

Administrative Procedures – Final Proposed Rule Filing

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

**PLEASE REMOVE ANY COVERSHEET OR FORM NOT
REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

**Administrative Rules for Barbers, Cosmetologists,
Estheticians & Nail Technicians**

_____/s/ James C. Condos_____, on 11/13/20
(signature) (date)

Printed Name and Title:

James C. Condos, Secretary of State

RECEIVED BY: _____

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

**Administrative Rules for Barbers, Cosmetologists,
Estheticians & Nail Technicians**

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

19P-035

3. ADOPTING AGENCY:

Secretary of State, Office of Professional Regulation

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Gabriel Gilman

Agency: Secretary of State, Office of Professional
Regulation

Mailing Address: 89 Main St, 3rd Floor, Montpelier, VT
05620-3402

Telephone: 802 828 - 2492 Fax: -

E-Mail: gabriel.gilman@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

[https://sos.vermont.gov/barbers-
cosmetologists/statutes-rules-resources/](https://sos.vermont.gov/barbers-cosmetologists/statutes-rules-resources/)

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Jennifer Rotblatt

Agency: Secretary of State, Office of Professional
Regulation

Mailing Address: 89 Main St, 3rd Floor, Montpelier, VT
05620-3402

Telephone: 802 828 - 2191 Fax: -

E-Mail: jennifer.rotblatt@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

26 V.S.A. § 276(a) (1) (granting rulemaking authority)

3 V.S.A. § 801(11) (making the Secretary of State the adopting authority for the Office of Professional Regulation)

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

These rules execute the responsibility of the Director of Professional Regulation, pursuant to 26 V.S.A. § 276(a) (1), to establish licensing rules, qualifications, and safety and sanitation standards relative to the practice of the cosmetology-related professions.

9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. CONCISE SUMMARY (150 WORDS OR LESS):

With Act 144 (2018), § 12, eff. Jan. 1, 2019, the General Assembly converted the regulatory model governing the cosmetology-related professions from board-based regulation to advisor-based regulation by the Director of Professional Regulation. Act 144 recalibrated educational requirement to reduce barriers to marketplace entry. Act 144 also recognized that

demand for cosmetology-related services exists outside traditional shop settings. These rules implement the Act by setting necessary qualifications and standards, and by anticipating entrepreneurial demand to provide services in unconventional settings.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

These rules are necessary to fully implement Act 144 (2018), § 12, eff. Jan. 1, 2019.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

These rules were developed substantially by the Board of Barbers & Cosmetologists prior to its legal dissolution on January 1, 2019, in broad cooperation and collaboration with stakeholders, including beauty professionals and educators. Consistent with the regulatory principles codified at Title 26, chapter 57, these rules are minimally intrusive and tailored to the purpose of public protection.

17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Barbers, cosmetologists, estheticians, nail technicians, barber shops, cosmetology shops, schools of cosmetology, the Vermont Agency of Education, the Vermont Department of Health.

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

These rules substantially reduce regulatory burdens to entry for aspirants to professional licensure in the cosmetology-related professions and improve the availability and structure of apprenticeships. It is expected that temporal and monetary investment necessary to enter the affected professions will be reduced by one-third to one-half by comparison to the burden under the existing regulatory model. By relieving regulatory supply constraints and overhead to new entrants to the field, these rules can be expected to reduce costs to Vermont businesses and the consumers of beauty services those businesses serve.

19. A HEARING WAS HELD.

20. HEARING INFORMATION

Final Proposed Coversheet

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 6/3/2019

Time: 01:00 PM

Street Address: 89 Main St, 3rd Floor, Montpelier, VT

Zip Code: 05620-3402

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

6/19/2019

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

barbering, barbers, cosmetology, cosmetologists, esthetics, estheticians, barber shops, cosmetology shops, nail technicians, manicurists



**State of Vermont
Office of the Secretary of State**

Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402
sos.vermont.gov

**James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary
S. Lauren Hibbert, Director**

November 12, 2020

Hon. Robin Chesnut-Tangerman, Chair
Legislative Committee on Administrative Rules
c/o Charlene Dindo, Committee Assistant
Vermont State House
Montpelier, Vermont 05602

Re: Final Proposed Rule: Administrative Rules for Barbers, Cosmetologists, Estheticians & Nail Technicians
[19P-035]

Dear Chairperson Chesnut-Tangerman and Members:

Please find enclosed the final proposed rule titled *Administrative Rules for Barbers, Cosmetologists, Estheticians & Nail Technicians*. These materials have been filed in parallel with the Secretary of State today.

Accompanying this letter are:

- A. the Secretary of State's adopting memorandum;
- B. an LCAR memorandum memorializing extension of the adopting deadline;
- C. APA filing forms;
- D. the final proposed rule;
- E. written comments received;
- F. a summary of substantial arguments, agency responses, and changes to the proposed rule; and
- G. the ICAR minutes from April 8, 2019 showing approval.

I would be happy to answer any questions the Committee may have about the proposed rule in advance of your next meeting. Please feel free to contact me at 828-2492 or via email at gabriel.gilman@vermont.gov.

Sincerely,

Gabriel M. Gilman
General Counsel

cc: Louise F. Corliss, APA Rules, Vermont Secretary of State (original documents)

Administrative Procedures – Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

**Administrative Rules for Barbers, Cosmetologists,
Estheticians & Nail Technicians**

2. ADOPTING AGENCY:

Secretary of State, Office of Professional Regulation

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

Rule Log # 05-043; Administrative Rules for the Board of Barbers and Cosmetologists; November 7, 2005



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: Monday, April 8, 2019, Pavilion Building, 4th floor conference room, 109 State Street, Montpelier, VT 05609

Members Present: Chair Brad Ferland, Dirk Anderson, Jennifer Mojo, John Kessler, Matt Langham, Steve Knudson and Clare O'Shaughnessy

Members Absent: Ashley Berliner and Diane Bothfeld

Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the March 11, 2019 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2 - 14 to follow.
 1. Administrative Rules for Barbers, Cosmetologists, Estheticians & Nail Technicians, Secretary of State, Office of Professional Regulation, page 2
 2. Self-Insured Multiple Employer Welfare Arrangements and Association Health Plans (1-2018-02), Department of Financial Regulation, page 3
 3. Medicare Supplement Insurance Minimum Standards Rule, Department of Financial Regulation, page 4
 4. Investigation and Remediation of Contaminated Properties Rule, Agency of Natural Resources, Department of Environmental Conservation, page 5
 5. Rules Governing the Licensing of Educators and the Preparation of Educational Professionals, Vermont Standards Board for Professional Educators, page 6
 6. Title 10 V.S.A. App. §2d Archery deer hunting license, Vermont Fish and Wildlife Board, page 7
 7. Title 10 V.S.A. App. §4 Bow and Arrow Hunting, Vermont Fish and Wildlife Board, page 8
 8. Title 10 V.S.A. App. §7 Bear Management Rule, Vermont Fish and Wildlife Board, page 9
 9. Title 10 V.S.A. App. §22 Turkey Seasons Rule, Vermont Fish and Wildlife Board, page 10
 10. Title 10 V.S.A. App. §33 Moose Management Rule, Vermont Fish and Wildlife Board, page 11
 11. Title 10 V.S.A. App. §36 Youth Hunting Day Deer, Vermont Fish and Wildlife Board, page 12
 12. Title 10 V.S.A. App. §37 Deer Management Rule, Vermont Fish and Wildlife Board, page 13
 13. Vermont Appliance Efficiency Standards, Department of Public Service, page 14
- Next scheduled meeting is Monday, May 13, 2019 at 2:00 p.m.
- 4:10 p.m. meeting adjourned.

Proposed Rule: Administrative Rules for Barbers, Cosmetologists, Estheticians & Nail Technicians, Secretary of State, Office of Professional Regulation

Presented by Lauren Layman

Motion made to accept the rule by Jen Mojo, seconded by Dirk Anderson, and passed unanimously with the following recommendations:

1. Throughout the rule: Refer to 'No. 144' as an Act.
2. Proposed Rule Coversheet, page 3, #8: Add an 's' to 'requirement' and correct spelling to 'qualifications'.
3. Proposed Rule Coversheet, page 3, #10: Correct spelling to 'dissolution'. Clarify 'minimally intrusive'.
4. Proposed Rule Coversheet, page 4, #12: Correct spelling to 'availability' and 'temporal'.
5. Final Proposed Rule Filing and Adopted Rule Filing: Pages not needed for ICAR.
6. Economic Impact Analysis, page 3, #9: Correct spelling to 'competition'. Perhaps change the word 'priori' to a word more common in the English language.
7. Environmental Impact Analysis, page 2, #8: Change 'N/A' to 'None'.
8. Public Input, page 1, #3: Add the word 'persons' after 'interested'.
9. Public Input, page 1, #4: Correct spelling to 'consultation'.

Administrative Procedures – Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

**Administrative Rules for Barbers, Cosmetologists,
Estheticians & Nail Technicians**

2. ADOPTING AGENCY:

Secretary of State, Office of Professional Regulation

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

Barbers, cosmetologists, estheticians, nail technicians, barber shops, cosmetology shops, schools of cosmetology.

4. IMPACT ON SCHOOLS:

Economic Impact Analysis

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

These rules may improve compatibility between occupational licensing rules and curricula of Career Technical Education Centers, enabling graduates to attain professional licensure at lower expense.

5. **ALTERNATIVES:** *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

These rules do not impose costs upon local school districts.

6. **IMPACT ON SMALL BUSINESSES:**

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

These rules may relieve labor-supply constraints affecting small businesses that employ beauty professionals.

7. **SMALL BUSINESS COMPLIANCE:** *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

These rules require that cosmetology-related businesses, denominated "shops," possess certain sanitation equipment. The equipment required is standard to the industry and expected by consumers. Detailed evaluation of alternatives would be highly unlikely to identify real savings for small businesses.

8. **COMPARISON:**

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

The agency believes the safety and sanitation requirements set out in these rules are those minimally required to protect the public. These rules attempt to minimize costs of implementing new requirements. For example, inexpensive portable eye-wash stations are permitted in shops that elect not to install new plumbing.

9. **SUFFICIENCY:** *EXPLAIN THE SUFFICIENCY OF THIS ECONOMIC IMPACT ANALYSIS.*

These rules have been reviewed by practicing beauty professionals, beauty educators, and regulators. They have not been found to impose any substantial new burden upon business. By reducing barriers to entry, embracing novel models of service delivery, and offering more flexibility to beauty schools, these rules are expected to promote competition and innovation. There are no known, empirical means of estimating these impacts a priori.

Administrative Procedures – Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

**Administrative Rules for Barbers, Cosmetologists,
Estheticians & Nail Technicians**

2. ADOPTING AGENCY:

Secretary of State, Office of Professional Regulation

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

None.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

None.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

None.

6. RECREATION: *EXPLAIN HOW THE RULE IMPACT RECREATION IN THE STATE:*

None.

Environmental Impact Analysis

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

None .

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

None .

9. **SUFFICIENCY:** *EXPLAIN THE SUFFICIENCY OF THIS ENVIRONMENTAL IMPACT ANALYSIS.*

These rules are not expected to impact the environment .

Administrative Procedures – Public Input

Instructions:

In completing the public input statement, an agency describes the strategy prescribed by ICAR to maximize public input, what it did do, or will do to comply with that plan to maximize the involvement of the public in the development of the rule.

This form must accompany each filing made during the rulemaking process:

.....

1. TITLE OF RULE FILING:

**Administrative Rules for Barbers, Cosmetologists,
Estheticians & Nail Technicians**

2. ADOPTING AGENCY:

Secretary of State, Office of Professional Regulation

3. PLEASE DESCRIBE THE STRATEGY PRESCRIBED BY ICAR TO
MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE
PROPOSED RULE:

The agency will contact all licensees and will remain in close contact with the Agency of Education's Career Technical Education programs, private cosmetology schools, and beauty shops. Because all of these stakeholders can be reached at known email addresses, we are confident that all interested in development of the proposed rule will have an opportunity to become involved.

4. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO
COMPLY WITH THAT STRATEGY:

The rules have been developed over nearly a full year of regularly-scheduled and duly-noticed Board meetings, followed by extensive consultation with stakeholders, including educators.

5. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND
ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE
DEVELOPMENT OF THE PROPOSED RULE:

The Agency of Education, the Department of Health, O'Brien's Beauty School, the former Board of Barbers & Cosmetologists, appointed cosmetology advisors.

Response: The agency concluded that the restriction was unduly restrictive and would have unintended consequences. The section containing the offending restriction, 13.5(g), was stricken.

Argument: A beauty school objected to a prohibition on charging students any examination fee. The school felt it would be infeasible to offer students the benefit of school-based examination if the prohibition remained.

Response: The agency feels students should be protected from exploitative fees, but agrees that less restrictive means are available. Section 8-8(h) is amended to provide that a school shall "not charge students ... an examination fee in excess of actual and necessary costs of exam provision."

Argument: Some observers noted that the proposed rule, unlike its predecessor, was silent on display of licenses, and OPR staff observed the absence of text clarifying that shop licenses may not be sold.

Response: Rule 10-1, captioned "License Required," has been amended to include new text: "Shop and staff licenses shall be conspicuously displayed. Shop licenses are not transferrable."

Argument: A small number of observers misunderstood a prohibition on discriminatory pricing of services as requiring that all services have the same price.

Response: The agency believes misunderstanding is indicative of confusing drafting. Rule 10-3 has been re-phrased as follows: "Non-discriminatory Pricing. A shop may not price services differently on the basis of a client's race or gender. Prices may reflect non-discriminatory factors such as the supplies, effort, skill, and time required of a service, or market supply and demand for the service."

Argument: OPR staff requested that the rule clarify licensee responsibilities relative to new technologies in general, and lasers, permanent cosmetics, and the sale of prescription products, in particular. Staff identified these as common sources of misunderstanding and questions.

Response: Rules 13-8 and 13-9 have been added. The new sections explain a licensee's obligations to become oriented to new technologies, and they clarify that certain practices are never within the scope of practice.

Argument: OPR staff indicated that *expired* is preferred to *inactive*, in reference to licenses that are not renewed.

Response: Three references to *inactive*, all in Part 11, have been amended to refer instead to expiration.

Argument: Agency staff wished to preserve flexibility to have OPR inspectors, as well as third-party experts, scrutinize the safety of a mobile shop.

