

Clearinghouse Rule 05-118
STATE OF WISCONSIN
BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	BARBERING AND COSMETOLOGY
BARBERING AND COSMETOLOGY	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 05-118)

ORDER

An order of the Barbering and Cosmetology Examining Board to repeal BC 1.01 (1m) and 4.09 (3m); to renumber BC 1.01 (6h), (6r), (11) and (11m); to renumber and amend BC 2.025 (2) and (a) and (c), 4.08 (intro.), (1), (2) and (3) and 8.01; to amend BC 1.01 (3), (3r) and (8), 2.025 (2) (b) and (3), 2.07 (1g), 3.01 (7), 3.02 (1) (a) to (c), 3.06 (2), 4.01 (2), 4.02 (1), 4.03 (2), 4.06 (3), 4.07 (intro.) and (2), Figure 5.02, Figure 5.06, Figure 6.03 (1), Figure 6.04 (3) and ch. BC 8 (title); and to create BC 1.01 (6s), (7m), (9), (11n), (11r), (11w) and (13t), 2.025 (2) (a), 1. to 5. and (c) 1. and 2., (2g), (2r) and (6), 4.01 (8), 4.08 (1) and (2) and 8.01, relating to definitions, microdermabrasion, chemical exfoliation, managers, ear piercing, waxing, nail enhancement, licensing requirements and reinstatement of license.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Sections 454.02, 454.04, 454.06, 454.08, 454.10 and 454.13, Stats.

Statutory authority:

Sections 15.08 (5) (b) and 227.11 (2), Stats.

Explanation of agency authority:

The Barbering and Cosmetology Examining Board has the authority to promulgate rules under sections 15.08 (5) (b) and 227.11 (2), Stats., relating to limitations and exceptions, practice, licensure, establishment licenses, and licensees of other jurisdictions.

Related statute or rule:

There are no other statutes or rules other than those listed above.

Plain language analysis:

This proposed rule-making order encompasses several changes. A number of the changes are definitions and technical changes to make the rules easier to read and understand (Sections 1, 2, 3, 4, 8, 20, 26, 27, 29, 31, 32, 33 and 34). A significant revision is allowing microdermabrasion to be practiced, in specific circumstances, without the supervision of a physician (Sections 12, 13, 14, 16 and 17). This proposed rule-making order also modifies the rules regarding managers, their responsibilities and the amount of supervision they must provide (Sections 20, 22). This proposed rule-making order also clarifies some language regarding sanitation procedures providing additional guidance to the practitioners. And, finally, the proposed rule-making order also clarifies licensing requirements that were previously ambiguous.

SECTION 1 repeals the definition of artificial nails which is now subsumed by the addition in s. BC 1.01 (11w), definition of “nail enhancement.”

SECTION 2 modifies the definitions of “contagious” and “cutting” to more accurately reflect the meaning.

SECTION 3 moves language to a more appropriate location.

SECTION 4 adds a definition of “exfoliation.”

SECTION 5 adds a definition of general supervision to provide guidance to the licensee and the physician who wish to collaborate in the providing of certain services.

SECTION 6 clarifies the definition of “infectious” to show that contact is not a necessary element to the spread of infectious disease.

SECTION 7 provides a definition of “laser” necessary to understand the restrictions on laser hair removal services.

SECTION 8 changes the placement of definitions to a more appropriate location.

SECTION 9 adds new definitions of “mechanical exfoliation,” “microdermabrasion” and “nail enhancement.”

SECTION 10 adds a new definition of “physician.”

SECTION 11 amends and SECTION 12 creates training requirements for practitioners providing laser hair removal services.

SECTION 13 creates an exception to the requirement of medical supervision of microdermabrasion services.

SECTIONS 14 and 15 clarify that some commercially available exfoliation products can be administered without medical supervision.

SECTION 16 creates continuing education requirements for practitioners providing chemical exfoliation.

SECTION 17 creates and identifies the circumstances that must exist to allow microdermabrasion services in absence of medical supervision. The requirements include appropriate training, restrictions on the type of machine allowed, and a requirement for a pretreatment screening of the client to determine suitability for the procedure. This SECTION also mandates a written consent from the client after disclosure of known risks.

