



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- ☒ Notice with a scheduled hearing
☐ Notice without a scheduled hearing
☐ Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners

2. Link to agency website pursuant to G.S. 150B-19.1(c): <http://www.nccosmeticarts.com/uploads/Board/Rules4-19.pdf>

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

☐ ADOPTION:

☒ AMENDMENT: 21 NCAC 14H .0101, 21 NCAC 14H .0102, 21 NCAC 14H .0302, 21 NCAC 14H .0401, 21 NCAC 14H .0403, 21 NCAC 14P .0113, 21 NCAC 14R .0105, 21 NCAC 14T .0102, 21 NCAC 14T .0201, 21 NCAC 14T .0502, 21 NCAC 14T .0601, 21 NCAC 14T .0602, 21 NCAC 14T .0603, 21 NCAC 14T .0604, 21 NCAC 14T .0605, 21 NCAC 14T .0606, 21 NCAC 14T .0607, 21 NCAC 14T .0608, 21 NCAC 14T .0609, 21 NCAC 14T .0610, 21 NCAC 14T .0611, 21 NCAC 14T .0612, 21 NCAC 14T .0701, 21 NCAC 14T .0703

☐ REPEAL:

☐ READOPTION with substantive changes:

☐ READOPTION without substantive changes:

☐ REPEAL through READOPTION:

4. Proposed effective date: October 1, 2019

5. Is a public hearing planned? ☒ Yes ☐ No

If yes: Public Hearing date: May 20, 2019

Public Hearing time: 9:00 am

Public Hearing location: 1207 Front Street Suite 110 Raleigh, NC 27609

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s): The Board has proposed these amendments to update terminology, provide for a path for online education for initial licensure and to clarify the requirements for graduation.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

☐ Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Stefanie Kuzdrall

Address: 1207 Front Street Suite 110 Raleigh, NC 27609

Phone (optional): 919-715-0018 ext 8

Fax (optional):

E-Mail (optional): skuzdrall@nccosmeticarts.com

10. Comment Period Ends: *July 5, 2019 4:00pm*

11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact ($\geq \$1,000,000$)
- ☐ Approved by OSBM
- ☒ No fiscal note required

12. Rule-making Coordinator: Stefanie Kuzdrall

Phone: 919-715-0018 ext 8

E-Mail: skuzdrall@nccosmeticarts.com

Additional agency contact, if any:

13. The Agency formally proposed the text of this rule(s) on
Date: 4/8/2019

14. Signature of Agency Head* or Rule-making Coordinator:

— *Stefanie Kuzdrall* —

Phone:
E-mail:

Typed Name: Stefanie Kuzdrall
Title: Rule Making Coordinator

**If this function has been delegated (reassigned) pursuant to
G.S. 143B-10(a), submit a copy of the delegation with this form.*

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21 NCAC 14H .0101 COPY OF RULES TO COSMETOLOGY STUDENTS IS PROPOSED FOR
AMENDMENT AS FOLLOWS:

SUBCHAPTER 14H – ~~SANITATION~~ INFECTION CONTROL

SECTION .0100 - ~~SANITATION~~ INFECTION CONTROL

21 NCAC 14H .0101 COPY OF RULES TO COSMETOLOGY STUDENTS

Cosmetic art schools shall give a copy of the ~~sanitation~~ Infection Control rules governing the practice of the
cosmetic arts to each student for study.

History Note: Authority G.S. 88-23; 88-30;

Eff. February 1, 1976;

Amended Eff. October 1, 2019; April 1, 1991; January 1, 1989;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
13, 2015.*

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21 NCAC 14H .0102 COPY OF RULES TO BEAUTY ESTABLISHMENTS IS PROPOSED FOR
AMENDMENT AS FOLLOWS:

21 NCAC 14H .0102 COPY OF RULES TO BEAUTY ESTABLISHMENTS

The Board shall give copies of the rules of ~~sanitation~~ Infection Control governing the practice of cosmetic art to all
beauty establishments.

History Note: Authority G.S. 88-23; 88-30;

Eff. February 1, 1976;

Amended Eff. October, 1, 2019; April 1, 1991; January 1, 1989;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
13, 2015.*

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21 NCAC 14H .0302 VENTILATION AND LIGHT IS PROPOSED FOR AMENDMENT AS
FOLLOWS:

21 NCAC 14H .0302 VENTILATION AND LIGHT

(a) Ventilation shall be provided at all times in the clinic areas ~~where~~ when patrons are serviced in all cosmetic art shops and there must be a continuous exchange of air.

(b) Light shall be provided in the service area of a cosmetic art shop.

(c) All cosmetic art shops must adhere to any federal, State and local government regulation or ordinance regarding fire safety codes, plumbing and electrical work.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14;

Eff. April 1, 2012;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Amended Eff. October 1, 2019; March 1, 2018.

1 **21 NCAC 14H .0401 LICENSEES AND STUDENTS IS PROPOSED FOR AMENDMENT AS**
2 **FOLLOWS:**

3 **SECTION .0400 - ~~SANITATION~~ INFECTION CONTROL PROCEDURES AND PRACTICES**
4

5 **21 NCAC 14H .0401 LICENSEES AND STUDENTS**

6 (a) Notwithstanding Rule .0201 in this Subchapter, this Rule applies to licensees and students in practice in
7 cosmetic art schools and shops. Each licensee and student shall wash his or her hands with soap and water ~~an~~
8 ~~equally effective cleansing agent~~ use of a 70% or greater alcohol-based hand sanitizer immediately before and after
9 serving each client.

10 (b) Each licensee and student shall wear clean garments and shoes while serving patrons.

11 (c) Licensees or students shall not use or possess in a cosmetic art school or shop any of the following:

- 12 (1) Methyl Methacrylate Liquid Monomer, a.k.a. MMA;
- 13 (2) razor-type callus shavers designed and intended to cut growths of skin including skin tags, corns,
14 and calluses;
- 15 (3) FDA rated Class III devices;
- 16 (4) carbolic acid (phenol) over two percent strength;
- 17 (5) animals including insects, fish, amphibians, reptiles, birds, or non-human mammals to perform
18 any service; or
- 19 (6) a variable speed electrical nail file unless it has been designed for use on a natural nail.

20 (d) A licensee or student shall not:

- 21 (1) use any product, implement, or piece of equipment in any manner other than the product's,
22 implement's, or equipment's intended use as described or detailed by the manufacturer;
- 23 (2) treat any medical condition unless referred by a physician;
- 24 (3) provide any service unless trained prior to performing the service;
- 25 (4) perform services on a client if the licensee has reason to believe the client has any of the
26 following:
 - 27 (A) fungus, lice, or nits;
 - 28 (B) an inflamed, infected, broken, raised, or swollen skin or nail tissue in the area to be
29 worked on; or
 - 30 (C) an open wound or sore in the area to be worked on;
- 31 (5) alter or duplicate a license issued by the Board;
- 32 (6) advertise or solicit clients in any form of communication in a manner that is false or misleading;
- 33 (7) use any FDA rated Class II device without the documented supervision of a licensed physician;
- 34 (8) use any product that will penetrate the dermis;
- 35 (9) make any statement to a member of the public, either verbally or in writing, stating or implying
36 any action is required or forbidden by Board rules when such action is not required or forbidden

- 1 by Board rules. A violation of this prohibition is considered practicing or attempting to practice by
2 fraudulent misrepresentation is set forth in 21 NCAC 14P .0108 of this Chapter; or
3 (10) use or possess any product banned by the FDA. A list of banned products is available at
4 www.fda.gov.
5 (11) use or possess any machine for a cosmetic art service that is not approved by the FDA.
6 (e) In using a disinfectant, the user shall wear any personal protective equipment, such as gloves, recommended by
7 the manufacturer in the Safety Data Sheet.
8 (f) Licensees may only perform services specifically designated within their licensure field as defined by GS 88B-2.
9

10 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-24;*

11 *Eff. April 1, 2012;*

12 *Amended Eff. October 1, 2019; August 1, 2014; March 1, 2013;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
14 *13, 2015;*

15 *Amended Eff. March 1, 2019; March 1, 2018.*
16

21 NCAC 14H .0403 DISINFECTION PROCEDURES IS PROPOSED FOR AMENDMENT AS
FOLLOWS:

21 NCAC 14H .0403 DISINFECTION PROCEDURES

(a) ~~Sanitation~~ Infection Control rules that apply to towels and cloths are as follows:

- (1) Clean protective capes, drapes, linens, and towels shall be used for each patron;
- (2) After a protective cape has been in contact with a patron's neck it shall be placed in a clean, closed container until laundered with soap and hot water and dried in a heated dryer. Capes that cannot be laundered and dried in a heater dryer may be disinfected with ~~an EPA-registered hospital-grade disinfectant mixed and~~ a disinfectant that is bactericidal, virucidal and fungicidal and approved by the EPA for use in beauty salons, or salon used in accordance with the manufacturer directions; and
- (3) After a drape, linen, or towel has been in contact with a patron's skin it shall be placed in a clean, covered container until laundered with soap and hot water and dried in a heated dryer. A covered container may have an opening so soiled items may be dropped into the container.

