

ORDER OF THE STATE BOARD OF HEALTH

ADOPTING, AMENDING AND REPEALING RULES

Pursuant to authority vested in the State Board of Health by Sections 140.05 (3) and 159.03 (1), Wis. Stats., the State Board of Health hereby repeals, amends and adopts rules relative to the practice of cosmetology in beauty salons and the operation of schools of cosmetology as follows:

Section H 11.10 of the WISCONSIN ADMINISTRATIVE CODE is repealed and recreated to read:

H.11.10 Beauty salon ownership. A beauty operator or manicurist cannot own or have any financial interest in a salon in which she works. When a salon owner places the ownership of her salon in the name of a relative or friend in order to work in her own salon as an operator or manicurist, it is obvious subterfuge and the salon license will not be granted. Operators or manicurists cannot be the owner, manager, director, lessee, or have any financial interest in a salon in which they are employed. The board finds that the intent and purpose of the law are violated by the practice of a person serving as an operator or manicurist in a salon owned by a close relative by blood or marriage, with the manager in charge who is an employe of such relative. In the past frequently

the investment was actually made by the operator or manicurist but title was taken in the name of the relative for the express purpose of evading the provisions of section 159.12 (2), Wis. Stats. In any event the supervision given by the manager who was employed by a close relative of the operator or manicurist was usually unsatisfactory. Therefore, no salon license will be issued by the board where the operator or manicurist is the owner, manager, director, lessee, or has any financial interest in the salon wherein the operator or manicurist is to serve or is closely related by blood or marriage to such owner, lessee or person having such financial interest. Persons closely related include the following: husband, wife, father, mother, brother, sister, child or spouse of the operator or manicurist. Provided, that if such relative is a licensed managing cosmetologist in active charge of the salon, this rule shall not apply.

Section H 11.12 of the WISCONSIN ADMINISTRATIVE CODE is adopted to read:

H 11.12 Manager in charge of beauty salon. A licensed manager must be in charge of a beauty salon and the owner of the salon shall be held responsible for compliance with this rule.

Subsection H 12.03 (1) of the WISCONSIN ADMINISTRATIVE CODE
is repealed and recreated to read;

H 12.03 Ratio of instructors to students. (1) A full-time instructor is an instructor who teaches a minimum of 32 hours a week.

(2) A part-time instructor is an instructor who teaches less than 32 hours a week.

(3) There shall be at least one full-time instructor, as defined in subsection H 12.03 (1) for each 16 students or fraction thereof receiving training in a school of cosmetology.

(4) Only full-time instructors can be counted for the purpose of enrollment to maintain a ratio of one instructor to each 16 students or fraction thereof receiving training. Part-time instructors are not considered for the purposes of enrollment.

(5) A ratio of one instructor to each 16 students or fraction thereof shall be maintained at all times a school of cosmetology is open for instruction.

(6) Each instructor may be allowed twelve days of sick leave in a calendar year and twelve days of vacation in a calendar year without being replaced by a substitute instructor. However, the vacation and sick leave cannot

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be taken consecutively. If a total of twelve days of sick leave in a year and twelve days of vacation in a year are exceeded, it will be necessary to employ a substitute instructor for any additional days of absence. In a school that has 16 or less students and requires only one instructor, the instructor shall always be replaced immediately when that instructor is absent.

(7) There shall be one full-time instructor present on each day that the school is open for instruction, and in addition such other instructors, full-time or part-time, as compliance with subsection (5) of this rule shall require.

(8) In order to facilitate the proper administration of this rule, an attendance report for each instructor of each school of cosmetology must be received by the board no later than the tenth working day after the end of each month the school is open for instruction. The instructor attendance report, which shall be signed by the instructor and the school of cosmetology operator or his designated representative, shall be submitted to the board on forms furnished by the board.

Subsections H 12.06 (4) and (5) of the WISCONSIN ADMINISTRATIVE CODE are renumbered (5) and (6), respectively.

Subsection H 12.03 (2) of the WISCONSIN ADMINISTRATIVE CODE is renumbered H 12.06 (4).

The rules, amendments and repeals contained herein shall take effect on April 1, 1961 as provided in Section 227.026 (1), Wis. Stats., subject to approval under the provisions of Section 14.225, Wis. Stats.

Dated February 28, 1961

STATE BOARD OF HEALTH

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Carl W. Haupt, M.D.
Executive Secretary



The State of Wisconsin

BOARD OF HEALTH

STATE OFFICE BUILDING

MADISON 2

IN REPLY PLEASE REFER TO:

February 28, 1961

Mr. James J. Burke
Revisor of Statutes
321 Northeast, State Capitol
Madison 2, Wisconsin

Dear Mr. Burke:

As provided in Section 227.023, Wis. Stats., I hereby submit a certified copy of portions of Chapters H 11 and H 12 relating to the practice of cosmetology in beauty salons and the operation of schools of cosmetology of the Wisconsin Administrative Code as amended and adopted by the Wisconsin State Board of Health on February 24, 1961, for publication in the Wisconsin Administrative Register. It is hoped that the rules can be published in the March issue of the Register so the effective date may be April 1, 1961.

Copies of the rules are also being submitted to the Governor as required by Section 14.225 and to the Secretary of State as required by Section 227.023, Wis. Stats.

Respectfully submitted,

Carl N. Neupert

Carl N. Neupert, M. D.
Executive Secretary

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Enclosures