SECTION 18 creates a requirement of parental or guardian consent for laser hair removal services on minors, thereby increasing the protection for minors undergoing this type of procedure.

SECTION 19 imposes a requirement that in licensed establishments where laser hair removal, microdermabrasion or chemical exfoliation is performed as a delegated medical act, information on the delegating physician must be conspicuously posted.

SECTION 20 allows for supervision of apprentices and temporary permittees by a licensee with substantial experience.

SECTIONS 21 and 28 clarify that the proper cleaning of linens includes use of a germicide.

SECTION 22 amends the rules to clarify that chain salons need to have full time managers for each salon and recognizes that a manager may be absent for brief periods of time during a day.

SECTION 23 deletes the requirement that a floor plan be submitted to the department when a leased chair or booth is relocated but maintains the requirement of notice to the department of that relocation.

SECTION 24 clarifies that waterless hand washing agents must meet certain standards and may only be used as a substitute for washing with soap and water when the hands are not visibly soiled.

SECTION 25 provides guidance on the appropriate use of lancets for lateral piercing of whiteheads.

SECTION 26 notes that the rules regarding disinfecting tweezers used in electrolysis are different than for general cosmetology.

SECTION 27 adds a requirement that proper maintenance of sterilizers includes following manufacturers recommendations regarding maintenance procedures, and that equipment be checked at least monthly rather than quarterly to ensure that it is reaching required temperatures.

SECTION 29 acknowledges that ear piercing may be performed by licensees and allows use of waterless alcohol base washing agents as a substitute for soap and water.

SECTION 30 clarifies that use of a topical antiseptic is required before performing a waxing procedure.

SECTION 31 establishes waxing as part of the scope of practice for properly trained electrologists and manicurists. This SECTION establishes the training standards for those licensees seeking to provide waxing services.

SECTION 32 eliminates language that is redundant as a result of the adoption of SECTION 25 above.

SECTIONS 33, 34 and 35 modify the training standards to reflect the addition of the concept of nail enhancements as a practice skill.

SECTION 36 modifies the training standards for apprentices to acknowledge nail enhancements as a practice skill.

SECTION 37 modifies the title of the chapter to recognize that the chapter deals with all licenses and eliminates language suggesting the chapter only addresses licensees from other jurisdictions.

SECTION 38 clarifies the title of the chapter to show that it addresses license applications for which an examination is not needed and relocates the SECTION to a more appropriate location.

SECTION 39 repeats the basic statutory licensing requirements in a rule.

Summary of, and comparison with, existing or proposed federal regulation:

The federal government does not regulate barbers and cosmetologists, and a search of the United States Code Services (USCS) and the Code of Federal Regulations (CFR) returned no entries for microdermabrasion, chemical peels, waxing, managers, artificial nails, or nail technology for barbers or cosmetologists.

Comparison with rules in adjacent states:

Microdermabrasion, chemical exfoliation:

Michigan – no mention in laws or rules. Statement on web page for Department of Labor and Economic Growth provides: “Microdermabrasion. The practice of microdermabrasion is limited to the direct supervision and control of a licensed physician. If a licensed cosmetologist is performing microdermabrasion services, they are practicing outside the scope of their licensed profession.”

www.michigan.gov/cis/0,1607,7-154-10557_12992_13996-41878--,00.html

Illinois – No mention in laws or rules.

Minnesota – Mentions dermabrasion as a medical procedure and chemical peels as a health service that require authorization for payment. No other mention of microdermabrasion, or chemical peels. The cosmetology board treats microdermabrasion as within the definition and scope of practice of a cosmetologist.

Iowa – Recently passed legislation amended Chapter 157 of Iowa's Code. No administrative rules have been adopted yet. Newly revised Chapter 157 allows properly trained estheticians and cosmetologists to receive licenses allowing practicing microdermabrasion. Properly trained estheticians may receive a license to practice chemical peels.

Salon chair managers:

Michigan - §339.1204 Cosmetology establishment; issuance of license.

...

(d) Except as provided in subsection (3), the cosmetology establishment shall be under the daily attendance and supervision of a licensed cosmetologist who is not less than 18 years of age and has had not less than one year's practical experience in cosmetology.