Response: Rule 10-5(a) has been amended to refer to inspection “by a person accepted by the Director as qualified” to opine on the safety of the mobile shop.

Argument: Staff noted that Rule 8-8 was phrased in a manner that suggested each school approved for testing would have a customized memorandum of understanding with the agency. This is not the case. Schools approved for testing are assigned a specialty designation attached to the school license.

Response: Rule 8-8 has been amended to remove reference to a memorandum of understanding. The new text specifies “Approval as a testing authority shall be indicated by the addition of a specialty designation to the school’s license ...”

Argument: OPR’s appointed nail technician advisor expressed concern that inclusion of acrylics in the core competencies set out in Rule 7-2 may tend to extend the use of toxic substances when safer alternatives have come on the market.

Response: Rule 7-2 has been amended to refer more generally to “synthetic” nails; references to “acrylics” and “acrylic” have been removed.

From: Stacey Marino <innerbeautyvt@hotmail.com>
Sent: Wednesday, June 12, 2019 7:41 AM
To: OPR.Comment
Subject: Comments to proposed rules

I have worked at a seasonal resort for 10 years. Seasonal establishments present more turnover in staff than a regular salon/spa. I spend many hours training new staff to our quality of service. I can also attest to the lack of quality education in Vermont. There is a lack of knowledge in even the basics of sanitation. The burden has been shifted from the schools to prove competency to the employers. Previously, a new licensee needed additional training from an employer before they were fit for unsupervised clients. How can employers now afford to spend more time and money training? For a cosmetologist at 1500 hours, I would apprentice a new licensee for an additional 100 hours or until I felt comfortable in their skills. Does this mean that they would now need 600 hours of training with me?

Stacey

From: Stacey Marino <innerbeautyvt@hotmail.com>
Sent: Wednesday, June 12, 2019 7:46 AM
To: OPR.Comment
Subject: Comments to proposed rules

Our legislature has made an egregious mistake. They are creating an un-hirable workforce by lowing the quality of education. Cutting the training hours by 1/3 for cosmetology and ½ for nail tech without reviewing or mandating a set curriculum is not only irresponsible but creates a hazardous condition for the public. The source of existence for our governing body is to protect public health and maintain quality standards. They should not have demeaned our industry by lowering the educational requirements and quality.

What should have done (and can still be rescinded and/or amended) is to make education more affordable my creating more grants. Working with schools to lower tuition. Create more trade programs in high schools. Give tax breaks or other incentives for employers to hire new licensees.

I am truly disappointed with the current board and legislature for sweeping this under the carpet. It may not currently be the law to inform the public properly prior to changes but, it should be. It is the ethical thing to do. A small post on a horribly made state website, that no one can navigate, does not count.

Stacey

Rotblatt, Jennifer

From: Stacey Marino <innerbeautyvt@hotmail.com>
Sent: Wednesday, June 12, 2019 7:53 AM
To: OPR.Comment
Subject: Comments to proposed rules- Part 3 of 3 sent

I understand that training hours have already been cut and there is nothing to be done in this format. My goal is to help you understand the need for clearer and more defined curriculums and regulations in our schools.

Cosmetology training has been cut by one third its length. Nail tech by a half. I do not understand how the same quality and quantity of education can be packed into those timelines. Surely, parts of the curriculum must be cut to match. How much of the practical and theory will be lost and in what subjects? I want to see the schools legally required to follow a set curriculum with a mandated number of hours for each subject.

Under the proposed rules, schools will be given more power and leniency. They are already turning out poor results. The schools need to be given stricter standards and cannot have rules that are easily open for interpretation. Rules that are subject to interpretation of any kind leave room for loopholes and people/institutions to take advantage. If subject to interpretation; they are merely guidelines. If guidelines are set in place, how will anyone be held accountable for quality standards or reprimanded for misuse?

What is to prevent the school from only teaching the bare minimum to pass the board exam? If they are to administer the licensing exam then, they will know exactly what the test will be. There is nothing to prevent them from teaching only those things.

There needs to be accountability for tuition expenses. The tuition must be adjusted accordingly. We must make sure the schools do not take advantage of the situation and charge an unfair price. The few schools we have already hold a monopoly. What will prevent them from charging the same amount of money for half the time? There should be a tuition cap for the state so the monopoly can't drive the price up unfairly.

Stacey

From: doordyesalonvt@aol.com
Sent: Tuesday, June 11, 2019 11:41 AM
To: OPR.Comment
Subject: Comments from public hearing on June 3, 2019

Hello, we attended the meeting on June 3, 2019 for the proposed administrative rules for Barbers, Cosmetologists, Estheticians and Nail Technicians. The following are some suggestions.

We will start by saying that we wish we had known about the hours changing in Legislature before it was all passed. We do not agree with the decrease in hours but understand that it is already a done deal so here are some ideas on how we think it could work.

Each scope of practice Barber, Cosmetologist, Esthetician and Nail Tech should all have core competences that only pertain to that profession. We will include a sample of what we mean.

We are concerned about instructors testing their own students. Currently teachers are teaching to the test. We know this first hand because we have hired new students within the past two years. If teachers are going to be the new testers then they should not be allowed to test their own students. Students should have to travel to one of the other schools in the state and take their test there.

Crossover hours should only be what the particular applicant needs. Example, if a cosmetologist only needs currently to be trained to use a straight razor then they should only have to go back to school and get the hours for that.

We believe booth renting should be abolished. This is where you are going to see the most harm done to a client. When a newly licensed student goes right into the work force as their own boss and with no guidance with 1/3 less of hours then previously, we can promise you there is going to be A LOT of lawsuits. Also by making booth renting illegal it will make it so that the newly licensed professional can have guidance and only be allowed to touch clients when the salon owner/manager believe they are fully ready too. This will actually set the individual up for success where we believe booth renting for a newly licensed professional is setting them up for failure.

BARBER-750

15 Shampooing
150 Straight razor shaves and beard trims
10 Mens basic facial
200 Haircutting, hairstyling, hair shaping
250 Clipper cutting
25 Hair analysis, scalp treatments
50 Equipment sanitation and safe chemical storage
40 Anatomy and personal health
10 Laws

NAIL TECHNICIAN-200

50 Manicuring
10 Nail Drills
15 Nail tip application and gel nails
50 Pedicuring
25 Equipment Sanitation and safe chemical storage
25 Anatomy
15 Diseases and Disorders
10 Laws

ESTHETICS-500

100 Facial, comedone removal and massage
100 Chemical peels and exfoliation chemicals
150 Electrical machines
50 Waxing
50 Makeup
25 Equipment sanitation and safe chemical storage
15 Anatomy
10 Laws

COSMETOLOGY-1000

15 Shampooing
15 Facial Waxing
100 Perms and Smoothing Treatments
30 Hair analysis and scalp treatments
300 Color, highlighting and laws of color
350 Cutting
65 Hair styling
50 Equipment sanitation and safe chemical storage
50 Anatomy and Disease
25 Laws

We hope you take these suggestions into consideration. You can contact us back if you have any questions regarding this email. We would love to be put on an email list to know when all the upcoming meetings are, DoOrDyeSalonVT@aol.com is our email.

Thank you
Lee and Nealsa Spooner

From: Eros Bongiovanni <holisticafacials@gmail.com>
Sent: Tuesday, June 11, 2019 3:59 PM
To: OPR.Comment
Subject: Comments on "proposed" rules and changes

To whom it may concern;

I attended the public hearing on June 3 regarding the “proposed” rules and changes. I am a licensed Esthetician.

1. The OPR had our contact info but did not inform us of the legislature changing our rules. We were asked to comment after the laws had changed. How are these “proposed” rules and changes? Your announcement is misleading.

2. I have been a licensed Esthetician in Vermont for 16 and continued my education since first becoming licensed. Your granting of a full Esthetics license to a newly graduated 500 hour esthetician with no levels of discernment for training and continued ed leaves the public unprotected and at risk. The license itself is suddenly worth less. Why not offer tiered licensed with grandfathered professionals in their field holding “Master” esthetician and new licensees holding “Junior” licenses until a certain number of hours spent working with clients as well as continuing their education. The gap between license holders at different levels needs to be addressed.

3. Who are your advisors? Are their names published on the website? Your esthetics advisor mentions nothing of the dozens of modalities which have become available to us in the past 10 years or so, and which can certainly put the public at great harm if not addressed.

4. How will you police the mobile spas and ensure their sanitary standards?

5. With these changes it seems that regardless of the hundreds of dollars i pay every two years in fees for my personal license and my shop license the OPR is leaving the protection of the publics safety in the hands of the public. You are doing LESS to protect the public but still charging the professionals the same amount.

Sincerely
~Eros Bongiovanni

Holistica
holisticafacials.com

802-224-6650
4 State Street, Montpelier VT 05602

Online booking at <https://holistica.fullslate.com>

Vermont State board Recommendations to Proposal

Below you will find my recommendations in response to the Cosmetology meeting that was held on Monday June 3rd, 2019. I am a Licensed Cosmetologist, Nail Technician, and Shop Owner with my instructors endorsements for each. I Have taught both in the Private, and Public sectors. This gives me a broader perspective and knowledge of varying importance to all types of professionals in the field.

Notes:

- 1.) Vermont has the highest renewal fees of any other state in New England; by almost double the majority of surrounding states. (see comparison chart attached)
- 2.) Students in need of financial support should be reaching out to manufacturers that offer scholarships, in addition to the Vermont Non-Degree Grant and various other programs offered by VSAC. <https://www.vsac.org/pay/student-aid-options/grants>

Subjects/Competencies that are repeated in other licenses.

Cosmetology Suggestions: 1,000 Hour Curriculum

- 1.) Life Skills --- 35
- 2.) Salon Ecology --- 65
- 3.) Anatomy and Physiology --- 75
- 4.) Science --- 105
- 5.) Business --- 40
- 6.) Sculpture/Cutting --- 150 (classroom and practical)
- 7.) Men's Sculpture/Cutting --- 25 (classroom and Practical)
- 8.) Long Hair Styling and Design --- 105
- 9.) Wigs and Hair Additions --- 20
- 10.) Chemical Texturizing/Perming --- 80
- 11.) Hair Coloring --- 200 (classroom and practical)
- 12.) The Study of Nails --- 50
- 13.) The Study of Skin --- 50

Total: 1,000 Hours

Nail Technology Suggestions: 200 Hour Curriculum

- 1.) Anatomy of the hand, foot, nail, and leg --- 10
- 2.) Bacteria and infectious diseases of the nail hand and foot --- 10
- 3.) Infection Control --- 10
- 4.) Client Consultation --- 4
- 5.) Manicuring and hand/amr massage --- 20

- 6.) Pedicuring --- 20
- 7.) Tip Application and design --- 12
- 8.) Liquid and powder nail extensions --- 50
- 9.) Hard and Soft gels and removal --- 30
- 10.) Nail Art --- 6
- 11.) Business --- 8
- 12.) Job Skills --- 10
- 13.) Unassigned --- 10

Total: 200 Hours

Barber Suggestions: 750 Hour Curriculum

- 1.) Life Skills --- 35
- 2.) Science --- 105
- 3.) Business --- 40
- 4.) Client Centered Design --- 30
- 5.) Foundational Cuts --- 100
- 6.) Tapered Cuts --- 100
- 7.) Style --- 45
- 8.) Shaving and Beard Design --- 100
- 9.) Hair Replacement --- 50
- 10.) Color --- 80
- 11.) Perming --- 40
- 12.) Skin --- 15
- 13.) Nails --- 10

Total: 750 Hours

I would like to schedule a meeting in the near future to better structure, specify the scope of practice, and curriculum to better satisfy the needs of industry professionals and the general public.

Thank you for your time and consideration,

Liesel Manchester

From: Holly <the_new_apothecary@yahoo.com>
Sent: Wednesday, June 5, 2019 10:56 PM
To: OPR.Comment
Subject: Esthetics Curriculum Topics and Breakdown by Hours

To Whom It Concerns ~

In response to the meeting held on Monday, June 3, 2019 below please find my suggestions for allocation of hours for the new 500 hour Vermont Esthetics Curriculum requirement. I'm a VT and NY state licensed Esthetician. I taught for 6 years in New York and currently hold an Instructor's Endorsement in Vermont and provide esthetics/new hire training at a Forbes 4-Star Resort Spa in Woodstock. Please feel free to contact me with questions or comments.

Suggested New 500 Hour Curriculum:

- (a) Orientation - 4 Hours
- (b) Safety and Health - 4 Hours
- (c) Infection Control - 18 Hours
- (d) Anatomy and Physiology - 30 Hours
- (e) Structure and Function of the Skin - 18 Hours
- (f) Skin Disorders and Diseases - 18 Hours
- (g) Skin Analysis - 10 Hours
- (h) Superfluous Hair Removal - 50 Hours
- (i) Chemistry and Safe Chemical Storage - 3 Hours
- (j) Chemistry as Applied to Esthetics - 17 Hours
- (k) Machines and Electricity as Applied to Esthetics - 18 Hours
- (l) Facial Treatments and Body Procedures and Practices - 225 Hours
- (m) Make-Up Techniques - 20 Hours
- (n) Business Practices - 10 Hours
- (o) Career Skills, Ethics, Personal Health & Hygiene, and Nutrition - 20 Hours

- (p) Introduction to Advanced Esthetics - 19 Hours
- (q) Laws, Rules and Regulations - 6 Hours
- (r) Unassigned - 10 Hours

For comparison, below is the current state curriculum:

10.57 Esthetician Course Requirements: The school, if offering an esthetician course of study, must offer a 600 hour course of study which shall include at a minimum the following:

- (a) facials;
- (b) use of microdermabrasion;
- (c) chemical peels/exfoliation;
- (d) mask therapy;
- (e) chemicals;
- (f) electrical machines used in esthetics;
- (g) eyebrow arching and hair removal;
- (h) makeup techniques and services;
- (i) sanitation and sterilization techniques for all equipment, supplies, general and specific chemical and waste storage areas;
- (j) sanitary personal health and hygiene understanding;
- (k) safe chemical storage, use, and disposal and reference material requirements;
- (l) sanitation, sterilization, hazardous substances, hygiene, anatomy, laws, rules, regulations, and;

Yours in Service,
Holly Pape
Licensed Esthetician VT & NY

From: Mark Kaufman <markewk@gmail.com>
Sent: Wednesday, June 5, 2019 2:31 PM
To: OPR.Comment
Subject: Proposed administrative rules

Good Afternoon,

Regarding the proposed rule changes for Barbers, Cosmetologists, Estheticians, and Nail Technicians:

Is the proposed reduction in minimum training hours based on industry standards, or administrative trends by state authorities? If the latter, I have concerns that it may result in a reduction of core competency for the students, with a resulting lowering of quality services for consumers. If curriculum mapping and time/skill acquisition matrices have been developed it may be beneficial to relay that information to the members of the professional community.

