(a) Sculpturing (liquid and powder brush ons)	
(b) Artificial nail tips	
(c) Nail wraps and repairs	
(d) Maintenance	
(5) Power Equipment	25
(6) State Law	15
Total	300

(C) Basic course for a School of Esthetics 450 Hours Curriculum

Subjects	Hours
(1) Professional Practices	50
(a) Bacteriology and Sanitation	
(i) Personal hygiene	
(ii) Public health	
(iii) Methods	
(iv) Procedures	
(b) Business Practices	
(i) Management practices	
(ii) Salon development	
(iii) Insurance	
(iv) Client records	
(v) Salesmanship	
(2) Sciences	120
(a) Histology of Skin	
(i) Cell	
(ii) Tissue	
(b) Dermatology	
(i) Structure of the skin and glands	
(ii) Functions of the skin and glands	
(iii) Conditions and disorders of the skin	
(iv) Characteristics of the skin	
(A) Elasticity	
(B) Color	
(C) Skin types	
(v) Nutrition	
(A) Nourishment of skin	
(B) Healthful diet	
(c) Structure and Functions of Human Systems	
(i) Skeletal	
(ii) Muscular	
(iii) Nervous	
(iv) Circulatory	
(v) Cosmetic Chemistry	
(3) Facial Treatments	125
(a) Facial Massage	
(i) Benefits	
(ii) Analysis	
(iii) Preparation	
(iv) Types of Massage	
(v) Manipulations	
(vi) Safety measures	

(b) Electrical current--facial treatments	
(i) Types of current	
(ii) Purpose and effects	
(iii) Procedures	
(iv) Safety measures	
(v) Equipment	
(c) Other kinds of Facial treatments	
(i) Purpose and effects	
(ii) Types and treatments	
(iii) Preparation	
(iv) Procedures	
(v) Safety measures	
(4) Hair Removal	50
(a) Depilatories	
(b) Tweezing	
(c) Waxing	
(d) Threading	
(e) Unassigned: Specific Needs	
(5) Makeup	50
(a) Purpose and effects	
(b) Supplies and implements	
(c) Preparation	
(d) Procedures	
(e) Safety measures	
(6) Body Wraps	40
(a) Purpose and effects	
(b) Types or treatments	
(c) Supplies and instruments	
(d) Preparation	
(e) Procedure	
(f) Safety measures	
(7) State Law, Rules, Regulations and Codes	15
Total	450

35-4. Instructor Qualifications; Applications.

(A) A license to teach cosmetology, nail technology or esthetics may be issued by the board to any person who:

- (1) submits an application for an instructor's license on a form prescribed by the board; and
- (2) holds a high school diploma or a General Education Development (G.E.D.) certificate; and
- (3) is a licensed cosmetologist, nail technician or esthetician and has practiced for at least two years or, after receiving a cosmetologist, nail technician or esthetician license, has completed a seven hundred fifty (750) hour instructor training program meeting the standards of 35-4(B); and
- (4) has received forty-five (45) hours training in a teaching methods course approved by the board; and
- (5) pays the prescribed fee; and
- (6) passes the instructor's examination prescribed by the board; or
- (7) alternately, for specialized theory hours, a person who has a minimum of five years experience or a bachelor's degree in a related profession, occupation or cognitive area, may instruct the required theory classes with prior approval by the board.

(B) To be approved by the board, an instructor for a methods of teaching course must qualify by:

- (1) having a Masters degree in education; or

- (2) having expertise in a board approved related field.
- (C) The Student Instructor Training Program shall:
- (1) consist of a minimum of seven hundred fifty (750) hours of instruction designed to teach students the basics of instruction in a cosmetology, nail technology, or esthetics program; and
 - (2) be conducted under the direct supervision of a licensed instructor in a school licensed by this board. Instructors may supervise only one student at a time; and
 - (3) be required when an applicant does not meet the requirement of two years of experience as a licensed cosmetologist, nail technician, or esthetician; and
 - (4) be limited to those persons currently licensed in South Carolina who hold a valid high school diploma or General Education Development certificate (G.E.D.).
- (D) The curriculum shall consist of:
- (1) One hundred twenty-five (125) hours of instruction in basic teaching methods and counseling techniques, development of lesson plans, South Carolina cosmetology laws and regulations; and
 - (2) Two hundred forty (240) hours of instruction in theory, use of audio-visual equipment, evaluation techniques and instruments, classroom observation, practice teaching, and record keeping; and
 - (3) Two hundred forty (240) hours of instruction in sterilization and sanitation, supervision of clinical activity, effective demonstration procedures, presentation of styling techniques, student/patron relationship; and
 - (4) One hundred twenty (120) hours of instruction in state enrollment procedures and requirements, inventory control and purchasing, student scheduling, graduate records, licensure application forms; and
 - (5) Twenty-five (25) hours unassigned to be designated as needed on an individual basis.
- (E) Schools offering the Student Instructor Training Program shall submit a proposed curriculum to the board for approval. The approved course must be adhered to. Any change in the curriculum shall be submitted to the board for approval prior to implementation. A copy of the approved curriculum must be given to each student.
- (1) Before enrolling a student in the Student Instructor Training Program, the school must disclose in writing that the course is not required for licensure as an instructor if the enrollee has a cumulative total of twenty-four (24) months of experience as a licensed cosmetologist, nail technician, or esthetician. The student must sign a statement that he or she has been advised of all state instructor licensure requirements.
 - (2) A copy of the student instructor's contract must be kept on file at all times and available for inspection by the board or its agents.
 - (3) The student instructor shall be properly identified at all times.
 - (4) The school must provide a certified transcript documenting the hours obtained by the student instructor to the board after all contractual and financial obligations have been met.

35-5. Examinations; Reexaminations.

- (A) Upon determining that an applicant is eligible for examination, the board shall notify the applicant at least ten days before the examination.
- (B) If an applicant fails to appear for a scheduled examination, the examination fee shall be forfeited.
- (C) The board may subscribe to the National Interstate Council of State Boards of Cosmetology Testing Service or such other testing service as selected by the board for the theory portion of the examination.
- (D) The examination shall be administered in two separate parts.
- (1) One part shall be the theory examination with a minimum passing score of 75.
 - (2) One part shall be the practical examination with a minimum passing score of 75.
- (E) An applicant who fails either part of the examination must retake only the part of the examination failed.
- (F) An applicant desiring to be reexamined shall apply to the board on a form prescribed by the board and pay the prescribed reexamination fee.
- (G) An applicant applying for comity licensure, shall also pass a South Carolina state law exam as designated by the South Carolina Board of Cosmetology.

35-8. Instructor Reciprocity.

Upon application and payment of the required fee, a license to teach cosmetology, esthetics, or nail technology may be issued by the board to any person who:

- (1) is currently licensed, and in good standing, as an instructor in a state that has a nationally endorsed examination; or
- (2) who is a licensed cosmetologist, esthetician or nail technician who has practiced for at least two years in any other state and submits proof, satisfactory to the board, of having completed instructor training which is substantially equivalent to requirements of this state.

35-9. Instructor Renewal License.

The holders of current instructors' licenses shall not be required to renew their cosmetologist, esthetician or nail technician licenses as long as the instructor's license is renewed biennially and the instructor's continuing education (CE) requirements are met.

- (1) If the holder of a current instructor's license chooses to receive a cosmetologist, esthetician or nail technician license in addition to the instructor's license, the eligible license may be issued upon payment to the board of the prescribed renewal fee.
- (2) If the holder of a current instructor's license chooses to no longer renew the instructor's license and elects instead to reactivate a cosmetologist, esthetician or nail technician license, such license will be considered as being current with the instructor's license and the eligible license may be issued upon payment to the board of the prescribed renewal fee.

35-10. General Rules for the Operation of Cosmetology Schools.

(A) Contracts.

- (1) The contract between a licensed school and a student shall include the total cost of the course and supplies, including the cost of a kit if that cost is not otherwise included in the cost of the course, the type of course to be taken, and the total hours of instruction required for completion and a payment schedule.
- (2) The school must provide each student with a copy of the signed contract.
- (3) The contract will contain:
 - (a) a statement clearly indicating to the student that the school will not release, to any licensing board or other schools, any certified hours or transcripts unless financial and contractual obligations for those hours obtained have been met;
 - (b) a statement regarding any board approved teach-out agreement or the related bond;
 - (c) a copy of all approved school rules and regulations.