Illinois – No rules regarding managers.

Minnesota – Rule 2642.0390 Salon Supervision.

A. The owner and the designated manager appointed in writing by the owner are responsible for the salon at all times.

B. Only one person shall be designated as a manager for each salon. No manager may be concurrently responsible for more than one salon unless the salons are under the same ownership and all located in the same complex which is designated as an assisted-living care facility. When the manager is not on duty, the manager may specify a responsible person in the manager's absence. The responsible person shall be licensed as a manager, and licensed as a cosmetologist in a cosmetology salon, esthetician salon, or manicurist salon; a licensed esthetician in an esthetician salon; or a licensed manicurist in a manicure salon.

Iowa – 157.12 Supervisors.

A person who directly supervises the work of practitioners of cosmetology arts and sciences shall be licensed in the practice supervised or a barber licensed under section 158.3.

Waxing.

Michigan – Waxing by electrologists and manicurists.

339.11203a Cosmetology services; license required; exception; scope of license; limitations.

Sec. 1203a.

(1) An individual shall not render any form of cosmetology services, with or without compensation, on any individual other than a member of his or her immediate family without a license under this article.

However, this article does not apply to an individual, person, or premises licensed under article 11 while rendering the services of a barber.

(2) An individual licensed as a cosmetologist under this article may render hair care services, skin care services, natural hair cultivation, and manicuring services as part of the practice of cosmetology, but shall not render electrology without being licensed as an electrologist.

(3) The department may license an individual to render manicuring services, natural hair cultivation, or skin care services in accordance with his or her training. An individual licensed as a manicurist, natural

hair culturist, or esthetician shall only render that particular service and shall not render any other cosmetology service without being licensed for that service. An individual licensed as a manicurist, natural hair culturist, or esthetician shall not render electrology without being licensed as an electrologist.

(4) An individual licensed as an electrologist shall render only electrology services and shall not render any other cosmetology service without separately being licensed to render those services.

339.1201 Definitions.

(d) "Cosmetology" means 1 of the following services or a combination of the following services:

(i) Hair care services.

(ii) Skin care services.

(iii) Manicuring services.

(iv) Electrology.

(e) "Cosmetology establishment" means the premises on which cosmetology or 1 or more of its services are rendered or are offered to be rendered. Cosmetology establishment does not include a school of cosmetology.

(f) "Electrologist" means an individual who renders or offers to render electrology.

(g) "Electrology" means the permanent removal of hair from the body of an individual by the use of electricity.

(h) "Esthetician" means an individual who renders or offers to render skin care services.

(i) "Hair care services" means arranging, cutting, dressing, curling, waving, cleansing, singeing, bleaching, coloring, tinting, trimming, styling, relaxing, perming, straightening, or similar work upon the hair of the head or a wig that an individual is wearing.

(j) "Instructor" means an individual who teaches or offers to teach 1 or more cosmetology services in a school of cosmetology.

(k) "Manicuring services" means the cleansing, filing, shaping, buffing, polishing, or beautifying of the nails of the hands or feet, and the cleansing, massaging, stimulating, exercising, or beautifying of the skin of the hands, arms, and feet, manually or with the use of tools, appliances, or cosmetic preparations, including the repair of nails, or the creation or decoration of artificial nails. Manicuring services do not include the practice of podiatric medicine and surgery as defined in section 18001 of the public health code, 1978 PA 368, MCL 333.18001.

(l) "Manicurist" means an individual who renders or offers to render manicuring services.

(q) "Skin care services" includes the following services or combination of services:

(i) Beautifying the skin of the body of an individual by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, including body wrapping.

(ii) Cleansing or stimulating the skin of the body by the use of the hands, devices, apparatus, or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(iii) The temporary removal of hair from the body of an individual by the use of depilatories, waxes, razors, scissors, clippers, or tweezers.

(iv) Giving facials, applying removable makeup, applying eyelashes, or any other application of a preparation or beauty enhancement to the body of an individual but does not include applying permanent makeup or the use of tanning equipment.

