



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: [Board of Cosmetic Art Examiners](#)

2. Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.nccosmeticarts.com/uploads/forms/Rules8-2025.pdf>

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

☐ ADOPTION:

☐ AMENDMENT:

☐ REPEAL:

☐ READOPTION with substantive changes:

☒ READOPTION without substantive changes: 21 NCAC 14 A .0101, .0104, .0401-.0404; 14 B .0101-.0102, .0105, .0107, .0201, .0302, .0304-.0309, .0501-.0503, .0505-.0506, .0601, .0603, .0605, .0607-.0608; 14 C .0101, .0103, .0201, .0203-.0205, .0503, .0601, .0801-.0805, .0807-.0808, .0903-.0908; 14 D .0101, .0103-.0105, .0302-.0310; 14 G .0103, .0116; 14 H .0201, .0203-.0204, .0301-.0304, .0401-.0404, .0501-.0504; 14 I .0401; 14 N .0102-.0103, .0107, .0110-.0111, .0115; 14 P .0101-.0102, .0104-.0111, .0113, .0115-.0117; 14 R .0105; 14 T .0101-.0102, .0201, .0301-.0305, .0401-.0404, .0501-.0502, .0601-.0617, .0701-.0703, .0705-.0706, .0802-.0803, .0901

☐ REPEAL through READOPTION:

4. Proposed effective date: [01/01/2026](#)

5. Is a public hearing planned? [Yes](#)

If yes:

Date

[09/17/2025](#)

Time

[9:00am](#)

Location

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MjQ1MzY0ZTMtYzUyNS00OGFILWE2ZDYtMjJhNmQ4Njc3MDI2%40thread.v2/0?context=%7b%22Tid%22%3a%22787b7dd2-dc22-468e-824e-38787f4341d5%22%2c%22Oid%22%3a%221c33f68a-8572-4e9b-892c-17b15ac20ca0%22%7d

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:	
7. Explain Reason For Proposed Rule(s): Readoption of rules without substantive changes.	
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 email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.	
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: 121 Edinburgh South Dr Suite 209 Cary, NC 27511 Phone (optional): Fax (optional): EMail (optional):	
10. Comment Period Ends: 11/03/2025	
11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply. <div style="color: blue;">No fiscal note required</div>	
12. Rule-making Coordinator: Name: Stefanie Kuzdrall 919-736-6123 Ext. 8 skuzdrall@nccosmeticarts.com Agency contact, if any: Name: Phone: Email:	13. The Agency formally proposed the text of this rule(s) on Date: 04/12/2025

CHAPTER 14 – BOARD OF COSMETIC ART EXAMINERS

SUBCHAPTER 14A – DEPARTMENTAL RULES

SECTION .0100 – ORGANIZATION RULES

21 NCAC 14A .0101 DEFINITIONS

In addition to the definitions set forth in G.S. 88B-2, the following definitions apply in this Chapter:

- (1) "Beauty Establishment" refers to both cosmetic art schools and cosmetic art shops.
- (2) "Clean" is the removal of visible and surface debris, washing with soap and water, detergent or chemical cleaner that prepares non-porous items for disinfection and reduces the number and slows the growth of pathogens on both porous and non-porous surfaces. Cleaning does not make multi-use items safe for use.
- (3) "Cosmetology School" is any cosmetic art school that teaches cosmetic art as defined by G.S. 88B-2(5), but is not solely a manicurist or an esthetics school.
- (4) "Cosmetology Student" is a student in any cosmetic art school whose study is the full curriculum.
- (5) "Esthetician School" is any cosmetic art school that teaches only the cosmetic art of skin care.
- (6) "Esthetician Student" is a student in any cosmetic art school whose study is limited to the esthetician curriculum set forth in 21 NCAC 14T .0604.
- (7) "Licensing cycle" shall be as follows:
 - (a) for cosmetologists, the licensing cycle is a three-year period beginning on the first day of October and ending on the third following first day of October and continuing thereafter in three year intervals;
 - (b) for estheticians, natural hair care specialists and manicurists, the licensing cycle is one year in length beginning on the first day of October and ending on the next first day of October;
 - (c) for teachers, the licensing cycle is a two-year period beginning on the first day of October of an even-numbered year and ending on the next first day of October of the next even-numbered year.
- (8) "Manicurist School" is a cosmetic art school that teaches only the cosmetic art of manicuring.
- (9) "Manicurist Student" is a student in any cosmetic art school whose study is limited to the manicurist curriculum set forth in 21 NCAC 14T .0605.
- (10) "Natural hair care school" is a cosmetic art school that teaches only the cosmetic art of natural hair care.
- (11) "Natural hair care student" is a student in any cosmetic art school whose study is limited to the natural hair care curriculum set forth in 21 NCAC 14T .0606.
- (12) "Porous" is a material that has minute spaces or holes through which liquid or air may pass such as paper, foam, and wood. Porous may also be called permeable, penetrable, or cellular.

History Note: Authority G.S. 88B-2; 88B-4;
Eff. February 1, 1976;
Amended Eff. June 1, 1993; October 1, 1991; May 1, 1991; January 1, 1989;
Temporary Amendment Eff. January 1, 1999;
Amended Eff. October 1, 2012; July 1, 2010; December 1, 2008; May 1, 2005; December 1, 2004;
May 1, 2004; February 1, 2004; April 1, 2001; August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. April 1, 2023; March 1, 2022; September 1, 2018; March 1, 2018.

21 NCAC 14A .0104 ADDRESS

The address for the board is 121 Edinburgh South Drive, Suite 209, Cary, North Carolina 27511.

History Note: Authority G.S. 88-23;
Eff. February 1, 1976;
Amended Eff. January 1, 2015; August 1, 1998; December 6, 1991; January 1, 1989; April 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. September 1, 2021.

SECTION .0400 - LICENSE WAIVER FOR ARMED FORCES

21 NCAC 14A .0401 LICENSE WAIVER FOR ARMED FORCES

(a) Licensees in good standing and serving in the armed forces of the United States or the spouse of an individual in good standing and serving in the armed forces of the United States are allowed an extension on the license renewal payment and required continuing education hours as permitted G.S. 93B-15.

(b) Individuals holding current and valid licensure as determined by G.S. 93B-15.1 may apply for licensure with the Board by providing a copy of the current and valid license along with a the license application, fees and documentation of military experience or training.

History Note: Authority G.S. 93B-15; 93B-15.1;

Eff. June 1, 2010;

Amended Eff. August 1, 2014;

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

21 NCAC 14A .0402 DUPLICATE LICENSES

- (a) A licensee may request a duplicate license by submitting written application and a duplicate license fee to the Board.
- (b) All overpayments will be returned to the submitting applicant or licensee.

*History Note: Authority G.S. 88B-20;
 Eff. October 1, 2012;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.*

21 NCAC 14A .0403 ADDITIONAL SALON CHAIRS

Salon owners may request additional salon chair licensure by submitting written application and additional chair fees to the Board.

History Note: *Authority G.S. 88B-20;*

Eff. October 1, 2012;

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

21 NCAC 14A .0404 FEES

- (a) Fees and civil penalties paid by personal checks that are returned for any reason shall be treated in the same manner as though no fee had been tendered and the bank's returned check fee, not to exceed thirty-five dollars (\$35.00), shall be assessed to the account holder. All subsequent payments must be submitted via credit card, money order, or certified check.
- (b) All moneys tendered in payment of fees shall be in the exact amount required for said fees. No part of a fee submitted to the Board per G.S. 88B-20 shall be refundable.
- (c) Licenses, certifications, duplicates, inactivations, or reactivations shall not be processed until all fees and assessed civil penalties are paid in full.

*History Note: Authority G.S. 25-3-506; 88B-2; 88B-4;
Eff. September 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. September 1, 2021.*

SUBCHAPTER 14B - RULE-MAKING PROCEDURES

SECTION .0100 - PETITIONS FOR RULE-MAKING

21 NCAC 14B .0101 PETITIONS

Any person wishing to submit a petition requesting the adoption of a rule by the Board must address a petition to the chairman of the Board at the Board's address.

History Note: *Authority G.S. 150B-16;*
 Eff. February 1, 1976;
 Amended Eff. January 1, 1989; April 1, 1988;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14B .0105 GRANTING OR DENYING PETITIONS

The Board must determine, based on a study of the facts stated in the petition, whether the public interest will be better served by granting or denying the petition. The Board must consider all the contents of the submitted petitions plus any additional information deemed relevant.

History Note: Authority G.S. 150B-16;
Eff. February 1, 1976;
Amended Eff. January 1, 1989; April 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

21 NCAC 14B .0107 FINAL DECISION

Within 30 days of submission of the petition or at its next regularly scheduled meeting, whichever is later, the Board will render a final decision. If the decision is to deny the petition, the chairman of the Board will notify the petitioner in writing stating the reasons therefor. If the decision is to grant the petition, the Board will initiate a rule-making proceeding.

*History Note: Authority G.S. 150B-16;
Eff. February 1, 1976;
Amended Eff. January 1, 1989; April 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

SECTION .0200 - NOTICE

21 NCAC 14B .0201 NOTICE TO PUBLIC

Upon a determination to hold rule-making proceedings, either in response to a petition or otherwise, the Board will give 30 days notice by publication in the North Carolina Register.

*History Note: Authority G.S. 150B-12; 150B-16;
Eff. February 1, 1976;
Amended Eff. January 1, 1989; April 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 14B .0302 PROCEDURE FOR MAKING ORAL PRESENTATION AT HEARING

(a) A person desiring to make an oral presentation on a proposed rule or amendment to rule at a rule-making hearing must file a request to make a presentation with the chairman of the Board, at the Board's address, at least 15 days before the hearing. The presiding officer at the hearing may, however, waive or excuse a person's failure to give this notice for good reason.

(b) A request to make an oral presentation must contain a brief summary of the subject on which the individual desires to speak and an estimation of the length of time needed. An oral presentation may not exceed five minutes unless the presiding officer, either before or at the hearing, grants an extension of time for good reason.

(c) A person who makes an oral presentation at a rule-making hearing is encouraged to submit a written copy of the presentation to the Board either before or at the hearing.

History Note: *Authority G.S. 150B-11(1); 150B-12;*
 Eff. February 1, 1976;
 Amended Eff. January 1, 1989; April 1, 1988;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14B .0304 ACKNOWLEDGEMENT OF A REQUEST TO MAKE AN ORAL PRESENTATION

Upon receipt of a request to make an oral presentation at a rule-making hearing, the chairman must acknowledge receipt of the request and inform the person requesting time for an oral presentation of the imposition of any limitations deemed necessary to the end of a full and effective public hearing on the proposed rule or amendment.

*History Note: Authority G.S. 150B-11(1);
Eff. February 1, 1976;
Amended Eff. January 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 14B .0305 WRITTEN STATEMENT

(a) Any person may file a written statement containing data, comments, or arguments in support of or in opposition to a proposed rule or rule change. Such statements may be filed before, during, or for five days after the hearing by delivering the statement by mail or in person to the chairman of the Board, at the Board's mailing address.

(b) An extension of time for filing written statements may be granted either in the notice of the particular rule-making hearing or by the presiding officer of the hearing.

(c) All such submitted statements should clearly state the rule or proposed rule to which the comments are addressed.

History Note: Authority G.S. 150B-11(1); 150B-12;
Eff. February 1, 1976;
Amended Eff. January 1, 1989; April 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

21 NCAC 14B .0306 ACKNOWLEDGEMENT

Acknowledgement of all written comments received by the Board will be issued by the Chairman of the North Carolina State Board of Cosmetic Art Examiners.

History Note: *Authority G.S. 150B-11(1);*
 Eff. February 1, 1976;
 Amended Eff. April 1, 1988;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14B .0307 CONTROL OF HEARINGS

- (a) Purpose. The purpose of this Rule is to provide uniform procedures for the conduct of public comment hearings.
- (b) The presiding officer at the hearings shall have control of the proceedings including the following:
 - (1) extension of any time requirements,
 - (2) recognition of speakers,
 - (3) time allotment for presentations, and
 - (4) direction of the flow of discussion and the management of the hearing.
- (c) The presiding officer at all times shall take care that each person participating in the hearing is given an opportunity to present views, data and comments.
- (d) Public comment hearings shall be open to the public, and members of the public shall be entitled to testify, subject to the provisions of this Rule.
- (e) Public comment hearing shall be open to print and electronic media, subject to the following limitations by the board, or the person designated by the board to preside over the hearing, when such pooling are necessary to allow the hearing to go forward:
 - (1) Pooling of the number of media representatives when their number and equipment together with the number of members of the public present exceeds the capacity of the hearing room;
 - (2) Limitation on the placement of cameras to specific locations within the hearing room; or
 - (3) Prohibition of interviews conducted within the hearing room during the hearing.
- (f) Public comment hearings shall be presided over by the board or an individual knowledgeable in the subject area of the proposed rules who has been designated by the chairman to preside over the hearing.
- (g) The person presiding over the hearing shall:
 - (1) Call the hearing to order;
 - (2) Identify the proposed rules which are the subject matter of the hearing, and provide copies of them upon request;
 - (3) Cause a recording of the hearing to be made;
 - (4) Establish speaker time limits;
 - (5) Recognize those who wish to be heard;
 - (6) If necessary, refuse to recognize people for speaking, or revoke recognition of speakers;
 - (7) If necessary, limit the activity of the media;
 - (8) If necessary, continue or move the hearing; and
 - (9) Adjourn or continue the hearing.
- (h) The hearing shall be continued when:
 - (1) The weather is so inclement that it is reasonable to conclude that people wishing to attend the hearing are unable to do so;
 - (2) The chairman or the individual designated by the chairman to preside over the hearing is ill or unavoidably absent; or
 - (3) Continuing the hearing will facilitate greater participation by the public.
- (i) The hearing may be moved to another location when the original location is not able to accommodate the number of people who wish to attend the hearing.
- (j) The hearing shall be continued past the scheduled time or to another date when:
 - (1) The time available is not sufficient to give each person who wishes to speak a reasonable opportunity to do so; or
 - (2) The capacity of the room in which the hearing is to be held does not accommodate the number of people who wish to attend the hearing and it is not possible to move the hearing to another location.
- (k) People who wish to speak about the rules which are the subject matter of the hearing shall be asked to write on the speaker's list their full names and if they represent other persons, the identity of the persons represented.
- (l) People who wish to speak shall be asked to provide the information called for by Paragraph (k) of this Rule no later than before the last speaker on the list has finished speaking.
- (m) People whose names appear on the speaker's list shall be afforded an opportunity to speak at the hearing within the limits on public participation.
- (n) Written comments must be submitted by the deadline listed in the rule making notice.
- (o) The person presiding over the hearing shall:
 - (1) Refuse to recognize for speaking or revoke the recognition of any person who:
 - (A) Speaks or acts in an abusive or disruptive manner; or

- (B) Refuses to keep comments relevant to the proposed rules which are the subject matter of the hearing;
- (2) Limit the duration of the hearing and limit the amount of time each speaker may speak to a time which allocates approximately equal speaking time to each person shown on the speaker's list as wishing to speak; and
- (3) Limit presentations on behalf of the same organization or entity to no more than three, provided that all those representing such organization or entity may enter their names and addresses into the record as supporting the position of the organization or entity.