(b) Any paper or nonwoven protective drape or covering shall be discarded after one use.

(c) There shall be a supply of clean protective drapes, linens and towels at all times. Wet towels used in services must be prepared fresh each day. Unused, prepared wet towels must be laundered daily.

(d) Clean drapes, capes, linens, towels and all other supplies shall be stored in a clean area.

(e) Bathroom facilities must be kept clean.

(f) All implements shall be cleaned and disinfected after each use in the following manner:

- (1) They shall be washed with warm water and a cleaning solution and scrubbed to remove debris and dried.
- (2) They shall be disinfected with either:
 - (A) disinfectant that is bactericidal, virucidal and fungicidal and approved by the EPA for use in beauty salons, or salon settings that is mixed and used according to the manufacturer's directions. They shall be rinsed with hot tap water and dried with a clean towel before their next use. They shall be stored in a clean, closed cabinet or container until they are ~~needed;~~ needed or;
 - ~~(B) 1 and 1/3 cup of 5.25 percent unexpired household bleach to one gallon of water for 10 minutes. They shall be rinsed with hot tap water and dried with a clean towel before their next use. They shall be stored in a clean, closed cabinet or container until they are needed; or~~
 - (C) UV-C, ultraviolet germicidal irradiation used accordance with the manufacturer's directions.
- (3) If the implement is not immersible or is not disinfected by UV-C irradiation, it shall be cleaned by wiping it with a clean cloth moistened or sprayed with a disinfectant that is bactericidal, virucidal

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and fungicidal and approved by the EPA for use in beauty salons, or salon settings used in accordance with the manufacturer's directions.

(g) All disinfected non-electrical implements shall be stored in a clean, closed cabinet or clean closed container.

(h) All disinfected electrical implements shall be stored in a clean ~~area~~ area separate from other clean implements.

(i) Disposable and porous implements and supplies must be discarded after use or upon completion of the service.

(j) Product that comes into contact with the patron must be discarded upon completion of the service.

(k) Containers with open faces may be covered or closed with plastic wrapping. Disinfected implements must not be stored with any implement or item that has not been disinfected.

(l) Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.

(m) All creams, lotions, wax, cosmetics, and other products dispensed to come in contact with patron's skin must be kept in clean, closed containers, and must conform in all respects to the requirements of the Pure Food and Drug Law. Any product apportioned for use and removed from original containers must be distributed in a sanitary manner that prevents contamination of product or container. Any product dispensed in portions into another container must be dispensed into a clean container and applied to patrons by means of a disinfected or disposable implement or other clean methods. Any product dispensed in portions not dispensed into another container must be used immediately and applied to patrons by means of a disinfected or disposable implement or other clean methods. No product dispensed in portions may be returned to the original container.

(n) As used in this Rule whirlpool or footspa means any basin using circulating water.

(o) After use by each patron each whirlpool or footspa must be cleaned and disinfected as follows:

(1) All water must be drained and all debris removed from the basin;

(2) The basin must be disinfected by filling the basin with water and circulating:

(A) Two tablespoons of automatic dishwashing powder and 1/4 cup of 5.25 percent household bleach to one gallon of water through the unit for 10 minutes; or

(B) Surfactant or enzymatic soap with an EPA registered disinfectant with bactericidal, fungicidal and virucidal activity used according to manufacturer's instructions through the unit for 10 minutes;

(3) The basin must be drained and rinsed with clean water; and

(4) The basin must be wiped dry with a clean towel.

(p) At the end of the day each whirlpool or footspa must be cleaned and disinfected as follows:

(1) The screen must be removed and all debris trapped behind the screen removed;

(2) The screen and the inlet must be washed with surfactant or enzymatic soap or detergent and rinsed with clean water;

(3) Before replacing the screen one of the following procedures must be performed:

(A) The screen must be totally immersed in a household bleach solution of 1/4 cup of 5.25 percent household bleach to one gallon of water for 10 minutes; or

- 1 (B) The screen must be totally immersed in an EPA registered disinfectant with bactericidal,
2 fungicidal and virucidal activity in accordance to the manufacturer's instructions for 10
3 minutes;
- 4 (4) The inlet and area behind the screen must be cleaned with a brush and surfactant soap and water to
5 remove all visible debris and residue; and
- 6 (5) The spa system must be flushed with low sudsing surfactant or enzymatic soap and warm water
7 for at least 10 minutes and then rinsed and drained.
- 8 (q) A record must be made of the date and time of each cleaning and disinfecting as required by this Rule including
9 the date, time, reason, and name of the staff member who performed the cleaning. This record must be made for
10 each whirlpool or footspa and must be kept and made available for at least 90 days upon request by either a patron
11 or inspector.
- 12 (r) The water in a vaporizer machine must be emptied daily and the unit disinfected daily after emptying.
- 13 (s) The area where services are performed that come in contact with the patron's skin including treatment chairs,
14 treatment tables, and beds shall be disinfected between patrons.
- 15 (t) A manufacturers label for all disinfectant concentrate must be available at all times. If a concentrate bottle is
16 emptied, it must remain available until a new bottle is available.
- 17 (u) When mixed disinfectant concentrate is placed in a secondary container such as a spray bottle, tub or jar, that
18 container must be labeled to indicate what chemical is in the container. SDS sheets must be readily available for all
19 disinfectants in use at all times.
- 20 (v) Disinfectants must be stored and disposed of in accordance with all local, State and federal requirements.
- 21 (w) The cabinet and supplies of a towel warmer machine must be emptied daily and the unit dried daily after
22 emptying.

23
24 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14;*

25 *Eff. April 1, 2012;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
27 *13, 2015;*

28 *Amended Eff. October 1, 2019; March 1, 2018.*
29

21 NCAC 14P .0113 OPERATIONS OF SCHOOLS OF COSMETIC ART IS PROPOSED AS
FOLLOWS:

21 NCAC 14P .0113 OPERATIONS OF SCHOOLS OF COSMETIC ART

(a) The presumptive civil penalty for failure to record student's hours of daily attendance per 21 NCAC 14T .0502 is:

- | | | |
|-----|-------------------------|--------------------|
| (1) | 1 st offense | warning (\$100.00) |
| (2) | 2 nd offense | \$200.00 |
| (3) | 3 rd offense | \$300.00 |

(b) The presumptive civil penalty for failure to report withdrawal or graduation of a student per 21 NCAC 14T .0502 is:

- | | | |
|-----|-------------|-------------------|
| (1) | 1st offense | warning (\$50.00) |
| (2) | 2nd offense | \$100.00 |
| (3) | 3rd offense | \$200.00 |

(c) The presumptive civil penalty for failure to submit student enrollments per 21 NCAC 14T .0502 is:

- | | | |
|-----|-------------|-------------------|
| (1) | 1st offense | warning (\$50.00) |
| (2) | 2nd offense | \$100.00 |
| (3) | 3rd offense | \$200.00 |

(d) The presumptive civil penalty for failure to display a copy of the ~~sanitation~~ Infection Control rules is:

- | | | |
|-----|-------------------------|-------------------|
| (1) | 1 st offense | warning (\$50.00) |
| (2) | 2 nd offense | \$100.00 |
| (3) | 3 rd offense | \$200.00 |

(e) The presumptive civil penalty for failure to post consumer sign "Cosmetic Art School - Work Done Exclusively by Students" is:

- | | | |
|-----|-------------------------|-------------------|
| (1) | 1 st offense | warning (\$50.00) |
| (2) | 2 nd offense | \$100.00 |
| (3) | 3 rd offense | \$200.00 |

(f) The presumptive civil penalty for allowing a cosmetic art shop to operate within a cosmetic art school is:

- | | | |
|-----|-------------------------|----------|
| (1) | 1 st offense | \$200.00 |
| (2) | 2 nd offense | \$400.00 |
| (3) | 3 rd offense | \$600.00 |

(g) The presumptive civil penalty for a cosmetic art school that is not separated from a cosmetic art shop or other business by a solid wall, floor to ceiling, with a separate entrance and a door that stays closed at all times is:

- | | | |
|-----|-------------------------|----------|
| (1) | 1 st offense | \$200.00 |
| (2) | 2 nd offense | \$400.00 |
| (3) | 3 rd offense | \$600.00 |

(h) The presumptive civil penalty for failure to have any student wear the required school uniform or identification per 21 NCAC 14T .0613 is:

1 (1) 1st offense warning (\$50.00)

2 (2) 2nd offense \$100.00

3 (3) 3rd offense \$200.00

4 (i) The presumptive civil penalty for failure to renew or file school bond or bond alternative is:

5 (1) 1st offense \$200.00

6 (2) 2nd offense \$400.00

7 (3) 3rd offense \$600.00

8 (j) The presumptive civil penalty for failure to maintain the student permanent file with required documents per 21
9 NCAC 14T .0502 is:

10 (1) 1st offense warning (\$50.00)

11 (2) 2nd offense \$100.00

12 (3) 3rd offense \$200.00

13 (k) The presumptive civil penalty for failure to maintain records of daily hours of attendance documents per 21
14 NCAC 14T .0502 is:

15 (1) 1st offense warning (\$50.00)

16 (2) 2nd offense \$100.00

17 (3) 3rd offense \$200.00

18 (l) The presumptive civil penalty for failure to maintain records of performances documents per 21 NCAC 14T
19 .0502 is:

20 (1) 1st offense warning (\$50.00)

21 (2) 2nd offense \$100.00

22 (3) 3rd offense \$200.00

23

24 (m) The presumptive civil penalty for allowing an unlicensed individual to instruct cosmetic art is:

25 (1) 1st offense \$500.00

26 (2) 2nd offense \$750.00

27 (3) 3rd offense \$1000.00

28 (n) The presumptive civil penalty for failure to track and record the student progression in an online education
29 course;

30 (1) 1st offense warning (\$50.00)

31 (2) 2nd offense \$100.00

32 (3) 3rd offense \$200.00

33

34 (o) The presumptive civil penalty for allowing more than 50% for teachers 25% of all other courses to be done
35 through online education;

36 (1) 1st offense warning (\$50.00)

37 (2) 2nd offense \$100.00

(3) 3rd offense \$200.00

(p) The presumptive civil penalty for failure to administer a test at the mid-point and at the end of each online education course in person at the school.

(1) 1st offense warning (\$50.00)

(2) 2nd offense \$100.00

(3) 3rd offense \$200.00

(q) The presumptive civil penalty altering the format, school name or school code on a Board form:

(1) 1st offense warning (\$50.00)

(2) 2nd offense \$100.00

(3) 3rd offense \$200.00

*History Note: Authority G.S. 88B-4; 88B-16; 88B-17; 88B-29;
Temporary Adoption Eff. January 1, 1999;
Eff. August 1, 2000;
Amended Eff. October 1, 2019; August 1, 2014; September 1, 2012; July 1, 2010; December 1,
2008; April 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
13, 2015;
Amended Eff. December 1, 2016.*

21 NCAC 14R .0105 CONTINUING EDUCATION IS PROPOSED FOR AMENDMENT AS
FOLLOWS:

21 NCAC 14R .0105 CONTINUING EDUCATION

(a) This Rule pertains to all cosmetic art licensees. Each licensee wishing to maintain his or her license shall obtain continuing education during each licensing period. The licensee shall maintain records of attendance at a continuing education course including the following information:

- (1) course title and description;
- (2) date conducted;
- (3) address of location where the course was conducted; and
- (4) continuing education hours earned.

(b) At least one-half of the required continuing education hours for each licensee shall be in the cosmetic arts profession in which he or she is licensed.

(c) Each cosmetic art teacher must ensure at least 50 percent of the subject matter in a course taken for the purpose of license renewal relates to teacher training techniques and enhances the ability to communicate.

(d) Continuing education courses shall be approved by the Board providing the courses meet the requirements above.

(e) The Board or an agent of the Board may conduct audits of the licensee's continuing education at any time. Upon the Board's request, each licensee shall provide completed records to the Board to support the last affirmation given pursuant to Subparagraph (j)(3) of this Rule. Records must be maintained until the end of the next renewal cycle after the affirmation for audit purposes.

(f) Continuing education courses completed prior to an individual's being licensed by the Board shall not qualify for continuing education credit.

(g) Apprentices do not need to earn continuing education for license renewal.

(h) Licensees are exempt from the eight hours of continuing education requirement until the licensing period commencing after their initial licensure.

(i) After completion of the continuing education requirements for any licensing cycle, the licensee shall forward to the Board the following:

- (1) the license renewal application;
- (2) the license renewal fee; and
- (3) affirmation of the following pledge: "I hereby certify that I have obtained all continuing education hours required in accordance with the G.S. 88B-21 and Board rules. I am aware that 1) false or dishonest misleading information may be grounds for disciplinary action against my license; and further that 2) false statements are punishable by law."

(j) Failure to produce documents or file a response to a request for audit from the Board within 30 days of the request shall result in a civil penalty to the licensee in the amount of ~~two hundred fifty dollars (\$250.00)~~ one hundred dollars (\$100.00).

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(k) The presentation of fraudulent continuing education documentation to the Board by a licensee shall result in a civil penalty of five hundred dollars (\$500.00).

(l) Licensees in inactive status may reactivate licensure by taking no fewer than eight hours of continuing education per year of inactivity up to 24 total hours.

History Note: Authority G.S. 88B-2; 88B-4; 88B-21; 88B-24; 88B-29;

Eff. April 1, 2012;

Amended Eff. October 1, 2019; August 1, 2014; March 1, 2013;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

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**21 NCAC 14T .0102 NEW SCHOOL APPLICATIONS IS PROPOSED FOR AMENDMENT AS
FOLLOWS:**

21 NCAC 14T .0102 NEW SCHOOL APPLICATIONS

(a) Persons desiring to operate a cosmetic art school in the state of North Carolina shall make application for licensure by submitting to the Board the Board's School Application. The Board's School Application shall include:

- (1) School name;
- (2) Cosmetic Art discipline(s) to be taught;
- (3) Physical address and mailing address;
- (4) Phone number;
- (5) Email address;
- (6) Ownership type;
- (7) Reason for application;
- (8) Owner name;
- (9) School contact person with phone number and email address; and
- (10) List of teachers with cosmetic art license number.

(b) School application forms must be submitted along with supporting documents as follows:

- (1) Proof of bond as required by G.S. 88B-17;
- (2) Diagram with location of equipment placement and marking square footage of all areas including classrooms, dispensary, water supplies, stations, locker room/dressing room, office areas, reception areas and restroom facilities;
- (3) Course curriculum for each cosmetic art discipline and teacher trainee program to be taught in the school;
- (4) Plans for record keeping of student hours, minimum course requirement qualifications, and student performances;
- (5) ~~Evaluation plans for the assignment of performance services, the~~ The qualifications for passing a performance requirement and techniques for grading of performances;
- (6) Handbook for students containing student policies on attendance, leave of absence policy, performance assignment, and a plan to assist students to achieve the required minimum hours and performances per 21 NCAC 14T .0602-.0610;
- (7) A raised seal identifying the school name and physical location to be used on all Board forms, reports, and other official papers;
- (8) Documentation of local municipality fire, occupancy, electrical and plumbing approval; and
- (9) School operation schedule including days, hours and observed holidays.
- (10) Signed and notarized statement that the school owner has read and understands the Board's rules in 21 NCAC 14T.

(c) The Board shall not approve an application for a license until all plans, furniture, supplies and equipment as prescribed by the rules in this Subchapter have been installed.

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1 (d) The Board shall issue a license to any cosmetic art school that meets the requirements of this Subchapter.

2
3 *History Note: Authority G.S. 88B-4; 88B-16; 88B-17;*

4 *Eff. January 1, 2012;*

5 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
6 *13, 2015;*

7 *Amended Eff. October, 1, 2019; December 1, 2016.*
8

21 NCAC 14T .0201 ALL COSMETIC ART SCHOOLS IS PROPOSED FOR AMENDMENT AS
FOLLOWS:

SECTION .0200 - PHYSICAL REQUIREMENTS FOR COSMETIC ART SCHOOLS

21 NCAC 14T .0201 ALL COSMETIC ART SCHOOLS

(a) Cosmetology schools must have the following physical departments:

- (1) Practice Department – a minimum of 200 square feet with a table or tables and or stands to accommodate at least 10 students and have at least 40 inches between each mannequin. Cosmetic art schools must provide an additional 5 square feet in the practice department for each student over the maximum of 10. This area shall have at least one mirror of a minimum of two square feet.
- (2) Clinic Department – the clinic floor for performance of all cosmetic art services. Within the clinic area each school shall have:
 - (A) 48 inches of space from the center to the center of each styling chair, esthetics table or manicuring table;
 - (B) 24 inches from the center of the chair forward;
 - (C) 48 inches from the backrest behind the chair to any other styling chair, esthetics table or manicuring table; and
 - (D) at least 30 inches of space from the back of each styling chair, esthetics table to the wall of the school.
- (3) Dispensary – a room or area to organize and maintain supplies, equipment for disinfection of all implements and a sink with hot and cold running water. All cosmetic art schools must have the required equipment to carry out disinfection procedures per 21 NCAC 14H .0404;
- (4) Theory classroom – classroom with a minimum of 300 square feet to accommodate a maximum of 25 students. Cosmetic art schools must provide an additional 8 square feet in the theory classroom for each student over the maximum of 25;
- (5) Office – administrative office for the secure and locked facilitation of student records and files. This office shall be outfitted with a minimum of one desk and one chair;
- (6) Reception area – a reception area for clients to wait prior to receiving services;
- (7) Break room for student use;
- (8) Restrooms for student and public use;
- (9) Locker or dressing room – a locker or room for students to secure and lock personal belongings throughout the day; and
- (10) All stations as defined in Rule .0302 of this Subchapter must be numbered numerically.