Illinois – There is no mention of waxing within the scope of practice for either electrologists or manicurists.

Minnesota – Electrology is an unregulated practice in Minnesota. The definition of manicurist does not allow for hair removal by waxing.

Iowa – Iowa has passed a new Act redefining its regulatory scheme. New administrative rules are being drafted now. Hair removal by waxing is allowed for estheticians, cosmetologists and nail technologists but not for electrologists.

2003 Code for Chapter 157 Cosmetology

13. “*Nail technologist*” means all of the following:

- a. Applying sculptured nails, nail extensions, wraps, overlays, nail art, or any other nail technique to the fingernails and toenails of a person.
- b. Massaging the hands, arms, ankles, and feet of a person.
- c. Removing superfluous hair from hands, arms, feet, or legs of a person by the use of wax or a tweezer.

Summary of factual data and analytical methodologies:

No study resulting in the collection of factual data was used relating to this rule. The primary methodology for revising the rule is the board’s analysis and determination that a rule change is necessary.

Anticipated costs incurred by private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The proposed rule will have no impact on the department’s funds.

Effect on small business:

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935. Telephone: (608) 266-0495. Email: pamela.haack@drl.state.wi.us.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email at pamela.haack@drl.state.wi.us. Comments must be received on or before February 20, 2006 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. BC 1.01 (1m) is repealed.

SECTION 2. BC 1.01 (3) and (3r) are amended to read:

BC 1.01 (3) “Contagious” means ~~that which can be~~ capable of being transmitted by direct or indirect contact.

(3r) “Cutting,” as used at s. 454.01 (13), Stats., means exclusively ~~to~~ the cutting of human nails, ~~and~~ cuticles and calluses, and does not refer to any other invasive procedure.

SECTION 3. BC 1.01 (6h) and (6r) are renumbered BC 1.01 (6e) and (6m).

SECTION 4. BC 1.01 (6s) is created to read:

BC 1.01 (6s) “Exfoliation” means the process whereby the superficial epidermal cells are removed from the skin.

SECTION 5. BC 1.01 (7m) is created to read:

BC 1.01 (7m) “General supervision” means the supervising physician is available for direct communication, either in person or by telephone, radio, radiotelephone, television or similar means and is physically located within 120 miles of the licensee.

SECTION 6. BC 1.01 (8) is amended to read:

BC 1.01 (8) “Infectious” means ~~that which is~~ capable of being transmitted, with or without contact.

SECTION 7. BC 1.01 (9) is created to read:

BC 1.01 (9) “Laser” means light amplification by the stimulated emission of radiation.

SECTION 8. BC 1.01 (11) and (11m) are renumbered BC 1.01 (11e) and (11g).

SECTION 9. BC 1.01 (11n), (11r) and (11w) are created to read:

BC 1.01 (11n) “Mechanical exfoliation” means the physical removal of surface epidermal cells by means that include but are not limited to brushing machines, granulated scrubs, peel-off masques or drying preparations that are rubbed off, and microdermabrasion.

(11r) “Microdermabrasion” means mechanical exfoliation using an abrasive material or apparatus to remove surface epidermal cells with a mechanical closed loop vacuum system.

(11w) “Nail enhancement” means any material other than nail polish which is added to the fingernail or toenail generated by the person’s own body, or which is used to enhance the fingernail or toenail of a person.

SECTION 10. BC 1.01 (13t) is created to read:

BC 1.01 (13t) “Physician” means a person licensed in Wisconsin to practice medicine and surgery.

SECTION 11. BC 2.025 (2) (a) is renumbered BC 2.025 (2) (a) (intro.) and is amended to read:

BC 2.025 (2) (a) (intro.) Laser hair removal services. Prior to providing any laser hair removal procedures, a licensee shall complete advanced training in the use of laser devices in a training program of

not less than 6 hours. If the training program is provided in a setting other than a licensed school of cosmetology or barbering, the program shall incorporate all of the following:

SECTION 12. BC 2.025 (2) (a) 1. to 5. are created to read:

BC 2.025 (2) (a) 1. The training shall be conducted by a trainer who has been a practicing aesthetician, a barbering or cosmetology instructor, an aesthetics instructor, or a barbering or cosmetology manager for a minimum of one year, and who has completed a course in laser training provided by a licensed school of cosmetology or barbering, or provided by a licensed school of aesthetics. A licensed physician may also provide the training.