History Note: Authority G.S. 88B-4; 143-318.4; 150B 21.2;
Eff. February 1, 1976;
Amended Eff. April 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

21 NCAC 14B .0308 REQUEST FOR STATEMENT ON ADOPTED RULE

Any person or agency desiring a concise statement of the principal reasons for and against the adoption of a rule by the Board and the factors that led to sustaining or overruling the considerations urged for or against its adoption may submit a request in writing to the chairman of the Board at the Board's address. Such requests may be submitted either prior to the rule-making hearing or within 30 days thereafter.

History Note: *Authority G.S. 150B-11(1); 150B-12(e);*
 Eff. February 1, 1976;
 Amended Eff. January 1, 1989; April 1, 1988;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14B .0309 RECORDS

(a) A record of all rule-making proceedings will be maintained as long as the rule is in effect and for five years thereafter. This record will contain the following:

- (1) the original petition, if any;
- (2) the notice;
- (3) all written memoranda and information submitted;
- (4) a record or summary of oral presentations, if any; and
- (5) any statement of reasons for and against adoption of a rule issued by the Board.

(b) The record will be maintained in a file at the Board's address.

*History Note: Authority G.S. 150B-11(1);
Eff. February 1, 1976;
Amended Eff. January 1, 1989; April 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

SECTION .0500 - DECLARATORY RULINGS

21 NCAC 14B .0501 REQUEST FOR DECLARATORY RULING

Any person substantially affected by a statute administered or rule promulgated by the Board may request a declaratory ruling as to how the statute or rule applies to a given factual situation or whether a particular board rule is valid. All requests for declaratory rulings must be in writing and mailed to the chairman of the Board at the Board's address.

*History Note: Authority G.S. 150B-17;
Eff. February 1, 1976;
Amended Eff. January 1, 1989; April 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 14B .0502 CONTENTS OF REQUEST

All requests for a declaratory ruling must include the following information:

- (1) name and address of petitioner;
- (2) statute or rule to which the petition relates;
- (3) concise statement of the manner in which the petitioner is aggrieved, or thinks that he may be aggrieved by the rule or statute and its application to him; and
- (4) statement of whether an oral hearing is desired and if so the reasons therefor.

History Note: *Authority G.S. 150B-17;*
 Eff. February 1, 1976;
 Amended Eff. January 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14B .0503 REFUSAL TO ISSUE DECLARATORY RULING

Whenever the Board believes for good reason that the issuance of a declaratory ruling is inappropriate, it may refuse to do so. When good reason is deemed to exist, the Board will notify the petitioner of its decision in writing stating reasons for the denial of a declaratory ruling.

History Note: *Authority G.S. 150B-17;*
 Eff. February 1, 1976;
 Amended Eff. January 1, 1989; April 1, 1988;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14B .0505 PROCEDURE

A declaratory ruling procedure may consist of written statements, oral hearings or such other procedures as may be appropriate in a particular case.

History Note: *Authority G.S. 88-23; 150B-17;*

Eff. February 1, 1976;

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

21 NCAC 14B .0506 CIRCUMSTANCES

The Board may refuse to issue a declaratory ruling on the validity of a rule if:

- (1) When the Board has already made a controlling decision on substantially similar facts in a contested case;
- (2) When the facts underlying the request for a ruling were specifically considered at the time of the adoption of the rule in question; and
- (3) When the subject matter of the request is involved in pending litigation in North Carolina.

*History Note: Authority G.S. 150B-17;
Eff. February 1, 1976;
Amended Eff. January 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

SECTION .0600 - FEES

21 NCAC 14B .0601 COPYING CHARGES

The Board may charge a small fee for providing copies of its rules, Chapter 88 of the North Carolina General Statutes, and other public documents in its possession.

*History Note: Authority G.S. 12-3.1; 150B-11(1);
Eff. February 1, 1976;
Amended Eff. January 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
13, 2015.*

21 NCAC 14B .0603 POSTAGE AND HANDLING

There will be a five dollar (\$5.00) charge for postage and handling for all mailings.

*History Note: Authority G.S. 12-3.1; 150B-11(1);
Eff. December 1, 1990;
Temporary Amendment Eff. December 1, 2001;
Amended Eff. August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
13, 2015.*

21 NCAC 14B .0605 COSMETOLOGIST LICENSE FEE AND STAGGERED LICENSE RENEWAL SCHEDULE

(a) All cosmetology licenses expiring on and after October 1, 2013 shall pay the renewal fee of thirty-nine dollars (\$39.00), and complete 24 hours of continuing education as required by G.S. 88B-21 to be eligible for license renewal.

(b) Upon renewal of the license expiring October 1, 2010 the Board shall issue a new license with staggered expiration dates. Licensees shall be divided into renewal groups by first digit of license number and shall pay prorated fees for renewal as follows:

License Number (first digit in number)	Staggered Expiration Date	Fees/CE Hours Due
3, 4 or 5	October 1, 2011	\$13/0 hours
6 or 7	October 1, 2012	\$26/12 hours
0, 1, 2, 8 or 9	October 1, 2013	\$39/24 hours

History Note: Authority G.S. 88B-20; 88B-21;

Eff. August 1, 1998;

Amended Eff. August 1, 2010;

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

21 NCAC 14B .0607 WAIVERS

- (a) Individuals who wish to request a waiver of a rule shall submit to the Board a written request which includes:
- (1) The rule for which a waiver is requested;
 - (2) The reason for requesting the waiver along with supporting documents;
 - (3) Evidence of how the waiver will provide for the health and safety of the consumer or licensee; and
 - (4) The signature of applicant.
- (b) The Board shall approve a waiver request only if:
- (1) The administrative rule for which the waiver is being requested is not mandated by law; and
 - (2) The Board finds that approval of the requested waiver shall not jeopardize the health and safety of employees or the public.

*History Note: Authority G.S. 88B-4;
Eff. April 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

SUBCHAPTER 14C - CONTESTED CASES

SECTION .0100 - GENERAL RULES

21 NCAC 14C .0101 ADMINISTRATIVE HEARINGS

Whenever the Board proposes to deny, revoke, or suspend a license, permit, certificate of registration, or letter of approval issued by it, or at any other time when it deems a hearing legally required, it must give notice to the person affected of the Board's proposed action and the person's right to a hearing. The person may request a hearing by mailing or delivering to the Board a written request for a hearing. The Board will take the proposed action described in the notice unless it receives a request for a hearing prior to the date on which the Board proposes to act or the date specified in the notice. A request mailed to the Board is deemed timely if postmarked prior to the date on which the Board proposes to act or the date specified in the notice.

*History Note: Authority G.S. 150B-38(h); 150B-40;
Eff. February 1, 1976;
Amended Eff. January 1, 1989; April 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 14C .0103 PRESIDING OFFICER

If no other presiding officer has been designated by the Board, or if the designated presiding officer is unavailable or disqualifies himself, the chairman of the Board shall act as presiding officer for purposes of issuing subpoenas, ordering the production of records, responding to motions for continuances or extensions of time, controlling and ruling on issues surrounding discovery, and otherwise acting on matters arising in connection with a pending hearing and shall have all powers granted to the presiding officer under Article 3A of Chapter 150B of the North Carolina General Statutes.

History Note: *Authority G.S. 150B-38(h); 150B-40(b);*
 Eff. April 1, 1988;
 Amended Eff. January 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

SECTION .0200 - REQUEST FOR A HEARING

21 NCAC 14C .0201 REQUEST

When any person believes his rights, duties or privileges have been affected by administrative action of the Board, he may request an administrative hearing.

History Note: *Authority G.S. 150B-2; 150B-38(h);*
 Eff. February 1, 1976;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14C .0203 WRITTEN REQUEST

Following such an informal contact with the Board as set out in 21 NCAC 14C .0202, if still dissatisfied, one may file a written request for an administrative hearing with the chairman of the Board at its address.

History Note: Authority G.S. 150B-38;
Eff. February 1, 1976;
Amended Eff. January 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

21 NCAC 14C .0204 CONTENTS OF REQUEST

A written request for an administrative hearing must contain the following information:

- (1) name and address of petitioner,
- (2) a concise statement of the Board action being challenged,
- (3) a concise statement of the way in which the petitioner has been aggrieved, and
- (4) a clear and specific demand for a hearing.

History Note: *Authority G.S. 150B-38;*
 Eff. February 1, 1976;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14C .0205 ACKNOWLEDGEMENT

Requests for administrative hearings must be promptly acknowledged by the Board and, if the person making the request is a person aggrieved, a hearing must be scheduled within a reasonable amount of time.

History Note: *Authority G.S. 150B-38;*
 Eff. February 1, 1976;
 Amended Eff. January 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14C .0807 ALLOWANCE

If the Board decides to allow intervention, notification of that decision will be issued promptly to all parties including the movant. In cases of discretionary intervention such notification will include a statement of the limitations, if any, of time, subject matter, evidence or any other matters deemed necessary by the Board which are imposed upon the intervenor.

*History Note: Authority G.S. 150B-38;
Eff. February 1, 1976;
Amended Eff. January 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 14C .0808 DENIAL

If the Board decides to deny intervention, the movant must be notified promptly in writing. The notification must state the reasons for the decision and must be issued to the movant and to all parties.

*History Note: Authority G.S. 150B-28;
Eff. February 1, 1976;
Amended Eff. January 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
13, 2015.*

21 NCAC 14C .0903 BIAS OF BOARD MEMBER

If for any reason a board member determines that personal bias or other factors would keep that member from being able to hear a contested case and perform all duties concerning the hearing in an impartial manner, that member shall submit in writing to the Board his or her disqualifications and the reasons therefor.

History Note: *Authority G.S. 150B-38(h); 150B-40;*
 Eff. February 1, 1976;
 Amended Eff. January 1, 1989; April 1, 1988;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14C .0904 BIAS CLAIMED BY PARTY

If for any reason any party in a contested case believes that a board member is personally biased or otherwise unable to conduct the hearing and perform all duties in an impartial manner, the party may file with the Board a sworn notarized affidavit stating the reasons for such belief and all relevant facts.

History Note: *Authority G.S. 150B-38(8); 150B-40;*
Eff. February 1, 1976;
Amended Eff. April 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

21 NCAC 14C .0906 FILING AFFIDAVIT

An affidavit of disqualification will be considered timely if filed at least ten days prior to the scheduled hearing date. Any other affidavit may be found timely provided it is filed at the first opportunity after the party becomes aware of facts which give rise to a reasonable belief that any board member may be disqualified.

History Note: *Authority G.S. 150B-38(h); 150B-40;*
 Eff. February 1, 1976;
 Amended Eff. April 1, 1988;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14C .0907 DISQUALIFICATION

The remainder of the members of the board shall decide whether to disqualify the person being challenged by the following procedural rules:

- (1) The person whose disqualification is to be determined will not participate in the decision but may be called upon to furnish information to the remaining members of the Board conducting the hearing.
- (2) The Board shall appoint a member of the Board or the executive secretary or any other appropriate person to investigate the allegations of the affidavit, if necessary and report his or her findings or recommendations.
- (3) The Board shall decide whether to disqualify the challenged individual on the basis of all relevant and appropriate information available to it.

History Note: *Authority G.S. 150B-38(h); 150B-40;*
Eff. February 1, 1976;
Amended Eff. January 1, 1989; April 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

21 NCAC 14C .0908 NEW HEARING

When a board member is disqualified after the hearing has begun, a new hearing must be initiated upon request if any party would be prejudiced by the denial of the request.

History Note: *Authority G.S. 150B-38(h); 150B-40;*
 Eff. February 1, 1976;
 Amended Eff. January 1, 1989; April 1, 1988;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

SUBCHAPTER 14D - CONDUCT OF THE CONTESTED CASE

SECTION .0100 - FAILURE TO APPEAR

21 NCAC 14D .0101 PROCEEDING WITHOUT PARTY

Should a party who has been served with notice fail to appear at a scheduled hearing without having previously been granted a continuance, the Board may either proceed with the hearing in the party's absence, continue the hearing, or dismiss the proceeding.

History Note: *Authority G.S. 150B-38(h); 150B-40;*
 Eff. February 1, 1976;
 Amended Eff. January 1, 1989; April 1, 1988;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14D .0103 CONTINUANCES

A continuance will be granted to a party only in compelling circumstances. Usually only one such postponement will be allowed.

History Note: *Authority G.S. 150B-38(h); 150B-40;*
Eff. February 1, 1976;
Amended Eff. January 1, 1989; April 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
13, 2015.

21 NCAC 14D .0104 PETITION TO REOPEN

(a) If a hearing is conducted and if a decision is reached in the absence of a party, the party may petition the Board for a reopening of the case. Petitions will not be granted except when the petitioners show that the reason for failure to appear was justifiable and unavoidable and that fairness and justice require a reopening of the case.

(b) All petitions for reopening of the case shall be in writing and addressed to the chairman of the Board at its address, and shall contain the following information:

- (1) the name and address of the petitioner,
- (2) a full identification of the hearing which the petitioner is seeking to reopen, and
- (3) a detailed explanation of the reasons for the petitioner's desire to reopen the hearing.

History Note: *Authority G.S. 150B-38;*
 Eff. February 1, 1976;
 Amended Eff. January 1, 1989; April 1, 1988;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14D .0105 CRITERIA FOR REOPENING A CASE

The Board shall make a decision on whether to reopen the petitioner's case based upon the merits of the petition or other pertinent information in the Board's possession. A copy of the decision will be sent to the petitioner and made a part of the permanent record of the contested case.

History Note: *Authority G.S. 150B-38;*
 Eff. February 1, 1976;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14D .0302 ISSUANCE

Subpoenas requiring the attendance of witnesses or those to produce documents, evidence or things must be issued by the chairman of the Board or his agent within three business days of the receipt of a request from a party to a contested case.

*History Note: Authority G.S. 150B-38(h); 150B-39;
Eff. February 1, 1976;
Amended Eff. January 1, 1989; August 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 14D .0303 SERVICE OF SUBPOENAS

(a) Subpoenas may be served in any manner provided by law.

(b) Subpoenas shall be issued in duplicate with a "Return of Service" form attached to each copy. The person serving the subpoena shall fill out the "Return of Service" form for each copy and promptly return one copy of the subpoena with the attached "Return of Service" form completed to the Board.

*History Note: Authority G.S. 150B-27;
Eff. February 1, 1976;
Amended Eff. January 1, 1989; April 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 14D .0305 OBJECTIONS

Any person receiving a subpoena may object thereto by filing a written objection with the Board.

