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COSMETOLOGY EXAMINING BOARD

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Chapter C 1

BEAUTY AND ELECTROLYSIS SALONS, AND SCHOOLS OF COSMETOLOGY

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C 1.01 Definitions. (1) "Board" means the cosmetology examining board.

(2) "Licensee" means a person who holds any license or permit issued by the board.

(3) "Manager of record" means a manager licensed by the board and appointed by the owner who shall supervise and direct salon personnel and be responsible for compliance with s. C 1.02 pertaining to the daily operation of the salon.

(4) "Cancelled" means to terminate a cosmetology training program.

(5) "Interrupted" means to leave a cosmetology training program on a leave of absence.

(6) "Completed" means to qualify for the examination for an operator's license.

(7) "Person prosecuting the complaint" means the attorney or agent of the board who presents evidence supporting the charges in the complaint against the respondent.

(8) "Respondent" means the licensee served with a complaint under the statutes or these rules.

(9) "Qualified designee" means an operator who has submitted proof of having practiced cosmetology 4,000 hours in a period of at least 2 years in this state and has been approved by the board to supervise apprentice training in the absence of the manager of record or to be a temporary replacement for the manager of record.

(10) "School certificate of registration" means a school license.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77; am. (9), Register, March, 1986, No. 363, eff. 4-1-86.

C 1.02 Premises. (1) An application giving the dimensions, the floor plan and specifications shall be submitted to the board when opening a new salon or school, changing dimensions of premises, moving to a new location, changing ownership or leasing to another.

(2) Business and living quarters shall be separate. Solid walls shall extend from the floor to the ceiling separating the beauty or electrolysis salon or school from adjoining rooms which are used for domestic pur-

poses. All doors leading to a beauty or electrolysis salon or school from adjoining rooms used for domestic purposes shall be kept closed.

(3) Beauty and electrolysis salons located in private residences shall provide access by means of a separate entrance. Access may not be through living quarters.

(4) All areas of the beauty or electrolysis salon or school shall be maintained in a clean, sanitary and safe condition.

(5) Floor surfaces in a beauty or electrolysis salon or school shall be of a washable material and kept in a clean, orderly and sanitary condition. Walls and ceilings shall be clean and in good repair.

(6) Public toilet facilities for the beauty or electrolysis salon or school, shall be provided within the licensed premises, directly adjacent to or accessible by a public hallway. Toilet facilities shall be kept clean, sanitary and in working order at all times. Soap, disposable towels and hand-washing facilities shall be provided. The toilet room shall not be used as a dispensary. Items stored in toilet rooms shall be in closed cabinets.

(7) Disposable drinking cups shall be provided for the public and disposed of immediately after use. A drinking fountain is acceptable.

(8) Preparation of food which contributes to an insanitary condition shall not be allowed within a beauty or electrolysis salon or school.

(9) An adequate supply of both hot and cold running water of safe, sanitary quality shall be provided.

(10) Beauty and electrology salons and schools shall provide areas specifically designed for storage, cleaning and disinfecting equipment. The dispensary area shall include a sink with hot and cold running water.

(11) Containers of adequate size and construction shall be provided to store all soiled linen and used paper products. All soiled linen and used paper products shall be immediately stored after use. Towels shall be properly laundered in hot soapy water of at least 135° Fahrenheit; or, if cold water is used, a disinfecting agent shall be added according to manufacturer directions.

(12) Clean containers shall be provided for all clean linen and paper products.

(13) If a laundry facility is provided it shall be clean and well vented.

(14) Adequate facilities for waste material shall be provided and waste shall be disposed of in a sanitary manner.

(15) The wet sanitizer shall be made up at all times the beauty salon or school is in operation. It shall be a covered container large enough to hold the disinfectant solution for complete immersion of the objects to be disinfected.

(16) Equipment and instruments must be maintained as follows:

(a) All metal manicure and cutting instruments as well as tweezers and needles must be disinfected prior to use.

(b) Combs and brushes shall be thoroughly scrubbed with soapy water, disinfected, dried and placed in one or more covered containers. One

or more separate containers shall be provided for the immediate storage of soiled combs and brushes until cleaned and disinfected.

(c) All other equipment and instruments must be clean to sight and touch.

(17) Shampoo bowls and basins shall be kept clean and drained. Clean towels shall be used for each patron. A neckstrip or a towel shall be placed around the neck of the patron to prevent contact with the cape. The head rest of any operating chair or shampoo bowl shall be covered with fresh linen or paper for each patron.

(18) The supplies enumerated below must be used and applied as follows:

(a) Only disposable powder puffs, sponges, neckdusters and emery boards may be used. Powder shall be dispensed from a shaker top receptacle.