2. Trainees receive hands-on training which includes actual use of the laser device under the supervision and guidance of the trainer.

3. The training is documented by a certificate of completion which sets forth the length of the training and the type of device and which is signed by the trainer and includes the trainer's license number.

4. The licensee posts in a conspicuous location in the immediate area where the procedure is carried out the certificate of completion of the training required in subd. 1.

5. Licensees providing laser hair removal procedures shall complete each biennium at least 6 continuing education credit hours acceptable to the board in laser hair removal. This coursework shall be in addition to any other continuing education requirements required by the board for license renewal. Licensees shall maintain records of continuing education hours for at least 5 years from the date the coursework is completed.

SECTION 13. BC 2.025 (2) (b) is amended to read:

BC 2.025 (2) (b) Microdermabrasion services, except as specified under sub. (2m).

SECTION 14. BC 2.025 (2) (c) is renumbered BC 2.025 (2) (c) (intro.) and is amended to read:

BC 2.025 (2) (c) (intro.) ~~Chemical skin peels exfoliation, except for nonmedical facial peels for exfoliation purposes.~~ application of commercially available exfoliation products utilized in accordance with the manufacturers' instructions, limited to the following:

SECTION 15. BC 2.025 (2) (c) 1. and 2. are created to read:

BC 2.025 (2) (c) 1. Alpha hydroxyl acids of 30% or less, with a ph of not less than 3.0.

2. Salicylic acids of 20% or less, with a ph of not less than 3.0.

SECTION 16. BC 2.025 (2g) is created to read:

BC 2.025 (2g) Licensees providing chemical exfoliation shall complete at least 6 continuing education credit hours acceptable to the board in chemical exfoliation each biennium. This coursework shall be in addition to any other continuing education requirements required by the board for license renewal. Licensees shall maintain records of continuing education hours for at least 5 years from the date the coursework is completed.

SECTION 17. BC 2.025 (2r) is created to read:

BC 2.025 (2r) A licensee may utilize microdermabrasion devices in his or her practice without medical supervision if all of the following conditions are met:

(a) The device shall be of an aesthetic grade and not labeled as a prescription device by the United States Food and Drug Administration. Only FDA approved Class I machines may be used pursuant to this subparagraph.

(b) The device utilizes a closed loop negative pressure system that incorporates a tissue retention device.

(c) The normal and customary use of the device results in the removal of only the surface epidermal cells of the skin.

(d) Eye protection is provided to the client and protective gloves are worn by the operator.

(e) Microdermabrasion services are not provided within 48 hours before or after a chemical exfoliation.

(f) The licensee has performed a pretreatment assessment on the client and reviewed the results with the client.

(g) The client has given written consent prior to the administration of the services. The consent shall contain all of the following:

1. A statement setting forth in general terms the nature and purpose of the procedure or procedures, together with the known risks associated with the procedure or procedures, if reasonably determinable.

2. A statement that acknowledges that the disclosure of that information has been made and that all questions asked about the procedure or procedures have been answered in a satisfactory manner.

3. The signature of the client for whom the procedure is to be performed, or if the client for any reason lacks legal capacity to consent, is signed by a person who has legal authority to consent on behalf of that client.

(h) The licensee has completed advanced training in the use of microdermabrasion devices in a training program of not less than 6 hours. If the training program is provided in a setting other than a licensed school of cosmetology or barbering, the program shall incorporate all of the following:

1. The training shall be conducted by a microdermabrasion trainer who has been a practicing aesthetician, a barbering or cosmetology instructor, an aesthetics instructor, or a barbering or cosmetology manager for a minimum of one year, and who has completed a 40 hour course in microdermabrasion training provided by a licensed school of cosmetology or barbering, or provided by a licensed school of aesthetics. A licensed physician may also provide the training.

2. Trainees receive hands-on training which includes actual use of the microdermabrasion device under the supervision and guidance of the trainer.