History Note: *Authority G.S. 150B-38(h); 150B-39;*

Eff. February 1, 1976;

Amended Eff. January 1, 1989; April 1, 1988;

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

21 NCAC 14D .0306 STATEMENT OF REASONS

An objection to a subpoena must include a concise but complete statement of reasons why the subpoena should be revoked or modified. These reasons may include lack of relevancy of the evidence requested, lack of particularity in the description of the evidence sought, or any other reason sufficient in law for holding the subpoena invalid, such as that the evidence is privileged or that appearance or production would be so disruptive as to be unreasonable in light of the significance of the evidence sought or would produce some other undue hardship.

*History Note: Authority G.S. 150B-38(h); 150B-39;
Eff. February 1, 1976;
Amended Eff. January 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 14D .0307 SERVICE OF OBJECTIONS

Any objections to a subpoena filed with the Board must be simultaneously served on the party requesting the subpoena.

*History Note: Authority G.S. 150B-38(h); 150B-39;
Eff. February 1, 1976;
Amended Eff. January 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 14D .0308 RESPONSES TO OBJECTIONS

The party requesting the subpoena, within 10 days, may file a written response to the objection. The response shall be served in like manner as the objection.

History Note: *Authority G.S. 150B-38(h); 150B-39;*
 Eff. February 1, 1976;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14D .0309 HEARINGS ON SUBPOENA CHALLENGES

After receipt of the objection and a response thereto, if any, the hearing board or the presiding officer shall issue a notice of hearing to the party who requested the subpoena and the party challenging it and may notify all other parties of a hearing before the Board to be scheduled within a reasonable time at which hearing evidence and testimony may be presented by all parties limited to the questions raised by the subpoena, the objection, and subsequent responses thereto.

*History Note: Authority G.S. 88-23; 150B-25; 150B-39;
Eff. February 1, 1976;
Amended Eff. April 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 14D .0310 RULINGS

Promptly after the close of any hearing on an objection to a subpoena, the Board will issue a written decision. Based on the evidence presented and the record, the Board may revoke or modify the subpoena for good cause, based on such issues as oppressiveness, relevancy, and other appropriate factors, or may overrule the objection to the subpoena. A written copy of the decision will be served on the person objecting to the subpoena and all parties to the hearing.

History Note: *Authority G.S. 150B-38(h); 150B-39;*
 Eff. February 1, 1976;
 Amended Eff. January 1, 1989; April 1, 1988;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14G .0103 SPACE REQUIREMENTS

- (a) The Cosmetic Art Board shall issue letters of approval only to cosmetic art schools that have at least 2,800 square feet of inside floor space for 20 stations or 4,200 square feet of inside floor space for 30 stations located within the same building. An additional 140 square feet of floor space is required for each station above 20 stations, up to and including a total of 30 stations. Thereafter, an additional 40 square feet is required for each station in excess of 30 stations. For purpose of this Rule, the day and night classes is counted as separate enrollments. A school may have a recitation room located in an adjacent building or another building within 500 feet of the main cosmetology building.
- (b) Each cosmetic art school must have no less than 20 hairdressing stations, arranged to accommodate not less than 20 students and arranged so that the course of study and training cosmetology, as prescribed in 21 NCAC 14J .0306, may be given. All stations must be numbered numerically.
- (c) Cosmetic art schools must have a beginner department containing sufficient space to comfortably accommodate at least 10 students and having at least 40 inches between mannequins.
- (d) The Board shall issue a letter of approval only to manicurist schools that have at least 1,000 square feet of inside floor space located within the same building.
- (e) Manicurist schools with 1,000 square feet of inside floor space shall enroll no more than 20 students at one time, and for each student enrolled in addition to 20 students, 40 square feet of inside floor space must be provided.
- (f) Manicurist schools must have 10 manicurist tables and chairs a minimum of two feet apart, side to side, arranged to comfortably accommodate ten students.
- (g) The Board shall issue a letter of approval only to esthetician schools that have at least 1,500 square feet of inside floor space located within the same building.
- (h) Esthetician schools with 1,500 square feet of inside floor space shall enroll no more than 20 students at one time, and for each student enrolled in addition to 20 students, 50 square feet of inside floor space must be provided.
- (i) The Board shall issue a letter of approval only to natural hair care schools that have at least 2000 square feet of inside floor space located within the same building.
- (j) Natural hair care schools with 2000 square feet of inside floor space shall enroll no more than 20 students at one time, and for each student enrolled in addition to 20 students, 50 square feet of inside floor space must be provided. Schools combining manicuring, esthetics and natural hair care training programs with 2000 feet of inside floor space shall enroll no more than a total of 20 students at one time and for each student enrolled in addition to 20 students, 50 square feet of inside floor space must be provided. Equipment requirements for manicuring, esthetics and natural hair care schools shall be followed.

*History Note: Authority G.S. 88B-4;
Eff. February 1, 1976;
Amended Eff. April 1, 1995; January 1, 1992; May 1, 1991; January 1, 1989; May 1, 1998;
Temporary Amendment Eff. January 1, 1999;
Amended Eff. July 1, 2010; August 1, 2002; April 1, 2001; August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 14G .0116 RE-EVALUATION OF SCHOOLS

The Board reserves the authority to re-evaluate any cosmetic art school at any time.

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

Eff. April 1, 1988;

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

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

SECTION .0200 - SHOP LICENSING AND PHYSICAL DIMENSIONS

21 NCAC 14H .0201 APPLICATION FOR SHOP LICENSE

- (a) Rules in this Subchapter apply to all cosmetic art shops making initial application to operate a cosmetic art shop.
- (b) Shops licensed prior to March 1, 2012 may choose to comply with Rules .0202, .0203(c), .0204 and .0301 of this Subchapter.
- (c) Shops licensed prior to March 1, 2012 must comply with Rules .0201, .0203(a)-(b), .0302-.0304 and Sections .0400 and .0500 of this Subchapter.
- (d) Shops licensed prior to March 1, 2012 that make any structural changes that change the physical layout or square footage must comply with all rules in this Subchapter.
- (e) Persons desiring to open a cosmetic art shop, to change ownership of a cosmetic art shop, relocate or reopen a shop shall make application to the North Carolina State Board of Cosmetic Art Examiner on the Board's application form.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-22;
Eff. April 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
13, 2015;
Amended Eff. April 1, 2023.*

21 NCAC 14H .0203 NEWLY ESTABLISHED SHOPS

- (a) All cosmetic art shops shall be separate and apart from any building or room used for any other business or purpose, separated by a solid wall of at least seven feet in height and must have a separate outside entrance.
- (b) A newly established cosmetic art shop, shall be separate and apart from any building or room used for living, dining or sleeping and shall be separate and apart from any other room used for any other purpose by a solid wall of ceiling height, making separate and apart rooms used for a cosmetic art shop. All entrances to the cosmetic art shop shall be through solid, full length doors installed in solid walls of ceiling height.
- (c) A residential cosmetic art shop shall furnish bathroom facilities separate and apart from the residence.
- (d) An entrance to a cosmetic art shop from a passageway, walkway, or mall area used only for access to the shop, or to the shop and other businesses, may be open.

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. April 1, 2023.

21 NCAC 14H .0204 DIMENSIONS WITHIN COSMETIC ART SHOPS

Within the clinic area each shop shall maintain no less than the following working distances:

- (1) 48 inches of space from the center to the center of each styling chair, esthetics table or manicuring table;
- (2) 24 inches from the center of the chair forward;
- (3) 48 inches from the backrest behind the chair to any other styling chair, esthetics table or manicuring table; and
- (4) at least 30 inches of space from the back of each styling chair, esthetics table or manicuring table to the wall of the shop.

*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.*

SECTION .0300 - COSMETIC ART SHOP AND EQUIPMENT

21 NCAC 14H .0301 WATER

Cosmetic art shops shall have a sink with hot and cold running water in the shop, separate from restrooms.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
Eff. April 1, 2012;
Amended Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. September 1, 2018; March 1, 2018.*

21 NCAC 14H .0302 VENTILATION AND LIGHT

- (a) Ventilation shall be provided at all times in the clinic areas 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.*

21 NCAC 14H .0303 BATHROOM FACILITIES

- (a) Toilet and hand washing facilities consisting of at least one commode and one hand washing sink with running water, liquid soap and individual clean towels or hand air dryer shall be accessible to each cosmetic art shop.
- (b) Shops with an initial licensure date on or after March 1, 2012 shall have toilet and hand washing facilities in the bathroom as required in Paragraph (a) of this Rule.

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. September 1, 2018; March 1, 2018.

21 NCAC 14H .0304 EQUIPMENT

Cosmetic art shops shall maintain equipment and supplies to safely perform any cosmetic art service offered in the shop.

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.

SECTION .0400 - INFECTION CONTROL PROCEDURES AND PRACTICES

21 NCAC 14H .0401 LICENSEES AND STUDENTS

- (a) For purposes of this Section, sanitation, as described in G.S. 88B, is defined as "infection control."
- (b) Notwithstanding Rule .0201 in this Subchapter, this Rule applies to licensees and students in practice in cosmetic art schools and shops.
- (c) Each licensee and student shall wash his or her hands with soap and water immediately after using the restroom. Each licensee and student shall wash his or her hands with soap and water or use of a 62 percent to 70 percent alcohol-based hand sanitizer immediately before and after serving each client and at any point that the student or licensee's hands become contaminated.
- (d) Each licensee and student shall wear clean garments and shoes while serving patrons.
- (e) Licensees or students shall not use or possess in a cosmetic art school or shop any of the following:
 - (1) Methyl Methacrylate Liquid Monomer, a.k.a. MMA;
 - (2) razor-type callus shavers, hollow needles, or blades;
 - (3) carbolic acid (phenol) over two percent strength;
 - (4) animals including insects, fish, amphibians, reptiles, birds, or non-human mammals to perform any service; or
 - (5) a variable speed electrical nail file unless it has been designed for use on a natural nail.
- (f) A licensee or student shall not:
 - (1) use any product, implement, or piece of equipment in any manner other than the product's, implement's, or equipment's intended use as described or detailed by the manufacturer;
 - (2) treat any medical condition unless referred by a physician;
 - (3) provide any service unless it falls within the license definition listed in G.S. 88B-2 and unless trained prior to performing the service;
 - (4) perform services on a client if the licensee has reason to believe the client has any of the following:
 - (A) fungus, lice, or nits;
 - (B) an inflamed, infected, broken, raised, or swollen skin or nail tissue in the area to be worked on; or
 - (C) an open wound or sore in the area to be worked on;
 - (5) alter or duplicate a license issued by the Board;
 - (6) advertise or solicit clients in any form of communication in a manner that is false or misleading. A violation of this prohibition is considered practicing or attempting to practice by fraudulent misrepresentation as set forth in 21 NCAC 14P .0108;
 - (7) cut or remove growths of skin including freckles, moles, warts, skin tags, corns, and calluses;
 - (8) use any product or device that will penetrate the dermis;
 - (9) make any statement to a member of the public, either verbally or in writing, stating or implying any action is required or forbidden by Board rules when such action is not required or forbidden by Board rules. A violation of this prohibition is considered practicing or attempting to practice by fraudulent misrepresentation as set forth in 21 NCAC 14P .0108;
 - (10) Make any statement to a member of the public either verbally or in writing, stating or implying the licensee or student has completed training, licensure, or certification that the licensee/student does not hold or has not completed or not recognized by the Board or NC General Statutes. A violation of this prohibition is considered practicing or attempting to practice by fraudulent misrepresentation as set forth in 21 NCAC 14P .0108;
 - (11) use or possess any product banned by the FDA. A list of banned products is available at www.fda.gov; or
 - (12) use or possess any machine for a cosmetic art service that is not classified by the FDA. Machines that do not require classification by the FDA are exempt from this regulation.
- (g) In using a disinfectant, the user shall wear any personal protective equipment, such as gloves, recommended by the manufacturer in the Safety Data Sheet.
- (h) Licensees may only perform services specifically designated within their licensure field as defined by G.S. 88B-2.

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

Eff. April 1, 2012;

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

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

Amended Eff. April 1, 2023; September 1, 2020; October 1, 2019; March 1, 2019; March 1, 2018.

21 NCAC 14H .0402 COSMETIC ART SHOPS AND SCHOOLS

- (a) Notwithstanding Rule .0201 in this Subchapter, this Rule applies to all cosmetic art schools and shops. A cosmetic art school or shop shall be kept clean.
- (b) Waste material shall be kept in receptacles with a disposable liner. The area surrounding the waste receptacles shall be maintained in a sanitary manner.
- (c) All doors and windows shall be kept clean.
- (d) Furniture, equipment, floors, walls, ceilings, and fixtures must be clean and in good repair.
- (e) Work surfaces used for resting dirty implements during service performances must be disinfected, before and after each service or be protected by a discardable or disinfectable barrier. Any barrier used for this purpose must be discarded, disinfected or laundered before and after each service.
- (f) Animals or birds shall not be in a cosmetic art shop or school. Fish in an enclosure and animals trained for the purpose of accompanying disabled persons are exempt from the prohibition in this Paragraph.
- (g) Cosmetic art shops and schools shall display the name of the shop or school and the suite number at the entrance by a sign or lettering.
- (h) The owner of a cosmetic art shop or school shall not post any sign that states or implies that some action is required or forbidden by Board rules when such action is not required or forbidden by Board rules. A violation of this prohibition is considered practicing or attempting to practice by fraudulent misrepresentation.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-24;
Eff. April 1, 2012;
Amended Eff. March 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. April 1, 2023.*

21 NCAC 14H .0403 DISINFECTION PROCEDURES

(a) Disinfectant, as applicable in this Subchapter, is defined as a disinfectant that is EPA registered as effective against:

- (1) bacteria including *Staphylococcus aureus*, MRSA, and *Pseudomonas aeruginosa*;
- (2) viruses including HIV, Hepatitis B and C;
- (3) fungi including *Trichophyton mentagrophytes*; and
- (4) human coronavirus.

(b) Disinfectants that meet the requirements of Subparagraph (a)(1), (2), and (3) of this Rule may be used if they are listed on EPA list N as effective against pathogen SARS-CoV-2.

(c) 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 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, container until laundered with soap and hot water and dried in a heated dryer.

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

(e) 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.

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

(g) Bathroom facilities must be kept clean.

(h) 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 disinfectant that is mixed and used according to the manufacturer's directions and manufacturer's contact time. 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.
- (3) If the implement is shears, a razor, or not immersible, it shall be cleaned by wiping it with a clean cloth moistened or sprayed with a disinfectant used in accordance with the manufacturer's directions.

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

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

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

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

(m) 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. Implements that have not been disinfected must be stored in a container and labeled as soiled.

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

(o) 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 Federal Food, Drug, and Cosmetic Act as set forth in PL 75-717.52 accessible at www.fda.gov. 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.

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

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

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. April 1, 2023; September 1, 2021; September 1, 2020; October 1, 2019; March 1, 2018.

21 NCAC 14H .0404 FIRST AID

(a) Each cosmetic art shop and school shall have individually packaged antibiotic ointment, gloves or finger guards, sterile adhesive bandages, and other necessary supplies available to provide first aid.

