

# STATEMENT OF SCOPE

## Cosmetology Examining Board

**Rule No.:** Cos 2, 3, 5, and 8

**Relating to:** Scope of practice, mobile establishments, and distance learning.

**Rule Type:** Permanent and Emergency

### **1. Finding/nature of emergency:**

The Covid-19 epidemic has restricted the ability of cosmetology, manicuring, electrology, and aesthetics educators to provide in-person instruction to students. As a result, the board is interested in potentially clarifying its rules to expressly allow for remote or distance learning.

### **2. Detailed description of the objective of the proposed rule:**

The board is considering revising its rules to establish regulations relating to the provision of certain services, including but not limited to, microdermabrasion, microblading, and dermaplaning. The board will also consider creating standards for licensed establishments that are mobile in nature. Further, the board will consider whether it is desirable to develop a definition for “chemical process,” and if so, what should that definition entail. Finally, the board will consider revising its rules to clarify when remote or distance learning may be allowed for the purposes of meeting the education requirements to receive a credential from the board.

### **3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

Given the nature of changes in the cosmetology industry, the board believes it may be valuable to revise its rules to bring them more into line with current industry practice. This may include establishing standards a credential holder must meet in order to perform certain procedures that may elevate the risk of infection, providing specific standards for mobile licensed establishments, and finally to clarify the methods of providing education which are acceptable to meet the necessary education requirements to receive a credential.

### **4. Detailed explanation of statutory authority for the rule:**

Section 15.08 (5) (b), Stats. provides examining boards “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains...”

Section 227.11 (2) (a), Stats. provides that “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 440.62 (5) (b), Stats. provides that “[t]he cosmetology examining board shall promulgate rules prescribing the subjects required to be included in courses of instruction at schools of cosmetology and  
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specialty schools and establishing minimum standards for courses of instruction and instructional materials and equipment at schools of cosmetology and specialty schools.”

Section 454.08 (1) (ag) and (ar), Stats. provides that the board may promulgate rules allowing for the practice of cosmetology, electrology, manicuring, and aesthetics outside of a licensed establishment.

Section 454.08 (4), Stats. provides that “[t]he examining board shall, by rule, establish minimum standards concerning the maintenance, equipment, plans, and specifications for licensed establishments as they relate to the public health and safety.”

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :**

Approximately 80 hours.

**6. List with description of all entities that may be affected by the proposed rule :**

Individuals and entities who hold cosmetology, aesthetics, manicuring, and electrology practitioner and establishment credentials, or are seeking such a credential; providers of cosmetology, aesthetics, manicuring, and electrology education.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :**

None.

**8. Anticipated economic impact of implementing the rule :**

The rule is not anticipated to have a significant economic impact on small businesses.

**Contact Person:** Jon Derenne, Administrative Rules Coordinator, (608) 266-0955

Approved for Publication:



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Board Chair

September 21, 2020

Date Submitted