3. The training is documented by a certificate of completion which sets forth the length of the training and the type of device and which is signed by the trainer and includes the trainer's license number.

(i) The licensee posts in a conspicuous location in the immediate area where the procedure is carried out the certificate of completion of the training required in par. (h).

(j) The licensee shall complete at least 6 continuing education credit hours acceptable to the board in microdermabrasion each biennium. This coursework shall be in addition to any other continuing education requirements required by the board for license renewal. Licensees shall maintain records of continuing education hours for at least 5 years from the date the coursework is completed.

SECTION 18. BC 2.025 (3) is amended to read:

BC 2.025 (3) Delegated medical procedures shall be undertaken only pursuant to formal written protocols setting forth the nature and scope of the procedures delegated, describing the supervisory plan, and indicating any contraindications to undertaking the procedure. A laser hair removal product or device, or intense pulsed light device shall not be used on a minor unless the minor is accompanied by a parent or guardian and only under the general supervision of a physician.

SECTION 19. BC 2.025 (6) is created to read:

BC 2.025 (6) A licensee providing client services constituting delegated medical procedures in a licensed establishment shall post in a conspicuous location in the immediate area where the procedure is carried out the name of the delegating physician and the nature and scope of the procedures delegated.

SECTION 20. BC 2.07 (1g) is amended to read:

BC 2.07 (1g) The manager shall train and supervise an apprentice in accordance with s. BC 6.04 (1), and shall supervise temporary permit holders and training permit holders. Supervision and training shall be conducted by a currently licensed manager ~~or practitioner with sufficient education, training and experience to provide the supervision and training.~~

SECTION 21. BC 3.01 (7) is amended to read:

BC 3.01 (7) Plastic or metal containers of adequate size shall be provided to store all soiled linen. All soiled linen shall be properly cleaned in compliance with s. BC 4.02 (6) or disposed of after use.

SECTION 22. BC 3.02 (1) (a) to (c) are amended to read:

BC 3.02 (1) (a) The owner of more than one establishment shall employ ~~at least one full time licensed manager for the establishments~~ a sufficient number of managers to satisfy the requirement that a manager be present full time in each establishment as defined in s. BC 1.01 (7).

(b) The owner of a barbering and cosmetology establishment may satisfy the requirement in this section by employing a manager who also works at an establishment owned by a different person, provided the manager works ~~full-time~~ full time as defined in s. BC 1.01 (7) at each establishment where he or she is employed as manager.

(c) A manager is required to be present in an establishment full time, as defined in s. BC 1.01 (7), but if an establishment is open for more than 30 hours per week, the manager is not required to be present in ~~an~~ the establishment at all times when the establishment is open for business, and the manager may be absent for reasonable brief periods during a day.

SECTION 23. BC 3.06 (2) is amended to read:

BC 3.06 (2) Change of location of any establishment constitutes the creation of a new establishment and requires submission of an application for a new establishment license. Relocation of a leased chair or booth which is licensed as an establishment and housed within a lessor establishment requires only written notification to the department ~~accompanied by a floor plan~~ identifying the change of chair or booth.

SECTION 24. BC 4.01 (2) is amended to read:

BC 4.01 (2) Licensees shall wash their hands thoroughly with soap and running water prior to serving each patron and following removal of gloves. Waterless hand washing agents with alcohol as an active ingredient with a concentration of at least 70% are an acceptable substitute for washing hands that are not visibly soiled with soap and running water.

SECTION 25. BC 4.01 (8) is created to read:

BC 4.01 (8) Licensees using lancets for the lateral piercing of raised whiteheads shall utilize only pre-sterilized, single use, disposable lancets.

SECTION 26. BC 4.02 (1) is amended to read:

BC 4.02 (1) Unless sterilized, disinfection is required prior to reuse on another patron of any personal care instruments, including scissors, razors, clipper blades and tweezers, excluding tweezers used in electrolysis.

SECTION 27. BC 4.03 (2) is amended to read:

BC 4.03 (2) Sterilizers shall be maintained in working order. Equipment shall be checked in compliance with manufacturer's recommendations at least ~~quarterly~~ monthly to ensure that it is reaching required temperatures.