(b) If the skin of the licensee or student is punctured, the licensee or student shall upon knowledge of the injury do the following in this order:

- (1) wash and dry the punctured area with soap and running water and a disposable towel;
- (2) if the cut is still bleeding apply pressure over the wound with a disposable towel;
- (3) remove materials from first aid kit;
- (4) apply antibiotic ointment or a sterile adhesive bandage;
- (5) disinfect any implement or work area exposed to blood per Rule .0403 in this Section;
- (6) dispose of all contaminated supplies in the trash;
- (7) wash hands with soap and running water; and
- (8) if the injured area is on the hands, fingers, or thumb apply disposable, protective glove(s) or a finger guard.

(c) If the skin of the patron is punctured, the licensee or student shall upon knowledge of the injury do the following in this order:

- (1) wash and dry hands with soap and running water and a disposable towel and remove materials from first aid kit;
- (2) make first aid supplies available to the patron or assist the patron with:
 - (A) cleansing injured area with soap and water; and
 - (B) applying antibiotic ointment or a sterile adhesive bandage;
- (3) disinfect any implement or work area exposed to blood per Rule .0403 in this Section;
- (4) dispose of all contaminated supplies in the trash;
- (5) wash hands with soap and running water; and
- (6) put on disposable, protective gloves.

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. September 1, 2020; March 1, 2018; January 1, 2016.

SECTION .0500 - ENFORCEMENT, MAINTENANCE OF LICENSURE

21 NCAC 14H .0501 INSPECTION OF COSMETIC ART SHOPS

- (a) A newly established cosmetic art shop, or a shop which has changed ownership must file an application for licensure with the Board prior to opening. A newly established cosmetic art shop, a shop which has changed ownership or a shop which has been operating without a license shall be inspected before a license will be issued.
- (b) Each cosmetic art shop must pass inspection by an agent of the Board pursuant to this Subchapter. Inspections shall be conducted annually and may be conducted without notice.
- (c) Mobile cosmetic art shops and schools are prohibited.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-27;
Eff. April 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. April 1, 2023.*

21 NCAC 14H .0502 FAILURE TO PERMIT INSPECTION

If an inspector is twice unable to inspect a salon after making an appointment to inspect the salon the Board may initiate proceedings to revoke or suspend the salon license or may refuse to renew the shop license.

History Note: *Authority G.S. 88B-2; 88B-4; 88B-14; 88B-27;*

Eff. April 1, 2012;

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

21 NCAC 14H .0503 SANITARY RATINGS AND POSTING OF RATINGS

(a) The sanitary rating of a beauty establishment shall be based on a system of grading outlined in this Subchapter. The Board's agent or inspector shall rate all beauty establishments based on the following grading scale:

- (1) all establishments receiving a rating of at least 90 percent or more shall be awarded a grade A;
- (2) all establishments receiving a rating of at least 80 percent, and less than 90 percent, shall be awarded grade B;
- (3) all establishments receiving a rating of at least 70 percent and less than 80 percent shall be awarded grade C; and
- (4) any cosmetic art shop or school with a sanitation grade of below 70 percent shall be awarded a failed inspection notice.

(b) Every beauty establishment shall be inspected and graded by the Board's agent or inspector and given a sanitary rating. A cosmetic art school shall be graded no less than three times a year, and a cosmetic art shop shall be graded once a year.

(c) The sanitary rating or failed inspection notice given to a beauty establishment by the Board's agent or inspector shall be posted by the owner in plain sight near the front entryway at all times.

(d) All new establishments must be graded by the Board's agent or inspector and receive a rating of at least 90 percent before a license will be issued.

(e) The operation of a cosmetic art shop or school which fails to receive a sanitary rating of at least 70 percent (grade C) shall be sufficient cause for revoking or suspending the license.

(f) A re-inspection by the Board's agent or inspector for the purpose of raising the sanitary rating of a beauty establishment shall not be given within 30 days of the last inspection unless the rating at the last inspection was less than 80 percent.

(g) All cosmetic art shops and schools with a failed inspection report shall be sufficient cause for the immediate suspension of licensure. All cosmetic art shops and schools with a failed inspection report must close until the Board's agent or inspector has reinspected and the sanitation conditions have improved to be awarded a passing grade.

(h) A copy of the itemized and graded inspection report must be provided to the operator at the time of the inspection.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-26; 88B-27;

Eff. April 1, 2012;

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

Amended Eff. April 1, 2023.

21 NCAC 14H .0504 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS

The system of grading the sanitary rating of cosmetic art schools and shops based on the rules set out in this subchapter shall be as follows, setting out areas to be inspected and considered, and the maximum points given for compliance:

Sanitation	Point Value
Each licensee and student shall wash his or her hands with soap and water or hand sanitizer with the active ingredient of 70 percent alcohol or higher before and after serving each client.	2
Each licensee and student shall wear clean garments and shoes while serving patrons.	2
The cosmetic art facility shall be kept clean.	3
Waste material shall be kept in receptacles with a disposable liner.	4
All doors and windows shall be kept clean.	2
Furniture, equipment, floors, walls, ceilings and fixtures shall be clean and in good repair.	3
Clean protective capes, drapes, linens, and towels shall be used for each patron.	3
After a cape, drape, linen, or towel has been in contact with a patron's skin, it shall be placed in a clean container until laundered with soap and hot water and dried in a heated dryer.	5
Any paper or nonwoven protective drape or covering shall be discarded after one use.	2
There shall be a supply of clean protective drapes, linens and towels at all times.	2
Clean drapes, capes, linens, and towels shall be stored in a clean area.	5
Bathroom facilities shall be kept clean.	3
All implements shall be washed with warm water and a cleaning solution and scrubbed to remove debris and dried.	2
All implements shall be disinfected per Rule .0403 of this Subchapter.	10
All disinfected electrical implements shall be stored in a clean area.	2
Disposable and porous implements and supplies shall be discarded after use or upon completion of the service.	10
Any product that comes into contact with the patron shall be discarded upon completion of the service.	3
Disinfected implements shall be kept in a clean closed cabinet or clean closed container and shall not be stored with any implement or item that has not been disinfected.	10
Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.	1
The presence of animals or birds shall be prohibited as set forth in Rule .0402 of this Subchapter. Fish in an enclosure and animals trained for the purpose of accompanying disabled persons are exempt.	1
All creams, lotions, wax, cosmetics, and other products dispensed to come in contact with patron's skin shall be kept in clean, closed containers and dispensed with a clean implement. No product dispensed in portions shall be returned to the container.	10
After each patron's use each whirlpool or footspa shall be cleaned and disinfected.	10
The water in a vaporizer machine shall be emptied daily and the unit disinfected daily.	2
The area where services are performed that come in contact with the patron's skin including chairs, tables, and beds shall be disinfected between patrons.	3

History Note: *Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-26;*
Eff. April 1, 2012;
Amended Eff. August 1, 2014;
Readopted Eff. January 1, 2016;
Amended Eff. April 1, 2023; September 1, 2018.

SECTION .0400 - LICENSURE OF INDIVIDUALS WHO HAVE BEEN CONVICTED OF A FELONY

21 NCAC 14I .0401 APPLICATION/LICENSURE/INDIVIDUALS WHO HAVE BEEN CONVICTED OF FELONY

(a) Any applicant convicted of a felony or charged with a felony that is still pending may apply for Board approval. All documentation submitted shall have no effect on an individual's ability to attend a cosmetic art school, take an examination administered by the Board, or apply for a license.

(b) The applicant shall supply the following:

- (1) a statement of facts of the crime, accompanied by a certified copy of the indictment (or, in the absence of an indictment, a copy of the "information" that initiated the formal judicial process), the judgment and any commitment order for each felony for which there has been a conviction;
- (2) at least three letters attesting to the applicant's character from individuals unrelated by blood or marriage;
- (3) a summary of the applicant's personal history since conviction including, if applicable, date of release, parole or probation status, employment, and military service; and
- (4) any other information that in the opinion of the applicant would be useful or pertinent to the consideration by the Board of the applicant's request for licensure.

*History Note: Authority G.S. 88B-4; 88B-24(1);
Eff. June 1, 1995;
Amended Eff. August 1, 2014; September 1, 2010; December 1, 2008; April 1, 2001; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. March 1, 2018.*

21 NCAC 14N .0102 INITIAL APPLICATIONS AND FEES

Cosmetologist candidates having completed a minimum of 1000 hours in a cosmetology curriculum from an approved cosmetic art school are authorized to receive the written examination. All cosmetic art licensee candidates must have successfully completed the appropriate cosmetic art curriculum in an approved cosmetic art school before receiving the practical examination.

History Note: *Authority G.S. 88B-4; 88B-7(1); 88B-8(1); 88B-18; 88B-20(a);*
Eff. June 1, 1992;
Amended Eff. December 1, 2008; May 1, 2007; December 1, 2005; August 1, 2000; August 1,
1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
13, 2015.

21 NCAC 14N .0103 GENERAL EXAMINATION INSTRUCTIONS

(a) Examinations conducted by the Board shall be administered by a testing agency contracted by the Board.

(b) Once a candidate has scheduled an examination the testing company shall provide:

- (1) the date, time and place of examination;
- (2) information on how to obtain a Candidate Information Bulletin (CIB). The CIB contains the admission requirements, exam requirements and supplies needed for the examination; and
- (3) a name and telephone number for further assistance.

*History Note: Authority G.S. 88B-4; 88B-7; 88B-9; 88B-10; 88B-11; 88B-18;
Eff. June 1, 1992;
Temporary Amendment Eff. April 1, 1999; January 1, 1999;
Amended Eff. January 1, 2011; January 1, 2006; August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 14N .0107 SPECIAL ARRANGEMENTS FOR DISABLED

(a) If a candidate has a disability which will require special arrangements to take an examination, the candidate shall request such arrangements with his or her application for examination. The request for special arrangements shall be in writing and shall set out in sufficient detail what special arrangements are needed. The Board shall make reasonable accommodations for candidates requesting assistance under this Section, including any assistance required by applicable provisions of the Federal Americans with Disabilities Act.

(b) If reading assistance, or a reader is required, the application for special arrangements shall also be accompanied by a letter from the candidate's cosmetic art school which documents the assistance the candidate required during classes there. In addition, the candidate shall submit a letter from a professional qualified to diagnose and document the disability.

(c) The application, accompanied by a letter from a professional qualified to diagnose shall document the disability.

(d) The candidate shall provide any special equipment or readers. A reader shall be 18 years of age or older.

(e) A reader shall not be:

- (1) currently or formerly licensed by this state or any state, nor have received or is currently receiving any training, in any branch of cosmetic art;
- (2) a current or former owner or employee of any beauty establishment;
- (3) simultaneously a model for any candidate taking the examination.

(f) The application for permission to use a reader shall be made on a form provided by the Board.

History Note: Authority G.S. 88-10(2); 88-12(2); 88-16; 88-17; 88-21(a)(16); 88-23; 88-30(4); Eff. June 1, 1992;

Amended Eff. August 1, 1998; January 1, 1996;

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

21 NCAC 14N .0110 PASSING GRADES FOR EXAMINATION

Candidates shall make the following grades on both the practical and theory sections of the examination:

- (1) For licensure as a cosmetologist, 75 percent;
- (2) For licensure as an apprentice cosmetologist, 70 percent;
- (3) for licensure as a cosmetology teacher, 85 percent;
- (4) For licensure as a manicurist teacher, 85 percent;
- (5) For licensure as a manicurist, 75 percent;
- (6) For licensure as an esthetician, 75 percent;
- (7) For licensure as an esthetician teacher, 85 percent; and
- (8) For licensure as a natural hair care specialist, 75 percent.

History Note: *Authority G.S. 88B-4; 88B-7(2); 88B-8(2); 88B-9(2); 88B-10(2); 88B-10.1; 88B-11(b)(3); 88B-11(c)(3); 88B-11(d)(3);*
Eff. June 1, 1992;
Temporary Amendment Eff. January 1, 1999;
Amended Eff. July 1, 2010; August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

21 NCAC 14N .0111 NOTIFICATION OF EXAMINATION RESULTS

Any cosmetology student who completed a 1500-hour course and failed to make the required 75 percent on both parts of the cosmetology examination, but scored at least 70 percent on both parts, may send a written request for an apprentice cosmetologist license, along with the required fee, instead of taking the exam again. In this case, the candidate shall not be given credit toward apprentice time until the date the written request and appropriate fee are received in the office. Notice shall be sent, with the license, advising the applicant of the starting date of the apprenticeship.

*History Note: Authority G.S. 88B-10(2); 88B-12(2); 88B-16; 88B-17; 88B-21(a)(16); 88B-23; 88B-30(4);
Eff. June 1, 1992;
Amended Eff. January 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
13, 2015.*

21 NCAC 14N .0115 FULL TIME AND PART TIME EQUIVALENCY

This Rule applies to teacher candidates who have not completed a teacher training course but submit proof of practice in the cosmetic arts industry. Candidates shall be approved for cosmetology teacher exams upon providing a signed affidavit documenting a minimum of 10,400 hours in the cosmetic arts industry to be eligible for Board examination. Candidates shall be approved for manicurist upon providing a signed affidavit documenting a minimum of 4,160 hours in the cosmetic arts industry to be eligible for Board examination. Candidates shall be approved for esthetician teacher exams upon providing a signed affidavit documenting a minimum of 6,240 hours in the cosmetic art industry. Applicants shall not receive credit for more than 2,080 hours per year for full-time work or less than 1,040 per year for part-time work.

*History Note: Authority G.S. 88B-11;
Eff. June 1, 2007;
Amended Eff. July 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

SUBCHAPTER 14P – CIVIL PENALTY

SECTION .0100 – CIVIL PENALTY

21 NCAC 14P .0101 SCHEDULE OF CIVIL PENALTIES

The rules in this Subchapter establish the schedule of civil penalties required by G.S. 88B-29(c). The amounts stated are the presumptive amounts which may be modified in accordance with G.S. 88B-29(b). Those violations that are 1st offense correctable are identified with the word "warning" appended to it. If the offense is not corrected within the 30 day time allotted, the presumptive civil penalty in parenthesis shall apply.

History Note: *Authority G.S. 88B-4; 88B-29;*
 Temporary Adoption Eff. January 1, 1999;
 Eff. August 1, 2000;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14P .0102 QUALIFICATIONS FOR LICENSING TEACHERS

The presumptive civil penalty for submitting false or fraudulent documentation on the application for licensure as a teacher is:

- | | | |
|-----|--------------------|---|
| (1) | 1st offense | \$1,000 |
| (2) | subsequent offense | revocation of license and \$1,000 penalty |

*History Note: Authority G.S. 88B-4; 88B-24; 88B-29;
Temporary Adoption Eff. January 1, 1999;
Eff. August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 14P .0104 LICENSING OF COSMETIC ART SHOPS

(a) The presumptive civil penalty for operating a cosmetic art shop without first filing an application for a cosmetic art shop license:

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

(b) The presumptive civil penalty for moving or changing location or ownership of an existing cosmetic art shop without first submitting the appropriate form and fee to the Board:

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

History Note: *Authority G.S. 88B-4;*
 Temporary Adoption Eff. January 1, 1999;
 Eff. August 1, 2000;
 Amended Eff. April 1, 2001;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015.

21 NCAC 14P .0105 RENEWALS; EXPIRED LICENSES; LICENSES REQUIRED

(a) The presumptive civil penalty for operating a cosmetic art shop/school with an expired license or temporary permit is:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$250.00 |
| (3) | 3rd offense | \$500.00 |

(b) The presumptive civil penalty for practicing cosmetology, manicuring, esthetics, or natural hair care with an expired license is:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$ 50.00 |
| (2) | 2nd offense | \$100.00 |
| (3) | 3rd offense | \$250.00 |

(c) The presumptive civil penalty for allowing an apprentice or someone with a temporary permit to practice cosmetic art without direct supervision is:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$300.00 |
| (3) | 3rd offense | \$500.00 |

(d) The presumptive civil penalty for practicing in a cosmetic art shop with an apprentice license or a temporary permit without direct supervision is:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$300.00 |
| (3) | 3rd offense | \$500.00 |

(e) The presumptive civil penalty for teaching with an expired license is:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$250.00 |
| (3) | 3rd offense | \$500.00 |

(f) The presumptive civil penalty for allowing a North Carolina cosmetic art graduate without a temporary permit to practice cosmetic art without direct supervision is:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$300.00 |
| (3) | 3rd offense | \$500.00 |

(g) The presumptive civil penalty for practicing in a cosmetic art shop with as a North Carolina cosmetic art graduate without a temporary permit is:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$300.00 |
| (3) | 3rd offense | \$500.00 |

History Note: Authority G.S. 88B-4; 88B-7; 88B-11; 88B-12; 88B-14; 88B-21; 88B-22; 88B- 23(a); 88B-24; 88B-29;

Temporary Adoption Eff. January 1, 1999;

Eff. August 1, 2000;

Amended Eff. September 1, 2011; December 1, 2008; September 1, 2006; February 1, 2004;

August 1, 2002; April 1, 2001;

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

Amended Eff. April 1, 2023; December 1, 2016.

21 NCAC 14P .0106 LICENSES REQUIRED

(a) The presumptive civil penalty for practicing cosmetic art without a license is:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$200.00 |
| (2) | 2nd offense | \$250.00 |
| (3) | 3rd offense | \$500.00 |

(b) The presumptive civil penalty for performing services which the practitioner is not licensed to perform is:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$250.00 |
| (3) | 3rd offense | \$500.00 |

(c) The presumptive civil penalty for practicing cosmetic art teaching without a license is:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$250.00 |
| (2) | 2nd offense | \$350.00 |
| (3) | 3rd offense | \$500.00 |

(d) The presumptive civil penalty for allowing an individual to perform services which the practitioner is not licensed to perform is:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$250.00 |
| (3) | 3rd offense | \$500.00 |

*History Note: Authority G.S. 88B-4; 88B-29;
Temporary Adoption Eff. January 1, 1999;
Eff. August 1, 2000;
Amended Eff. April 1, 2011; July 1, 2010; December 1, 2008; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
13, 2015;
Amended Eff. April 1, 2023.*

21 NCAC 14P .0107 LICENSES TO BE POSTED

(a) The presumptive civil penalty for failure to display a current cosmetic art shop/school license is:

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

(b) The presumptive civil penalty for failure to display a current individual license is:

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

(c) The presumptive civil penalty for a school/shop for allowing practice or instruction of cosmetic art without displaying a current license is:

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

(d) The presumptive civil penalty for displaying a copied license is:

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

*History Note: Authority G.S. 88B-4; 88B-23; 88B-29;
Temporary Adoption Eff. January 1, 1999;
Eff. August 1, 2000;
Amended Eff. December 1, 2008; February 1, 2004; April 1, 2001;
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 14P .0108 REVOCATION OF LICENSES AND OTHER DISCIPLINARY MEASURES

- (a) The presumptive civil penalty for allowing unlicensed practitioners to practice in a licensed cosmetic art shop is:
- | | | |
|-----|-------------|---------------------------------------|
| (1) | 1st offense | \$500.00 per unlicensed practitioner |
| (2) | 2nd offense | \$750.00 per unlicensed practitioner |
| (3) | 3rd offense | \$1000.00 per unlicensed practitioner |
- (b) The presumptive civil penalty for practicing cosmetology, natural hair care, manicuring or esthetics with a license issued to another person is:
- | | | |
|-----|-------------|------------|
| (1) | 1st offense | \$500.00 |
| (2) | 2nd offense | \$800.00 |
| (3) | 3rd offense | \$1,000.00 |
- (c) The presumptive civil penalty for altering a license, permit or authorization issued by the Board is:
- | | | |
|-----|-------------|-----------|
| (1) | 1st offense | \$500.00 |
| (2) | 2nd offense | \$800.00 |
| (3) | 3rd offense | \$1000.00 |
- (d) The presumptive civil penalty for submitting false or fraudulent documents is:
- | | | |
|-----|-------------|------------|
| (1) | 1st offense | \$500.00 |
| (2) | 2nd offense | \$800.00 |
| (3) | 3rd offense | \$1,000.00 |
- (e) The presumptive civil penalty for refusing to present photographic identification is:
- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$250.00 |
| (3) | 3rd offense | \$500.00 |
- (f) The presumptive civil penalty for permitting an individual to practice cosmetic art with an expired license is:
- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$ 50.00 |
| (2) | 2nd offense | \$100.00 |
| (3) | 3rd offense | \$250.00 |
- (g) The presumptive civil penalty for practicing or attempting to practice by fraudulent misrepresentation is:
- | | | |
|-----|-------------|-----------|
| (1) | 1st offense | \$500.00 |
| (2) | 2nd offense | \$800.00 |
| (3) | 3rd offense | \$1000.00 |
- (h) The presumptive civil penalty for the illegal use or possession of equipment in a cosmetic art shop or school is:
- | | | |
|-----|-------------|-----------|
| (1) | 1st offense | \$300.00 |
| (2) | 2nd offense | \$500.00 |
| (3) | 3rd offense | \$1000.00 |

*History Note: Authority G.S. 88B-4; 88B-24; 88B-29;
Temporary Adoption Eff. January 1, 1999;
Eff. August 1, 2000;
Amended Eff. June 1, 2013; September 1, 2012; September 1, 2011; July 1, 2010; December 1,
2008; January 1, 2006; April 1, 2004; August 1, 2002; April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
13, 2015;
Amended Eff. April 1, 2023.*

21 NCAC 14P .0109 INSPECTIONS

The presumptive civil penalty for refusal to permit or interference with an inspection:

(1)	1st offense	\$100.00
(2)	2nd offense	\$250.00
(3)	3rd offense	\$500.00

History Note: *Authority G.S. 88B-4; 88B-27; 88B-29;*
Temporary Adoption Eff. January 1, 1999;
Eff. August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
13, 2015.

21 NCAC 14P .0110 LICENSING OF BEAUTY SALONS

(a) The presumptive civil penalty for use of a cosmetic art shop as living, dining, or sleeping quarters is:

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

(b) The presumptive civil penalty for failure to provide a separate entrance into the cosmetic art shop is:

- | | | |
|-----|-------------------------|--------------------|
| (1) | 1 st offense | warning (\$100.00) |
| (2) | 2 nd offense | \$200.00 |
| (3) | 3 rd offense | \$400.00 |

(c) The presumptive civil penalty for re-opening a cosmetic art shop which has been closed for more than 90 days without making application to the Board for a new license:

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

*History Note: Authority G.S. 88B-4; 88B-14; 88B-29;
Temporary Adoption Eff. January 1, 1999;
Eff. August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 14P .0111 ESTABLISHMENT OF COSMETIC ART SCHOOLS

(a) The presumptive civil penalty for failure to provide minimum floor space or equipment and supplies as required by Subchapter 14T is:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$200.00 |
| (2) | 2nd offense | \$350.00 |
| (3) | 3rd offense | \$500.00 |

(b) The presumptive civil penalty for failure to provide instruction at a ratio required in 21 NCAC 14T .0701 is:

- | | | |
|-----|-------------|--------------------|
| (1) | 1st offense | warning (\$100.00) |
| (2) | 2nd offense | \$250.00 |
| (3) | 3rd offense | \$500.00 |

(c) The presumptive civil penalty for failure to report a change in the teaching staff as required in 21 NCAC 14T .0701 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 submit an application for the approval of a school in the case of a change of location or ownership as required in 21 NCAC 14T .0706 is:

- | | | |
|-----|-------------|-----------|
| (1) | 1st offense | \$500.00 |
| (2) | 2nd offense | \$750.00 |
| (3) | 3rd offense | \$1000.00 |

*History Note: Authority G.S. 88B-4(2); 88B-16; 88B-29;
Temporary Adoption Eff. January 1, 1999;
Eff. August 1, 2000;
Amended Eff. September 1, 2012; July 1, 2010; February 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. April 1, 2023; December 1, 2016.*

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 such as the the ability to communicate.

(d) Continuing education courses shall be approved by the Board providing the courses meet the requirements in Paragraphs (b) and (c) of this Rule.

(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 records to the Board to support the last affirmation of records of attendance at a continuing education course given pursuant to Paragraph (a) 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 including name, address, and license number;
- (2) the license renewal fees per G.S. 88B-20 and 21 NCAC 14B .0603; 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 one hundred dollars (\$100.00).

(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. August 1, 2014; March 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.

SUBCHAPTER 14T – COSMETIC ART SCHOOLS

SECTION .0100 - SCOPE AND SCHOOL APPLICATIONS

21 NCAC 14T .0101 SCOPE AND DEFINITIONS

(a) These Rules apply to existing and new schools as follows:

- (1) Rules in this Subchapter apply to all cosmetic art schools making initial application to operate a cosmetic art school after the effective date of these Rules.
- (2) Schools with a letter of approval dated prior to the effective date of the rules in this Subchapter may choose to comply with Section .0100 and .0200, Rules .0302-.0305 of this Subchapter.
- (3) Schools with a letter of approval dated prior to the effective date of the rules in this Subchapter must comply with Rule .0301, Section .0400, Rules .0602-.0610, .0614, and .0615 of this Subchapter upon the enrollment of students after the effective date of these Rules.
- (4) Schools with a letter of approval dated prior to the effective date of the rules in this Subchapter must comply with Rules .0501, .0502, .0601, .0611-.0613, .0616, .0901 upon the effective date of the rules in this Subchapter.

(b) The following definitions apply to this Subchapter:

- (1) "Client consultation" is the review and discussion of client needs and preferences, assessment of client skin, hair, and nails, and assessment of product reactions.
- (2) "Clinic" is the area for performance of all cosmetic art services. The clinic may also be used for practice.
- (3) "Conceptual Education" consists of lectures, research, reading, online learning, videos, instructional clips, and other non-tactile forms of instruction.
- (4) "Demonstration" is when a teacher shows the hands-on systematic completion of the steps for a safe and effective cosmetic art service.
- (5) "Evaluation" is the assessment of a student's independent completion of a practice or performance evaluation plan by a teacher.
- (6) "Evaluation plan" is a document that outlines the infection control, tool safety, draping, safe application, and steps for systematic completion of a cosmetic art service.
- (7) "Guided practice" is when a teacher and student work together on systematic completion of the steps for a safe and effective cosmetic art service.
- (8) "Guided theory" is when a teacher lectures, instructs, and coaches the factual basis for mechanical operations performed in cosmetic art services.
- (9) "Hands-on Education" is the repeated physical completion of practice and performances, to provide students with the tactile interaction of different hair, skin, nail types and shapes for the purpose of providing experience to safe and effective cosmetic art services despite variable circumstances.
- (10) "Independent Theory" is the student study of the factual basis for mechanical operations performed in cosmetic art services.
- (11) "Online instruction" is off-site conceptual education.
- (12) "Performance" is the hands-on execution of the systematic completion of the steps for a safe and effective cosmetic art service on a live individual by a student. Performance is monitored during the execution and checked by a teacher upon completion for the purpose of pointing out errors in order that the errors may be corrected.
- (13) "Performance station" for each cosmetic art discipline consists of:
 - (A) cosmetology – hydraulic styling chair, mirror, and work space for supplies;
 - (B) manicuring – manicuring table, client chair, and student chair;
 - (C) esthetics – reclining facial treatment table with leg support and student stool, work space for supplies; and
 - (D) natural hair care - hydraulic styling chair, mirror, and work space for supplies.
- (14) "Practice" is the independent hands-on execution of the systematic completion of the steps for a safe and effective cosmetic art service on a mannequin by a student. Practice is monitored during the execution and checked by a teacher upon completion for the purpose of pointing out errors in order that the errors may be corrected.
- (15) "Practice station" is a minimum of 24 inches deep by 36 inches wide of workspace surface in an area with hot and cold running water.

- (16) Required Evaluations" are mannequin practice evaluations that must be passed prior to student performances on a live model. The list of required evaluations is specific to each discipline and established in rules 21 NCAC 14T .0602-.0606.
- (17) "Safe and effective" is the completion of the systematic steps for a cosmetic art service following infection control regulations, manufacturer's instructions, and equipment handling.
- (18) "Service" is the action of hands-on systematic steps for the safe and effective completion of a cosmetic art procedure that alters the hair, skin, or nails.
- (19) "Theory" is the factual basis for mechanical operations performed in cosmetic art services.
- (20) "Tool safety" is the factual basis for the safe handling and operation of any tool or device used in a cosmetic art service.

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. April 1, 2023.

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 or dressing room, office areas, reception areas, and restroom facilities;
- (3) Course curriculum and required evaluation plans for each cosmetic art discipline and teacher trainee program to be taught in the school;
- (4) Plans for record keeping for compliance with 21 NCAC 14T .0502;
- (5) The qualifications for passing required evaluations and techniques for grading of performances;
- (6) Handbook for students containing student policies on attendance, leave of absence policy, performance assignment, and a plan for instruction of students to achieve the required minimum hours, practice, and performances per 21 NCAC 14T .0602 through .0610 and any additional academic requirements established by the school;
- (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, mechanical code, occupancy, electrical and plumbing approval;
- (9) School operation schedule including days, hours, and observed holidays; and
- (10) Signed statement that the school owner has read and understands the Board's rules in this Subchapter.

(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.

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

History Note: Authority G.S. 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. April 1, 2023; March 1, 2022; October 1, 2019; December 1, 2016.

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 practice stations to accommodate at least 10 students.
- (2) Clinic Department – a minimum of 1200 square feet of clinic floor with performance stations 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, reclining or flat facial treatment table with leg support or manicuring table; and
 - (D) at least 30 inches of space from the back of each styling chair, reclining or flat facial treatment 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 plumbed 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 .0403 and .0404;
- (4) Theory classroom – classroom with a minimum of 300 square feet including desks and chairs for each student.
- (5) Office – administrative office with a locking door for the secure and locked facilitation of student records and files. This office shall be outfitted with a locking cabinet, electronic office equipment suitable for scanning, printing and secure document storage and 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, school personnel, and school customer use;
- (9) 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 with performance stations 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, reclining or flat facial treatment table with leg support or manicuring table; and
 - (D) at least 30 inches of space from the back of each styling chair or reclining or flat facial treatment table with leg support to the wall of the school.
- (2) Dispensary – a room or area to organize and maintain supplies, equipment for disinfection of all implements, and a plumbed sink with hot and cold running water. All cosmetic art schools shall have the required equipment to carry out disinfection procedures per 21 NCAC 14H .0403 and .0404;
- (3) Theory/practice classroom – a room or area with equipment for theory training appropriate to both practical and theory learning including practice stations and chairs.
- (4) Office – administrative office with a locking door for the secure and locked facilitation of student records and files. This office shall be outfitted with a locking cabinet, electronic office equipment suitable for scanning, printing and secure document storage and a minimum of one desk and one chair;
- (5) Reception area – a reception area for clients to wait prior to receiving services;
- (6) Break room for student use;
- (7) Restrooms for student, school personnel, and school customer use;
- (8) Locker or room for students to secure and lock personal belongings throughout the day; and
- (9) All stations as defined in Rule .0304 of this Subchapter must be numbered numerically.

- (c) Each cosmetic art school must display a sign in the reception area meeting the requirements of this Paragraph. The sign cannot be smaller than 12 inches by 18 inches, with lettering at least one and one half inches in size and must read as follows: "Cosmetic Art School Work Done Exclusively by Students."
- (d) Each of the requirements listed within this Rule must be located within the same building with the exception of the theory classroom, which may be located in an adjacent building or another building within 500 feet of the main cosmetic art building and a proctored examination center, which may be located on the school campus. Theory classrooms located in an adjacent building or another building within 500 feet of the main cosmetic art building shall not be used for student practice.
- (e) All Cosmetic Art schools must post hours of operation per cosmetic art discipline and submit this information to the Board. Any changes to the hours of operation must be posted and submitted to the Board. A school shall be considered open by the Board when cosmetic art instruction, services, or performances are provided.
- (f) Cosmetic art schools may not offer student hours, practice, or performances unless they are in compliance with Paragraph (a) or (b) of this Rule.
- (g) All cosmetic art schools must adhere to any federal, state and local government regulation or ordinance regarding fire safety codes, mechanical codes, plumbing, and electrical work.
- (h) All cosmetic art schools must maintain a ventilation system with temperature control. During school operating hours the temperature must be maintained between 60 and 85 degrees Fahrenheit.
- (i) All equipment in cosmetic art schools shall be in working order; kept in repair; and installed in such a manner as to facilitate 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 sight of the clinic floor. The bulletin board shall be used to display at all times the Board Infection Control rules in 21 NCAC 14H .0200, .0300, .0400, and .0500 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) If a 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 restrooms, separate entrances and visitor reception areas shall be maintained. If a school and another business 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. If the restroom is in a common area of the building a separate restroom need not be provided.
- (o) All schools and shops 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, chairs, and station requirements so that each student in attendance has a location within which to complete assigned tasks. Each station or desk space shall 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. April 1, 2023; March 1, 2022; September 1, 2021; October 1, 2019; January 1, 2016.

SECTION .0300 - SCHOOL EQUIPMENT AND SUPPLIES

21 NCAC 14T .0301 EQUIPMENT FOR ALL COSMETIC ART SCHOOLS

(a) All cosmetic art schools shall maintain for student use, in a dispensary, supplies for all cosmetic art services in the school. Simulated products may be used for demonstrations and practice. Simulated products may not be used for required evaluation plan assessments with the exception of sodium hydroxide relaxers.

(b) All cosmetic art schools shall maintain equipment for student use for all cosmetic art services offered and for all required evaluations in the school.

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. April 1, 2023; March 1, 2022.

21 NCAC 14T .0302 EQUIPMENT FOR COSMETOLOGY SCHOOLS

- (a) The practice department in a cosmetology school shall be equipped with the following equipment:
- (1) One shampoo bowl with hot and cold running water and chair;
 - (2) Visual aids; and
 - (3) One practice station to accommodate each student in the practice department.
- (b) The clinic department in a cosmetology school shall be equipped with the following for up to 40 students in the department:
- (1) 20 stations. Each station shall include one mirror, one electrical outlet, and one hydraulic chair;
 - (2) Four hooded floor type dryers and chairs;
 - (3) Four shampoo bowls with hot and cold running water and chairs.
 - (A) each side approach shampoo bowl shall be at least 40 inches apart, center of bowl to center of bowl;
 - (B) each free standing shampoo bowl shall be at least 31 inches apart, center of bowl to center of bowl;
 - (C) all other types of shampoo bowls shall be at least 31 inches apart, center of bowl to center of bowl;
 - (4) Two manicure tables and stools;
 - (5) One pedicure station that shall include a chair, a foot bath, and a stool; and
 - (6) One reclining or flat facial treatment table with leg support and a stool; and
 - (7) One facial vaporizer.
- (c) The clinic department in a cosmetology school shall be equipped with the following equipment if there are more than 40 enrolled advanced students:
- (1) One station for each additional two students;
 - (2) One shampoo bowl with hot and cold running water for each additional 20 students; and
 - (3) One reclining or flat facial treatment table with leg support or chair for each additional 60 students.
- (d) Cosmetology schools that also offer the disciplines of esthetics, and manicuring shall be equipped with one additional station (as defined in this section per discipline) per two students and the equipment requirements specific to the discipline.
- (e) The theory department in a cosmetology school shall be equipped with desks and chairs.

*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. April 1, 2023; January 1, 2016.*

21 NCAC 14T .0303 EQUIPMENT FOR ESTHETICS SCHOOLS

(a) The practice department in an esthetics school shall be equipped with one mannequin practice table or stand to accommodate each student in the practice department. If the practice department is separate from the clinic, in another room with a door, the practice department must also have one hand washing sink with hot and cold running water, separate from restrooms.

(b) The clinic department in an esthetics school shall be equipped with the following for up to 20 students:

- (1) Ten stations: a station shall include a reclining facial treatment table with leg support and one stool;
- (2) a waste container at each station;
- (3) One facial vaporizer;
- (4) One galvanic current apparatus;
- (5) One infra-red lamp;
- (6) One woods lamp or skin scope;
- (7) One magnifying lamp;
- (8) One hard wax hair removal system;
- (9) One soft wax system;
- (10) One pore vacuum machine;
- (11) Two stations with electrical outlet;
- (12) One exfoliation machine with brushes; and
- (13) One plumbed hand washing sink with hot and cold running water, separate from restrooms.

(c) The clinic department in an esthetics school shall be equipped with the following if there are more than 20 enrolled students:

- (1) One station for each additional two students: a station shall include one reclining facial treatment table with leg support and one stool; and
- (2) Two plumbed hand washing sinks with hot and cold running water, separate from restrooms.

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

Eff. January 1, 2012;

Amended Eff. October 1, 2012;

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

Amended Eff. April 1, 2023; January 1, 2016.

21 NCAC 14T .0304 EQUIPMENT FOR MANICURING SCHOOLS

(a) The practice department in a manicuring school shall be equipped with one mannequin practice table or stand to accommodate each student enrolled in the practice department. If the practice department is separate from the clinic, in another room with a door, the practice department must also have one hand washing sink with hot and cold running water, separate from restrooms.

(b) The clinic department in a manicuring school shall be equipped with the following for up to 20 students:

- (1) Two plumbed hand washing sinks with hot and cold running water, separate from restrooms, located in or adjacent to the clinic area;
- (2) Ten manicuring tables with two chairs per table;
- (3) Ten pedicure chairs and basins;
- (4) Two stations with electrical outlet;
- (5) A waste container at each station; and
- (6) A covered container for soiled or disposable towels located in the clinic area.

(c) The clinic department in a manicuring school shall be equipped with the following if there are more than 20 enrolled students:

- (1) One station for each additional two students, a station shall include one manicuring table and two chairs; and
- (2) Two plumbed hand washing sinks with hot and cold running water, separate from restrooms.

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

Eff. January 1, 2012;

Amended Eff. October 1, 2012;

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

Amended Eff. April 1, 2023; January 1, 2016.

21 NCAC 14T .0305 EQUIPMENT FOR NATURAL HAIR CARE STYLING SCHOOLS

- (a) The practice department in a natural hair care styling school shall be equipped with the following:
- (1) Styling equipment for the purpose of natural hair care;
 - (2) Visual aids; and
 - (3) Practice station to accommodate each student.
 - (4) If the practice department is separate from the clinic, in another room with a door, the practice department must also have one hand washing sink with hot and cold running water, separate from restrooms.
- (b) The clinic department in a natural hair care styling school shall be equipped with the following for up to 16 students:
- (1) Two shampoo bowls and chairs as follows:
 - (A) each side approach shampoo bowl shall be 40 inches apart center of bowl to center of bowl; and
 - (B) each free standing shampoo bowl shall be 31 inches apart center of bowl to center of bowl;
 - (2) Eight stations. A station shall include one mirror and one hydraulic chair;
 - (3) One station with electrical outlet;
 - (4) One hooded floor type dryer; and
 - (5) Styling equipment for the purpose of natural hair care.
- (c) The clinic department in a natural hair care styling school shall be equipped with an additional station for every two students if there are more than 16 enrolled students.

History Note: *Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*
Eff. January 1, 2012;
Amended Eff. October 1, 2012;
Readopted Eff. January 1, 2016;
Amended Eff. April 1, 2023.

SECTION .0400 - STUDENT EQUIPMENT

21 NCAC 14T .0401 COSMETOLOGY AND APPRENTICE STUDENT EQUIPMENT

Each cosmetology and apprentice cosmetology student shall be supplied with following equipment:

- (1) 12 combs;
- (2) two capes;
- (3) six brushes;
- (4) assorted clips;
- (5) hard rubber or nonflammable comb for heat protection used in thermal styling;
- (6) one electric marcel iron;
- (7) one razor and one clipper;
- (8) one thinning shears;
- (9) one shaping shears;
- (10) one mannequin with hair; and
- (11) one blow dryer.

*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. September 1, 2020.*

21 NCAC 14T .0402 ESTHETICS STUDENT EQUIPMENT

Each esthetics school shall make available to students the use of the following items while the students are in class:

- (1) Draping;
- (2) Spatulas;
- (3) Tweezers;
- (4) Make up supplies; and
- (5) One mannequin with head, neck and shoulders.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16;
Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. January 1, 2024.*

21 NCAC 14T .0403 MANICURING STUDENT EQUIPMENT

Each manicuring school shall provide each manicurist student with the following:

- (1) A manicurist bowl;
- (2) Nail brushes;
- (3) A tray for manicuring supplies;
- (4) One mannequin hand;
- (5) A manicuring kit containing proper implements for manicuring and pedicuring; and
- (6) Implements for artificial nails, nail wraps and tipping.

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.

21 NCAC 14T .0404 NATURAL HAIR CARE STYLING STUDENT EQUIPMENT

Each natural hair care school shall make available to students the use of the following items while the students are in class:

- (1) Six combs;
- (2) Six brushes;
- (3) Ten clips;
- (4) Mannequin with hair;
- (5) One electric flat iron;
- (6) One blowdryer;
- (7) One hard rubber or nonflammable comb for heat protection used in thermal styling; and
- (8) Two capes.

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

Eff. January 1, 2012;

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

Amended Eff. January 1, 2024.

SECTION .0500 - RECORD KEEPING

21 NCAC 14T .0501 SUBMISSION OF RECORDS

All cosmetic art schools shall submit to the Board the completed, original Board form as defined in Rule .0502 of this Subchapter for each student including enrollment, transfer, withdrawal and graduation. Cosmetic art student forms shall be submitted to the Board within the required time frame established in the following table.

15 Days	30 Days
Esthetics, Manicuring, Natural Hair Care and Teacher trainee forms including: enrollments, and transfers	Cosmetology forms including: enrollments, withdrawals, transfers and graduations
	Esthetics, Manicuring, Natural Hair care and Teacher trainee, withdrawal and graduation forms

History Note: Authority G.S. 88B-2; 88B-4; 88B-16;
Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. December 1, 2023.

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 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 and stored in accordance with Paragraph (i) of this Rule. The permanent file shall include a copy of:

- (1) All Board Enrollment Forms with student original signature;
- (2) Documentation of student receipt of evaluation plans, school policies, school handbook, school and student contract; the Board Infection Control rules as set forth in 21 NCAC 14H .0200, .0300, .0400, and .0500 and 21 NCAC 14I .0401, and 21 NCAC 14T .0612 and .0703.
- (3) Social security card for any individual who has a social security number or tax ID card or Department of Homeland Security ID;
- (4) Government issued photo ID and proof of date of birth;
- (5) Documentation of field trip hours, grades for all required evaluation plans with date of completion and teacher signature.
- (6) Documentation for any leave of absence over 30 days. Documentation shall include an anticipated return date and updated notes every 30 days if the return date exceeds the anticipated return date;
- (7) Transfer of hours form documenting hours earned in other schools for hours accepted by current school;
- (8) All Board Withdrawal Forms;
- (9) Internship Form; and
- (10) Graduation Form.

(b) The school shall keep onsite, records for all enrolled students:

- (1) daily attendance in school;
- (2) daily online hours;
- (3) daily field trip hours;
- (4) weekly guided theory and demonstration;
- (5) weekly subtotal of attendance in school;
- (6) weekly subtotal of online hours;
- (7) running grand total of all earned hours through the prior week; and
- (8) performances;

(c) Upon withdrawal or graduation the daily records, weekly subtotals, and grand total shall be placed in the student's permanent file.

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

(e) 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.

(f) 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 securely submit the graduation form to the Board at the Board's address set forth in Rule 14A .0104 or submit the graduation form via the Board's school documents portal at www.nccosmeticarts.com within 30 days of the student's graduation date.

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

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

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

(j) All records kept by a cosmetic art school on a student who has withdrawn or graduated must be kept in the school's locked files for future reference until the date the student is accepted for the Board examination or five

years after the date the student first enrolled in the school, whichever occurs earlier. Forms reviewed by the Board or an agent of the Board may be removed from this room.

(k) The record of all hours and performance evaluation plans must be documented in writing. Credit issued to students that cannot be verified shall be eliminated from the student record by an agent of the Board.

(l) Access to student records must be limited to agents of the Board, teachers, and administrators of the school. Electronic versions of student records must be kept secure and may only be accessed through school authorized equipment. Personal devices may not be used to access student records. Records shall not be altered offsite. Records that are altered must be altered onsite and must have documentation supporting the change attached. The format, school name, and school code on Board forms cannot be altered.

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

(n) Only teachers reported to the Board as employees of a cosmetic art school may grade evaluation plans. Only on site teachers, on site school administrators, or on site school staff shall record student hours grade examinations, and determine completion and record credit.

(o) Minimum scores required for examinations and the successful completion of practice or performances as determined through the school's evaluation plan that is approved by the Board at the time of application shall be disclosed to students at the time of enrollment. Teachers must use the evaluation plan approved by the Board to assess student competency. Passing grades and performances shall not be credited to students who fail to meet the requirements of the evaluation plan.

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

(q) 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 shall receive credit for instruction taken in another state if the applicant's record is 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 out-of-state school and submitted to the Board by the accepting NC school.

(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. Schools must submit transfer forms for any student that requests a transfer and has no outstanding financial obligations. Transfer forms shall include the following:

- (1) Student name and social security number;
- (2) School code;
- (3) Course type and required evaluations;
- (4) Enrollment date and last date of attendance;
- (5) Number of hours and minutes completed;
- (6) School owner name or on-site official and signature; and
- (7) School seal.

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

(v) Certification of completion of a curriculum established in 21 NCAC 14T .0602 through .0610 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 or on-site official name and signature; and
- (7) School seal.

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. April 1, 2023; September 1, 2021; September 1, 2020; October 1, 2019; December
 1, 2016.

SECTION .0600 - CURRICULA

21 NCAC 14T .0601 COSMETIC ART CURRICULA

- (a) 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 percent before a student may practice or execute a performance for a cosmetic art service. Before a student may execute a performance the student shall pass the respective mannequin practice evaluation plan.
- (c) All cosmetic art students shall receive training on Board laws, Board rules, website, licensure scope of practice, 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. April 1, 2023; October 1, 2019; January 1, 2016.

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 as defined in 21 NCAC 14T .0612(c).

(b) Students must pass the infection control and blood exposure procedures evaluation plan with a score of 100 percent.

(c) Each school must develop and use required evaluations for each of the Board required services listed in this Paragraph. Evaluation plans must include a minimum of infection control, tool safety, client consultation, draping, and safe application and be recorded in the student permanent file. Teachers must ensure students follow infection control, tool safety, draping, and safe application of products for all service performances. Students must receive guided theory, demonstration, guided practice, independent theory, and practice, pass the evaluation plan, prior to performing services on a live model:

- (1) Blow drying and hot iron;
- (2) Hair cut with shears, a razor and clipper;
- (3) Color application including virgin and retouch;
- (4) Relaxer application including virgin and retouch;
- (5) Permanent waving;
- (6) Basic manicure
- (7) Basic pedicure;
- (8) Basic facial including steam; and
- (9) Waxing.

(d) Each school must develop and use evaluation plans for each of the cosmetic art services listed in this Paragraph. Evaluation plans must include a minimum of infection control, tool safety, client consultation, draping, and safe application services to a client. In addition to the requirements set forth in Paragraph (a) of this Rule all students must receive guided theory, demonstration, guided practice, independent theory, and practice, and perform the following services:

- (1) Shampooing;
- (2) Roller sets;
- (3) Pin curls;
- (4) Ridge curls with C shaping;
- (5) Fingerwaves;
- (6) Artificial hair;
- (7) Up-styles;
- (8) Pressing or thermal;
- (9) Blow drying;
- (10) Hot iron;
- (11) Styles that apply tension (twists, braiding, locs, or knots);
- (12) Solid form cut;
- (13) Elevated cut;
- (14) Cut with tapered or thinning shears;
- (15) Razor cut;
- (16) Clipper cut;
- (17) Shears over comb cut;
- (18) Clippers over comb cut;
- (19) Virgin darker;
- (20) Virgin lightener;
- (21) Retouch;
- (22) Foil;
- (23) Freehand painting;
- (24) Relaxer;
- (25) Permanent waving rod placement rectangle, or contour or bricklay-overlap or spiral;
- (26) Basic manicure or pedicure;
- (27) Artificial nails;
- (28) Basic facial;
- (29) Waxing including face and body;
- (30) Hair removal with tweezers;

- (31) Hair removal with razor;
- (32) Makeup application;
- (33) Lash lift and brow lamination;
- (34) Artificial lashes; and
- (35) Lash and brow tint.

History Note: Authority G.S. 88B-4; 88B-16;
Eff. January 1, 2012;
Amended Eff. January 1, 2015; June 1, 2013; October 1, 2012;
Readopted Eff. January 1, 2016;
Amended Eff. April 1, 2023; September 1, 2020; October 1, 2019.

21 NCAC 14T .0603 APPRENTICE 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 1200 hours of instruction as defined in 21 NCAC 14T .0612(c).

(b) Students must pass the infection control and blood exposure procedures evaluation plan with a score of 100 percent.

(c) Each school must develop and use required evaluations for each of the Board required services listed in this Paragraph. Evaluation plans must include a minimum of infection control, tool safety, client consultation, draping, and safe application and be recorded in the student permanent file. Teachers must ensure students follow infection control, tool safety, draping, and safe application of products for all service performances. Students must receive guided theory, demonstration, guided practice, independent theory, and practice, pass the evaluation plan, prior to performing services on a live model:

- (1) Blow drying and hot iron;
- (2) Hair cut with shears, a razor and clipper;
- (3) Color application including virgin and retouch;
- (4) Relaxer application including virgin and retouch;
- (5) Permanent waving;
- (6) Basic manicure
- (7) Basic pedicure;
- (8) Basic facial including steam; and
- (9) Waxing.

(d) Each school must develop and use evaluation plans for each of the cosmetic art services listed in this Paragraph. Evaluation plans must include a minimum of infection control, tool safety, client consultation, draping, and safe application services to a client. In addition to the requirements set forth in Paragraph (a) of this Rule all students must receive guided theory, demonstration, guided practice, independent theory, and practice, and perform the following services:

- (1) Shampooing;
- (2) Roller sets;
- (3) Pin curls;
- (4) Ridge curls with C shaping;
- (5) Fingerwaves;
- (6) Artificial hair;
- (7) Up-styles;
- (8) Pressing or thermal;
- (9) Blow drying;
- (10) Hot iron;
- (11) Styles that apply tension (twists, braiding, locs, or knots);
- (12) Solid form cut;
- (13) Elevated cut;
- (14) Cut with tapered or thinning shears;
- (15) Razor cut;
- (16) Clipper cut;
- (17) Shears over comb cut;
- (18) Clippers over comb cut;
- (19) Virgin darker;
- (20) Virgin lightener;
- (21) Retouch;
- (22) Foil;
- (23) Freehand painting;
- (24) Relaxer;
- (25) Permanent waving rod placement rectangle, or contour or bricklay-overlap or spiral;
- (26) Basic manicure or pedicure;
- (27) Artificial nails;
- (28) Basic facial;
- (29) Waxing including face and body;
- (30) Hair removal with tweezers;

- (31) Hair removal with razor;
- (32) Makeup application;
- (33) Lash lift and brow lamination;
- (34) Artificial lashes; and
- (35) Lash and brow tint.

History Note: Authority G.S. 88B-4; 88B-16;
Eff. January 1, 2012;
Amended Eff. January 1, 2015; June 1, 2013; September 1, 2012;
Readopted Eff. January 1, 2016;
Amended Eff. April 1, 2023; September 1, 2020; October 1, 2019.

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 600 hours of instruction as defined in 21 NCAC 14T .0612(c).

(b) Students must pass the infection control and blood exposure procedures evaluation plan with a score of 100 percent.

(c) Each school must develop and use required evaluations for each of the Board required services listed in this Paragraph. Evaluation plans must include a minimum of infection control, tool safety, client consultation, draping, and safe application and be recorded in the student permanent file. Teachers must ensure students follow infection control, tool safety, draping, and safe application of products for all service performances. Students must receive guided theory, demonstration, guided practice, independent theory, and practice, pass the evaluation plan, prior to performing services on a live model:

- (1) Basic facial, including steam;
- (2) Waxing;
- (3) Lash lift and brow lamination;
- (4) Artificial lashes; and
- (5) Lash and brow tint.

(d) Each school must develop and use evaluation plans for each of the cosmetic art services listed in this Paragraph. Evaluation plans must include a minimum of infection control, tool safety, client consultation, draping, and safe application services to a client. In addition to the requirements set forth in Paragraph (a) of this Rule all students must receive guided theory, demonstration, guided practice, independent theory, and practice, and perform the following services:

- (1) Draping;
- (2) Basic facials;
- (3) Waxing including underarm, lip, eyebrow, leg and bikini;
- (4) Hair removal with depilatory and tweezers;
- (5) Makeup application;
- (6) Facials with machines including Woods lamp, magnifier, galvanic current, LED light, high frequency (direct and indirect), infrared light, vaporizer, microderm abrasion, suction, exfoliating;
- (7) Manual Exfoliation including products and devices;
- (8) Manual extraction;
- (9) artificial lashes including single eyelash extensions;
- (10) Facial or body treatment (cleansing, manipulations, masks, and chemical peels);
- (11) Aromatherapy;
- (12) Make-up application;
- (13) Lash lift and brow lamination;
- (14) Microneedling;
- (15) Dermaplaning; and
- (16) Lash and brow tint.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;
Eff. January 1, 2012;
Amended Eff. January 1, 2015; August 1, 2014;
Readopted Eff. January 1, 2016;
Amended Eff. April 1, 2023; September 1, 2020; October 1, 2019.*

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 300 hours of instruction as defined in 21 NCAC 14T .0612(c).

(b) Students must pass the infection control and blood exposure procedures evaluation plan with a score of 100 percent.

(c) Each school must develop and use required evaluations for each of the Board required services listed in this Paragraph. Evaluation plans must include a minimum of infection control, tool safety, client consultation, draping, and safe application and be recorded in the student permanent file. Teachers must ensure students follow infection control, tool safety, draping, and safe application of products for all service performances. Students must receive guided theory, demonstration, guided practice, independent theory, and practice, pass the evaluation plan, prior to performing services on a live model:

- (1) Basic manicure;
- (2) Basic pedicure with rasp;
- (3) Sculptured nails including application, fill, and removal; and
- (4) Electric file.

(d) Each school must develop and use evaluation plans for each of the cosmetic art services listed in this Paragraph. Evaluation plans must include a minimum of infection control, tool safety, client consultation, draping, and safe application services to a client. In addition to the requirements set forth in Paragraph (a) of this Rule all students must receive guided theory, demonstration, guided practice, independent theory, and practice, and perform the following services:

- (1) Basic manicure;
- (2) Basic pedicure;
- (3) Nail tips;
- (4) Acrylic overlay (application, repair, fill, and removal);
- (5) Sculptured nails (application, repair, fill, and removal);
- (6) Gel overlay (application, repair, fill, and removal);
- (7) Trimming;
- (8) Filing;
- (9) Shaping;
- (10) Decorating;
- (11) Arm and hand manipulation; and
- (12) Electric file.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;
Eff. January 1, 2012;
Amended Eff. January 1, 2015; August 1, 2014;
Readopted Eff. January 1, 2016;
Amended Eff. April 1, 2023; September 1, 2020; October 1, 2019.*

21 NCAC 14T .0606 NATURAL HAIR CARE CURRICULUM

(a) To meet the approval of the Board, a natural hair care specialist 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 as defined in 21 NCAC 14T .0612(c).

(b) Students must pass the infection control and blood exposure procedures evaluation plan with a score of 100 percent.

(c) Each school must develop and use required evaluations for each of the Board required services listed in this Paragraph. Evaluation plans must include a minimum of infection control, tool safety, client consultation, draping, and safe application and be recorded in the student permanent file. Teachers must ensure students follow infection control, tool safety, draping, and safe application of products for all service performances. Students must receive guided theory, demonstration, guided practice, independent theory, and practice, pass the evaluation plan, prior to performing services on a live model:

- (1) Three strand overbraid and underbraid;
- (2) Track and sew weft; and
- (3) Blow drying and hot iron.

(d) Each school must develop and use evaluation plans for each of the cosmetic art services listed in this Paragraph. Evaluation plans must include a minimum of infection control, tool safety, client consultation, draping, and safe application services to a client. In addition to the requirements set forth in Paragraph (a) of this Rule all students must receive guided theory, demonstration, guided practice, independent theory, and practice, and perform the following services:

- (1) Twists;
- (2) Knots;
- (3) Locs;
- (4) two strand overlap;
- (5) three strand overbraid;
- (6) three strand underbraid;
- (7) On the scalp three strand braid;
- (8) Track and sew weft;
- (9) Adding hair extensions;
- (10) Shampooing;
- (11) Draping;
- (12) Wrapping; and
- (13) Blowdry and thermal iron.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16;
Eff. January 1, 2012;
Amended Eff. January 1, 2015; August 1, 2014; June 1, 2013;
Readopted Eff. January 1, 2016;
Amended Eff. April 1, 2023; September 1, 2020; October 1, 2019.*

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:

Requirement Description	Hours
Guided and independent Theory: observation, motivation, 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	400
Practical Application: Conducting guided theory classes from prepared lessons, preparing and giving examinations, and giving demonstrations	400

(b) Trainees shall receive a minimum of 150 hours of guided theory prior to providing any instruction in a cosmetic art classroom.

History Note: *Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*
Eff. January 1, 2012;
Readopted Eff. January 1, 2016;
Amended Eff. April 1, 2023; October, 1, 2019.

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
Guided and independent Theory: observation, motivation, 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	325
Practical Application: Conducting guided theory classes from prepared lessons, preparing and giving examinations, and giving demonstrations	325

(b) Trainees shall receive a minimum of 120 hours of guided theory prior to providing any instruction in a cosmetic art classroom.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;
Eff. January 1, 2012;
Readopted Eff. January 1, 2016;
Amended Eff. April 1, 2023; October 1, 2019.

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
Guided and independent Theory: observation, motivation, 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	160
Practical Application: Conducting guided theory classes from prepared lessons, preparing and giving examinations, and giving demonstrations	160

(b) Trainees shall receive a minimum of 115 hours of guided theory prior to providing any instruction in a cosmetic art classroom.

History Note: *Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*
Eff. January 1, 2012;
Readopted Eff. January 1, 2016;
Amended Eff. April, 1, 2023; October 1, 2019.

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
Guided and independent Theory: observation, motivation, 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	160
Practical Application: Conducting guided theory classes from prepared lessons, preparing and giving examinations, and giving demonstrations	160

(b) Trainees shall receive a minimum of 115 hours of guided theory prior to providing any instruction in a cosmetic art classroom.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;
Eff. January 1, 2012;
Readopted Eff. January 1, 2016;
Amended Eff. April 1, 2023; October 1, 2019.

21 NCAC 14T .0611 ONLINE INSTRUCTION

- (a) Online instruction and course hours are accepted by the Board for any cosmetic art curriculum.
- (b) The school shall determine if a student possesses the skills and comprehension necessary to succeed in an online instruction environment and maintain in each student's record documentation of the method used to determine the student's skill and comprehension.
- (c) The school shall track and record the student's hours by minute and educational achievements in the online instruction and shall provide electronic reports generated by the tracking system to an agent of the Board or its inspector upon request.
- (d) The school shall document the student demonstrates participation in the online education course(s).
- (e) Online instruction shall be limited to the independent or guided theory portion only and no more than 50 percent for teacher trainees and 30 percent of the total statutorily required hours for the respective cosmetic art discipline.
- (f) The school shall provide access to technical support for the online educational course or program to students and instructors.