(B) Records.

- (1) Performance Records
 - (a) All schools shall keep a daily record of the daily attendance, hours earned per day, total hours per month, and the total number to date of all students registered in any program.
 - (b) Schools shall maintain at the school the names of the students enrolled, the total hours previously recorded for each student, the total number of hours completed during the month for each student, and the total cumulative number of hours for each student at the end of the preceding month. This report shall reflect the student's daily attendance and whether the student is attending day or evening class.
- (2) Signing of Records
 - (a) Both the instructor and the student shall verify and sign all hours on monthly performance records. Students shall be provided a certified copy of their monthly performance records.
- (3) Maintaining Records

A student shall be given hourly credit on the basis of one hour credit for one hour of actual classroom instruction or one hour of actual clinic work. A record of this shall be maintained by the school for not less than five years.

(4) Withdrawals

(a) The school will provide the student with a certified transcript of earned hours within ten working days of the student's withdrawal or graduation provided all contractual agreements have been met.

(C) Instructing Staff.

(1) Classroom Supervision

(a) An instructor shall be present in the classroom of school during all class and study hours and must supervise all student practice work.

(b) During school or class hours, instructors shall be totally devoted to instructing the students, and shall not apply their time to private or public practice for compensation.

(c) Instructors shall not permit students to instruct or teach other students in the absence of an instructor.

(2) Schools must furnish to the board a list of all regular and emergency instructors and schedules.

(3) Instructors may not teach more than one course at a time; however, supervising in the teacher training program is not considered teaching a course.

(4) Schools shall provide separate instructors for each course offered at the ratio of one instructor for every twenty students in attendance or portion thereof, but not including student instructors.

(5) Absence of Instructor

(a) If an emergency situation arises and a substitute instructor is needed, the school shall obtain a licensed instructor, if possible, to substitute and shall notify the board, within five business days, of the emergency change in instructors.

(b) If a licensed instructor is not available, the board may, upon request of the school, allow a currently licensed cosmetologist to teach temporarily, not to exceed thirty calendar days without board approval.

(c) Schools must report any change in instructors or schedules to the board in writing, including lists of the instructors and scheduled times of instruction and whether the position is temporary, permanent, part time or full time. If the position is temporary, notification must include the time scheduled for the position to be filled permanently.

(6) Teaching Aids

(a) Instructors may not use demonstrations of cosmetology devices, techniques or preparations to evade the requirement for maintaining a proper instructor-student ratio, but only to demonstrate unique and different devices, techniques and preparations to students and instructors. A licensed instructor must be present in the classroom during such demonstrations.

(b) The board reserves the right to require the addition of any equipment or supplies it deems necessary for the full and complete instruction of students.

(D) Training Schedules.

(1) Class scheduling

(a) Schools offering day classes must conduct theory classes not less than six hours per week.

(b) Schools offering evening classes must conduct theory classes not less than three hours per week.

(c) A school operating or planning to operate an evening class shall provide the board with a schedule and the name of the instructor.

(d) No student shall be required or permitted to attend more than eight hours of instruction or practice, or any combination thereof, in any one day, except that a student may be permitted to complete a service in process or to make previously missed time not to exceed 100% of the student's contracted schedule.

(2) Advanced Training

Advanced training courses must be operated separately from the basic cosmetology classes and the students must be properly identified.

(E) Credit Hours.

(1) Schools may not give credit for hours or certify hours with the board until the schools are properly licensed.

(2) A student shall be given credit on the basis of one hour clock credit for one hour of actual classroom instruction or one hour of actual clinic work.

(3) Schools may not give credit for hours while in attendance at trade shows, seminars, etc., without full supervision and proper documentation by the instructor. These hours shall be creditable only if they are deemed educational.

(4) Hours recorded shall be verified monthly by both the instructor and the student and both shall sign these records.