As a community member I would like some level of assurance that when I request a service from a stylist/barber it will be a part of their basic core knowledge; not a chance to experiment or learn a skill without my knowledge or permission. With the types of chemical services offered within this industry I am concerned that any lowering of training hours may come at the expense of safety knowledge/protocols.

I have spoken with several members of these professions, and have been told that they do not feel that any reduction of training time is warranted, necessary, or wise. The common question is "what will be cut from the current training?" What instructional material will be lost in this reduction.

Second, the lack of provision for a monitored/supervised period of post-education skill development is uncommon in many regulated

professions. After graduation medical professionals, psychologists, teachers, many trades-persons, and others are required to log hours under the supervision of a mentor or supervisory authority before a full license is granted. While this is often done at the community level (rather than by the state authority) it is done under the auspices of the regulatory agency.

Finally, the concept of distributed testing centers should offer greater options for students to enter the field, if the testing and minimal success requirements are standardized; ideally using third party independent proctors rather than staff from the hosting institution.

Thank you,

Mark E. W. Kaufman, Ph.D.

From: Clare McAfee <wiggoddessclare@gmail.com>
Sent: Tuesday, June 4, 2019 8:28 AM
To: OPR.Comment
Subject: Conversation with Gabriel @ OPR 6/3

Thank you so much for addressing our concerns at the meeting yesterday. It did get a little heated but you handled it like a boss!☺

I spoke to you after the meeting about The Lash Lifting & Tinting service I've been providing for months at my shop.

I'm a Licensed esthetician in the state of Vermont (License # 087.0073763)
I assure you I work in the utmost of clean and sanitary conditions and my clients are THRILLED with the service. Their safety and satisfaction come first in every service I provide.

When I read the proposed draft it stated that i would need to be certified to do this. I'm petitioning for a grandfather clause for this. (if this applies)

I run 40% of my business on a non Profit basis for cancer patients in the central Vermont area. I provide emotional/beauty/wig support at no profit what so ever... the beauty services and support I provide at NO cost and the wigs are sold at MY cost.

As far as I know I'm one of the only practitioners that is performing lash Lift & Tints in my area. I had a woman from Hardwick tell me she used to go to NY for this service. It is a large part of my income.

When I investigated the certification options, I found NO certification training for this at all in Vermont and my only avenue it so purchase \$150 worth of products from an online company, watch their 30 minute training video... send them a few before & after pics .. then they mail or email me the certificate! What a scam! Some didn't even require pictures!

I can provide client testimonials and many before & After photos of this work. Please advise and thanks again for yesterday. I just think a lot of folks needed to be heard!

Sincerely,

Clare McAfee,
www.wiggoddess.com
www.tgnorth.com
802-229-1112
802-272-2196 - best way to reach me

"Tell someone that they are Fabulous today!"

--

Clare McAfee
wiggoddess.com & tgnorth.com
"Tell someone that they are Fabulous today"

From: Anne Murphy <ammin802@gmail.com>
Sent: Monday, June 3, 2019 10:41 AM
To: OPR.Comment
Subject: Public Comment - proposed rule changes

Anne Murphy
156 East Putney Falls Rd.
Putney VT 05346
802-536-4091
ammin802@gmail.com

June 3, 2019

Office of Professional Regulation
89 Main St., 3rd Fl
Montpelier VT 05620-3402

Re: Proposed Licensing Rules - Barbering & Cosmetology - Public comment

My specific interest in these proposed licensing rules is that of a barber, 13 ½ years into my craft, at a shop just marking thirty years in business. MAC's Barber Shop is the last operating barber shop in Brattleboro. The two other barbers at our shop and I often refer to ourselves as a "dying breed" in our area.

Training to become eligible to become licensed as a Barber in Vermont is prohibitive for a number of reasons. There is only one barber school program, in Burlington. For potential candidates in our area, that is a commute of over two hours each way, or a temporary relocation. Reducing the number of hours required to 750 is at least a help. As a Master Barber, taking on an apprentice for at least 2000 hours is a major commitment. Reducing that to 1,125 hours significantly mitigates that commitment. By far, the most exciting component of the proposed rules change is the creation of a crossover apprenticeship. In my career, I have met a number of cosmetologists who have expressed interest in barbering, but starting over, with no credit given to their education or experience, is a swift deterrent. The capacity to offer a 300 hour apprenticeship to a licensed cosmetologist and fulfill eligibility requirements for barbering, is a profound opportunity. Cosmetology programs are far more accessible to our area. With a quick internet search, I found 6 such programs within an hour's drive from Brattleboro. The crossover apprenticeship option would allow me to recruit directly out of a cosmetology program and, in 300 hours, help someone complete a barbering education. A candidate who wished to attend barber school could potentially substitute a cosmetology program combined with a crossover apprenticeship to complete his/her education. I can't tell you how much this potential could have a significant impact on me personally, the business that I work for, our community, and for our profession in general.

The proposed changes, specifically in the apprenticeship guidelines, are exactly what my profession needs to progress in my community.

Thank you for your efforts in this matter. I eagerly look forward to these changes taking effect and anticipate positive results thereafter.

Anne Murphy

From: jenn@proskinstudio.com
Sent: Friday, May 31, 2019 9:42 AM
To: OPR.Comment
Cc: jenn@proskinstudio.com
Subject: Comments on proposed changes

My name is Jenn Buker, and I am a licensed esthetician as well as a spa owner in Vermont. I have the following comments on the proposed rule changes. My comments are specific to the changes affecting the esthetics category.

1. Please don't lower the amount of hours that are required to take the state boards. We need more education, not less. There are many ways that things can 'go wrong' in the treatment room, and requiring 100 less hours doesn't help to educate potential estheticians on how to manage those outcomes. I had a great educator when I went through the esthetics program 8 years ago. Despite this, I still felt very lost and knew I needed more training before I could be a confident esthetician that would be able to deal with any of the potential issues that could occur while working with my clients. I took it upon myself to get an additional 50+ hours of training at the International Dermal Institute in Burlington, Mass to gain that confidence and to increase my skillset. I would rather see a 750 hour program than a 500 hour program.
2. I will comment briefly on the nail tech portion – Please don't reduce the number of hours a manicurist is required to study to only 200 hours. I am a frequent visitor to nail salons, and the LACK of sanitation I see in many shops is horrifying. It doesn't seem as if 400 hours were enough if that many nail techs are reusing dirty implements and not washing their hands / stations between clients. What is being proposed is so dangerous to our clients!!!
3. When I opened my shop a few years ago I was dismayed to see that I was responsible for inspecting my own location. I am an honest person, and I follow state rules. I know there is a shortage of inspectors, but this seems inherently irresponsible to me. Self-inspection is a recipe for disaster and non-compliance. I can imagine people saying to themselves, "I'm not in compliance now, but I'll say I am and make sure I am in compliance before I open" but never following through.
4. Esthetics may just seem like 'washing faces and rubbing cream on it', but it is way more technical than that! We use implements and tools that have the possibility (albiet rare) to scratch, or even scar, our clients. Deregulation is not a good thing, it is a bad thing and I don't agree with it at all.
5. Disinfection – did the language change so it no longer requires viricidal, bactericidal and tuberculocidal disinfectant? In addition, are sponges now considered to be able to be disinfected? These are disposable articles, and should not be listed in the section on how to sanitize miscellaneous articles (13-1 e).
6. I believe it should be stated clearly in the laws that all estheticians shall wear gloves for all waxing services. I see and hear of many estheticians that wax without appropriate PPE, and I believe that is contrary to OSHA guidelines.

Thank you very much for your consideration.

Jenn Buker
Owner, Pro Skin Studio
Licensed Esthetician
802-349-6292

From: Marcia O'Neill <mjoneill60@gmail.com>
Sent: Wednesday, May 22, 2019 7:48 AM
To: OPR.Comment
Subject: Proposed Rule changes.

To whom it may concern. My name is Marcia O'Neill, I have been licensed as a cosmetologist for 52 years, approximately 24 of these years I have also been licensed with my Instructor endorsement. I also hold a Vermont Board of Education teacher certification. I have some concerns regarding the proposed rule changes.

Article 8 item's numbers 8-5, 8-6 and 8-8

8-5: I would ask for clarification regarding "**otherwise-qualified person not designated an instructor**" having managed classrooms and instructional staff, and working in accredited schools, teachers are required to have available lesson plans for both theory and clinical work. if "**otherwise qualified**" means a minimum a **licensed cosmetologist**, which is not clearly spelled out here, I have no objection, however, if this means someone approved to substitute by the school management and this means no license requirement I do take issue. With flu viruses and family tragedies pulling teachers away for three to four days in a row, it would be close to impossible for a person with no knowledge of Cosmetology terminology and or practices to adequately supervise students, not to mention that it is my personal belief this would be a violation of the offices own rule of granting hours for non-cosmetology related content, "**Non-instructional time. (8.7)**" Clinic's are booked way in advance which would pose another problem if clinical work cannot be supervised by the substitute. My suggestion would be, that qualified persons should be a Licensed Cosmetologist with Instructor endorsement as the ideal, However at the very least a Licensed Cosmetologist, could be considered as a qualified person, and also be able to supervise and keep the school clinic running smoothly, causing the least amount of disruption for the students continued educational process.

*

8-6: I agree that "**a school should employ a sufficient number of instructors to ensure that students obtain a meaningful educational benefit from each hour of schooling.**" I do not agree that the ratio suggested here will ensure that students obtain a meaningful educational benefit. 1-16 for hands-on is close to impossible to achieve, and provide quality instruction for all 16 students attempting to accomplish chemical services, and or cutting, and or use of other equipment. In order to protect the health and safety of the clients, and provide support to students 1-8 is difficult but manageable. To double that amount is really putting the level of professionalism and the safety of clients and students alike at risk, along with not ensuring the most meaningful educational benefit for each hour of schooling. The 1-40 for didactic training, in my opinion, is in no way going to allow meaningful instruction, Students come into the schools with various levels of previous educational experience, each learns at his or her own pace, and in his or her own best style of learning. Instructors, in that size classroom, will not be able to provide enough individualized assistance to his or her students. It is my opinion that as with the practical application this number should be cut at least in half to read 1-20. This is still a good size class but much more manageable than 1-40.

8-8: School as Testing Authority. I happen to agree with this new rule as written. I do ask how 8-8 (b) will be enforced and or regulated?

10-5: Mobile Shops. I think the idea of mobile shops is okay, much like the mobile pet grooming/bathing services. However, how will the disposal of gray water and or sewage be regulated and enforced?

Thank you for your consideration of my personal and professional concerns. Unfortunately, I will not be available to attend the June 3, meeting, I look forward to hearing and seeing the finalized version of these rules.

Marcia T. O'Neill

From: ellietrono1@gmail.com
Sent: Monday, May 20, 2019 8:26 AM
To: OPR.Comment
Subject: Gender based pricing

I disagree with the proposal of “discriminatory pricing” based on gender.
I am not going to charge the same amount for a man or woman which take different amounts of time and skill.

This is opening a door to many things that can get out of control. I charge differently for children, Is that going to be considered age discrimination?

Ellie Trono

Sent from Windows Mail

From: Paula <pdinks15@comcast.net>
Sent: Sunday, May 19, 2019 8:29 AM
To: OPR.Comment
Subject: Rules and regulations

1. Reducing the hours by 500 seems a bit extreme. Students need more instruction than 1000 hours. They will not be appropriately prepared for the workforce. Consider 1250.
2. Will students be required to take the state laws exam this graduation my year? (2019)
3. Students who are not 18 years of age should be allowed to take exams upon graduation.

Sent from Xfinity Connect Mobile App

From: Yvonne Wolfer <ywolfer@ewsd.org>
Sent: Friday, May 3, 2019 1:46 PM
To: OPR.Comment
Subject: Public Comment Re: Administrative Rules for Barbers and Cosmetologists

Overall I think the changes/updates are good and necessary as the prior document from 2005 was outdated and unclear. Thank you for your hard work on this.

I do have concerns in section 8-6 concerning ratios. As a Cosmetology instructor of 19 years I have worked with all learning styles. That being said some students just take more time to grasp hands on and written concepts. I personally feel it would be an injustice to students to implement the 1:16 ratio for hands on and 1:40 for didactic. We teach a different student than we did 20 years ago for a variety of reasons. It is my professional opinion based upon teaching experience at Center for Technology, Essex for 19 years that the 1:8 for hands on stands as is and didactic would be best at 1:20-1:25 at the most.

I would also like to know how to proceed with the process of becoming recognized at a testing authority.

Thanks again for your hard work on this document and your attention to my concerns.

Best Regards

--
Yvonne Wolfer
Cosmetology II Instructor
Center for Technology, Essex
802-857-7454

CONFIDENTIAL COMMUNICATION. THIS MESSAGE MAY NOT BE FORWARDED.

The information contained in this communication, including any attachments, is confidential, constitutes privileged communication, and is intended only for the use of the addressee. This message may not be forwarded without prior consent from the sender. The information in this e-mail is also protected by the rights afforded under Family Educational Rights and Privacy Act (FERPA) and school district policies. Any unauthorized use, forwarding, distribution, disclosure, printing or copying is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately at 802-857-7777 or return e-mail, and delete any copies of this message immediately. Any inadvertent disclosure of this communication shall not compromise the confidential nature of the communication.

From: Shari Powers <shari.powers@burlingtotelecom.net>
Sent: Friday, May 3, 2019 12:12 PM
To: OPR.Comment
Subject: State Laws

The requirement to keep paper MDS sheets is a cumbersome one in the digital age. OSHA allows a digital format as long as it is readily available to the staff. This would save a lot of trees!
Sharon Powers License #009.00001422

Sent from my iPad

From: Mathew Muzzy <mathew.muzzy@gmail.com>
Sent: Thursday, May 2, 2019 7:18 AM
To: OPR.Comment
Subject: Proposed Rules - Found word(s) affordable in the Text body

Hello,

I am a licensed barber, cosmetologist and educator. I have reviewed the proposed rules and think it is a huge mistake to lower the hours of education that drastically. As it is now, the students are just starting to feel confident when they reach 1500 hours, so to change that to 1000 hours is not going to be ideal. I understand trying to cut costs, but that is going to hurt the community instead of help. When students don't have sufficient time to practice they will not provide good services to clients.