(b) All liquids shall be dispensed from a container in a manner which will prevent contamination of the unused fluid.

(c) All creams and semi-solid substances shall be dipped from containers with a clean spatula or disposable tissue.

(19) Disinfectants which may be used by licensees as defined by C 1.01 (2) include, but are not limited to:

(a) 70% alcohol,

(b) 1600 PPM quaternary ammonium compound,

(c) 15% lysol,

(d) 5% phenol, and

(e) 200 PPM sodium hydrochloride (chlorine bleach).

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77; emerg. am. (11) and cr. (19), eff. 2-9-80; am. (11) and (12), r. and recr. (16) and (18), Register, May, 1981, No. 305, eff. 6-1-81; am. (16) (b), Register, March, 1986, No. 363, eff. 4-1-86; am. (11) and (12), cr. (19), Register, October, 1987, No. 382, eff. 11-1-87.

C 1.03 Responsibilities of owners and managers. (1) The owner of any licensed premises shall be responsible for compliance with ch. 458, Stats., and chs. C 1 to 4, 6 and 7.

(2) The owner shall:

(a) Appoint a "manager of record" who shall have direct supervision over salon personnel and be responsible for compliance with s. C 1.02 pertaining to the daily operation of the salon.

(b) Keep and provide employment records to enable operators to meet the requirements of s. 458.08 (2) (b), Stats., for licensure as a manager or as a temporary replacement for the manager of record.

(c) Notify the board of any changes in ownership within 5 days giving the new owner's name and address.

(d) Upon permanently closing the licensed premises return the current license to the board within 5 days.

(3) A beauty salon may not operate without the manager of record, a licensed manager or a qualified designee on the premises.

(4) If a corporation, the board shall be notified of any change in the name and address of the registered agent.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77; am. (1) and (2) (b), Register, March, 1982, No. 315, eff. 4-1-82.

C 1.04 Responsibilities of all licensees. (1) In accordance with s. 458.13 (2), Stats., all licensees shall notify the board, within 5 days, of any change in name or residence address.

(2) No provision of this rule shall be construed to relieve the owner or manager of record of their responsibility under the rules of the board.

(3) A cosmetologist or employe, who knowingly has a communicable disease, in a communicable form, shall not work in a beauty or electrolysis salon or school.

(4) All licensees shall be responsible for compliance with the sanitary practices and safety precautions contained in s. C 1.02.

(5) Each cosmetologist shall wash his or her hands with soap and water prior to serving each individual patron.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77; am. (1), Register, March, 1982, No. 315, eff. 4-1-82.

C 1.05 Licenses. (1) All licenses shall be current and shall be conspicuously posted for the public.

(2) Upon receipt of a signed notarized statement giving the reason that a duplicate license is needed and a fee of \$5.00 the board shall issue a duplicate license.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77.

C 1.06 Inspections. Inspections by field representatives or agents of the board will be periodically conducted to assure compliance with ch. 458, Stats., and chs. C 1 to 4, 6 and 7.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77; am., Register, March, 1982, No. 315, eff. 4-1-82.

C 1.07 Time limits for correction of violations. (1) Violations of ss. 458.09 and 458.13, Stats., and ss. C 1.03 (3) and 1.08 shall be corrected immediately.

(2) Violations relative to all other sections of the cosmetology law and rules shall be corrected at the time of inspection or within a period not to exceed 5 days.

(3) Extensions of the above time limits for reasons not under the control of the person charged with violation may be granted.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77; am. (1), Register, March, 1982, No. 315, eff. 4-1-82.

C 1.08 Practice. (1) Cosmetology shall not be practiced outside of a licensed beauty or electrolysis salon or school except for sick or infirm persons in homes or hospitals as follows:

Register, October, 1987, No. 382

(a) Cosmetologists licensed under ch. 458, Stats., can perform any cosmetology services for patients regardless of whether it is done in a special area or at the bedside in an institution. If a cosmetologist, licensed under ch. 458, Stats., provides cosmetology services in a person's home, that person must be incapable of leaving his or her home.

(b) Personal care type cosmetology services as provided in s. 458.13 (1), Stats., includes shampooing, setting, combing and brushing the hair of patients, but does not include giving permanents, bleaches, coloring or cutting the hair of patients.

(2) Demonstrations, shows, seminars and workshops held off licensed premises for the purpose of demonstrating advanced cosmetology techniques to licensed cosmetologists may be held only after prior notification is submitted to the board. All teaching to cosmetologists must be done by certified, licensed cosmetologists or a member of a bona fide profession, from this state, another state, foreign country or province. Cosmetology techniques shall not be taught to persons who do not hold a license or permit to practice cosmetology. However, demonstrations may be held to educate the public concerning sanitation and personal hygiene. Full compliance with all sanitary practices as listed in s. C 1.02 (11), (12), (14), (16), (17), and (18), shall be adhered to.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77; am. (1) (a) and (b) and (2), Register, March, 1982, No. 315, eff. 4-1-82.