(5) Hours from other states

(a) If a student from another state establishes residence in South Carolina, the South Carolina Board will accept all certified hours from another state board but the student must complete any additional hours necessary to equal South Carolina Board requirements.

(b) In the event the state board of another state does not certify hours, the South Carolina Board may accept certification by the school.

(6) The board shall approve any transfer of hours between cosmetology, nail technology, or esthetics courses.

(7) Upon completion of the required number of hours the state board exam must be taken within twenty-four months or the said hours become invalid.

(F) Services for the Public—Restrictions.

(1) Schools may only permit its students to practice upon members of the public willing to submit themselves to such practice after being fully informed that the person performing the services is a student.

(2) Curriculum - Schools must not allow students to practice on the public until they have satisfied the prerequisite required training to provide those services.

(3) Each school shall display in a conspicuous place, visible upon entry to the school, a sign stating that all services in the school are performed by students who are in training and under the direct supervision of a licensed instructor.

(4) Schools may charge for work performed by students to help defray the cost of operations. It must post or provide a price list for services rendered to the public in type which can be easily read from a conspicuous distance .

(5) Instructors shall not call a student from a theory class to work on the public.

(G) School Examinations.

(1) It shall be the duty of the teaching staff to give a final examination to every student who is a candidate for a degree or diploma.

(2) A passing grade determined by the said school is required for graduation.

(H) School Standards.

(1) Board Requirements

(a) All school rules and regulations and any changes thereto must be approved by the board.

(b) Schools shall permit the board, or its agents, to inspect the school and records which pertain to this chapter at any time during regular school hours.

(2) A school may not operate with an enrollment of less than six active students.

(3) Schools may not recruit students from other schools or knowingly make false or misleading statements to students about other schools.

(4) A school may not operate as a beauty salon or spa.

(5) If the school is closed, the board must be notified within ten working days via certified mail.

(I) Student Standards.

(1) Students enrolled in a school shall wear name tags which clearly indicate that they are students.

(2) Students shall wear professional attire while attending school.

(J) Advertising.

While schools may advertise, all school advertisements must clearly identify to the consuming public that it is a school and that all services will be performed by students under the direct supervision of a licensed instructor.

(K) Transcripts.

Upon obtaining hours, for which the school has been compensated for, the school shall provide the student with a certified transcript on a board approved form:

- (1) if the school closes; or
- (2) the student withdrawals; or
- (3) the student transfers; or
- (4) any licensing request.

35-13. Out of State Applicants.

A person currently licensed or certified to practice in another state or territorial possession of the United States, or the District of Columbia, whose license is in good standing, maybe issued a license if the person has satisfactorily passed a nationally recognized examination for entry into the profession.

35-15. Licensure of Cosmetology, Nail Technology, and Esthetics Salons.

(A) Application for Licensure.

(1) For the purpose of this regulation, a salon is defined as a location, other than a cosmetology school, at which cosmetology, nail technology or esthetics is practiced.

(2) Any firm, person or corporation desiring to open a salon of cosmetology, nail technology or esthetics shall make application to the State Board of Cosmetology at least ten working days prior to opening date, stating the approximate date the salon will be ready to open. Such application shall be made on a form provided by the board and shall be accompanied by the required application fee.

(3) The applicant shall designate a manager of the salon who will be responsible for compliance with this chapter and responsible for all personnel physically located in the salon.

(4) If an applicant fails to meet all the licensure requirements, the board shall deny the application, in writing, and shall list the specific requirements not met.

(5) An applicant denied salon licensure because of failure to meet the requirements set by the board is not precluded from reapplying for licensure.

(B) Temporary Permit.

(1) When an application to operate a salon is approved by the board and an inspection cannot be completed before the projected opening date, the board may issue a temporary permit for not more than ninety (90) days to the owner to operate the salon until an inspection can be made.

(2) If, upon inspection, the salon fails to meet all licensure requirements, the board may, in its discretion, extend the temporary permit for not more than thirty (30) additional days.

(3) Upon completion of a satisfactory salon inspection, any temporary permit previously issued shall be relinquished to the board's representative and a salon license will be issued by the board.

(C) Inspections.