Also, as an educator I think changing the ratio to 1:16 students on the clinic floor is absurd. Schools are fairly busy because of the affordable price. If all 16 students have a client and I am supposed to oversee everyone that is not possible. I need to consult with EVERY student, coach and help EVERY student and check the final product from all 16 students. There is a major lack in educators now, so if that change happens it will be even worse. No one will want to do that.

Thank you so much for reading this,
Mathew Muzzy

Sent from my iPhone

From: Ljiljana Rakovic <lilianashair@yahoo.com>
Sent: Wednesday, May 1, 2019 11:02 AM
To: OPR.Comment
Subject: Cosmetology Hours

Hello,

As a current stylist and former student I am really against the hours being dropped. This is another way for school to make more money by bigger student intake at more frequent times in a year.

The state has to understand we do work with chemicals, with humans, with electricity. Rome was not built in a day! All these qualities require a lot of training.

Europe is big on fashion and styles, why? Because you go to school 4 years, just like any other career that you need to be successful in.

With 1500 hours I only had few hours of makeup training. And 1 day of facial training. Not enough hours to be successful as it was.

Stylist really have to count on salons hiring them and training them. We see so many new stylists who do NOT have the education they should. Stylists who are scared to mix colors, anxiety when they see a client.

I believe 1500 is truly needed. It shouldn't only be about book work, a lot of physical work has to be put in.

Thank you

Lili Yahyazadeh

Sent from Yahoo Mail for iPhone

From: Pure Beauty <info@purebeautyvt.com>
Sent: Wednesday, May 1, 2019 11:56 AM
To: OPR.Comment
Subject: Re: Recommendation for proposed rules changes

Also the worst thing you can do is shorten the required Hours for esthetician's!!!
Most states require a minimum of 600 hours and this would hurt an esthetician being able to move out of state but also will reflect badly on our esthetician's in this state!
Less education means less qualified esthetician's!!! How is this even a question?!?

Get [Outlook for iOS](#)

From: Pure Beauty <info@purebeautyvt.com>
Sent: Wednesday, May 1, 2019 12:12 PM
To: opr.comment@sec.state.vt.us
Subject: Recommendation for proposed rules changes

Can you please make it specific to that anyone who does lash extensions/services have to be a licensed cosmetologist or esthetician please.

Thank you

Get [Outlook for iOS](#)

From: danielle derosa <daniellederosa123@yahoo.com>
Sent: Wednesday, May 1, 2019 1:42 PM
To: OPR.Comment

Thank you for your willingness to accept comments or concerns regarding the rules and standards.

I have come to notice that there is no rules about the "grandfathered in" estheticians. From unfortunate witnessed experience, they are unsure how to use microdermabrasion, unfamiliar chemical peels, electrical modalities and so forth. If these folks are "grandfathered in," they should be trained and tested in the same training as non- grandfathered estheticians have. This poses huge safety concerns when working with chemicals and electrical modalities when not trained at all in that background or tested against their knowledge base. Cosmetologist are much different than estheticians and careful consideration and testing should be held so a person is accountable for their actions and knowledge base. If they are going hold a license they need to be properly trained in the areas listed as competencies and completed inan appropriate time frame. "Grandfathered in," the person does not meet the criteria listed for appropriate licensure.

Thank you,
Danielle

Sent from Yahoo Mail on Android

From: **Diana Estes** <estesdiana@gmail.com>
Date: Sun, Apr 28, 2019 at 4:34 PM
Subject: Feedback from the Carriage House Salon

To Whom it concerns,
After looking over the latest copy of Administrative Rules for Barbers and Cosmetologists, we, the cosmetologists that work at The Carriage House Salon, in Montpelier, wish to convey that we have some concerns about some of the pieces in this document.

First, and perhaps most importantly, we do not think that reducing the number of hours for a student down to 1000 hours by an accredited school is a good idea at all. There are only 2 other states in the United States that require 1000 hours. {All the rest have more}. One of those two states is Massachusetts which has a secondary piece in its law that insist upon 2 years of practice under supervision, after that first 1000 in school, before one can work without supervision.

Why would we want to put Vermont tied for third place, with the lowest required hours to become a cosmetologist?

We have heard that one of the arguments for the reduction is that there is an anticipated shortage of hairdressers coming because so many of us are nearing a retirement age.

We would like to look over the statistics to back this concern.

We object to the idea because we feel that new graduates {at the current 1500 hours} STILL have a lot to learn and to shorten the formal education piece would propel new cosmetologist into the field less prepared and actually set them up for more failures. I think the clients would be unfairly served at a sub-par level by these new graduates.

Along those lines, if there was an anticipated shortage of doctors, we would not shorten their education. Nor would we do that in any other profession.

Secondly, in part 8-3, section f and g,

We feel that a school's examination pass rates and post-graduation attainment of licensure should be freely supplied and included with other information to students and prospective students along with all the items mentioned in part f. (as opposed to that information being made available only upon request.). This is already a customary practice at universities and colleges all over the country.

Complete information about and stats and exams pass rates help a prospective student make an informed decision.

Thirdly, we did not see any requirement of years or hours of practice before one can open a salon and work without supervision. The implications of a new graduate opening a salon and with no supervision are reckless to the safety of the clients. As we mentioned, new graduates should have a good grasp of basics, but still have much to learn.

We take objection, and are concerned about the legality of section 9-3 that declares a directors decision about a supervisory decision cannot be appealed in any way.

Our democratic government is set up with checks and balances so that no one person should have exclusive power. This sole-decision policy has no place in a democracy.

In section 13-c, we feel that the requirement of the mentioned un-disinfected articles seems excessive. We respectfully request information of transferable germs that can be transferred from nail, pens, etc onto a client .At the very least perhaps a separate closed container could be housed in the same drawer as combs and brushes which could hold the items mentioned in section c.

Lastly, we think that it is time to drop the requirement of MSDS sheets. With the advancement of technology, up to date information about products can be revealed on a computer or even a phone in seconds. We know that for years there has been inconsistent enforcement of this rule and the accumulation of over 500 sheets of paper is a terrible waste of resources.

We, the hairdressers at the Carriage House Salon respectfully submit our suggestions and opinions and would welcome the chance to discuss the issues further.

Thank you, in advance for your considerations of these matters,
Diana Estes, Sheryl Hull, Lauren Clark, Amy Newton-Young, Lisa Middleton and Vickie Adams

**ADMINISTRATIVE RULES
BOARD OF
BARBERS AND COSMETOLOGISTS
effective November 7, 2005.**

Pursuant to 26 V.S.A. § 276 the Board of Barbers and Cosmetologists adopts the following Administrative Rules.

Part 1. — General Information

1.1 — Introduction:

The Board of Barbers and Cosmetologists (which is referred to as "the Board") has been created and given powers by Vermont law. Its purpose is to protect public health, safety and welfare by setting standards, licensing only qualified applicants, and regulating licensees and their practices.

1.2 — Laws Governing the Board:

(a) The Board is governed by specific state laws that establish its responsibilities for setting standards, issuing licenses and regulating the profession. Those laws are found in 26 V.S.A. Chapter 6 §§ 271-289 and Chapter 5, Subchapter 3 of Title 3 (3 V.S.A. §§ 121-131). In addition, the Board must comply with several other state laws such as the "Administrative Procedure Act" (3 V.S.A. §§ 801-849), the "Open Meeting Law" (1 V.S.A. §§ 310-314), and the Access to Public Records Law (1 V.S.A. §§ 315-320). These laws set forth the rights of an applicant, license holder, or member of the public.

(b) The complete text of any of these laws should be available from any local town clerk or library. They are also available through the Vermont Statutes Online (www.leg.state.vt.us).

1.3 — Statutes Govern: When rules and statutes are inconsistent, statutes govern.

Part 2. — Definitions, Types of Licenses, Location of Practice

2.1 — Definitions:

As used in these rules:

- (a) "Active practice" means 2,500 hours of licensed practice within the preceding five years.
- (b) "Antiseptic" means a substance that may kill bacteria or retard their growth. As a rule, antiseptics can be used safely on the skin.
- (c) "Apprenticeship" means a period of study toward licensure under the direct supervision of a practitioner licensed in the profession for which licensure is sought. See rules specific to each profession governed by these rules.
- (d) "Basic Facial" is contained within the definition of esthetics. It includes basic cleansing, toning, moisturizing, hand manipulation and massage. However, unlike esthetics, basic facials exclude microdermabrasion, chemical peels, and application using high frequency current.
- (e) "Board" means the Board of Barbers and Cosmetologists.
- (f) "Clean" means free of dust, visible dirt, hair, spills, smudges, and generally in order.
- (g) "Communicable," "Infectious," or "Contagious" refers to a disease or condition which may be spread from one person to another by direct or indirect contact. Some of the more contagious or communicable diseases are tuberculosis, common cold, ringworm, scabies, head lice, pink eye, poison ivy, poison oak, flu, strep throat, chicken pox, and viral infections.
- (h) "Compensation" means personal enrichment, other than satisfaction or training which is gained by the performance of a service. This includes pay for services, tips, and the exchange of services, as in bartering.
- (i) "Delegating professional responsibilities" as used in 3 V.S.A. § 129a referring to persons not qualified includes and means that a shop owner and designated licensee must verify the licensure or apprentice status and

identity of each person working in his or her shop. This includes booth renters. Any person practicing a profession governed by these rules must display a license. See Rule 9.2(g).

- (j) ~~"Disposable article" or "single use article" means any article constructed and intended to be used one time on one person then immediately discarded.~~
- (k) ~~"Disinfectant" means a substance which will destroy most bacteria and is used to sanitize implements, equipment and furniture.~~
- (l) ~~"Licensure by Endorsement" refers to the process by which a person licensed in another state is permitted to obtain a Vermont license without taking all the examinations a new licensee is required to take.~~
- (m) ~~"Failure to practice competently" 3 V.S.A. § 129a, includes within its meaning performing treatments or providing services which he or she is not qualified to perform or provide, or which are beyond the scope of his or her education, training, capabilities, experience, or scope of practice.~~
- (n) ~~"Good Standing" means the licensee holds a current, unrestricted license and has not been subject to disciplinary action resulting in a finding of unprofessional conduct within the previous five years.~~
- (o) ~~"Licensee" is a person who has met the requirements under the law and has applied for and received a valid barber, cosmetologist, esthetician, manicurist (nail technician), shop, or school license.~~
- (p) ~~"Microdermabrasion" means a gentle, progressive, very superficial mechanical exfoliation of the uppermost layer of the stratum corneum using a closed loop vacuum system that utilizes aluminum oxide or corundum crystals as the abrasive material. A gentle Microdermabrasion treatment is less aggressive and non-invasive than "standard" (or "clinical") Microdermabrasion and does not remove epidermis below the stratum corneum. The licensee must not perform treatments that involve the live layers of the skin.~~
- (q) ~~"Multi-use Article" means any article intended to be used or actually used more than once on more than one person which can be sanitized or sterilized.~~
- (r) ~~"Office" means the Office of Professional Regulation.~~
- (s) ~~"Sanitize" means treatment by any process that safely reduces the bacterial count and destroys viruses, including pathogens to a safe level on instruments, equipment, and other articles.~~
- (t) ~~Scope and limitations of practice:
 - (1) ~~"Barbering" means: "engaging in the continuing performance, for compensation, of any of the following activities: cutting, shampooing, or styling hair; shaving the face, shaving around the vicinity of the ears and neckline, or trimming facial hair; facials, skin care, or scalp massages, and bleaching, coloring, straightening, permanent waving hair or similar work by any means, with hands or mechanical or electrical apparatus or appliances." 26 V.S.A. § 271(1). For purposes of these rules the term "facial" as applied to barbers means basic facials.~~
 - (2) ~~"Cosmetology" means engaging in the continuing performance, for compensation in "work on the hair of any person, including dressing, curling, waving, cleansing, cutting, bleaching, coloring, or similar work by any means, with hands or mechanical or electrical apparatus or appliances." 26 V.S.A. § 271(3)(A). Cosmetology includes facials and manicuring. See, 26 V.S.A. § 271(3)(B).
 - (A) ~~For purposes of these rules the term "facial" as applied to cosmetologists means "basic facials."~~
 - (B) ~~For purposes of these rules the term "manicure" as applied to cosmetologists includes all aspects of manicure and pedicure practice, also known as nail technician practice.~~~~
 - (3) ~~"Esthetics" means "massaging, cleansing, stimulating, manipulating, beautifying or otherwise working on the scalp, face or neck, by using cosmetic preparations, antiseptics, tonics, lotions or creams. "Esthetics" does not include the sale or application of cosmetics to customers in retail stores or customers' homes." 26 V.S.A. § 271(5) Esthetics includes basic facials plus microdermabrasion as defined above, and chemical exfoliation.~~
 - (4) ~~"Manicuring" or "nail technician practice" "means the nonmedical treatment of a person's fingernails or toenails or the skin in the vicinity of the nails, and includes the use of cosmetic preparations or appliances." 26 V.S.A. § 271(7).~~~~
- (u) ~~"Single-use Article" or disposable article means any article constructed and intended to be used one time on one person then immediately discarded.~~

- (v) "Sterilize" means the process of rendering an object aseptic by the destruction of all bacteria and viruses. (w) "Use of Lasers" means the use of laser technology for hair removal or other cosmetic purposes. Use of lasers is not permitted by these rules and is therefore prohibited.
- (x) "Limit on the Scope of Practice" includes the use of any procedure in which human tissue is cut or altered by mechanical or energy form, including electrical or laser energy or ionizing radiation. Such procedures are prohibited for all individuals licensed under this chapter unless permitted under the supervision of a licensed health care practitioner acting within the scope of his or her license.
- (y) Body piercing including ear piercing is not part of the scope of practice for which the board issues a license. Licensees may perform *some* ear piercing as limited by law. Any licensee who wishes to perform any body piercing, including ear piercing, should be sure to refer to the rules and statutes governing tattooists and body piercers to ensure compliance with the law. See, <http://vtprofessionals.org/opr1/tattooists/>.