(b) Manicuring, esthetics and natural hair care schools must have the following physical departments:

- (1) Clinic Department – the clinic floor for performance of all cosmetic art services. Within the clinic area each school shall have:

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- 1 (A) 48 inches of space from the center to the center of each styling chair, esthetics table or
2 manicuring table;
3 (B) 24 inches from the center of the chair forward;
4 (C) 48 inches from the backrest behind the chair to any other styling chair, esthetics table or
5 manicuring table; and
6 (D) at least 30 inches of space from the back of each styling chair or esthetics table to the
7 wall of the school.
- 8 (2) Dispensary – a room or area to organize and maintain supplies, equipment for disinfection of all
9 implements and a sink with hot and cold running water. All cosmetic art schools shall have the
10 required equipment to carry out disinfection procedures per 21 NCAC 14H .0404;
11 (3) Theory classroom – a room or area with equipment for theory training appropriate to both
12 practical and theory learning including desks and chairs.
13 (4) Office – administrative office for the secure and locked facilitation of student records and files.
14 This office shall be outfitted with a minimum of one desk and one chair;
15 (5) Reception area – a reception area for clients to wait prior to receiving services;
16 (6) Break room for student use;
17 (7) Restrooms for student and public use;
18 (8) Locker or dressing room – a locker or room for students to secure/lock personal belongings
19 throughout the day; and
20 (9) All stations must be numbered numerically.
- 21 (c) Each cosmetic art school must display a sign in a conspicuous place in the reception area. The sign cannot be
22 smaller than 12 inches by 18 inches, with lettering at least one and one half inches in size and must read as follows:
23 "Cosmetic Art School Work Done Exclusively by Students."
- 24 (d) Each of the requirements listed within this Rule must be located within the same building with the exception of
25 the theory classroom which may be located in an adjacent building or another building within 500 feet of the main
26 cosmetic art ~~building~~ building and/or a proctored examination center which may be located on the school campus.
- 27 (e) All Cosmetic Art schools must post hours of operation per cosmetic art discipline and submit this information to
28 the Board. Any changes to the hours of operation must be posted and submitted to the Board. A school shall be
29 considered open by the Board when cosmetic art instruction, services or performances are provided.
- 30 (f) Cosmetic art schools may not offer student hours or performances unless they are in compliance with Paragraph
31 (a) of this Rule.
- 32 (g) All cosmetic art schools must adhere to any federal, state and local government regulation or ordinance
33 regarding fire safety codes, plumbing and electrical work.
- 34 (h) All cosmetic art schools must maintain a ventilation system in good working order with temperature control.
35 During school operating hours the temperature must be maintained between 60 and 85 degrees Fahrenheit.
- 36 (i) All equipment in cosmetic art schools shall be in working order; kept in safe repair; and installed in such a
37 manner as to facilitate proper usage.

(j) All cosmetic art school buildings shall be maintained. Maintenance includes the safe and working condition of the physical building, furniture, equipment and supplies.

(k) All cosmetic art schools must maintain a bulletin board in plain sight of the clinic floor. The bulletin board shall be used to display at all times the Board ~~sanitation~~ Infection Control rules in 21 NCAC 14H and the sanitation grade card issued to the school.

(l) All cosmetic art schools must post together the school letter of approval, the school license and all cosmetic art licenses issued to the teachers on staff.

(m) Each room in a cosmetic art school must be labeled according to its assigned purpose.

(n) Each theory classroom shall be equipped with desks or chairs suitable for classroom work and one chair suitable for demonstrating cosmetic art practices.

(o) When a school and a shop are under the same ownership:

(1) separate operation of the shop and school shall be maintained;

(2) if the school and shop are located in the same building, they must be separated by a solid wall of at least seven feet in height; separate entrances and visitor reception areas shall be maintained; and

(3) the school and shop shall have separate public information releases, advertisements, names and advertising signs.

(p) A cosmetic art school must maintain space and equipment appropriate to both practical and theory learning including desks and chairs, and station requirements so that each student in attendance has a location within which to complete assigned tasks. Each station or desk space may be designated for only one student at a time.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;

Eff. January 1, 2012;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Amended Eff. October 1, 2019; January 1, 2016.

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**21 NCAC 14T .0502 PERMANENT RECORDS, FORMS AND DOCUMENTATION IS PROPOSED
FOR AMENDMENT AS FOLLOWS:**

21 NCAC 14T .0502 PERMANENT RECORDS, FORMS AND DOCUMENTATION

(a) Cosmetic art schools must maintain locked storage for the permanent files of all enrolled students and students who have withdrawn or graduated ~~within the last six months~~ together in one room within the approved square footage of the cosmetic art school. Withdrawal and graduation forms reviewed by the Board or an agent of the Board may be removed from this room. The permanent file shall include a copy of:

- (1) Board Enrollment Form;
- (2) Documentation of student receipt of school policies, school and student contract and the Board Infection Control rules Subchapter H and felony policy; rule 21 NCAC 14I 0401;
- (3) All applicable Board Withdrawal Forms;
- (4) Social security card for any individual who has a social security number or tax ID card or student visa information;
- (5) Government issued ID and proof of date of birth;
- (6) Grades for all examinations and documentation for pass performances;
- (7) Documentation for any leave of absence over 30 days;
- (8) Transfer of hours form documenting hours earned in other schools and hours accepted by current school; and
- (9) Graduation Form.

(b) The school shall keep onsite, records of hours earned daily including field trip hours and documentation of field trip hours updated with a running grand total:

- (1) A daily record shall be kept of the performances for each student, showing the actual date of the performance and the teacher who approved the performance;
- (2) A daily record shall be kept of the actual number of hours of attendance; ~~and~~
- (3) A daily record shall be kept of the actual number of hours and educational achievements completed via online; and
- (3) An updated Performance Record.

(c) When a student enrolled in a cosmetic art school withdraws from the school, the cosmetic art school shall report the withdrawal to the Board.

(d) If a student withdraws from a cosmetic art discipline within the first five days, the school need not submit the enrollment to the Board. The unsubmitted enrollment must be maintained in the student file until reviewed by the Board or an agent of the Board after which, it may be removed.

(e) The graduation form documentation must be signed by on site school staff or on site school administrators and must have the seal of the school affixed. The original graduation form documentation must be prepared on the Board form and shall indicate that the applicable requirement of this Chapter have been met. The cosmetic art school shall mail the graduation form to the Board at the Board's address set forth in Rule 14A .0104 or submit the

1 graduation form via the Board's school documents portal at www.nccosmeticarts.com within 30 days of the student's
2 graduation date.

3 (f) All forms submitted to the Board must be sealed originals or a digital scan of sealed originals and a copy shall be
4 maintained in the school permanent file storage. Except for student signatures, all forms submitted to the Board must
5 be completed, by on site school staff or on site school administrators. Board forms shall be used for the sole purpose
6 of documenting to the Board student records and shall not be used to notify students of enrollment, transfer of hours,
7 withdrawal or graduation.

8 (g) Changes or corrections made by the school to any Board form must be submitted to the Board with supporting
9 documentation.

10 (h) All cosmetic art schools must maintain on file at the school an original daily record of enrolled students' hour
11 and performances. This record must be kept in a secured location under lock and key but made available for review
12 by the Board or its agent at any time.

13 (i) All records kept by a cosmetic art school on a student who has withdrawn or graduated must be kept in the
14 school's locked files for future reference until the date the student is accepted for the Board examination or five
15 years after the date the student first enrolled in the school, whichever occurs earlier. Forms reviewed by the Board
16 or an agent of the Board may be removed from this room.

17 (j) The record of all hours and performances must be documented in writing. Credit issued to students that cannot
18 be verified may be eliminated from the student record by an agent of the Board.

19 (k) Access to student records must be limited to agents of the Board, teachers and administrators of the school.
20 Records cannot be altered offsite. Records that are altered must be altered onsite and must have documentation
21 supporting the change attached. The format, school name and school code on Board forms cannot be altered.

22 (l) All individuals in a cosmetic art school receiving cosmetic art education, earning hours, performing or practicing
23 cosmetic art services must be enrolled in the school.

24 (m) Only teachers reported to the Board as employees of a cosmetic art school may grade practical student
25 examinations and evaluate pass or fail of student performances. Only on site teachers, on site school administrators
26 or on site school staff shall record student hours and performances, grade examinations and determine completion
27 and record credit of live model and mannequin performances.

28 (n) Minimum scores required for examinations and the successful completion of live model/mannequin
29 performances as determined through the school's evaluation plan that is approved by the Board at the time of
30 application shall be disclosed to students at the time of enrollment. Passing grades and performances cannot be
31 credited to students who fail to meet the requirements of the evaluation plan.