(1) The board or its designee shall conduct an inspection of the salon to ensure that all licensure requirements have been met, within ten working days, prior to issuance of a salon license.

(2) Licensed salons will be inspected periodically by a representative of the board.

(D) Change in Salon Location.

(1) A salon license shall be valid only for the location named and shall not be transferable.

(2) Any request for a change in salon location shall be submitted to the board through a new application, together with the required fee, twenty working days prior to the proposed opening in the new location.

(E) Change in Salon Name and/or Salon Owner.

(1) A salon license shall be valid only for the owner named and the salon named, and shall not be transferable.

(2) Any request for a change in salon name and/or salon owner shall be submitted to the board through a new application, together with the required fee.

(F) Salon Closure.

(1) If a salon is closed permanently, the salon license shall be immediately returned to the board. If a salon is temporarily closed for more than sixty (60) days, the salon owner shall notify the board.

(G) Renewal of Salon License.

(1) A salon license shall be renewed upon application, accompanied by the required renewal fee, to the board before July 1 of the year in which such license expires.

35-16. Salon Equipment Requirements.

(A) Salons offering services in all phases of cosmetology shall maintain the following minimum equipment:

(1) 1 Disinfectant (wet), large enough to totally immerse implements, with an EPA-registered hospital level disinfectant with demonstrated bactericidal, fungicidal, pseudomonacidal and virucidal activity used according to manufacturer's instructions.

(2) Sharps container for the disposal of used and/or contaminated implements. These containers must be disposed of according to local bio-hazard disposal requirements.

(B) All salons shall have direct access to the following:(1) Hot and Cold Running Water

(2) Rest Room Facilities

(3) Closed Cabinet for Clean Linens Storage

(4) Storage for Soiled Linen

(5) Fire Extinguisher

(6) First Aid Kit

(7) Covered Trash Containers

All salons shall provide other equipment as is necessary to offer those services available in the salon in a safe and sanitary manner.

35-20. Sanitary and Safety Rules for Salons and Schools.

(A) Enforcement.

(1) The holder or holders of a salon license or a school license, and the person in charge of any such salon or school, shall be liable for implementing and maintaining the sanitary rules in such salon or school individually and jointly with all persons in or employed by or working in or on the premises of such salon or school. All licensed cosmetologists, instructors, nail technicians and estheticians shall be held individually liable for implementation and maintenance of the sanitary rules applicable to them.

(2) To assure compliance with the laws and regulations governing the operations of salons and schools, the authorized representatives shall have access to the premises of any salon or school, at any time that the instruction or practice of cosmetology is being conducted.

(3) Refusal to permit, or interference with, an inspection constitutes a cause for disciplinary action.

(4) A licensee's failure to observe all rules and regulations on sanitation and to maintain adequate precautionary measures for the public's protection and safety is cause for disciplinary action up to revocation of license. Failure to display, in full public view, all licenses applicable to the salon or school and the persons therein engaged in the practice of cosmetology as well as the sanitary rules and regulations and the sanitary rating given to said salon or school, is sufficient cause for revocation of licenses.

(5) A salon's or school's failure to receive a passing inspection is sufficient cause for disciplinary action up to revocation of license, if not corrected by the next inspection. Thirty days thereafter the board

may schedule a show cause hearing in accordance with the provisions as established by the statutes regulating cosmetology.

(B) Rules.

(1) Every salon and school must occupy a separate building, or part of a building which is suitable to render adequate sanitary services to the public, wherein cosmetology may be taught or practiced. Salons, schools, and barber shops must be separated from each other by a solid wall from the floor to the ceiling. Salons and schools must also be separated by solid walls and separate entrances.

(2) Salons and schools shall comply with all state and local building, plumbing and electrical codes.

(3) Salons and schools shall comply with all relevant federal/state workplace safety laws.

(4) The use of a salon or school as living, dining or sleeping quarters is prohibited.

(C) Residential Salons.

(1) Residential salons must maintain a separate entrance for clients, which entrance shall not open from the living, dining or sleeping quarters, and all doors previously opening into such quarters must be permanently sealed.

(2) No portion of the salon may be used as a portion of a private residence.

(3) Entrances must permit patrons to enter salon directly without requiring passage through any portion of the residence.

(4) Separate toilet facilities for patrons must be provided apart from the living quarters.

(D) Physical Facilities of Salons and Schools.

(1) Cleanliness and Repair. Each salon and school must keep the floors, walls, woodwork, ceilings, furniture, furnishings, and fixtures clean and in good repair.

(2) Water Supply. Each salon and school must provide a supply of hot and cold running water.

(3) Toilet Facilities. Each salon and school must provide toilet and hand washing facilities consisting of at least one commode and one lavatory in good working order, with hot and cold running water, soap and individual towels. These facilities must be separate and apart from living, dining or sleeping quarters. Restrooms may not be used for storage.

(4) Drinking Water. Each salon and school must supply potable drinking water. (E) Animals in Salons and Schools.

No person may bring any animal into, permit any animal to be brought into, or permit any animal other than a service animal for the disabled to remain in, a salon or school.

(F) Infectious Disease.

(1) Licensees must not permit any person afflicted with an infestation of parasites or with an infectious or communicable disease which may be transmitted during the performance of the acts of cosmetology or any of its branches, to work or train in a salon or in a school.

(2) No salon or school may knowingly require or permit a student or person licensed by the Board of Cosmetology to work upon a person known to suffer from any infectious or communicable disease which may be transmitted during the performance of the acts of cosmetology or any of its branches.

(3) No salon or school may require or allow a student or licensee of the Board of Cosmetology to perform any service on a patron with a known infestation of parasites.

(G) Personal Cleanliness.

(1) Person and Wearing Apparel. The person and the uniform or attire worn by an individual serving a patron must be clean and appropriate at all times.

(2) Washing Hands. Every person performing cosmetological services in a salon or school must thoroughly wash his or her hands with soap and water or any equally effective cleansing solution before serving each patron.

(H) Instruments and Supplies.

(1) Licensees and students must dispose of all supplies or instruments which come in direct contact with a patron and cannot be disinfected (for example, cotton pads, emery boards used on the natural nail, and neck strips) in a waste receptacle immediately after their use.

(I) Disinfecting Nonelectrical Instruments and Equipment.

(1) Before use upon a patron, all non-electrical instruments with a sharp point or edge which may on occasion pierce the skin and draw blood (scissors, razors, tweezers, cuticle nippers, nail technician scissors, etc.) and all non-electrical instruments without sharp points or edges (combs, brushes, rollers) and all instruments and accessories used in all branches of cosmetology, including nail technology, must be disinfected in the following manner:

(a) clean with soap (or detergent) and water, and then

(b) totally immerse implements with an EPA-registered hospital level disinfectant with demonstrated bactericidal, fungicidal, pseudomonacidal and virucidal or tuberculocidal activity used according to manufacturer's instructions.

(2) All disinfected instruments must be stored in a clean, covered place.

(3) The disinfectant solutions specified in subdivision (1) :

(a) shall remain covered at all times;

(b) shall be changed at least once per week or whenever visibly cloudy or dirty; and

(c) shall be of sufficient size to accommodate all instruments.

(4) All nondisinfected instruments (those that have been used on a patron or soiled in any manner) must be placed in a properly labeled receptacle.

(J) Disinfecting Electrical Instruments.

(1) Licensees and students must disinfect clippers, vibrators, and other electrical instruments prior to each use by:

(a) first removing all foreign matter; and

(b) disinfecting with EPA-registered hospital level disinfectant with demonstrated bactericidal, fungicidal, pseudomonacidal and virucidal or tuberculocidal activity used according to manufacturer's instructions.

(2) All disinfected electrical instruments shall be stored in a clean, covered place.

(K) Liquids, Creams, Powders and Other Cosmetic Preparations.

(1) Storage. All liquids, creams and other cosmetic preparations must be kept in properly labeled clean and closed containers. Powders may be kept in a clean shaker.

(2) Removal from Container. When only a portion of a cosmetic preparation is to be used on a patron, licensees and students shall remove it from the container in such a way as not to contaminate the remaining portion.

(L) Headrests, Shampoo Bowls, and Treatment Tables.

(1) Licensees and students must cover the headrest of chairs with a clean towel or paper sheet for each patron.

(2) Shampoo trays and bowls must be cleansed with soap and water or other detergent after each shampoo and kept in good repair and in a sanitary condition at all times.

(3) Licensees and students must cover treatment tables with a clean sheet of examination paper for each patron.

(M) Towels.

(1) Used Towels to Be Discarded. After a towel has been used once, it must be deposited in a closed receptacle, and shall not be used again until properly laundered and sanitized.

(2) Methods of Laundering. Used towels must be laundered either by regular commercial laundering or by a noncommercial laundering process which includes immersion in water at 140 degrees F for not less than fifteen (15) minutes during the washing or rinsing operation.

(3) Storage. All clean towels must be stored in a closed cabinet.

(N) Bottles and Containers.

Licensees and students must distinctly and correctly label all bottles and containers in use in a school or salon to disclose their contents. All bottles containing poisonous substances shall be additionally and distinctly marked as such.

(O) Neck Strips.

Licensees and students must use sanitary neck strips or towels to keep the protective covering from coming in direct contact with a patron's neck.

35-23. Continuing Education Requirements; Expired Licenses.

(A) All persons licensed by the board as cosmetologists, nail technicians and estheticians must show satisfactory evidence of twelve (12) contact hours of instruction during the preceding licensing year. At least three (3) hours of instruction shall be in sanitation or health and safety for clients.

(B) Initial License. Any person shall not be required to complete continuing education during the first licensing period. During the second licensing period and thereafter, the continuing education requirements shall apply.

(C) Expired License. Any license expired for up to four (4) years may be reinstated if the applicant pays the reinstatement fee and submits proof to the board of completion of continuing education requirements for renewal.

(1) After four (4) years, the license is no longer renewable by payment of fees.

(2) After four (4) years expiration of a license, the full examination must be repeated (practical and theory). The license will then be considered on the same basis as a newly licensed individual.

(D) Instructor License—All persons licensed by the Board as instructors must show satisfactory evidence of twelve (12) contact hours of instruction geared toward teaching during the preceding licensing year.

(E) Employment on military installations—All persons employed in salons on military installations outside of South Carolina, who desire an active license shall be exempt from completing any continuing education requirements, so long as he/she is actively employed on said military base and can provide proof of employment.

35-24. Continuing Education Programs.

(A) Continuing education programs shall meet the criteria established by the board in conjunction with the Division of Continuing Education, University of South Carolina.

(1) The continuing education course shall meet the following criteria for approval:

(a) All education must be generic in nature, i.e., not teach a system, a method, or a product.

(b) All education shall be conducted and monitored by a board approved organization including the signing in and out of participants to assure the presence of participants for the required contact hours.

(c) All organizations desiring to sponsor continuing education shall present to the board prior to October 15 of each year a course outline which shall include but may not be limited to the following:

(i) Instructors Name(s) and summary of qualifications

(ii) Course outline including lesson plans

(iii) List of monitors

(B) Verification. Each licensee for renewal shall maintain evidence of having earned the required number of hours of continuing education for a period of four years. These records are subject to audit by the board and the licensee may be disciplined for failure to maintain them.(C) Program Format, Time Frame, Space.

(1) The program shall not include breaks and lunch periods in the calculation of credit for time attended.

(2) The program shall be completely generic. No mention, promotion or selling of products can take place.

(3) If the program for any reason is late starting, the ending time shall be extended accordingly.

(4) There shall be no early dismissals except for emergencies.

(5) Adequate space shall be provided so that each attendee shall be able to see and hear all segments of the program.

(6) Chairs shall be provided.

(7) Smoking shall be curtailed while the program is ongoing. Smoking shall take place only during breaks and lunch periods or only in designated areas.

(8) All participants in the CE programs shall provide two forms of identification one of which must be a government issued photographic identification any time they enter the education area.

(D) Instructors and Monitors of Continuing Education.

(1) Instructors shall be licensed Instructors, Hair Fashion Committee Members or Hair Designer Guild Members. Any deviation from this list must receive approval by the board. Licensees of this board who participate in teaching a continuing education program with instructors who do not meet these qualifications may be disciplined by the board for aiding the unlicensed practice of cosmetology.