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. April 1, 2023; October 1, 2019.

21 NCAC 14T .0613 UNIFORMS AND IDENTIFICATION

- (a) Each cosmetic arts school must define what constitutes a uniform for students and acceptable attire for teachers. Students and teachers shall wear the uniform or acceptable attire as defined by the school so that Board members or agents of the Board can identify by sight students and teachers.
- (b) Each school's definition of acceptable attire cannot change more than once per year.
- (c) Students must wear a name tag identifying student name, cosmetic art discipline. At no time shall a student fail to wear a name tag.
- (d) Each cosmetic art school may permit students to be out of uniform a maximum of four days per year. Notice to the Board must be submitted prior to any day uniforms will not be worn.
- (e) Teachers, guest lecturers, and substitute teachers must wear a name tag with name and position title.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;
Eff. January 1, 2012;
Amended Eff. October 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. April 1, 2023.*

21 NCAC 14T .0614 INTERNSHIPS

Schools and cosmetic art shops desiring to implement an internship program shall follow these requirements:

- (1) Schools wishing to participate in an internship program must notify the Board of intent to implement a program before credit for an internship may be granted.
- (2) Schools shall report to the Board all cosmetic art shops contracted and students selected to participate in the program.
- (3) Internships may be arranged in various time frames but shall never exceed five percent of a student's training period.
- (4) Credit for an internship shall be granted upon submission of student hours verification based on a daily attendance record. Hours must be recorded on a form approved by the school.
- (5) Students may be assigned a variety of duties, but client services are restricted. Cosmetology and natural hair care students may provide only shampoo services, manicurist students may only remove nail polish and esthetician students may only drape clients.
- (6) Students must follow all Board rules and regulations.
- (7) A licensed teacher need not be in attendance during this internship.
- (8) Students participating in the program shall not receive compensation for duties performed in the cosmetic art shop.
- (9) Prior to a student participating in an internship the student must have passed the infection control and blood exposure evaluations.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;
Eff. February 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. April 1, 2023.*

21 NCAC 14T .0615 FIELD TRIPS

(a) Cosmetic art schools shall notify the Board prior to any field trip and record the field trip hours of each student. Cosmetic art educational field trips include the following locations or activities:

- (1) cosmetic art shops;
- (2) cosmetic art conventions;
- (3) competition training;
- (4) other schools;
- (5) professional cosmetic art supply store;
- (6) college or Career Day at school;
- (7) fashion Shows;
- (8) rest homes or nursing homes;
- (9) hospitals; and
- (10) funeral homes.

(b) An instructor shall be present during the educational field trips listed in Paragraph (a) of this Rule for credit to be given to students, with a ratio of one instructor per 25 students present.

(c) The maximum number of hours a student may earn for field trips is 40 hours for cosmetology students, 20 hours for esthetician students, and 10 hours for manicurist or natural hair care students.

(d) Students may earn up to four additional hours of credit for curriculum requirements for interviews for employment at a licensed cosmetic art shop.

(e) Students may not perform any service outside of the school. Students may perform services as part of the school participation in a cosmetic art competition.

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

Eff. January 1, 2012;

Amended Eff. August 1, 2014;

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

Amended Eff. April 1, 2023; September 1, 2020.

21 NCAC 14T .0616 ADDITIONAL HOURS

(a) Notwithstanding any other rule in this Subchapter, pursuant to G.S. 88B-18(d) a cosmetologist, apprentice, esthetician, manicurist, natural hair care specialist, or teacher candidate who has failed the practical section of the examination three times, shall complete the following amounts of study at an approved cosmetic art school before an applicant may reapply:

- (1) Cosmetologist 40 hours;
- (2) Apprentice 40 hours;
- (3) Esthetician 40 hours;
- (4) Manicurist 40 hours;
- (5) Natural Hair Care Specialist 40 hours; and
- (6) Teacher:
 - (A) cosmetology 40 hours;
 - (B) esthetician 40 hours; and
 - (C) manicurist 40 hours.

(b) Schools shall evaluate students returning to complete additional hours in accordance with Paragraph (a) of this Rule and shall provide remedial assistance or training in the areas of deficiency.

(c) Additional hours as required in Paragraph (a) of this Rule may be completed as online instruction through enrollment in a licensed cosmetic art school.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17; 88B-18;

Eff. January 1, 2012;

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

Amended Eff. April 1, 2023; September 1, 2021; August 1, 2014.

21 NCAC 14T .0617 TEACHER TRAINEES

- (a) A cosmetic art teacher trainee may not perform clinical services on a client at the cosmetic art school.
- (b) A cosmetic art teacher trainee shall be supervised by a cosmetology teacher at all times when the trainee is at a cosmetic art school except as set out in Paragraph (c) of this Rule.
- (c) A manicurist, natural hair care, or esthetician teacher may supervise a cosmetic art teacher trainee with regard to manicuring, natural hair care, or esthetics.
- (d) A cosmetic art teacher trainee program may be a full time program or a part time program. A cosmetic art teacher trainee, however, shall not receive credit for more than 10 hours per day.
- (e) Teacher trainees may present lessons as long as the supervising teacher is present in the classroom.
- (f) Persons receiving teacher training in a cosmetic art school shall be furnished a teacher's manual and shall spend all of their training time under the direct supervision of a licensed cosmetic art teacher and shall not be left in charge of students or the school at any time. Direct supervision is considered as in-person interactive guidance and advising on teacher training topics by a licensed cosmetic art teacher.
- (g) Teacher trainees must be taught how to assess cosmetic art performances using evaluation plans.
- (h) Cosmetic art teacher trainees must be enrolled in school to earn hours.

History Note: *Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*
 Eff. January 1, 2012;
 Amended Eff. August 1, 2014;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
 13, 2015;
 Amended Eff. April 1, 2023; March 1, 2022.

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 shall 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 maintenance.
- (d) All cosmetic art schools shall adhere to all Board Infection Control Rules located in 21 NCAC 14H 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 for minimum passing grades:

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

- (g) Cosmetic art schools may adopt a higher grading scale.
- (h) In order to graduate, all students shall meet the minimum school and Board requirements as set forth in Rules .0602-.0610 of this Subchapter.
- (i) Written examination shall be administered in the cosmetic art curriculum.
- (j) 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.
- (k) 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) Each Cosmetic art teacher may have up to five teacher trainees, in addition to the ratios set forth in Subparagraph (k)(1) and (2) of this Rule.
- (l) In theory classes, the teacher student ratio may exceed the ratios established in this Rule. A teacher may administer instruction to up to 10 students in practice and clinic departments at the same time. A teacher shall not administer instruction to more than 10 students in practice and clinic departments at the same time.
- (m) At no time can any one teacher be simultaneously responsible for teaching students in a theory class and monitoring students in practice or on the clinic floor.
- (n) 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 an onsite licensed cosmetology teacher, and student performances completed on the clinic floor must be supervised by an onsite cosmetology teacher, except as follows:
 - (A) manicuring courses, theory, and performances shall be taught by either an onsite licensed cosmetology teacher or an onsite licensed manicurist teacher;
 - (B) natural hair care courses, theory, and performances shall be taught by either an onsite licensed cosmetology teacher or an onsite licensed natural hair care teacher;
 - (C) esthetics courses, theory, and performances shall be taught by either an onsite licensed cosmetology teacher or an onsite 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.

(o) 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.

(p) 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.

(q) 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. August 1, 2014; June 1, 2013; October 1, 2012;
Readopted Eff. January 1, 2016;
Amended Eff. April 1, 2023; March 1, 2022; October 1, 2019; December 1, 2016.

21 NCAC 14T .0702

- (a) A student who transfers from one cosmetic art discipline to another cosmetic art discipline shall not receive credit for hours received in the initial curriculum.
- (b) Up to 50 percent of all credit earned in an approved esthetician, manicurist or natural hair care teacher training program may be transferred to a cosmetology teacher training program.
- (c) A maximum of 160 hours earned in either an esthetician, natural hair care or manicurist teacher training program may be transferred between programs once.
- (d) Licensed estheticians, manicurists and natural hair care stylists may request the school to apply up to 50 percent of hours required for licensure by G.S. 88B earned toward the cosmetology curriculum.
- (e) Licensed cosmetologists may request the school apply up to 50 percent of the hours required for licensure as an esthetician, manicurist, or natural hair care specialist by G.S. 88B toward the esthetician, manicurist, or natural hair care specialist curriculum.

*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. April 1, 2023.*

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;

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

Amended Eff. October 1, 2019.

21 NCAC 14T .0705 SCHOOL PERFORMANCE REQUIREMENTS

- (a) Each cosmetic art school shall meet or exceed a program completion rate of at least 50 percent during any five year period and shall meet or exceed a student pass rate on state licensure examinations of at least 70 percent during any two year period.
- (b) The school shall allow the teachers to have the opportunity to prepare for class, evaluate students' progress in the course, counsel students individually, and participate in activities of continuing education.
- (c) Cosmetic art schools shall provide to substitutes copies of lesson plans and the performance evaluation plan for the successful grading of clinical performances.
- (d) School attendance policies shall give attendance credit for all hours attended.
- (e) If a graduate meets all the school financial and academic requirements and the Board hours and performance requirements as set forth in 21 NCAC 14T .0602-.0610 the school shall approve the student for Board examination.
- (f) Cosmetic art schools shall maintain current bond according to G.S. 88B-17 and shall submit certification of renewal or new bond prior to expiration of the bond approved by the Board.
- (g) At the time of school license renewal, each school shall submit to the Board financial records of prepaid tuition and a letter signed by an authorized representative of the school documenting the calculations made and the method of computing the amount of the bond for the preceding year. If the school did not collect prepaid tuition, the school shall submit a letter signed by an authorized representative of the school documenting that no prepaid tuition was collected.
- (h) Each school shall maintain and submit to the Board proof of bond in an amount of ten thousand dollars (\$10,000), or equivalent to prepaid tuition received during the previous year, whichever is greater.

*History Note: Authority G.S. 88B-4; 88B-16; 88B-17;
Eff. January 1, 2012;
Amended Eff. January 1, 2015; September 1, 2012;
Readopted Eff. January 1, 2016;
Amended Eff. January 1, 2016.*

21 NCAC 14T .0706 SCHOOL APPROVAL CHANGES AND SCHOOL CLOSING

- (a) If the location of a cosmetic art school changes or if there is a transfer of majority ownership of a cosmetic art school, whether by sale, lease, or otherwise, the school owner shall submit a new application for approval in accordance with Rule .0102 of this Subchapter.
- (b) License and letters of approval issued to cosmetic art schools are not transferrable, and are valid only for the location, square footage, and enrollment capacity for which issued, and to the owner to whom issued. The letter of approval shall contain the school name, school owner name, school location, date of approval, the signature of the Board members, the amount of approved square footage, and the maximum number of enrollments for which the school has been approved.
- (c) Schools intending to close must notify the Board not less than 30 days in advance.
- (d) Schools must make provisions for the long term storage of school documents as set forth in Rule .0502 of this Subchapter, and facilitate the retrieval of any school documents upon the request of a student or the Board. Schools shall notify the Board of the contact information for retrieval of any school information.
- (e) Schools must facilitate and cooperate in the final inspection and processing of student hours.
- (f) If the square footage or instructional layout of a cosmetic art school changes, the school shall notify the Board of the change and submit a diagram of the new instructional layout. Following receipt of the notification of the change in the instructional layout or square footage, a Board inspector shall verify the change. If there is an educational change such as adding an educational program the full curriculum must be submitted to the Board for approval. Schools must verify compliance with mechanical codes when changing or moving equipment.

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. April 1, 2023; March 1, 2022; September 1, 2021.

21 NCAC 14T .0802 SCHOOL INFECTION CONTROL GRADES

Schools shall follow all Board infection control regulations. Schools shall be issued a grade at each inspection on a grade card provided by the Board.

*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. April 1, 2023.*

21 NCAC 14T .0803 SCHOOL INSPECTIONS

- (a) Schools must facilitate and cooperate by providing access to the school facility, students, and records during all school inspections.
- (b) Schools are subject to reevaluation and re-inspection at any time.
- (c) Failure to comply with the G.S. 88B and rules of the Board is cause to revoke or suspend the school's license/letter of approval.
- (d) In addition to such other reports as may be required by the Board, cosmetic art schools shall report to the Board or its authorized agent, upon inspection of the cosmetic art school and at other times upon specific request, the names of all students currently enrolled and the hours and evaluation plans completed by each.
- (e) The owner of the cosmetic art school or owner's representative shall read each inspection report made of the school by an authorized agent of the Board to determine that the information on the inspection report is correct, and shall sign and retain a copy of all inspection reports.
- (f) If any part of the information on the report is incorrect, it shall be corrected by the authorized agent of the Board.
- (g) A school may submit an exception to any inspection report. Such exceptions shall be prepared and signed by the owner and submitted to the Board and shall be attached to the report.
- (h) All present student equipment and records shall be made available to inspectors during school inspection.
- (i) Cosmetic art schools must maintain copies of lesson plans and evaluation plans and make such copies available to an agent of the Board upon request.

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. April 1, 2023.

SECTION .0900 – DISCIPLINARY ACTIONS

21 NCAC 14T .0901 SCHOOL PROBATION

(a) After notice and opportunity for a hearing, the Board shall put the school on probation if the Board finds that the program fails to comply with General Statutes or these Rules. The decision shall identify all deficiencies required to be corrected for the program to come into compliance.

(b) No later than one calendar year after notification of probation, the school shall either:

- (1) Correct the deficiencies identified and come into compliance with Board requirements; or
- (2) Request an extension of time in which it shall:
 - (A) Explain the basis for its failure to correct the deficiencies within the allotted time;
 - (B) Provide a summary of the program's efforts to come into compliance within the allotted time; and
 - (C) Present a plan of action to come into compliance.

(c) After a request for an extension the Board shall extend the time to come into compliance by a single six-month period based on:

- (1) The explanation provided contains all material related to the non-compliance;
- (2) There are efforts by the school to correct the deficiencies pursuant to Paragraph (a) of this Rule to come into compliance; and
- (3) The efforts made by the school to come into compliance address each instance of non-compliance.

(d) The Board shall make site visits or require the school to submit progress reports, syllabi, evaluative tools and student records.

(e) When a program previously placed on probation fails to demonstrate compliance with General Statutes or these Rules as set forth in the Board's order, the Board shall order the school's official and the director to appear at a hearing at which time the school shall present evidence why the school's license should not be revoked.

(f) If after a probationary period and hearing in accordance with this Rule, the Board revokes the school license due to failure to comply with the applicable Rules and Statutes, the school shall work with Board inspectors and personnel for the collection of student records.

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

Eff. January 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.