32 (o) Cosmetic art schools must provide to each student a copy of school policies, the Board felony policies and shall
33 retain for the permanent file a copy of the student's acknowledgement of receipt of these policies.

34 (p) The names of students with unsatisfied academic obligations shall not be submitted to the Board as graduates
35 but may be submitted as withdrawn.

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(q) Cosmetic art schools shall not report to the Board the unsatisfied financial obligations of any cosmetic art student. Cosmetic art schools shall not prevent the graduation of students who have met the Board minimum requirements and passed all school academic requirements.

(r) Records of hours must be rounded to no more than the nearest quarter hour. Cosmetic art schools shall not give or deduct hours or performances as rewards or penalties.

(s) An applicant may receive credit for instruction taken in another state if the conditions set forth in this Paragraph are met. In order to determine if the conditions have been met the applicant's record shall be certified by the state agency or department that issues licenses to practice in the cosmetic arts. If this agency or department does not maintain any student records or if the state does not give license to practice in the cosmetic arts, then the records may be certified by any state department or state agency that does maintain such records and is willing to certify their accuracy. If no state department or board will certify the accuracy of the student's records, then the Board shall review the student's records for validity on a case-by-case basis using the documentation provided by the student.

(t) Hours transferred between open North Carolina schools must be obtained by the submission of the Board transfer form mailed directly from the school in which the hours are earned with the school seal affixed, with grades for examinations and performances to the new school in which a student enrolls. Such original documentation shall be submitted to the Board with enrollment. Transfer forms shall include the following:

- (1) Student name and social security number;
- (2) School code;
- (3) Course type and total number of live model and mannequin service performances;
- (4) Enrollment date and last date of attendance;
- (5) Number of hours and minutes completed;
- (6) School owner name and signature; and
- (7) School seal.

(u) A student must pass an entrance examination given by the school to which the student is transferring for the hours to be transferred from one cosmetic art school to another.

History Note: Authority G.S. 88B-4; 88B-16;

Eff. January 1, 2012;

Amended Eff. January 1, 2014; June 1, 2013;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Amended Eff. October 1, 2019; December 1, 2016.

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21 NCAC 14T .0601 COSMETIC ART CURRICULA IS PROPOSED FOR AMENDMENT AS
FOLLOWS:

SECTION .0600 - CURRICULA

21 NCAC 14T .0601 COSMETIC ART CURRICULA

(a) The Board will establish evaluation plans for infection control, and blood exposure. Cosmetic art schools shall develop and submit to the Board a curriculum of each discipline to be taught at the school. The curriculum, once approved by the Board's standards listed in Rules .0602-.0610, of this Section shall be adhered to and lessons developed from the approved curriculum.

(b) Blood exposure and infection control evaluations must be passed with a score of 100% before a student may perform a mannequin or live model performance.

Before a student may perform a live model performance the student shall pass the respective mannequin performance evaluation plan— plan, and ~~blood exposure and disinfection procedure evaluation plan~~ submitted by the school as required in Rule .0102 of this Subchapter.

(c) Performances shall be defined as the systematic completion of the steps for safe and effective cosmetic art services to a client.

(d) All cosmetic art students shall receive training on Material Safety Data Sheets prepared by the manufacturer on all products used by the school's students in performances.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;

Eff. January 1, 2012;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Amended Eff. October 1, 2019; January 1, 2016.

21 NCAC 14T .0602 COSMETOLOGY CURRICULUM IS PROPOSED FOR AMENDMENT AS
FOLLOWS:

21 NCAC 14T .0602 COSMETOLOGY CURRICULUM

(a) To meet the approval of the Board, a cosmetologist training course shall begin with infection control and blood exposure procedures as defined in 21 NCAC 14H .0403 and .0404 and consist of 1500 hours of instruction in theory and practical performances as set forth in Paragraph (b) of this Rule as follows:

- (1) Professional image;
- (2) ~~Sanitation;~~ Infection control;
- (3) Bacteriology;
- (4) Disinfection;
- (5) First aid;
- (6) Anatomy;
- (7) ~~Electricity;~~ Electricity as is relates to cosmetic art;
- (8) ~~Chemistry;~~ Chemistry as is relates to cosmetic art;
- (9) Professional ethics;
- (10) Draping;
- (11) Shampooing;
- (12) Roller sets;
- (13) Pin curls;
- (14) Ridge curls with C shaping;
- (15) Fingerwaves;
- (16) Braids;
- (17) Artificial hair;
- (18) Up-styles;
- (19) Blowdrying;
- (20) Brush control;
- (21) Blowdrying with curling iron;
- (22) Pressing or thermal;
- (23) Hair cutting;
- (24) Partings;
- (25) Perm types and wraps;
- (26) Relaxer types and sectioning;
- (27) Color types and application sectioning;
- (28) Scalp treatments;
- (29) Manicures;
- (30) pedicures;
- (31) artificial nails; and

(32) Styles and techniques of cosmetology services including:

- (A) Arranging;
- (B) Dressing;
- (C) Curling;
- (D) Waving;
- (E) Cutting techniques and implements including razors, clippers, thinning shears, and shears;
- (F) Cleansing;
- (G) Cutting;
- (H) Singeing;
- (I) Bleaching, or coloring hair;
- (J) Esthetics;
- (K) Manicuring;
- (L) Business management; and
- (M) Salon ~~business~~-business;

(33) Board laws, regulations and website.

(b) Performances shall be defined as the systematic completion of all steps for safe and effective cosmetic art services to a client and shall include the following:

<u>Practical Performance Requirements</u>	<u>Performances</u>
Scalp and hair treatments	10
Fullhead fingerwave and style	5
Fullhead pineurl and style	5
Hair styling — sets, blowdrying, thermal press or flat iron, and artificial hair	170
Haireuts	85
Chemical reformation or permanent waving and relaxers	35
Temporary color	2
Color application — semi, demi, permanent color, and hair lightening	40
Multidimensional color — low or high lighting, cap, or bleach	25
Lash and brow color	2
Nail care — manicures and pedicures	15
Artificial nails sets which includes all four fingers and thumb	5
Facials with surface manipulations	10
Makeup application	2

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Hair removal—razor, cream, waxing, or tweezing	5
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- 1 (1) Infection Control;
- 2 (2) Blood exposure procedure;
- 3 (3) Blow drying;
- 4 (4) Hot iron;
- 5 (5) Styles that apply tension (twists, braiding, locs, or knots)
- 6 (6) Solid form cut;
- 7 (7) Elevated cut;
- 8 (8) Cut with tapered or thinning shears;
- 9 (9) Razor cut;
- 10 (10) Clipper cut;
- 11 (11) Shears over comb cut;
- 12 (12) Clippers over comb cut;
- 13 (13) Virgin darker;
- 14 (14) Virgin lightener;
- 15 (15) Retouch;
- 16 (16) Foil;
- 17 (17) Freehand painting;
- 18 (18) Relaxer virgin;
- 19 (19) Relaxer retouch;
- 20 (20) Curl reforming virgin;
- 21 (21) Curl reforming retouch;
- 22 (22) Permanent waving rod placement rectangle
- 23 (23) Permanent waving rod placement contour
- 24 (24) Permanent waving rod placement bricklay-overlap
- 25 (25) Permanent waving rod placement – spiral
- 26 (26) Basic manicure;
- 27 (27) Artificial nails
- 28 (28) Basic facial;
- 29 (29) Waxing including face and body;
- 30 (30) Hair removal with depilatory and tweezers;
- 31 (31) Hair removal with razor;
- 32 (32) Makeup application;

33 (c) Sharing of performance completions shall not be allowed.

34 (d) Credit for a performance shall be given to only one student.

35 (e) Certification of performance completions shall be required on the graduation form and application for the Board
36 examination. Graduation forms shall include the following:

- (1) Student name and social security number;
- (2) School code;
- (3) Course type completed;
- (4) Date of course completion;
- (5) Number of hours and minutes completed;
- (6) School owner name and signature; and
- (7) School seal.

(f) Before a student may perform services on a live model the student must pass both the infection control and blood exposure procedures with a score of 100% and have received both theory, mannequin, and practical instruction on the performance to be completed.

(g) Each school must develop and use performance evaluation plan for each of the Board required services listed in section b of this rule and any service offered in the school. Evaluation plans must include a minimum of infection control, tool safety, draping, and safe application. Plans must be submitted and approved by the Board prior to use or any change.

History Note: Authority G.S. 88B-4; 88B-16;

Eff. January 1, 2012;

Amended Eff. October 1, 2019; January 1, 2015; June 1, 2013; October 1, 2012;

Readopted Eff. January 1, 2016.