(a) Instructors shall not receive CE credit for any continuing education program they teach.

(2) A monitor shall be on duty at all times while the program is ongoing.

(3) Monitors shall see that all attendees sign a check in and check out sheet.

(4) It shall be the duty of the monitor to see that order is maintained at all times and that the verification of attendance forms and that the evaluation forms are completed and signed at the end of the program.

(E) Verification Forms; Evaluation Forms. Verification of Attendance Forms and Evaluation Forms shall not be passed out or completed until the program is over. All applicants and providers shall complete a verification form, approved by the board and the Division of Continuing Education, University of South Carolina, verifying their attendance and must be submitted in a format approved by the board.

(1) The monitor shall verify the participants' attendance and signature on the verification form.

(2) Each sponsoring organization shall mail these forms to the University of South Carolina, along with the required registration fee set by the University of South Carolina.

(3) The forms shall be kept on record with the University of South Carolina as verification that the participants have met the continuing education requirements.

(4) All participants shall receive from the University of South Carolina a Continuing Education Unit (CEU) Certificate proving verification.

(5) The verification forms shall be provided to the organizations by the Division of Continuing Education, University of South Carolina.

(F) Certifying Agent. The University of South Carolina, Division of Continuing Education, will serve as the certifying agent for all providers by providing University of South Carolina Continuing Education Unit (CEU) Certificates for participants when the following conditions are met:

(1) The course submitted by any of the course providers must be fully approved by the board. Complete copies of the course and instructor information (same information requested by the board for course approval), as well as a copy of the approval form from the board must be received by the Division of Continuing Education at least three (3) weeks before the beginning date of the course(s). The information should also include date(s), location(s), and times of the course(s).

(2) Providers who have received course approval from the board shall express their desire, in writing to the Division of Continuing Education at the University of South Carolina, to serve as the certifying agent for their course(s) at least two (2) weeks before the beginning date(s) of the course(s).

(3) Once the course has been approved by the board and the provider has officially requested that the Division of Continuing Education serve as the certifying agent, course attendance forms and general program evaluation forms can be obtained from the Division of Continuing Education at least two (2) weeks prior to the start of the course(s). A complete copy of all verification and evaluation forms must be forwarded to the Division of Continuing Education before the certifying process can begin. Certificates will be mailed to participants.

(4) The certifying costs shall include:

(a) a University of South Carolina (CEU) Certificate for participant; and

(b) a complete list of course participants and professional license numbers forwarded to the sponsoring Association and the board; and

(c) Permanent transcripts developed and maintained on each participant. Retrieval of transcripts by participants will be subject to the policies of the University of South Carolina.

(5) Verification forms shall be necessary for all participants in order to complete the certifying process.

(G) Board to Observe Program. The board or its designated agents may observe any continuing education program at any time.

35-25. Fees.

Fees will be established and adjusted pursuant to Section 40-1-50, and posted on the board web page.

35-26. Minimum Requirements for Crossover Between Licensed Cosmetologists and Master Hair Care Specialists.

(A) The board will issue Crossover Cosmetologist licenses to those licensed as Master Hair Care Specialists by the South Carolina State Board of Barber Examiners, who will submit a completed application, fee and proof of a current South Carolina Master Hair Care Specialist license. Crossover Cosmetologist applicants must have a passing score on the theory examination for that license and the total number of years experience and training prescribed hereunder, and thereafter perform satisfactorily in all portions of the practical examination prescribed by the board.

(B) Experience and training prerequisites to examinations.

(1) Five years of work experience as a Master Hair Care Specialist license.

(2) Four years work experience under such a license and one hundred (100) hours of cosmetology school training approved by the board.

(3) Three years work experience under such a license and two hundred (200) hours of cosmetology school training approved by the board.

(4) Any licensed Master Hair Care Specialist with less than three (3) years experience must have three hundred fifty (350) hours of cosmetology school training approved by the board.

(5) Any applicant must possess equal to or greater than current cosmetology education.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are repealed and updated in conformance with the current Board of Cosmetology Practice Act.