SECTION 28. BC 4.06 (3) is amended to read:

BC 4.06 (3) Licensees shall carefully bag and dispose of paper products contaminated with blood and thoroughly cleanse and disinfect linens contaminated with blood in accordance with s. BC 4.02 (6).

SECTION 29. BC 4.07 (intro.) and (2) are amended to read:

BC 4.07 Ear piercing. (intro.) ~~Licensees~~ Ear piercing may be performed by non-licensees, but licensees performing ear piercing shall do all of the following:

(2) Thoroughly wash the skin area to be pierced with soap and water or a waterless washing agent with alcohol as an active ingredient.

SECTION 30. BC 4.08 (intro.), (1), (2) and (3) are renumbered BC 4.08 (3) (intro.), (a), (b) and (c) and as renumbered BC 4.08 (3) (a) is amended to read:

BC 4.08 (3) (a) Apply ~~an~~ a topical antiseptic to the skin surface of the area to be waxed and allow the antiseptic to dry.

SECTION 31. BC 4.08 (1) and (2) are created to read:

BC 4.08 Waxing. (1) Electrologists performing waxing shall have completed training in depilation by waxing in a school of electrology or a school of barbering and cosmetology consisting of not less than 8 training hours in all of the following areas:

- (a) Hygiene and sterilization.
- (b) Treatments with hard hot wax.
- (c) Treatments with liquid strip wax.
- (d) Hair removal from legs and arms, bikini and underarm hair.
- (e) Removal of facial hair.
- (f) Eyebrow shaping.
- (g) Post depilation treatments.

(2) Manicurists performing waxing shall have completed training in depilation by waxing in a school of barbering and cosmetology or a school of manicuring consisting of not less than 8 training hours in all of the following areas:

- (a) Hygiene and sterilization.
- (b) Treatments with hard hot wax.
- (c) Treatments with liquid strip wax.
- (d) Hair removal from the foot, lower leg, hand and forearm.

(e) Post depilation treatments.

SECTION 32. BC 4.09 (3m) is repealed.

SECTION 33. Figure 5.02 is amended to read:

FIGURE 5.02

	SUBJECTS	THEORY HOURS	PRACTICAL HOURS
I.	Hygiene, grooming and personal development.	10	0
II.	Bacteriology, sterilization and sanitation.	20	20
III.	Tools, equipment and implements (identification and usage).	3	9
IV.	Haircutting, hair tapering (clipper-cuts), razor cutting, hairstyling, curling, thermal waving, fingerwaving, roller setting, pincurl placement, blow-drying, shampoos, scalp and hair treatments, conditioning, reconditioning, hair analysis, and care of hairpieces, wigs and wefts.	150	450
V.	Hair straightening, hair relaxing, thermal hair straightening, blow-outs, permanents, hair coloring, tinting, bleaching and chemistry.	190	400
VI.	Shaving, beard and mustache shaping, trimming, superfluous hair removal, waxing, facials, facial massages, facial makeup, eyelashes, light therapy, basic principles of electricity, and introduction to electrology.	35	60
VII.	Manicuring, including artificial nails <u>nail enhancement</u> .	10	25
VIII.	Anatomy and physiology of the hair, skin and nails and disorders of the hair, skin, scalp and nails.	50	0
IX.	Product knowledge, product	45	0

use and sales, preparing and consulting with customer for services.

X.	Laws, rules, professional ethics and history of barbering and cosmetology.	18	0
XI.	Individual student needs, industry trends and electives (e.g. recordkeeping, mathematics, communications, human relations, public relations, first aid, etc.)	117	188
	(Hours may include structured visits conducted by the school outside of the classroom at one or more barbering and cosmetology establishments.)		
	TOTAL HOURS:	648	1152

SECTION 34. Figure 5.06 is amended to read:

FIGURE 5.06

SUBJECTS		THEORY HOURS	PRACTICAL HOURS
I.	Introduction		
	Law and Codes, Bookkeeping, Business Management, History and Ethics	36	
II.	Safety, Sanitation, Sterilization, First Aid and Bacteriology	10	25
III.	Nails and Skin Disorders	24	10
IV.	Anatomy and Physiology	18	8
V.	Manicuring and Pedicuring, including artificial nails <u>nail enhancement</u>	24	112
VI.	Introduction to Advertising	12	
VII.	Individual Student Needs and Electives (Hours may include structured visits conducted by the school outside of the classroom at one or more barbering and cosmetology or manicuring	7	14

establishments.)