2.2 Types of Licenses: Practitioners are licensed as barbers, or cosmetologists, or estheticians, or manicurists (nail technicians). Licensees with proper qualifications who meet the requirements herein may hold more than one license.

2.3 Multiple Licensure Allowed:

- (a) Persons possessing a cosmetology license issued before the effective date of these rules may continue under their scope of practice to perform esthetician or manicurist services as defined by these rules.
- (b) A person in good standing holding a Vermont cosmetology license issued before the effective date of these rules may obtain an additional esthetician license or manicurist (nail technician) license by paying the appropriate fee and successfully completing that profession's licensing examination.
- (c) A duly qualified cosmetology applicant may obtain an additional license as a manicurist (nail technician) at the time of cosmetology licensure, by submitting an application to the office and paying the additional manicurist (nail technician) licensing fee, and successfully completing the examination to be a nail technician.

2.4 Location of Practice: The practices of barbering, cosmetology, esthetics, or manicare and pedicure (nail technician) are permitted only in shops licensed by the board, except as permitted in sections 281 and exempted by section 273(3) of Title 26.

2.5 Display of License: Any person practicing a profession governed by these rules must display a license. See Rule 9.2(g). Each person practicing a profession subject to these rules is required to have in his or her possession a current Vermont Photo Operator's License or current Vermont State issued photo identification.

Part 3. Information for Applicants

3.1 Application for Licensure:

Applications and information about the types of licenses and their requirements are available from the Office and on line. See, <http://vtprofessionals.org>. An applicant shall submit a fully completed application form with all supporting documentation and the fee to the Office. The Board reviews applications only after the fully completed application and documentation is received, including evidence of any required education, supervision, employment, evidence of a license in another jurisdiction and its licensing standards, or other licensing standards.

3.2 Licenses and First Renewal: An applicant issued an initial license within 90 days of the renewal date will not be required to renew or pay the renewal fee. The license will be issued through the next full license period. An applicant issued an initial license more than 90 days prior to the renewal expiration date will be required to renew and pay the renewal fee.

3.3 License Denials, Hearings, Appeals:

- (a) ~~If the Board preliminarily denies an application for a license or renewal, the Board shall send the applicant written notice of the decision by certified mail. The notice shall include a statement of the reasons for the action and shall advise the applicant that the applicant may file a petition with the Board for review of its preliminary decision within 30 days of the date on which the notice is mailed. After the hearing, the Board shall affirm or reverse the preliminary denial, explaining the reason therefore in writing.~~
- (b) ~~A party aggrieved by a final decision of the Board may appeal in the manner provided by section 130a of Title 3. The review shall be conducted on the basis of the record created before the Board. Each decision by the Board shall inform parties of their appellate rights.~~

3.4 General Requirements for Apprenticeships (Specifics for Each Profession Set Forth Later in These Rules):

- (a) ~~Each apprentice shall receive his/her instruction from a supervising licensee in good standing who has been licensed and in active practice for a minimum of five (5) consecutive full time years immediately prior to the time of the apprenticeship. The supervising licensee is permitted to supervise only an apprentice seeking the same license which the supervisor possess. (For example, a barber may only supervise an apprentice training to obtain a barber license, a cosmetologist may only supervise an apprentice training to obtain a cosmetologist license, etc.)~~
- (b) ~~Prior to the beginning of the apprenticeship, the supervisor must indicate on a form provided by the Board that the licensee accepts the responsibility to train and supervise the apprentice according to the requirements of Title 26 Chapter 6 and these rules. An apprentice may transfer to another shop apprenticeship or supervisor after Board approval of an "Acceptance of Responsibility" form (as above) from a licensee/supervisor in good standing.~~
- (c) ~~A supervisor may accept responsibility for only one apprentice at any given time. The apprentice is not permitted to work if the supervisor is not physically present.~~
- (d) ~~The supervisor shall keep a weekly record of the apprentice's attendance, a copy of which must be provided to the apprentice. The weekly record shall include:~~
 - (1) ~~name of the apprentice;~~
 - (2) ~~name and address of the shop;~~
 - (3) ~~dates the apprentice worked;~~
 - (4) ~~total number of hours worked during the week;~~
 - (5) ~~work processes performed on the days the apprentice worked;~~
 - (6) ~~signature of the supervisor; and~~
 - (7) ~~signature of the apprentice.~~
- (e) ~~The shop owner shall post a copy of the Board's "Apprentice Approval Letter," with the other licenses at eye level at the front entrance of the shop.~~
- (f) ~~An apprentice shall spend no more than 30 minutes a day cleaning during hours that are being documented as part of the apprenticeship requirement.~~
- (g) ~~An apprentice shall wear a badge or name tag which shall also state "Apprentice."~~
- (h) ~~These rules do not govern whether or not the apprentice is paid money or a stipend.~~
- (i) ~~Once apprentice training is completed, no person may practice until he or she has successfully completed required examinations and has been issued a license by the Board.~~

- (j) ~~An apprenticeship ends when the applicant receives his or her licensing examination score results (pass or fail) or reaches the maximum number of hours for the internship, which ever occurs first.~~
- (k) ~~A person who has completed an apprenticeship to become a cosmetologist is deemed to have satisfied the apprenticeship requirements for manicurists (nail technicians).~~
- (l) **Limitation:** ~~A person who has completed the required apprenticeship period cannot continue to practice as an apprentice.~~

Part 4. — Examination(s)

4.1 Information about Examinations: ~~The examinations required for licensure may be administered by an examination service approved by the Board. Applicants wishing to be examined for licensure as a barber, cosmetologist, esthetician or manicurist (nail technician) should contact the Office or its designee to obtain information on the examination.~~

4.2 Retaking Examinations, Fees: ~~An applicant may take or retake an examination for licensure only after payment of the applicable examination fee.~~

4.3 Partial Credit: ~~Applicants who are required to successfully complete national examinations and who do not pass all sections can receive credit for the portion passed. They must re-take the portions of the examination failed.~~

4.4 Validity of Scores: ~~Passing scores will remain valid for one year only. Applicants who do not successfully complete all portions of the examination within one year must retake the entire examination.~~

(a) ~~For example: On June 1 the applicant passes the practical portion of the exam, but fails the written portion. So long as the written exam is passed by the following May 31, the applicant is not required to retake the practical portion. If the entire exam is not successfully completed by May 31, the applicant loses credit for the practical portion and must take the entire examination as if for the first time. There is no limit on the number of times a person may take the licensing examination.~~

Part 5. — Barber Licensure

5.1 Barber Licensure Explanation: ~~Qualifications for barber licensure are outlined in 26 V.S.A. §277. Licenses are issued by examination or endorsement.~~

5.2 ~~Applicants for barber licensure by examination shall comply with either section (a) or (b) below:~~

- (a) **Formal Education:** Applicants must:
 - (1) be at least 18 years of age;
 - (2) have a high school or general education development diploma;
 - (3) have satisfactorily completed an accredited barber school program of 1,000 hours; they must also:
 - (4) successfully complete national written and practical examinations; and
 - (5) successfully complete the Vermont laws and rules examination; and
 - (6) for only so long as 26 V.S.A. § 277 continues to require it, complete a 12 month apprenticeship.
- (b) **Apprenticeship:** Applicants must:
 - (1) be at least 18 years of age;

- (2) have a high school or general education development diploma;
- (3) have satisfactorily completed an apprenticeship of no less than 12 months or no more than 36 months and consisting of no fewer than 2,000 hours and no more than 3,000 hours; they must also: (4) successfully complete national written and practical examinations; and
- (5) successfully complete the Vermont laws and rules examination.
- (6) A person who has completed the required apprenticeship period cannot continue to practice as an apprentice. Once apprentice training is completed, no person may practice until he or she has successfully completed required examinations and has been issued a license by the Board.

5.3 — Applicants for ~~barber licensure by endorsement~~ shall:

- (a) have a current barber license in good standing in another jurisdiction;
- (b) whose laws the Board considers to be substantially equal to those of this state; or,
- (c) If licensed and in good standing in another state whose laws the Board does not consider to be substantially equal to those of this state, the applicant may be issued a license if the applicant has been in active practice for the period specified in 26 V.S.A. § 289 immediately preceding application. The Board may grant a license if the Board determines that the applicant's experience provides assurance of competency in areas in which the other state's licensing standards are not substantially equal to those of this state; and (d) successfully complete the Vermont laws and rules examination.

5.4 ~~Those not Eligible for Endorsement:~~ An applicant who does not meet the requirements for licensure by endorsement must satisfy the requirements of 26 V.S.A. § 277 and Rule 5.2.

5.5 ~~Beginning a Barber Apprenticeship~~

- (a) Applications must be filed with the Office prior to the beginning of the apprenticeship. If the proposed apprenticeship satisfies the requirements of these rules, the Board will issue a letter of approval. The apprentice shall not touch a paying customer prior to receipt of the approval letter and completion of 500 hours of study. The apprenticeship is intended to provide continuous week by week supervised practical experience equivalent or greater to the supervised practicum provided in a traditional school.
- (b) In no instance can the apprenticeship extend beyond 36 months.

5.6 — ~~Education Component:~~

The apprenticeship must include subjects as presented by standard cosmetology and barbering text books and shall include:

- (a) anatomy and physiology, specific to the industry license;
- (b) bacteriology, including the spread of and control of contagious or infectious diseases, contamination and decontamination, sterilization, sanitation, and basic cleanliness in general and as it pertains to the barber and cosmetology industry and state requirements; and
- (c) knowledge of Vermont Barbers and Cosmetologists State Laws and Rules.

5.7 ~~Competencies Acquired:~~ At the conclusion of the barber apprenticeship, the apprentice shall have acquired the following competencies:

- (a) shampooing;
- (b) hair cutting, hairstyling, and hair shaping;
- (c) hair coloring, including temporary, semi-permanent and permanent;
- (d) permanent waving and straightening;
- (e) hair analysis & scalp treatments;
- (f) basic facials;
- (g) clipper cutting;
- (h) straight razor shaves and beard trim;

- (i) ~~sanitation and sterilization techniques for all equipment, supplies, general and specific chemical and waste storage areas;~~
- (j) ~~sanitary personal health and hygiene understanding~~
- (k) ~~safe chemical storage, use, and disposal and reference material requirements;~~
- (l) ~~sanitation, sterilization, hazardous substances, hygiene, anatomy;~~
- (m) ~~professional ethics, and;~~
- (n) ~~knowledge of the history of the profession.~~

5.8 Transfer of School Hours: ~~Persons who within three (3) months of applying for an apprenticeship have successfully completed barbering training consisting of 500 hours or more in a trade or vocational school, or a school of barbering, or school of cosmetology offering a program in barbering, or in an accredited program or course of barbering studies approved by the Board, may upon proper documentation, apply no more than 500 hours toward the barber's apprenticeship.~~

Part 6. — Cosmetologist Licensure

6.1 — Cosmetologist License Explanation: ~~Qualifications for cosmetology licensure are outlined in 26 V.S.A. §278. Licenses are issued by examination or endorsement.~~

6.2 — ~~Applicants for cosmetology licensure by examination shall comply with either section (a) or (b) below:~~

(a) **Formal Education:** ~~Applicants must:~~

- (1) ~~be at least 18 years of age;~~
- (2) ~~have a high school or general education development diploma;~~
- (3) ~~have satisfactorily completed an accredited school of cosmetology approved by the Board of at least 1,500 hours of which a portion shall be sufficient to assure competence in nail technician practice;~~
- (4) ~~successfully complete national written and practical examinations; and~~
- (5) ~~successfully complete the Vermont laws and rules examination.~~

(b) **Apprenticeship:** ~~Applicants must:~~

- (1) ~~be at least 18 years of age;~~
- (2) ~~have a high school or general education development diploma;~~
- (3) ~~have satisfactorily completed an apprenticeship of not less than 12 months nor more than 36 months and consisting of no fewer than 2,000 and no more than 3,000 hours;~~
- (4) ~~successfully complete national written and practical examinations; and~~
- (5) ~~successfully complete the Vermont laws and rules examination.~~
- (6) ~~A person who has completed the required apprenticeship period cannot continue to practice as an apprentice. Once apprentice training is completed, no person may practice until he or she has successfully completed required examinations and has been issued a license by the Board.~~

6.3 — Applicants for cosmetology licensure by endorsement shall:

- (a) ~~have a current cosmetology license in good standing in another jurisdiction;~~
- (b) ~~whose laws the Board considers to be substantially equal to those of this state; or;~~
- (c) ~~If licensed and in good standing in another state whose laws the Board does not consider to be substantially equal to those of this state, the applicant may be issued a license if the applicant has been in active practice for the period specified in 26 V.S.A. § 289 immediately preceding application. The Board may grant a license if the Board determines that the applicant's experience provides assurance of competency in areas in which the other state's licensing standards are not substantially equal to those of this state, and;~~
- (d) ~~successfully complete the Vermont laws and rules examination.~~

6.4 Those Not Eligible for Endorsement: An applicant who does not meet the requirements for licensure by endorsement must satisfy the requirements of 26 V.S.A. § 278 and Rule 6.2.

6.5 Beginning a cosmetology apprenticeship:

- (a) Applications must be filed with the Office prior to the beginning of the apprenticeship. If deemed appropriate, the Board will issue a letter of approval. The apprentice shall not touch a paying customer prior to receipt of the approval letter and completion of 500 hours of study. The apprenticeship is intended to provide continuous week-by-week supervised practical experience equivalent or greater to the supervised practicum provided in a traditional school.
- (b) In no instance can the apprenticeship extend beyond 36 months.

6.6 Education Component: The apprenticeship must include subjects as presented by standard cosmetology and barbering text books which shall include:

- (a) anatomy and physiology, specific to the industry license;
- (b) bacteriology including the spread of and control of contagious or infectious diseases, contamination and decontamination, sterilization, sanitation, and basic cleanliness in general and as it pertains to the barber and cosmetology industry and state requirements; and
- (c) knowledge of Vermont Barbers and Cosmetologists State Laws and Rules.