**21 NCAC 14T .0603 APPRENTICE COSMETOLOGY CURRICULUM IS PROPOSED FOR
AMENDMENT AS FOLLOWS:**

21 NCAC 14T .0603 APPRENTICE COSMETOLOGY CURRICULUM

(a) To meet the approval of the Board, a cosmetologist training course shall consist of 1200 hours of instruction in theory and practical performances as set forth in Paragraph (b) of this Rule as follows:

- (1) Professional image;
- (2) ~~Sanitation;~~ Infection control;
- (3) Bacteriology;
- (4) Disinfection;
- (5) First aid;
- (6) Anatomy;
- (7) ~~Electricity;~~ Electricity as is relates to cosmetic art;
- (8) ~~Chemistry;~~ Chemistry as is relates to cosmetic art;
- (9) Professional ethics;
- (10) Draping;
- (11) Shampooing;
- (12) Roller sets;
- (13) Pin curls;
- (14) Ridge curls with C shaping;
- (15) Fingerwaves;
- (16) Braids;
- (17) Artificial hair;
- (18) Up-styles;
- (19) Blowdrying;
- (20) Brush control;
- (21) Blowdrying with curling iron;
- (22) Pressing or thermal;
- (23) Hair cutting;
- (24) Partings;
- (25) Perm wraps;
- (26) Relaxer sectioning;
- (27) Color application sectioning;
- (28) Scalp treatments;
- (29) Manicures;
- (30) pedicures;
- (31) artificial nails; and
- (32) Styles and techniques of cosmetology services including:

- (A) Arranging;
- (B) Dressing;
- (C) Curling;
- (D) Waving;
- (E) Cutting techniques and implements including razors, clippers, thinning shears, and shears;
- (F) Cleansing;
- (G) Cutting;
- (H) Singeing;
- (I) Bleaching, or coloring hair;
- (J) Esthetics;
- (K) Manicuring;
- (L) Business management; and
- (M) ~~Salon business-business;~~
- (33) Board laws, regulations and website.

(b) Performances shall be defined as the systematic completion of all steps for safe and effective cosmetic art services to a client and shall include the following:

Performance Requirements	Performances
Scalp and hair treatments	4
Fullhead fingerwave and style	3
Fullhead pincurl and style	3
Hair styling sets, blowdrying, thermal press or flat iron, and artificial hair	136
Haireuts	68
Chemical reformation or permanent waving and relaxers	27
Temporary color	1
Color application semi, demi, permanent color, and hair lightening	19
Multidimensional color low or high lighting, cap, or bleach	8
Lash and brow color	1
Nail care manicures and pedicures	12
Artificial nails sets which includes all four fingers and thumb	4
Facials with surface manipulations	7
Makeup application	1

Hair removal removal – razor, cream, waxing, or tweezing	3
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- 1 (1) Infection Control;
- 2 (2) Blood exposure procedure;
- 3 (3) Blow drying;
- 4 (4) Hot iron;
- 5 (5) Styles that apply tension (twists, braiding, locs, or knots)
- 6 (6) Solid form cut;
- 7 (7) Elevated cut;
- 8 (8) Cut with tapered or thinning shears;
- 9 (9) Razor cut;
- 10 (10) Clipper cut;
- 11 (11) Shears over comb cut;
- 12 (12) Clippers over comb cut;
- 13 (13) Virgin darker;
- 14 (14) Virgin lightener;
- 15 (15) Retouch;
- 16 (16) Foil;
- 17 (17) Freehand painting;
- 18 (18) Relaxer virgin;
- 19 (19) Relaxer retouch;
- 20 (20) Curl reforming virgin;
- 21 (21) Curl reforming retouch;
- 22 (22) Permanent waving rod placement rectangle
- 23 (23) Permanent waving rod placement contour
- 24 (24) Permanent waving rod placement bricklay-overlap
- 25 (25) Permanent waving rod placement – spiral
- 26 (26) Basic manicure;
- 27 (27) Artificial nails
- 28 (28) Basic facial;
- 29 (29) Waxing including face and body;
- 30 (30) Hair removal with depilatory and tweezers;
- 31 (31) Hair removal with razor;
- 32 (32) Makeup application;

(c) Sharing of performance completions shall not be allowed.

(d) Credit for a performance shall be given to only one student.

(e) Certification of performance completions shall be required on the graduation form and application for the Board examination. Graduation forms shall include the following:

- (1) Student name and social security number;
- (2) School code;
- (3) Course type completed;
- (4) Date of course completion;
- (5) Number of hours and minutes completed;
- (6) School owner name and signature; and
- (7) School seal.

(f) Before a student may perform services on a live model the student must pass both the infection control and blood exposure procedures with a score of 100% and have received both theory, mannequin, and practical instruction on the performance to be completed.

(g) Each school must develop and use performance evaluation plan for each of the Board required services listed in section b of this rule and any service offered in the school. Evaluation plans must include a minimum of infection control, tool safety, draping, and safe application. Plans must be submitted and approved by the Board prior to use or any change.

History Note: Authority G.S. 88B-4; 88B-16;

Eff. January 1, 2012;

Amended Eff. October 1, 2019; January 1, 2015; June 1, 2013; September 1, 2012;

Readopted Eff. January 1, 2016.

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21 NCAC 14T .0604 ESTHETICS CURRICULUM IS PROPOSED FOR AMENDMENT AS
FOLLOWS:

21 NCAC 14T .0604 ESTHETICS CURRICULUM

(a) To meet the approval of the Board, an esthetician training course shall begin with infection control and blood exposure procedures as defined in 21 NCAC 14H .0403 and .0404 and consist of at least 600 hours of instruction in theory and practical performances as set forth in Paragraph (b) of this Rule as follows:

- (1) Anatomy or physiology;
- (2) Hygiene; Infection control;
- (3) Disinfection;
- (4) First aid;
- (5) Chemistry; Chemistry as is relates to esthetics;
- (6) Draping;
- (7) Facial or body treatment (cleansing, manipulations, ~~masks~~ masks, and chemical peels);
- (8) Hair removal;
- (9) Basic dermatology;
- (10) Skin care machines, electricity, and apparatus;
- (11) Aromatherapy;
- (12) Nutrition;
- (13) Make-up or color theory;
- (14) Styles and techniques of esthetics services including:
 - (A) Facials;
 - (B) Makeup application;
 - (C) Performing skin care;
 - (D) Hair removal;
 - (E) Eyelash extensions;
 - (F) Applying brow and lash color;
 - (G) Business management; and
 - (H) Professional ~~ethics~~ ethics;
- (15) Board laws, regulations and website.

(b) Performances shall be defined as the systematic completion of the steps for safe and effective cosmetic art services to a client and shall include the following:

<u>Performance Requirements</u>	<u>Performances</u>
Facials Manual (skin analysis, cleansing, surface manipulations, packs, and masks)	40
Facials Electronic (the use of electrical modalitus, including dermal	30

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lights, and electrical apparatus for facials and skin care including galvanic and faradic)	
Eyebrow arching	20
Hair removal (hard wax, soft wax, and depilatories)	30
Makeup application (skin analysis, complete and corrective makeup)	30
Eyelash extensions	40
Brow and lash color	40

(1) Infection Control;

(2) Blood exposure procedure;

(3) Basic facial;

(4) Waxing including underarm, lip, eyebrow, leg and bikini;

(5) Hair removal with depilatory and tweezers;

(6) Makeup application;

(7) Facials with machines;

(8) Exfoliation

(9) Facials with LED light;

(10) Facials with high frequency (direct and indirect);

(11) Lash application;

(c) Certification of performance completions shall be required on the graduation form and Board's application for the examination.

(d) Sharing of performance completions shall not be allowed.

(e) Credit for a performance shall be given to only one student.

(f) Before a student may perform services on a live model the student must pass both the infection control and blood exposure procedures with a score of 100% and have received both theory, mannequin, and practical instruction on the performance to be completed.

(g) Each school must develop and use performance evaluation plan for each of the Board required services listed in section b of this rule and any service offered in the school. Evaluation plans must include a minimum of infection control, tool safety, draping, and safe application. Plans must be submitted and approved by the Board prior to use or any change.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;

Eff. January 1, 2012;

Amended Eff. October 1, 2019; January 1, 2015; August 1, 2014;

Readopted Eff. January 1, 2016.

21 NCAC 14T .0605 MANICURING CURRICULUM IS PROPOSED FOR AMENDMENT AS
FOLLOWS:

21 NCAC 14T .0605 MANICURING CURRICULUM

(a) To meet the approval of the Board, a manicurist training course shall begin with infection control and blood exposure procedures as defined in 21 NCAC 14H .0403 and .0404 and consist of at least 300 hours of instruction in theory and practical performances as set forth in Paragraph (b) of this Rule as follows:

- (1) Manicuring theory;
- (2) ~~Disinfection;~~ Infection control;
- (3) First aid;
- (4) Trimming;
- (5) Filing;
- (6) Shaping;
- (7) Decorating;
- (8) Arm and hand manipulation;
- (9) Sculptured and artificial ~~nails;~~ nails (application, repair, fill, and removal);
- (10) Pedicuring
- (11) Styles and techniques for the care, treatment, and decoration of the following:
 - (A) Fingernails;
 - (B) Toenails;
 - (C) Cuticles;
 - (D) Nail extensions and artificial nails;
 - (E) Electric file;
 - (G) Business management; and
 - ~~(G)(H)~~ Professional ethics; ethics; and
 - ~~(I)~~ Board laws, regulations and website.