C 1.09 Licensure requirements for applicants from other jurisdictions. (1) Applicants from other jurisdictions who provide proof of having met requirements substantially comparable to requirements specified in s. 458.08 (2) or (4), Stats., may be granted a license under s. 458.08 (6) (a) or (b), Stats. Upon evaluation, the board may accept any combination of basic cosmetology theory training verified by cosmetology school or apprenticeship programs and work experience verified by employers of applicants that it considers appropriate and adequate. Apprentice training and experience shall be accepted in the same proportion as required hours of apprentice training has to required hours of cosmetology school training, that is in the proportion of 3 to 8, pursuant to ss. 458.02 (3) and 458.12 (2), Stats.

(2) The minimum practice requirements of sub. (1) may not be considered as satisfying the requirements of s. 458.08 (6) (a) and (b), Stats., for licensure without examination.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77; r. and recr. (1) and am. (2), Register, March, 1982, No. 315, eff. 4-1-82.

Chapter C 4

COSMETOLOGY EXAMINATIONS

C 4.01 Administration
 C 4.02 Competencies tested
 C 4.03 Passing scores

C 4.04 Failure and review
 C 4.05 Re-examination

Note: Chapter C 4 as it existed on April 30, 1988 was repealed and a new chapter C 4 was created effective May 1, 1988.

C 4.01 Administration (1) The board or its designee may administer written or practical examinations, or combined written and practical examinations.

(2) The board or its designee shall administer examinations at least four times yearly for each of the following types of licenses: operator, manager, instructor, manicurist and electrologist.

(3) At least 10 days prior to the examination, the board shall mail an admission card to the applicant, who shall present the card at the door of the examination room with identification as specified on the admission card.

(4) The board or its designee shall provide rules of conduct at the beginning of the examination. Definite time limits may be placed on each portion of the examination.

(5) The board may deny licensure for any applicant found by the board to have violated rules of the examination.

History: Cr. Register, April, 1988, No. 388, eff. 5-1-88.

C 4.02 Competencies tested. (1) The examination of applicants for operator's manager's instructor's manicurist's and electrologist's licenses shall include tests requiring applicants to demonstrate minimum competency in services and subjects substantially related to public health and safety.

(2) Notice of the general content of the examination shall be sent to applicants prior to the examination and shall be furnished to schools upon a change in general content and upon request.

History: Cr. Register, April, 1988, No. 388, eff. 5-1-88.

C 4.03 Passing scores. (1) PRACTICAL EXAMINATIONS. To pass a practical examination for any license under ch. 458, Stats., the applicant shall attain a score of 70 or above on each part of the examination.

(2) WRITTEN EXAMINATIONS. (a) *Operator's license.* To pass a written examination, an applicant for an operator's license shall attain a score of 78 or above.

(b) *Manager's manicurist's instructor's or electrologist's license.* To pass a written examination, an applicant for a manager's, manicurist's, instructor's or electrologist's license shall attain a score of 70 or above.

(c) *Examination score from another state.* The board shall accept the written examination scores of applicants who wrote the same examina-

tion in another state if the scores were equal to or greater than the passing scores defined in this section.

History: Cr. Register, April, 1988, No. 388, eff. 5-1-88.

C 4.04 Failure and review. (1) If it appears after any part of a practical examination is completed that an applicant will receive a failing grade, at least 2 examiners shall confer regarding the applicant's performance and each sign the grade sheet and the reason for failure sheet.

(2) Upon a written request from an applicant within 30 days of the mailing date of the examination results, the board may review the applicant's written or practical examination score. If procedural irregularities in the examination are found, the board may recommend a retake without a fee charge. The board may upgrade a score to passing if two-thirds of the board agree that the applicant is qualified for the license and signify agreement by signing the applicant's examination score sheet.

(3) The board shall provide an annual report to schools containing summary data on candidate performance on the examinations administered.

History: Cr. Register, April, 1988, No. 388, eff. 5-1-88.

C 4.05 Re-examination. (1) The board shall permit an applicant who fails a written or practical examination to retake the examination. Applicants who fail one or more parts of a practical examination shall retake the examination only in those subjects failed. Applicants who fail the written examination shall retake it in its entirety.

(2) The grade attained on a retake examination shall be substituted for the original grade.

(3) An applicant shall retake any failed portion of an examination within one year from the date of the original examination.

History: Cr. Register, April, 1988, No. 388, eff. 5-1-88.