6.7 Competencies Acquired: At the conclusion of the cosmetology apprenticeship, the apprentice shall have acquired the following competencies:

- (a) shampooing
- (b) hair cutting, clipper cutting, hairstyling, and hair shaping;
- (c) hair coloring, including temporary, semi-permanent and permanent;
- (d) permanent waving and straightening;
- (e) hair analysis & scalp treatments;
- (f) basic facials;
- (g) waxing;
- (h) manicuring and pedicuring (nail technician practice);
- (i) finger waving pin curls/roller formation;
- (j) sanitation and sterilization techniques for all equipment, supplies, general and specific chemical and waste storage areas;
- (k) sanitary personal health hygiene understanding;
- (l) safe chemical storage, use, and disposal and reference material requirements; (m) sanitation, sterilization, hazardous substances, hygiene, anatomy, and; (n) professional ethics.

6.8 Transfer of School Hours: Persons who within three (3) months of applying for an apprenticeship have successfully completed cosmetology training consisting of 500 hours or more in a trade or vocational school, or a school of cosmetology, or in an accredited program or course of studies in cosmetology approved by the Board, may upon proper documentation, apply no more than 500 hours toward the cosmetologist apprenticeship.

Part 7. Esthetician Licensure

7.1 Esthetician License Explanation: Qualifications for esthetician licensure are outlined in 26 V.S.A. §279. Licenses are issued by examination or endorsement.

7.2 Applicants for **esthetician licensure by examination** shall comply with either section (a) or (b) below:

- (a) **Formal Education:** Applicants must:
 - (1) be at least 18 years of age;
 - (2) have a high school or general education development diploma;

- (3) ~~have satisfactorily completed an accredited school of cosmetology or training program of esthetics approved by the Board of at least 600 hours;~~
- (4) ~~successfully complete national written and practical examinations; and~~
- (5) ~~successfully complete the Vermont laws and rules examination.~~

(b) **Apprenticeship:** Applicants must:

- (1) ~~be at least 18 years of age;~~
- (2) ~~have a high school or general education development diploma;~~
- (3) ~~have satisfactorily completed an apprenticeship of not less than 12 months or more than 18 months consisting of no fewer than 800 and no more than 1,200 hours;~~
- (4) ~~successfully complete national written and practical examinations; and~~
- (5) ~~successfully complete the Vermont laws and rules examination;~~
- (6) **Limitation:** ~~A person who has completed the required apprenticeship period cannot continue to practice as an apprentice. Once apprentice training is completed, no person may practice until he or she has successfully completed required examinations and has been issued a license by the Board.~~

7.3 — Applicants for **esthetician licensure by endorsement** shall:

- (a) ~~have a current esthetician license in good standing in another jurisdiction;~~
- (b) ~~whose laws the Board considers to be substantially equal to those of this state; or;~~
- (c) ~~If licensed and in good standing in another state whose laws the Board does not consider to be substantially equal to those of this state, the applicant may be issued a license if the applicant has been in active practice for the period specified in 26 V.S.A. § 289 immediately preceding application. The Board may grant a license if the Board determines that the applicant's experience provides assurance of competency in areas in which the other state's licensing standards are not substantially equal to those of this state; and;~~ (d) ~~successfully complete the Vermont laws and rules examination.~~

7.4 Those Not Eligible for Endorsement: ~~An applicant who does not meet the requirements for licensure by endorsement must satisfy the requirements of 26 V.S.A. § 279 and Rule 7.2.~~

7.5 Beginning an Esthetician Apprenticeship

- (a) ~~Applications must be filed with the Office prior to the beginning of the apprenticeship. If deemed appropriate, the Board will issue a letter of approval. The apprentice shall not touch a paying customer prior to receipt of the approval letter and completion of 100 hours of study. The apprenticeship is intended to provide continuous week-by-week supervised practical experience equivalent or greater to the supervised practicum provided in a traditional school.~~
- (b) ~~In no instance can the apprenticeship extend beyond 18 months.~~

7.6 Education Component — ~~The apprenticeship must include subjects as presented by standard cosmetology and barbering text books which shall include:~~

- (a) ~~anatomy and physiology, specific to the industry license;~~
- (b) ~~bacteriology including the spread of and control of contagious or infectious diseases, contamination and decontamination, sterilization, sanitation, and basic cleanliness in general and as it pertains to the barber and cosmetology industry and state requirements; and~~
- (c) ~~knowledge of Vermont Barbers and Cosmetologists State Laws and Rules.~~

7.7 Competencies Acquired: ~~At the conclusion of the esthetician apprenticeship, the apprentice shall have acquired the following competencies:~~

- (a) ~~facial treatments;~~

- (b) ~~chemical peels, exfoliation;~~
- (c) ~~use of microdermabrasion;~~
- (d) ~~makeup techniques and services;~~
- (e) ~~mask therapy;~~
- (f) ~~chemicals;~~
- (g) ~~electrical machines used in esthetics;~~
- (h) ~~eyebrow arching and hair removal;~~
- (i) ~~sanitation and sterilization techniques for all equipment, supplies, general and specific chemical and waste storage areas;~~
- (j) ~~sanitary personal health and hygiene understanding;~~
- (k) ~~safe chemical storage, use, and disposal and reference material requirements, and;~~
- (l) ~~sanitation, sterilization, hazardous substances, hygiene, anatomy, laws, rules, regulations; professional ethics.~~

~~**7.8 Transfer of School Hours:** Persons who have successfully completed esthetician training consisting 200 hours or more in a trade or vocational school or a program of esthetics approved by the Board within three (3) months of applying for an apprenticeship may, upon proper documentation, apply no more than 200 hours toward the apprenticeship.~~

Part 8. — Manicurist (Also Known as “Nail Technician”) Licensure

~~**8.1 Manicurist License Information:** — Qualifications for manicurist licensure are outlined in 26 V.S.A. §280. Licenses are issued by examination or endorsement.~~

~~**8.2 Applicants for manicurist (nail technician) licensure by examination** shall comply with either section (a) or (b) below:~~

~~(a) **Formal Education:** Applicants must:~~

- ~~(1) be at least 18 years of age;~~
- ~~(2) have a high school or general education development diploma;~~
- ~~(3) have satisfactorily completed an accredited school of cosmetology or nail technician program approved by the Board of at least 400 hours;~~
- ~~(4) successfully complete national written and practical examinations; and~~
- ~~(5) successfully complete the Vermont laws and rules examination.~~

~~(b) **Apprenticeship:** Applicants must:~~

- ~~(1) be at least 18 years of age;~~
- ~~(2) have a high school or general education development diploma;~~
- ~~(3) have satisfactorily completed an apprenticeship of no fewer than 8 months nor more than 12 months consisting of no fewer than 600 and no more than 900 hours;~~
- ~~(4) successfully complete national written and practical examinations; and~~
- ~~(5) successfully complete the Vermont laws and rules examination;~~
- ~~(6) **Limitation:** A person who has completed the required apprenticeship period cannot continue to practice as an apprentice. Once apprentice training is completed, no person may practice until he or she has successfully completed required examinations and has been issued a license by the Board.~~

~~**8.3 — Applicants for manicurist (nail technician) licensure by endorsement** shall:~~

- ~~(a) have a current manicurist (nail technician) license in good standing in another jurisdiction;~~
- ~~(b) whose laws the Board considers to be substantially equal to those of this state; or;~~
- ~~(c) If licensed and in good standing in another state whose laws the Board does not consider to be substantially equal to those of this state, the applicant may be issued a license if the applicant has been in active practice for the period specified in 26 V.S.A. § 289 immediately preceding~~

~~application. The Board may grant a license if the Board determines that the applicant's experience provides assurance of competency in areas in which the other state's licensing standards are not substantially equal to those of this state; and;~~

- (d) ~~successfully complete the Vermont laws and rules examination.~~

8.4 Those Not Eligible for Endorsement: ~~An applicant who does not meet the requirements for licensure by endorsement must satisfy the requirements of 26 V.S.A. § 280 and Rule 8.2.~~

8.5 Beginning a Manicurist (Nail Technician) Apprenticeship:

(a) ~~Applications must be filed with the Office prior to the beginning of the apprenticeship. If deemed appropriate, the Board will issue a letter of approval. The apprentice shall not touch a paying customer prior to receipt of the approval letter and completion of 50 hours of study. The apprenticeship is intended to provide continuous week by week supervised practical experience equivalent or greater to the supervised practicum provided in a traditional school.~~

(b) ~~In no instance can the apprenticeship be extended beyond 12 months.~~

8.6 Education Component: ~~The apprenticeship must include subjects as presented by standard cosmetology and barbering text books which shall include:~~

- (a) ~~anatomy and physiology, including specific to industry license;~~
- (b) ~~bacteriology, including the spread of and control of contagious or infectious diseases, contamination and decontamination, sterilization, sanitation, and basic cleanliness in general and as it pertains to the barber and cosmetology industry and state requirements; and~~
- (c) ~~Vermont Barbers and Cosmetologists State Laws and Rules.~~

8.7 Competencies Acquired: ~~At the conclusion of the nail technician apprenticeship, the apprentice shall have acquired the following competencies:~~

- (a) ~~manicuring;~~
- (b) ~~acrylic nail, nail gels, nail tip, nail wrap application, and repairs; (c) nail drill;~~
- (d) ~~pedicuring;~~
- (e) ~~acrylic: liquid and powder brush ons;~~
- (f) ~~sanitation and sterilization techniques for all equipment, supplies, general and specific chemical and waste storage areas;~~
- (g) ~~sanitary personal health and hygiene understanding;~~
- (h) ~~safe chemical storage, use, and disposal and reference material requirements;~~
- (i) ~~sanitation, sterilization, hazardous substances, hygiene, anatomy; (j) laws, rules, regulations, and; (k) professional ethics.~~

8.8 Transfer of School Hours: ~~Persons who within three (3) months of applying for an apprenticeship have successfully completed manicurist (nail technician) training consisting of 150 hours or more in a trade or vocational school or in an accredited program or course of studies or manicurist (nail technician) program may, upon proper documentation, apply no more than 150 hours toward the apprenticeship.~~

Part 9. Shops and Schools

9.1 Shop Licenses Required ~~Applicants for a shop license shall:~~

- (a) ~~submit a completed application and required fee;~~

- (b) ~~submit a floor plan of the shop which shall include all areas being used and not registered as a separate business;~~
- (c) ~~pass an inspection of the shop by the Board or its designee, and;~~
- (d) ~~submit documentation of incorporation, trade name, partnership agreement, or any other document or affidavit which constitutes reliable proof of ownership.~~

9.2 — General Requirements for Shops:

- (a) ~~The shop shall have a designated licensee on the premises who is responsible for overall safety, cleanliness, and sanitation of the shop. Shop owners and designated licensees are responsible at all times for the overall cleanliness and sanitation of the shop.~~
- (b) ~~Shop owners and designated licensees are responsible for ensuring that any person practicing a profession governed by these rules in their shop has a valid license issued by the Board, and has in their possession at all times while working a current Vermont photo license or current Vermont state issued photo identification.~~
- (c) ~~Designated licensees shall have been in practice for a minimum of one year containing no fewer than 1,500 hours practice.~~
- (d) ~~If the shop is in a private home, there must be a separate room, for cosmetology or barbering which is the only place in the house where cosmetology or barbering is practiced.~~
- (e) ~~Each shop granted a license after the effective date of these rules shall have: (1) its own separate entrance, and; (2) its own separate bathroom.~~
- (f) ~~A sign must be visibly displayed outside on the premises where a shop is located.~~
- (g) ~~The shop license, all personal licenses, and a copy of any apprenticeship approval letter shall be displayed together at eye level at the front entrance of the shop;~~
- (h) ~~Any changes in shop floor plans must be submitted to the Board Office and may be the basis of another inspection.~~
- (i) ~~A change of shop location or ownership is considered the equivalent of opening a new shop. New shop openings may not occur without prior notice, opportunity for Board inspection, and approval by the Board.~~
- (j) ~~A cosmetology shop shall not use a barber pole or barber logo inside or outside of the shop. The terms "barber," or "barbering," or barber logos shall not be used in the name of the cosmetology shop.~~

9.3 — Inspections:

- (a) ~~Licensees, shops, schools, and facilities, such as designated areas in hospitals, nursing homes and community care facilities which are regularly used for licensed activities as permitted by 26 V.S.A. § 273 and these rules, are subject to the Board's inspection authority and shall permit the Board or its designee to inspect a shop, school or facility, and equipment during business hours or as otherwise arranged to ensure that the shop, school or facility is in compliance with these rules.~~
- (b) ~~Schools must provide to the Board or its designee a copy of the last National Accrediting Commission of Cosmetology Arts and Sciences (NACCAS) report, if NACCAS certified or copy of the last accreditation report by another accreditation body, if not NACCAS accredited. Changes in floor plans, including expansion of facilities must be reported to the Board before they occur to permit the Board or its designee to inspect.~~

- (c) ~~Reinspection fees may be waived in part or in full at the discretion of the Director of the Office of Professional Regulation.~~

Part 10. — Additional Requirements for Professional Schools and Instructors

10.1 — School Licensure:

~~Qualifications for school licensure are outlined in 26 V.S.A. § 281.~~

(a) ~~Applicants for a school license shall:~~

- ~~(1) submit a completed application and required fee;~~
- ~~(2) submit a list of equipment to be used in the school;~~
- ~~(3) submit a floor plan of the school showing size and arrangement of class rooms and placing of equipment including entrances, bathrooms and storage areas; and~~
- ~~(4) submit the school curriculum, scope and sequence, including any texts or workbooks used, and equipment/supply requirements;~~
- ~~(5) submit school policies on non-discrimination, student participation in customer services, requirements of purchase of any equipment, material, subscription or clothing of students and complaint receipt and restitution;~~
- ~~(6) submit documentation of incorporation, trade name, partnership agreement or any other document or affidavit which constitutes reliable proof of ownership; and~~
- ~~(7) pass an inspection of the school by the Board or its designee.~~
- ~~(8) Notify the Board prior to any change of ownership, location, expansion or substantial change of floorplans to permit the Board to inspect if appropriate.~~

10.2 — Requirements for Schools:

(a) ~~Each school shall:~~

- ~~(1) Have a sign prominently displayed showing that it is a school of cosmetology.~~
- ~~(2) Have the equipment necessary for teaching all of the subjects included in the curriculum.~~
- ~~(3) Have a sign prominently displayed which reads "Student Work Only" in the room used for instructional purposes.~~
- ~~(4) Maintain records of daily attendance. These records must show the item of study of each subject.~~
- ~~(5) Have a separate entrance.~~

(b) **Instructors:** ~~To ensure that instructors are competent, each instructor shall obtain an instructor's endorsement from the Board. Applications for the endorsement are available from the Office or online. Schools are responsible for verifying that their instructors have complied with the requirements of these rules. Each instructor shall:~~

- ~~(1) Have three (3) full time years of experience or possess sufficient teacher education and experience to permit the Board to determine that the instructor applicant's background is equal to those of a practitioner with three years experience;~~
- ~~(2) be licensed in each profession under these rules which they teach. For example, a person — teaching barbering must be a licensed barber. A cosmetology teacher must be a licensed cosmetologist. Manicure (nail technician) teachers must be licensed as manicurists, and esthetician teachers must be licensed as estheticians;~~
- ~~(3) have passed an instructor's examination approved by the Board for each profession taught; and~~
- ~~(4) take a minimum of 24 hours professional education approved by the Board per licensing period beginning the first full period after an instructor's endorsement is issued of which no fewer than 6 hours are dedicated to teaching, the rest being in their licensed profession(s). Courses in business management and financial management will not be approved.~~

(c) **Endorsements:** ~~Schools shall prominently display copies or originals of instructor endorsements.~~

- (d) ~~**Audits:** The Board may conduct random audits of school files to verify completion of continuing education. Upon request by the Board, schools and instructors shall provide documentation to show compliance with these rules. Records of continuing education shall be maintained by schools for each instructor for a period of seven years.~~
- (e) ~~**Grandfather Clause:** Persons who before January 1, 2004 began teaching on a regular schedule at least half time in an accredited school in this state or other jurisdiction with substantially similar standards are exempted from the examination requirement.~~

10.3 Barbering Course Requirements:—The school, if offering a barber course, must offer a 1,000 hour course of study which shall include at a minimum the following:

- (a) shampooing;
- (b) straight razor shaves and beard trims;
- (c) permanent waving and straightening;
- (d) basic facials;
- (e) hair coloring, including temporary, semi-permanent and permanent;
- (f) hair cutting, hairstyling and hair shaping;
- (g) clipper cutting;
- (h) hair analysis and scalp treatments;
- (i) sanitation and sterilization techniques for all equipment, supplies, general and specific chemical and waste storage areas;
- (j) sanitary personal health and hygiene understanding;
- (k) safe chemical storage, use, and disposal and reference material requirements;
- (l) sanitation, sterilization, hazardous substances, hygiene, anatomy, laws, rules, regulations;(m) professional ethics; and
- (n) knowledge of the history of the profession.

10.4 Cosmetology Courses Requirements:—The school, if offering a cosmetology course of study, must offer a 1,500 hour course of study which shall include at the minimum the following:

- (a) shampooing;
- (b) waxing;
- (c) permanent waving and straightening;
- (d) finger waving/pin curls/roller formation;
- (e) manicuring (nail technician practice);
- (f) basic facials;
- (g) hair analysis & scalp treatments;
- (h) hair coloring, including temporary, semi-permanent and permanent;
- (i) hair cutting, clipper cutting, hairstyling, and hair shaping;
- (j) sanitation and sterilization techniques for all equipment, supplies, general and specific chemical and waste storage areas;
- (k) sanitary personal health and hygiene understanding;
- (l) safe chemical storage, use, and disposal and reference material requirements;
- (m) sanitation, sterilization, hazardous substances, hygiene, anatomy, laws, rules, regulations, and;(n) professional ethics.

10.5 Esthetician Course Requirements:—The school, if offering an esthetician course of study, must offer a 600 hour course of study which shall include at a minimum the following:

- (a) facials;
- (b) use of microdermabrasion;
- (c) chemical peels/exfoliation;

- (d) ~~mask therapy;~~
- (e) ~~chemicals;~~
- (f) ~~electrical machines used in esthetics;~~
- (g) ~~eyebrow arching and hair removal;~~(h) ~~makeup techniques and services;~~
- (i) ~~sanitation and sterilization techniques for all equipment, supplies, general and specific chemical and waste storage areas;~~
- (j) ~~sanitary personal health and hygiene understanding;~~
- (k) ~~safe chemical storage, use, and disposal and reference material requirements;~~
- (l) ~~sanitation, sterilization, hazardous substances, hygiene, anatomy, laws, rules, regulations, and;~~(m) ~~professional ethics.~~

10.6 Manicurist (nail technician) Course Requirements:—The school, if offering a manicurist (nail technician) course, must offer a 400-hour course of study which shall include at a minimum the following: (a) ~~manicuring;~~

- (b) ~~nail drill;~~
- (c) ~~acrylic nail, nail gels, nail tip, nail wrap application, and repairs;~~
- (d) ~~acrylic: liquid and powder brush-ons;~~(e) ~~pedicuring;~~
- (f) ~~sanitation and sterilization techniques for all equipment, supplies, general and specific chemical and waste storage areas;~~
- (g) ~~sanitary personal health and hygiene understanding;~~
- (h) ~~safe chemical storage, use, and disposal and reference material requirements.~~
- (i) ~~sanitation, sterilization, hazardous substances, hygiene, anatomy, laws, rules, regulations, and;~~(j) ~~professional ethics.~~

10.7 — Credits, Conditions:

- (a) ~~Time absent must be made up to complete the requirements of the course.~~
- (b) ~~A student found working in a paid school clinic before completing his or her first 500 hours of study may lose partial or complete credit.~~
- (c) ~~No credit shall be given for lunch or rest.~~
- (d) ~~No student shall be credited for hours not spent in the class.~~

10.8 — Instructor/student Ratios:

- (a) ~~For Hands on training: Each school shall have a ratio of no fewer than one (1) instructor for every eight (8) students;~~
- (b) ~~For general classroom training: Each school shall have a ratio of no fewer than one (1) instructor for every fifteen (15) students~~
- (c) ~~For classes where schools provide some type of additional tutoring or technical support for students who need assistance, each school shall provide no fewer than one (1) instructor for up to twenty (20) students.~~

10.9 — Prohibitions:—No school shall:

- (a) ~~Permit a student to charge a customer for the student's work or for the material and supplies used by the student until the student has completed the following number of hours for the following areas of study:~~
 - (1) ~~Barbering 500 hours;~~
 - (2) ~~Cosmetology 500 hours;~~
 - (3) ~~Estheticians 100 hours; and~~
 - (4) ~~Manicurists (nail technicians) 50 hours;~~
- (b) ~~Allow the instructors to work on patrons except in the course of instructing students.~~
- (c) ~~Require students to study or practice more than 40 hours a week.~~

~~(d) Require students to purchase cosmetics or other materials from the school as a condition of enrollment in a school.~~

~~10.10 **Badges:**— Schools shall require students to wear badges identifying themselves as students.~~

~~10.11 **Posting Board Rules:**— Current Board laws and rules must be posted in a conspicuous location accessible to the students.~~

Part 11. — Exemptions

~~11.1 **Activities Exempt from Licensure:**— The following are exempt from the licensure requirements under these rules:~~

~~(a) the practice of barbering or cosmetology which is not performed for compensation (see the definitions section of these rules, above);~~

~~(b) the practice of a profession regulated under these rules by a student at a school licensed by the Board or by a registered apprentice under these laws;~~

~~(c) the practice of other legally recognized professions by those licensed in this State to do so;~~

~~(d) the service of make-up artists or hairdressers in the theatrical and performing arts industries.~~

~~11.2 **Prohibition on “Holding Oneself Out”:**— In any of the above situations in Rule 11.1, the person must not hold him or herself out as a barber, cosmetologist, manicurist (nail technician) or esthetician.~~

~~11.3 **Exemptions from Shop Requirements:**~~

~~When a licensee is providing professional services in a profession regulated under these rules outside a licensed shop, services may be provided only to:~~

~~(a) persons who are homebound, disabled, or,~~

~~(b) residents or patients only in a hospital, nursing home, community care facility, or hospice or similar program. “Homebound” or “disabled” persons are those who, due to their mental or physical condition, are significantly impaired in their ability to travel to their regular licensed professional or, in the case of those who do not have a regular licensed professional, the significant impairment of their ability to travel to any licensed shop;~~

~~(c) residents in a correctional facility;~~

~~(d) Professional services provided to anyone other than those in sections (a) and (b) above, — of example hospital staff, family members of a resident, may not occur in a hospital, nursing home, community care facility, hospice or similar facility unless that facility possesses a valid shop license issued by the Board.~~

~~11.4 **Laws and Rules Applicable To Practice Outside Shops:**— Licensees, even when practicing outside a licensed shop, shall abide by all safety and sanitation laws prescribed by the Board. Licensees shall keep all records pertaining to names of customers, times, places and supporting documentation relating to services rendered outside a licensed shop. The Board may request them for review to verify compliance with these rules.~~

Part 12. — Sanitation and Safety Standards for Shops and Schools

~~12.1 **Sanitation and Safety Standards:**— Licensees are responsible to assure that any shop, school or facility where barbering, cosmetology, esthetics practice, or manieure or pedieure (nail technician practice) is practiced is clean and sanitary at all times. Licensees must comply with all federal, state and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health.~~

12.2 Disinfection and Storage of Implements:—The Board encourages the use of single use/disposable articles whenever possible. If non-disposable articles are used, they shall be disinfected after each use.

- (a) ~~Wet disinfection units: Portions of articles which come into contact with customers are to be disinfected by completely submerging them in a disinfectant solution. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) registered hospital (grade) and tuberculocidal disinfectant solution. Disinfection is to be carried out in the following manner:~~
 - (1) ~~remove hair and all debris from the object;~~
 - (2) ~~wash thoroughly with hot water and soap;~~
 - (3) ~~rinse thoroughly with clean water and dry thoroughly with a clean paper towel;~~
 - (4) ~~fully immerse instruments into solution for ten (10) minutes; and~~
 - (5) ~~after immersion, rinse articles, thoroughly dry with a clean paper towel and store in a clean pre-disinfected and dry cabinet, drawer, or non-airtight covered container, in a UV light cabinet, or leave instruments in an EPA registered disinfection/storage solution used according to manufacturer's directions.~~
- (b) ~~**Disinfection solutions:** must be used according to manufacturer's directions.~~
- (c) ~~Undisinfected articles (i.e., pens, pencils, money, paper, mail, etc.) shall not be kept in the same container or cabinet as disinfected articles. For the purpose of recharging, rechargeable clippers may be stored in an area other than in a closed cabinet or container. However, such area is to be clean and the cutting edges of such clippers are to be disinfected.~~
- (d) ~~Electrical clipper blades and scissors shall be disinfected before and after each use. If the clipper blade cannot be removed, the use of a spray, or foam used according to the manufacturer's instructions will be acceptable provided step (a) is followed, that the disinfectant is an EPA registered hospital (grade) and tuberculocidal disinfectant solution, and that the entire handle is also disinfected by wiping with the disinfectant solution.~~
- (e) ~~All materials including brushes, sponges, chamois, spatulas and galvanic electrodes, etc. must be cleaned with warm water and soap or detergent to remove all debris. Implements should then be rinsed thoroughly, dried with clean paper toweling, and completely immersed in an EPA registered hospital (grade) and tuberculocidal disinfectant solution. Such implements shall be soaked for ten (10) minutes or more, removed, rinsed, dried thoroughly and stored in a pre-disinfected drawer, cabinet or non-airtight covered container, in a UV light cabinet, or left in an EPA registered disinfection/storage solution used according to manufacturer's directions.~~
- (f) ~~All wax pots will be cleaned and disinfected with an EPA registered hospital (grade) and tuberculocidal disinfectant solution with no sticks left standing in the wax at any time.~~
- (g) ~~Each manicurist must have a wet disinfection unit at their station. Each manicurist must also have a non-airtight covered receptacle, a UV light cabinet, or an EPA registered disinfectant/storage system at their station.~~
- (h) ~~Nail brushes, nippers, finger bowls, disinfectable and/or washable files and buffers and other instruments must be washed in soap and water. Files are to be scrubbed with a brush to remove all debris. All instruments shall be rinsed thoroughly, dried with a clean paper towel, and then completely immersed in an EPA registered hospital (grade) and tuberculocidal disinfectant solution for ten (10) minutes after each use. After disinfection they must be rinsed, dried thoroughly with a clean paper towel, and placed in a pre-disinfected, non-airtight covered receptacle, cabinet or drawer, or in or a UV light cabinet, or left in an EPA registered disinfectant/storage system used according to manufacturer's directions.~~

- (i) ~~Drill bits are to be soaked in acetone and/or scrubbed with a wire brush to remove all debris.~~
- (j) ~~Pedicure equipment that holds water for pedicures including whirlpools and spas, "pipe-less" units, footbaths, basins, tubs, sinks, and bowls, shall be cleaned and disinfected before use on each client.~~
- (k) ~~Screens from pedicure equipment shall be cleaned at the end of each day and after the last client. Clean the screen with a brush and surfactant soap and water to remove all visible residues. Completely immerse the screen in either an EPA registered disinfecting solution or ten (10) minutes, or a 10% bleach solution for five (5) minutes.~~
- (l) ~~**NOTE:** All debris must be removed. The drill bits must then be cleaned with warm water and soap or detergent. Drill bits should then be rinsed thoroughly and dried with a clean paper towel, and completely immersed in an EPA registered hospital (grade) and tuberculocidal disinfectant solution. Such implements shall be soaked for ten (10) minutes or more, removed, rinsed, dried thoroughly, and stored in a pre-disinfected drawer, cabinet or non airtight covered container, in a UV light cabinet, or left in an EPA registered disinfection/storage solution used according to manufacturer's directions.~~

12.3 — General Sanitation and Safety Requirements:

(a) Sanitation and Safety Requirements:

- (1) ~~Floor surfaces in the immediate work area must be of a washable surface other than carpet. The floor must be kept clean, free of hair between clients, dropped articles, spills and electrical cords.~~
- (2) ~~Walls and ceilings in the immediate work area(s) must be in good repair, free of water seepage, stains and dirt.~~
- (3) ~~There must be a fully functional bathroom, in the same building with no open storage of chemicals, with a working toilet and sink available for customers. Fixtures must be in good condition. The bathroom must be lighted and sufficiently ventilated. If there is a window, it must have a screen. There must be liquid soap and clean individual towels for the clients' use. Laundering of towels is allowed, space permitting. The bathroom must not be used as a work area.~~
- (4) ~~General areas for customer use must be neat and clean with a covered waste receptacle for common trash.~~
- (5) ~~Access to and from the shop shall be safe, without chips or damage to stairs, have a handrail for access, and any mats must be secured or flat.~~
- (6) ~~Electrical cords shall be placed to prevent tripping or entanglement.~~
- (7) ~~Electrical outlets shall be covered by plates.~~
- (8) ~~The shop area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals, and allow the free flow of air.~~
- (9) ~~Adequate lighting shall be provided.~~
- (10) ~~All shops and immediate work areas shall be free of insects, rodents, or any type of animals. Service animals such as hearing and seeing eye dogs are exempt.~~