(b) Performances shall be defined as the systematic completion of the steps for safe and effective cosmetic art services to a client and shall include the following:

<u>Performance Requirements</u>	<u>Performances</u>
Manicures including trimming, filing, shaping, decorating, and arm and hand manipulations	15
Applications or repair of sculptured or artificial nail sets including all four fingers and thumb.	20
Pedicures	10

- (1) Infection Control;

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(2) Blood exposure procedure;

(3) Basic manicure;

(4) Basic pedicure;

(5) Nail tips;

(6) Acrylic overlay (application, repair, fill, and removal);

(7) Sculptured nails (application, repair, fill, and removal);

(8) Gel overlay (application, repair, fill, and removal).

(c) Certification of performance completions shall be required on the graduation form and Board's application for the examination.

(d) Sharing of performance completions shall not be allowed.

(e) Credit for a performance shall be given to only one student.

(f) Before a student may perform services on a live model the student must pass both the infection control and blood exposure procedures with a score of 100% and have received both theory, mannequin, and practical instruction on the performance to be completed.

(g) Each school must develop and use performance evaluation plan for each of the Board required services listed in section b of this rule and any service offered in the school. Evaluation plans must include a minimum of infection control, tool safety, draping, and safe application. Plans must be submitted and approved by the Board prior to use or any change.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;

Eff. January 1, 2012;

Amended Eff. October 1, 2019; January 1, 2015; August 1, 2014;

Readopted Eff. January 1, 2016.

21 NCAC 14T .0606 NATURAL HAIR CARE CURRICULUM IS PROPOSED AS FOLLOWS:

21 NCAC 14T .0606 NATURAL HAIR CARE CURRICULUM

(a) To meet the approval of the Board, a natural hair care styling training course shall begin with infection control and blood exposure procedures as defined in 21 NCAC 14H .0403 and .0404 and consist of 300 hours of instruction in theory and practical performances as set forth in Paragraph (b) of this Rule as follows:

- (1) ~~Sanitation; Infection control;~~
- (2) Bacteriology;
- (3) ~~Disinfection; Board laws, regulations, website, and licensure scope of practice.~~
- (4) First aid;
- (5) Shampooing;
- (6) Draping;
- (7) Anatomy;
- (8) Disorders of the hair and scalp;
- (9) Client consultation;
- (10) ~~Styles and techniques of natural hair styling including:~~
 - (A) — Twisting;
 - (B) (11) Wrapping;
 - (C) (12) Extending;
 - (D) (13) Locking;
 - (E) (14) Blowdry and thermal iron;
 - (F) (15) Business management; and
 - (G) (16) Professional ethics;

(b) Performances shall be defined as the systematic completion of the steps for safe and effective cosmetic art services to a client and shall include the following:

<u>Performance Requirements</u>	<u>Performances</u>
Braids	10
Twists	10
Knots	5
Corn rows	5
Hairlocking	10
Artificial hair and decorations	10
Blow dry and thermal iron	10
Braid Removal	10

- (1) Infection Control;
- (2) Blood exposure procedure;

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- (3) Twists
- (4) Knots
- (5) Locs
- (6) 2 strand overlap
- (7) 3 strand overbraid
- (8) 3 strand underbraid
- (9) On the scalp 3 strand braid
- (10) Track and sew weft
- (11) Adding hair extensions

(c) Certification of performance completions shall be required on the graduation form and Board's application for the Board examination.

(d) Sharing of performance completions shall not be allowed unless the live model service consists of 20 or more lengths of hair.

(e) Credit for a performance shall be given to only one student unless the performance meets the requirements of paragraph d in this rule.

(f) A performance shall consist of 10 or more lengths of hair.

(g) Before a student may perform services on a live model the student must pass both the infection control and blood exposure procedures with a score of 100% and have received both theory, mannequin, and practical instruction on the performance to be completed.

(h) Each school must develop and use performance evaluation plan for each of the Board required services listed in section b of this rule and any service offered in the school. Evaluation plans must include a minimum of infection control, tool safety, draping, and safe application. Plans must be submitted and approved by the Board prior to use or any change.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16;
Eff. January 1, 2012;
Amended Eff. October 1, 2019; January 1, 2015; August 1, 2014; June 1, 2013;
Readopted Eff. January 1, 2016.*

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**21 NCAC 14T .0607 COSMETOLOGY TEACHER TRAINEE CURRICULUM IS PROPOSED FOR
AMENDMENT AS FOLLOWS:**

21 NCAC 14T .0607 COSMETOLOGY TEACHER TRAINEE CURRICULUM

(a) To meet the approval of the Board, a cosmetologist teacher training course shall consist of at least 800 hours of instruction in theory and practical application, divided as follows:

<u>Requirement Description</u>	<u>Hours</u>
Theory: observation theory, motivation, business management, student relations, teaching techniques, preparing lesson plans, facilitating student shop internship, preparing class lectures and presentations, preparing examinations, grading, and G.S. 88B and the rules of the Board	150 <u>400</u>
Practical Application: Conducting theory classes from prepared lessons, preparing and giving examinations, and giving practical demonstrations	650 <u>400</u>

(b) A minimum of 150 hours of theory is required prior to trainees being permitted to instruct in a cosmetic art classroom.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;
Eff. January 1, 2012;
Amended Eff. October, 1, 2019;
Readopted Eff. January 1, 2016.*

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**21 NCAC 14T .0608 ESTHETIC TEACHER TRAINEE CURRICULUM IS PROPOSED FOR
AMENDMENT AS FOLLOWS:**

21 NCAC 14T .0608 ESTHETIC TEACHER TRAINEE CURRICULUM

(a) To meet the approval of the Board under the standards set out in these Rules, an esthetician teacher training course shall consist of at least 650 hours of instruction in theory and practical application, divided as follows:

Requirement Description	Hours
Theory: observation theory, motivation, business management, student relations, teaching techniques, preparing lesson plans, preparing class lectures and presentations, preparing examinations, grading, and G.S. 88B and the rules of the Board	420 <u>325</u>
Practical Application: Conducting theory classes from prepared lessons, preparing and giving examinations, and giving practical demonstrations	530 <u>325</u>

(b) A minimum of 120 hours of theory is required prior to trainees being permitted to instruct in a cosmetic art classroom.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;
Eff. January 1, 2012;
Amended Eff. October 1, 2019;
Readopted Eff. January 1, 2016.*

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**21 NCAC 14T .0609 MANICURIST TEACHER TRAINEE CURRICULUM IS PROPOSED FOR
AMENDMENT AS FOLLOWS:**

21 NCAC 14T .0609 MANICURIST TEACHER TRAINEE CURRICULUM

(a) To meet the approval of the Board under the standards set out in these Rules, a manicurist teacher training course shall consist of at least 320 hours of instruction in theory and practical application, divided as follows:

Requirement Description	Hours
Theory: observation theory, motivation, business management, student relations, teaching techniques, preparing lesson plans, grading, preparing class lectures and presentations, preparing examinations, and G.S. 88B and the rules of the Board	120 <u>160</u>
Practical Application: Conducting theory classes from prepared lessons, preparing and giving examinations and giving practical demonstrations	530 <u>160</u>

(b) A minimum of 115 hours of theory is required prior to trainees being permitted to instruct in a cosmetic art classroom.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;
Eff. January 1, 2012;
Amended Eff. October 1, 2019;
Readopted Eff. January 1, 2016.*

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**21 NCAC 14T .0610 NATURAL HAIR CARE TEACHER CURRICULUM IS PROPOSED FOR
AMENDMENT AS FOLLOWS:**

21 NCAC 14T .0610 NATURAL HAIR CARE TEACHER CURRICULUM

(a) To meet the approval of the Board under the standards set out in these Rules, natural hair care teacher training course shall consist of at least 320 hours of instruction in theory and practical application, divided as follows:

Requirement Description	Hours
Theory: observation theory, motivation, business management, student relations, teaching techniques, preparing lesson plans, grading, preparing class lectures and presentations, preparing examinations, and GS 88B and the rules of the Board	115 160
Practical Application: Conducting theory classes from prepared lessons, preparing and giving examinations, and giving practical demonstrations	205 160

(b) A minimum of 115 hours of theory is required prior to trainees being permitted to instruct in a cosmetic art classroom.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;
Eff. January 1, 2012;
Amended Eff. October 1, 2019:
Readopted Eff. January 1, 2016.*

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21 NCAC 14T .0611 ONLINE INSTRUCTION IS PROPOSED FOR AMENDMENT AS FOLLOWS:

21 NCAC 14T .0611 ONLINE INSTRUCTION

(a) Cosmetic art schools shall request written approval to offer online instruction. Online instruction and course hours are not accepted by the Board for any cosmetic art discipline. discipline through a licensed cosmetic art school that demonstrates an online tracking system that can comply with paragraphs b-j of this rule.

(b) Online resources, course supplements and internet research may be used during the course of study with the supervision of a cosmetic art teacher within a cosmetic art school.

(c) The school shall determine if a student possess the skills and comprehension necessary to succeed in an online education environment and maintain in each student's record documentation of the method used to determine the student's skill and comprehension.

(d) The school shall track and record the student's hours by minute and educational achievements in the online education course(s) and shall provide electronic reports generated by the tracking system to an agent of the Board or its inspector upon request.

(e) The school shall ensure the student demonstrates participation in the online education course(s).

(f) The school shall administer a test at the mid-point and at the end of each online education course. The testing shall be done in person at the school.

(f) Online instruction shall be limited to the theory portion only and no more than 50% for teacher trainees and 30% of the total required hours for the respective cosmetic art discipline.

(g) No practical instruction shall be permitted through online education.

(h) The school shall make available to students and instructors, access to technical support for the online educational course(s) or program(s).

(i) The school shall be responsible for the quality of the courses of study and programs offered through online education and traditional methods of study.

(j) The school shall provide students and teachers with access to current reference materials that may include, but are not limited to, such formats as books, periodicals and other written matter, audio-visual equipment and materials, digital media, and online education platforms to support the educational program(s). Equipment for producing digital and paper copies of supplementary instructional materials shall be available.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;

Eff. January 1, 2012;

Amended Eff. October 1, 2019;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

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**21 NCAC 14T .0612 INSTRUCTION GUIDELINES IS PROPOSED FOR AMENDMENT AS
FOLLOWS:**

21 NCAC 14T .0612 INSTRUCTION GUIDELINES

- (a) The hours earned in the clinic department must be devoted to study and performance completions.
- (b) Work in the clinic department may be done on the public.
- (c) All work done by students on the public shall be checked by the cosmetic art teacher as the work is being performed and after the service has been completed so that the teacher may point out errors to the student in order that the errors may be corrected.
- (d) Cosmetic art students shall receive training on theory of any cosmetic art service prior to performing that service.
- (e) Theory work shall include lectures on theory subjects as well as demonstrations, questions and answers on textbooks, written examinations, and in-class practice of procedures and methods.
- (f) Cosmetic art teacher trainees must be enrolled in school to earn hours.
- (g) Cosmetic art schools shall supply each student with a copy of the North Carolina Cosmetic Art Act, Board rules, and the student handbook.
- (h) All of the work outlined in the practice department and the clinic department shall be given to the students through practical demonstrations and lectures, questions and answers on textbooks, and written exam.
- (i) A minimum of 10 percent of scheduled attendance time each week shall be spent on theory instruction, questions and answers on textbooks, and the administration of a written exam to full time students.
- (j) All papers shall be graded and returned to the students.
- (k) Cosmetic art students shall receive training and practice only in the discipline in which they are enrolled.
- (l) All live model performances on the public shall be done in the clinic department. Mannequin performances and live model performances on other students may be performed in the clinic department or in a room within the school with a station.
- (m) Textbooks shall not be used more than five years ~~after original publication date.~~ if a newer version is available.
- (n) Schools shall provide textbooks and supplementary educational materials and equipment to students.
- (o) A cosmetic art teacher may not perform clinical services on a client at the cosmetic art school.
- (p) Exams administered in a proctored exam site need not be attended by a cosmetic art teacher.

History Note: Authority G.S. 88B-4; 88B-16;

Eff. January 1, 2012;

Amended Eff. October 1, 2019; June 1, 2013; October 1, 2012;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Amended Eff. January 1, 2016.

21 NCAC 14T .0701 SCHOOL OPERATIONS/LICENSURE MAINTENANCE IS PROPOSED FOR
AMENDMENT AS FOLLOWS:

SECTION .0700 - SCHOOL LICENSURE, OPERATIONS, CLOSING AND RELOCATING SCHOOLS

21 NCAC 14T .0701 SCHOOL OPERATIONS/LICENSURE MAINTENANCE

(a) No individual shall be given credit for any hours earned in a cosmetic art school before the date the school is granted a license, before the student is enrolled, or after graduation or withdrawal of the student without a new enrollment.

(b) All Cosmetic Art schools shall submit hours of operation per cosmetic art discipline to the Board. Any changes to the hours of operation shall be submitted to the Board. A school will be considered open by the Board when cosmetic art instruction, services, or performances are provided.

(c) Students may be required to clean and disinfect work areas, reception areas, implements, and the dispensary. Students shall not be required to perform regular maintenance.

(d) All cosmetic art schools shall adhere to all Board ~~sanitation~~ Infection Control regulations located in 21 NCAC 14H ~~Sanitation~~ Infection Control.

(e) Cosmetic art schools may permit students to leave the cosmetic art school during instructional time to visit on campus libraries and other educational resource rooms such as computer labs for research and study under the supervision of a cosmetic art instructor.

(f) Cosmetic art schools shall use the following grading scale as a minimum for passing grades:

Grade A	100-90
Grade B	80-89
Grade C	70-79
Grade F (Fail)	0-69

(g) Cosmetic art schools shall not graduate any student who has not met the minimum school and Board requirements for graduation as prescribed by Rules .0602-.0610 of this Subchapter.

(h) Examinations shall be administered in all subjects of the cosmetic art curriculum.

(i) Students present at school shall be supervised by a cosmetic art teacher at all times. If a guest lecturer is leading a class, at least one cosmetic art teacher must be present in the lecture.

(j) All cosmetic art schools shall provide:

- (1) One teacher for every 25 students enrolled in the practice department;
- (2) One teacher for every 20 students during practical work on live models in the clinic department;
and
- (3) Cosmetic art teachers at a ratio of 1:25 teacher to teacher trainees; or
 - (A) one teacher and up to 25 practice cosmetic art students and 5 teacher trainees; or
 - (B) one teacher and up to 20 cosmetic art students in practice on the clinic floor and 5 teacher trainees.

(k) In theory classes, the teacher-student ratio may exceed the ratios established in this Rule.

(l) The teacher student ratios established in this Rule shall be adhered to when schools are in operation.

(m) A teacher may administer instruction to up to 10 students enrolled in practice and clinic departments at the same time. A teacher shall not administer instruction to more than 10 students enrolled in practice and clinic departments at the same time.

(n) At no time can any one teacher be simultaneously responsible for students in a theory class and students in practice on the clinic floor.

(o) In cases of change in teaching staff, the school shall notify the Board of the change in writing prior to beginning instruction. A change in teaching staff includes any substitution for the regularly scheduled teacher and any change, scheduled or otherwise, in the list of teachers last given to the Board.

(1) All courses in a cosmetic art school shall be taught by a licensed cosmetology teacher, except as follows:

(A) manicuring courses may be taught by either a licensed cosmetology teacher or a licensed manicurist teacher;

(B) natural hair care courses may be taught by either a licensed cosmetology teacher or a licensed natural hair care teacher;

(C) esthetics courses may be taught by either a licensed cosmetology teacher or a licensed esthetician teacher.

(2) A licensed cosmetologist not licensed as a cosmetology teacher may substitute for a cosmetology, esthetician, natural hair care or manicurist teacher; a licensed manicurist not licensed as a manicurist teacher may substitute for a manicurist teacher; a licensed natural hair care specialist not licensed as a natural hair care teacher may substitute for a natural hair care teacher; and a licensed esthetician not licensed as an esthetician teacher may substitute for an esthetician teacher.

(p) In no event may any cosmetic art licensee substitution last for more than 15 consecutive working days per year per teacher. If any teacher substitution is 16 consecutive days or longer, the school shall provide a new cosmetic art teacher.

(q) Enrolled students may earn a maximum of 10 hours per day per discipline of cosmetic art and a maximum of 48 hours per week per discipline. Online education can be earned in addition to the maximum daily and weekly hours. A student enrolled in more than one cosmetic art discipline may not earn hours or complete performances concurrently.

(r) The Board shall certify student hours for any North Carolina cosmetic art school that is closed. The Board shall not certify student hours between any North Carolina open cosmetic art schools. The Board shall certify student hours earned at North Carolina cosmetic art schools to other state boards and schools open outside of the state of North Carolina as set forth in Rule .0502 of this Subchapter.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16;

Eff. February 1, 2012;

Amended Eff. October 1, 2019; August 1, 2014; June 1, 2013; October 1, 2012;

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- 1 *Readopted Eff. January 1, 2016;*
- 2 *Amended Eff. December 1, 2016.*
- 3

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21 NCAC 14T .0703 EXPIRATION OF STUDENT CREDIT IS PROPOSED FOR AMENDMENT AS
FOLLOWS:

21 NCAC 14T .0703 EXPIRATION OF STUDENT CREDIT

Students and graduates who fail to file an application for the examination after graduation and within five years of
the initial enrollment shall not be credited any hours or performances previously earned.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17; 88B-19;

Eff. January 1, 2012;

Amended Eff. October 1, 2019;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
13, 2015.*