**02-041**

Department of Professional and Financial Regulation

Office of Professional and Occupational Regulation

**BARBERING AND COSMETOLOGY Licensing PROGRAM**

Maine Administrative Procedure Act

2016 - 2017 Regulatory Agenda

August 2, 2016

UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Barbering and Cosmetology Licensing Program**

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**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:** A new set of rules will be proposed to conform with the restructuring of this licensing program that shifted oversight from the Board of Barbering and Cosmetology to the Director of the Office of Professional and Occupational Regulation. The rules previously adopted under the Board (02-265) remain in effect until the Director adopts new rules. The new rules will be adopted under the Office of Professional and Occupational Regulation (02-041).

The following is a compilation of what the new rules may address:

* Definitions of certain terms used throughout each rule chapter;
* Requirements for licensure of aestheticians, barbers, cosmetologists, limited barbers, nail technicians, demonstrators, instructors, trainees, and temporary permit workers, as well as continuing education requirements for instructors;
* Requirements for licensing of career and technical schools offering barbering, cosmetology, aesthetics, nail technology and instructor courses of study and approval for off-site classrooms, to include but not limited to: requirements relating to the physical structure of the school and classrooms, practice laboratory, client-based clinics, dispensaries, restrooms, required equipment, tools, and other related facility necessities and course delivery needs. Also, requirements for conducting school evaluations and health, safety, and sanitation inspections. The rules will address standards relating to preparation and delivery of educational courses of practice-specific study to students, course delivery and class supervision, instructor licensing qualifications, theory, practice laboratory and clinical curriculum content and hours of study, academic and other student records and record keeping, school financial audit reports, student refunds, school bond, student brochure and handbooks, reporting requirements on student enrollment, attrition and course completion, notices and information to be provided to students, school advertisements, and accepted core subject credit hours for purposes of cross over licensing and educational pursuits, including subjects that are considered substantially equivalent to applied courses offered;
* Requirements for licensure of establishments, booths, mobile shops and special event permits for services outside a licensed establishment. Standards for the physical structure, set up, safety and sanitation, infection control standards, operation and inspection of such facilities;
* Standards for trainees, trainee supervisors and supervision responsibilities, practice specific training content, education delivery and assessment, records and record keeping and other training needs to successfully train a person to achieve licensure;
* Establishment of sanitation, health and safe practice standards and conduct, including but not limited to, blood exposure procedures, infection control standards and universal precautionary measures, and use of tools, articles, implements, equipment and electrical and nonelectrical machines and devices used in connection with the practices authorized under this chapter;
* Issuance of citations for certain violations of laws and rules;
* Handling advisory rulings; and
* Establishment of enforcement, disciplinary procedures and unprofessional conduct standards.

The following represents the rules as they currently exist today, which are subject to repeal:

**CHAPTER 1**: General Information

STATUTORY AUTHORITY: 32 M.R.S. §14212

PURPOSE: This rule establishes guidelines relating to meetings, examinations, advisory rulings, complaints, maintenance of records, fees and the issuance of citations and fines for noncompliance with certain laws and rules. The fee provisions of this chapter may be repealed now that fees are established directly by the Director of the Office of Professional and Occupational Regulation (OPOR) in Chapter 10 of OPOR’s rules, pursuant to 10 M.R.S. §8003(2-A)(D).

SCHEDULE FOR ADOPTION: Subject to repeal within one year.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 2**: Rules Relating to Cosmetologist, Barber, Aesthetician, and Manicurist Trainees

STATUTORY AUTHORITY: 32 M.R.S. §14212

PURPOSE: These rules establish the requirements for eligibility, training, examination, and licensing of cosmetologists, manicurists, aestheticians, and barber trainees.

SCHEDULE FOR ADOPTION: Subject to repeal within one year.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 3**: Establishments, Booths where Cosmetology, Barbering, Aesthetics, Manicuring is Practiced

STATUTORY AUTHORITY: 32 M.R.S. §14212

PURPOSE: These rules pertain to the application, inspections and licensing of establishments and booth rentals, including construction and safe operation. This chapter also sets sanitation and safety standards and procedures for the practice of aesthetics, barbering, cosmetology, and manicuring, including the use of appliances, tools, equipment both electrical and non-electrical in connection with the practice licensed. Rules pertaining to sanitation and safety requirements for licensed practitioners will be updated to reflect current practice needs and for the protection of the public receiving services.

SCHEDULE FOR ADOPTION: Subject to repeal within one year.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 4**: Licensure Requirements for Licensing of Barbering and Cosmetology Instructors

STATUTORY AUTHORITY: 32 M.R.S. §14212

PURPOSE: These rules establish the requirements for the examination and licensing of barber and cosmetology instructors and standards for continuing professional education to be met for license renewal. The Board may also set application, examination, and licensing requirements for manicuring and aesthetic instructors.

SCHEDULE FOR ADOPTION: Subject to repeal within one year.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 5**: Requirements to Hold a Demonstrator License

STATUTORY AUTHORITY: 32 M.R.S. §14212

PURPOSE: These rules establish the qualifications for individuals who seek licensure to demonstrate machines, articles or techniques outside a licensed establishment pertaining to practices licensed by the Board.

SCHEDULE FOR ADOPTION: Subject to repeal within one year.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 6**: Rules for Qualifying and Licensing of Schools

STATUTORY AUTHORITY: 32 M.R.S. §14247

PURPOSE: These rules establish requirements for the licensing and operation of schools offering student aesthetic, barbering, cosmetology, manicuring, and instructor programs. The rules set standards relating to each educational program, instructor qualifications, records and record keeping, health and sanitation, and safety and physical facilities. Changes may be required to reflect current needs and requirements for the licensing and operation of schools and may include specific rules for schools offering single focused programs such as manicuring or aesthetics.

SCHEDULE FOR ADOPTION: Subject to repeal within one year.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated