

## Chapter BC 2

## PRACTICE AND PROFESSIONAL CONDUCT

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**BC 2.01 Personal conduct.** (1) Licensees shall be clean in person and dress. Licensees shall wash their hands thoroughly with soap and water prior to serving each patron.

(2) Licensees shall neither consume alcohol nor take controlled substances during practice, unless prescribed by a physician.

(3) Licensees shall not smoke while performing services on a patron. Licensees shall not smoke in areas of an establishment where flammable chemicals or substances are stored.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89.

**BC 2.02 Treatments prohibited, infectious and contagious diseases.** (1) No licensee may treat any disease of the skin unless under the direction of a physician.

(2) No licensee may provide services to a patron suffering from an infectious or contagious scalp or skin disease unless the licensee takes appropriate precautions and uses safeguards to prevent the spread of the disease to other patrons and to the licensee.

(3) No licensee may provide services to a patron while having a known infectious or contagious disease if the licensee is, by reason of the disease, unable to perform the duties customarily provided by a licensee holder.

(4) No licensee may provide services to a patron if the licensee has a known infectious or contagious disease unless the licensee takes appropriate precautions and uses safeguards which prevent the spread of the disease to patrons.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89.

**BC 2.03 Practice standards.** (1) Services provided by any licensee shall be performed in a manner that is consistent with basic and accepted practice standards and in accordance with all state statutes, board rules and local codes and ordinances.

(2) Licensees may provide only those services which they are competent to perform by training or experience and are licensed to provide.

(3) Licensees shall provide services to the best of their ability and make reasonable efforts to comply with requests in a manner that is satisfactory to a patron. Licensees shall not provide services to a patron without first obtaining the consent of the patron or legal guardian of the patron.

(4) Licensees shall maintain competency in all services they practice and maintain knowledge of all products and implements utilized in providing these services.

(5) Licensees shall take adequate and necessary precautions to protect the patron from health and safety hazards when performing services.

(6) Licensees shall not provide services outside of a licensed establishment or school except for inmates, patients or infirm persons in prisons, hospitals, private homes or nursing homes as follows:

(a) Licensees may provide any personal care service for inmates or patients regardless of whether it is done in a designated area or in the personal room of an inmate, patient or infirm person within an institution or private home.

(b) Personal care services includes shampooing, setting, combing, brushing, cutting, permanents, bleaching or coloring the hair of inmates, patients or infirm persons. Personal care services also includes electrology, manicuring and aesthetic services.

(7) Licensees shall not engage in sexual harassment or sexual assault of a patron, former patron, employe, employer, or co-worker. In this section, "sexual harassment" and "sexual assault" have the meanings defined in ss. 111.32 (13), 940.225 (1), (2), (3) and (3m) and 948.02 (1) and (2), Stats.

Note: Section 111.32 (13) defines sexual harassment as "...unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. 'Sexual harassment' includes conduct directed by a person at another person of the same or opposite gender. 'Unwelcome verbal or physical conduct of a sexual nature' includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employe's work performance or to create an intimidating, hostile or offensive work environment.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89; cr. (7), Register, May, 1997, No. 497, eff. 6-1-97.

**BC 2.04 Unauthorized practice.** (1) Licensees may not assist or participate in the unauthorized or unlicensed practice of barbering and cosmetology, aesthetics, electrology or manicuring.

(2) Licensees shall report to the board unauthorized or unlicensed practice or other violations of ch. 454, Stats., and chs. BC 1 to 9.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89.

**BC 2.05 Advertising.** (1) Advertising by licensees shall be truthful and accurate and may not mislead the public.

(2) An establishment shall either post a list of cost of services in a conspicuous place or display a sign which states: "All establishment patrons have the right to be informed of the cost of services before the services are provided."

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89.

**BC 2.06 Responsibilities of owners.** (1) The owner of any licensed establishment shall be responsible for compliance with ch. 454, Stats., and chs. BC 2, 3 and 4.

(2) The owner shall:

(a) Appoint a manager who shall have direct authority over the operations of the establishment.

(b) Notify the board of the name and address of the new owner or the new manager within 5 days of any changes of ownership or management.

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

(d) Provide supplies and equipment necessary to maintain safe and sanitary establishment conditions.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (2) (a) and (b), Register, May, 1993, No. 449, eff. 6-1-93.

**BC 2.07 Responsibilities of the manager.** (1) The manager shall be responsible for the daily operations of an establishment and shall provide training or supervision to an apprentice in accordance with s. BC 6.04 (1), temporary permit holder, aes-

thetician-in-training, manicurist-in-training or electrologist-in-training, and shall maintain and provide appropriate records for apprentices, temporary permit holders, aestheticians-in-training, manicurists-in-training, electrologists-in-training, and practitioners.

(2) The manager shall:

- (a) Maintain supplies and equipment necessary to ensure safe and sanitary establishment conditions.
- (b) Ensure that the establishment is in compliance with ch. 454, Stats., and chs. BC 3 and 4.
- (c) Keep and provide employment records to enable apprentices or practitioners to meet the requirements of s. 454.06 (3) (b), 440.63 (3) (a) 2., or 454.10 (2), Stats., for licensure as a manager or practitioner or certification as an instructor.
- (d) Post all required licenses, permits and notices.
- (e) Ensure that an apprentice is trained and directly supervised and shall ensure a licensee maintains visual contact with the prac-

tical work of the apprentice.

(f) Ensure that a temporary permit holder is directly supervised and shall ensure a licensee maintains visual contact with the practical work of the temporary permit holder.

(g) Ensure that a training permit holder is trained and directly supervised and shall ensure a licensee maintains visual contact with the practical work of the trainee.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (1), (2) (intro.), (e), (f) and (g), Register, May, 1993, No. 449, eff. 6-1-93.

**BC 2.08 Responsibilities of licensees.** (1) Licensees holding current licenses or permits granted under ch. 454, Stats., shall:

- (a) Be responsible for compliance with the sanitation and safety precautions contained in ch. BC 4.
- (b) Be responsible for their own professional practice, conduct and compliance with ch. BC 2.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89; renum. from BC 2.09, Register, May, 1993, No. 449, eff. 6-1-93.