TOTAL HOURS: 131 169

SECTION 35. Figure 6.03 (1) is amended to read:

FIGURE 6.03 (1)

SUBJECTS		THEORY HOURS
I.	Hygiene, grooming and personal development.	10
II.	Bacteriology, sterilization and sanitation.	20
III.	Tools, equipment and implements (identification and usage).	18
IV.	Haircutting, hair tapering (clippercuts), razor cutting, hairstyling, curling, thermal waving, finger-waving, roller setting, pin-curl placement, blow-drying, shampoos, scalp and hair treatments, conditioning, reconditioning, hair analysis, and care of hairpieces, wigs and wefts.	56
V.	Hair straightening, hair relaxing, thermal hair straightening, blow-outs, permanents, hair coloring, tinting, bleaching and chemistry.	78
VI.	Shaving, beard and mustache shaping, trimming, superfluous hair removal, waxing, facials, facial massages, facial makeup, eyelashes, light therapy, basic principles of electricity, and introduction to electrology.	30
VII.	Manicuring, including artificial nails <u>nail enhancement</u> .	10
VIII.	Anatomy and physiology of the hair, skin and nails and disorders of the hair, skin, scalp and nails.	50
IX.	Laws, rules, professional ethics and history of barbering and cosmetology.	16
TOTAL HOURS:		288

SECTION 36. Figure 6.04 (3) is amended to read:

FIGURE 6.04 (3)

	SUBJECTS		PRACTICAL HOURS
I.	Bacteriology, sterilization and sanitation in the establishment.	70	
II.	Haircutting, hair taper (clippercuts), razor cutting, hairstyling, curling, thermal waving, finger-waving, roller setting, pin curl placement, blow-drying, shampoos, scalp and hair treatments, conditioning, reconditioning, hair analysis, and care of hairpieces, wigs and wefts.		1,300
III.	Hair straightening, hair relaxing, thermal hair straightening, blow-outs, permanents, hair coloring, tinting, bleaching and chemistry.	1,000	
IV.	Shaving, beard and mustache shaping, trimming, superfluous hair removal, waxing, facials, facial massages, facial makeup, eyelashes, light therapy, basic principles of electricity, and introduction to electrology.	80	
V.	Manicuring, including artificial nails <u>nail enhancement</u> .		30
VI.	General patron service and individual apprentice needs.	1,232	
	TOTAL PRACTICAL HOURS:	3,712	

SECTION 37. Chapter BC 8 (title) is amended to read:

Chapter BC 8 (title)

LICENSEES OF OTHER JURISDICTIONS LICENSURE

SECTION 38. BC 8.01 is renumbered BC 8.02 and as renumbered BC 8.02 (title) and (1) to (3) are amended to read:

BC 8.02 (title) Licensing requirement without examination. (1) The board has entered into a written reciprocal agreement with the licensing authority of another state, where the education and services practiced are substantially equivalent to those in Wisconsin.

(2) The applicant holds a current license in the other jurisdiction.

(3) The applicant pays the appropriate fee specified in s. 440.05, Stats., ~~and~~

SECTION 39. BC 8.01 is created to read:

BC 8.01 Licensing requirement. (1) An applicant for licensure as a barber or cosmetologist shall satisfy the requirements in s. 454.06 (1) and (2), Stats.

(2) An applicant for licensure as a manager shall satisfy the requirements in s. 454.06 (1) and (3), Stats.

(3) An applicant for licensure as an aesthetician shall satisfy the requirements in s. 454.06 (1) and (4), Stats.

(4) An applicant for licensure as an electrologist shall satisfy the requirements in s. 454.06 (1) and (5), Stats.

(5) An applicant for licensure as a manicurist shall satisfy the requirements in s. 454.06 (1) and (6), Stats.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Chairperson
Barbering and Cosmetology
Examining Board