(b) Equipment sanitation:

- (1) ~~Sinks or shampoo bowls located within the working area shall be kept clean and sanitized after each use, and adequately supplied with soap or shampoo.~~
- (2) ~~Massage tables, manicuring tables, sinks/shampoo bowls, facial and waxing tables, apparatus for waxing and facials, tanning beds, ear piercing equipment, and any other objects which touch the client shall be sanitized or sterilized after each use.~~
- (3) ~~The top of work stands, back bars, service chairs, dryers and dryer chairs shall be kept clean.~~
- (4) ~~The work area shall be free of clutter, trash, and any other items which may cause a hazard.~~
- (5) ~~Heat producing appliances and equipment shall be placed so as to prevent any accidental injury.~~
- (6) ~~Electrical appliances and equipment shall be in safe working order at all times.~~

(c) ~~Articles, tools and products:~~

- ~~(1) Any multi-use article, tool or product which cannot be cleansed or sanitized is prohibited from use.~~
- ~~(2) Tools, implements, linens, and multi-use articles shall be cleaned, sanitized and/or sterilized prior to use upon each client.~~
- ~~(3) Soiled implements must be removed from the tops of work stations immediately after use.~~
- ~~(4) Spatulas or other clean tools shall be used to remove bulk substances from containers.~~
- ~~(5) Powder puffs, lip color, cheek color, sponges, or styptic pencils, which cannot be sanitized or sterilized, are prohibited from being used on more than one client.~~
- ~~(6) Lotions, ointments, creams, and powders shall be kept in closed containers. Use a clean spatula to remove creams or ointments from jars. Use sterile cotton to apply lotions and powders. Re-cover cosmetic containers after each use. When manicuring, provide a sanitary container or finger bowl for each client. Discard emery boards after use.~~
- ~~(7) Clippers, curlers, bobby pins, or hairpins must be sanitized after each use. If an object drops on the floor, it must not be used until it is sanitized or sterilized.~~
- ~~(8) All sharp tools and implements, and heat-producing appliances shall be safely stored.~~
- ~~(9) Pre-sanitized tools, implements, linens and equipment shall be stored for use in a sanitary enclosed cabinet or covered receptacle.~~
- ~~(10) Soiled tools, linens and implements shall be stored separately. They shall be deposited in a container made of cleanable, impervious materials.~~
- ~~(11) No substance other than a sterile styptic powder or sterile liquid astringent approved for hemostasis, applied with a sterile single-use applicator shall be used to check bleeding.~~
- ~~(12) Any disposable material coming into contact with blood or other body fluid shall be disposed of in a sealed plastic bag according to guidelines provided by the Vermont Department of Health, and removed from the premises at least daily. Any disposable sharp object, whether or not coming into contact with blood or other body fluids, shall be disposed of in an approved sharps container.~~

(d) ~~Chemical storage and emergency information:~~

- ~~(1) Shops and facilities shall have, in the immediate working area, a binder with all Material Safety Data Sheets (MSDS) for chemical products used. These are provided by manufacturers and shall be followed.~~
- ~~(2) Shops and facilities shall have a blood spill clean-up kit in all work areas.~~
- ~~(3) Flammable chemicals shall be stored in a flammable storage cabinet or a properly ventilated room.~~
- ~~(4) Chemicals which could interact in a hazardous manner (oxidizer, catalysts and solvents) shall be separated in storage.~~

(e) ~~Client-customer health guidelines:~~

- ~~(1) No licensee shall perform professional services on a client if the licensee has a communicable or infectious disease or condition which could reasonably be expected to be transmitted during the course of rendering those services. Some of the more communicable or infectious diseases are tuberculosis, common cold, ringworm, scabies, head lice, pink eye, impetigo, poison ivy, poison oak, flu, strep throat, chicken pox, and viral infections.~~
- ~~(2) No licensee should perform services on a client or handle equipment that will be used on clients if the licensee has an open sore or other non-intact skin surface that may come into direct contact with the client or piece of equipment.~~
- ~~(3) No licensee shall serve a patron whom the licensee suspects to have a communicable or infectious disease which could reasonably be expected to be transmitted during the rendering of professional services.~~ (4) ~~No shop or school shall have on the premises cosmetic products containing hazardous substances which have been banned by the U.S. Food and Drug Administration for use in cosmetic products, including liquid methyl methacrylate monomer and methylene chloride. No product shall be used in a manner that is disapproved by the FDA.~~
- ~~(5) No licensee shall use permanent hair color or a permanent waving chemical on the eyelashes of clients.~~

12.4 Health Department Requirements: In addition to any requirements set forth in this section, all individuals licensed herein shall adhere to guidelines set forth by the Vermont Department of Health for the control of communicable or infectious diseases including blood borne pathogens. These guidelines will be available from the Board Office or via the Department of Health's Web site at www.state.vt.us/health.

Part 13. — New Products, New Technologies

13.1 Microdermabrasion: No microdermabrasion machine may be used by a licensee unless the microdermabrasion machine meets the following criteria:

- (a) When used according to manufacturer's instructions, no removal of the epidermis beyond the stratumcorneum occurs.
- (b) Microdermabrasion machine models used must be closed systems only.

13.2 — Operator Requirements:

- (a) Licensees must be appropriately trained by the manufacturer before use.
- (b) Licensees must post or have on file, a copy of the Certificate of Training issued by the manufacturer.
- (c) Microdermabrasion machines must be used only in accordance with specific manufacturer's directions.
- (d) Microdermabrasion machines must be maintained and filters changed in accordance with manufacturer's requirements and any applicable laws.
- (e) Microdermabrasion machines must be kept in a clean, sanitary and safe manner at all times.

13.3 Single Use: Aluminum oxide crystals or manufacturer approved corundum used in microdermabrasion machines may not be reused or recycled. Aluminum oxide crystals or approved corundum are for single use purposes and must be discarded after each use in accordance with federal, state, and local disposal regulations for such substances. All products employed for microdermabrasion shall be used in accordance with manufacturer's recommendations.

13.4 Compliance date: Persons who were performing microdermabrasion prior to the effective date of these rules must comply with these rules within 90 days of the effective date of these rules.

13.5 — New Devices, New Procedures: Warning to Practitioners:

- (a) New devices for cosmetology or esthetics appear on the market all the time. It is not feasible for the Board to adopt new rules governing the use of each new device. The Board does not pre approve particular devices for use in any of the fields covered by these rules.
- (b) Practitioners should not assume that merely because a particular device is available on the market and being offered to licensees, that it is safe or appropriate for use by licensees. Some devices seen in the recent past being offered for sale to cosmetologists and estheticians, for example laser hair removal devices and some microdermabrasion units, are considered to be medical devices. Their use constitutes medical practice, outside the scope of practice of these professions.

13.6 Duty to Use Devices Safely: It is the responsibility of licensees to ensure that the devices or materials they use are safe and used correctly. Failure to do so can be grounds for disciplinary action.

Part 14. — Renewals, Lapses, Reinstatements

14.1 — Biennial License Renewals:

Barber licenses and Barber Shop licenses expire on September 30th of the even numbered years. Cosmetologist, manicurist (nail technician), and esthetician licenses and their respective shop licenses expire on November 30th of the odd numbered years. Licensees shall renew by the expiration date printed on their license. Before the license

~~expiration date, the Office will mail a renewal application and notice of renewal fee. Licenses will expire automatically if the renewal application and fees are not returned to the Office by the expiration date.~~

14.2 Report Changes to the Office: ~~Each licensee is responsible for notifying the Office promptly if he or she changes name, mailing address or business address.~~

14.3 Maintaining Professional Competence, Continuing Education: ~~Except for instructors, See, 10.2(b)(4) the Board does not mandate continuing education. Licensees are encouraged to expand their professional education and skills by participating in continuing education, both formal and informal. Practitioners are reminded that it is unprofessional conduct and a failure to practice competently for a licensee to perform treatments or provide services which he or she is not qualified to perform or provide, or which are beyond the scope of his or her education, training, capabilities, experience, or scope of practice.~~

14.4 Reinstating Licenses: ~~A license which has expired may be reinstated by submitting an application to the Board and paying a renewal fee plus a late renewal penalty.~~

14.5 Long term lapses: ~~If more than three (3) years has passed between license expiration and a request for reinstatement, an applicant who is not eligible for licensure by endorsement must successfully complete the Vermont Board of Barbers and Cosmetologists practical, written, and state laws and rules examinations. Applicants should contact the Board Office for instructions on how to renew an expired license.~~

Part 15. Unprofessional Conduct

15.1 Complaints of Unprofessional Conduct: ~~The Board follows Office procedure for receiving, investigating and acting on complaints of unprofessional conduct. Copies of the procedure, complaint forms and more information about the complaint process may be obtained from the Office or via the Office of Professional Regulation web site, <http://vtprofessionals.org>.~~

15.2 Grounds for Discipline:

(a) ~~3 V.S.A. § 129a defines unprofessional conduct for all professions including those governed by these rules and the statutes governing those subject to these rules. Whenever its provisions are in conflict or overlap with the statutes specifically governing these professions, or these rules, the provisions which provide the most safety to the public shall apply. Chapter 6 of Title 26 of the Vermont Statutes contains specific definitions of unprofessional conduct for the professions subject to these rules.~~

(b) ~~The Board also has authority to decide complaints of unauthorized practice as indicated in 3 V.S.A. § 127.~~

15.3 Sanctions for Unprofessional Conduct: ~~Possible disciplinary actions the Board may impose on the license of a person subject to these rules may include:~~

- ~~(1) denial of a license;~~
- ~~(2) warnings or reprimands;~~
- ~~(3) suspension for a period of time to be determined by the Board;~~
- ~~(4) revocation;~~
- ~~(5) limitations on practice;~~
- ~~(6) setting conditions for practice or resumption of practice;~~
- ~~(7) denial of reinstatement; and/or~~
- ~~(8) imposition of a civil penalty of up to \$1,000 for each instance of unauthorized practice or unprofessionalconduct.~~

15.4 Public Records:—All Board decisions on disciplinary complaints are public records. Unprofessional Conduct decisions are available online or from the office.

Administrative Rules for Barbers & Cosmetologists

Clean
Text

Part 1: Definitions and Clarification of Terms

1-1 “Accredited” means, of a college, university, or degree, that a course of study was certified as meeting standards of integrity and rigor set out by an accrediting organization approved by the United States Department of Education, or in the case of foreign institution, was verified to the Director’s satisfaction as substantially equivalent to a course of study so certified.

1-2 “Client” means a person who receives the professional services of a person regulated under these rules.

1-3 “Director” means the Director of Professional Regulation.

1-4 “Foreign” means a governmental jurisdiction other than the State of Vermont.

1-5 “License” or “licensure” refers to any credential issued by the Office under these rules, including a certification or registration, except where context clearly indicates reference to a foreign or other professional license.

1-6 “Licensee” means a person or entity seeking or holding a license under these rules.

1-7 “Office” means the Office of Professional Regulation.

1-8 “Office website” means <https://sos.vermont.gov/opr/>.

1-9 “School” means a facility or facilities regularly used to train or instruct persons in the practice of barbering or cosmetology.

1-10 “Shop” or “Facility” means any physical premises or mobile facility where services licensed under these rules regularly are provided. “Regularly,” for purposes of this definition, means under circumstances where repeated use for the provision of licensed services has been established or reasonably is expected.

1-11 “Site” means a temporary or transient location where professional services are provided to clients.

Part 2: Administration

2-1 Applicable Law. The practices of barbering, cosmetology, and esthetics are defined and regulated pursuant to 26 V.S.A. § 271 *et seq.* Exemptions to licensure requirements are found at 26 V.S.A. § 273. Copies of these and other statutes are available online at www.legislature.vermont.gov/statutes/. The Office administers licensure in conformity with these and other Vermont laws, to include the Administrative Procedure Act, 3 V.S.A. § 800 *et seq.*; the Public Records Act, 1 V.S.A. § 315 *et seq.*; and the Laws of Professional Regulation, 3 V.S.A. § 121 *et seq.*

2-2 Resources for Applicants and Licensees. The Office maintains a website at <https://sos.vermont.gov/opr/> with information and links relevant to all licensed professionals. Information specific to barbers, cosmetologists, estheticians, and nail technicians is available from <https://sos.vermont.gov/barbers-cosmetologists/>.

Administrative Rules for Barbers & Cosmetologists

2-3 U.S. Armed Forces. The Director may accept toward the requirements of these rules relevant military education, training, or service completed by a member of the U.S. Armed Forces and may expedite licensure of a person who left licensed employment in another state secondary to a spouse's military transfer to Vermont. 3 V.S.A. § 123(g). Service members and the spouses of service members should visit the Office website for details.

Part 3: Procedures

3-1 Applications. Online license applications must be completed through the Office website.

(a) Incomplete applications will not be processed. Applications are complete only when all required questions have been answered fully, all attestations made, all required documentation and materials provided, and all fees paid.

(b) When the Director intends to deny an application, notice stating the reasons for the action shall be given to the applicant by certified mail, whereupon the applicant shall have 30 days to petition for a hearing before an administrative law officer.

(c) The Office may refuse to accept any application found to be redundant with a denied or in-process application.

(d) The Office may deem expired any application that is left pending for six months.

3-2 Complaints. Complaints against licensees, applicants for licensure, or persons practicing without a license may be submitted online, on a standard form available from the Office website. Complaint procedures are explained in detail at <https://sos.vermont.gov/opr/complaints-conduct-discipline/>.

3-3 Contested Cases. Procedures in contested cases relating to licensure or discipline are governed by the Office of Professional Regulation Administrative Rules of Practice, CVR 04-030-005, as those rules may from time to time be modified.

3-4 Declaratory Rulings. Petitions for declaratory rulings as to the applicability of any statutory provision or of any rule or order of the Office may be made pursuant to 3 V.S.A. § 808.

3-5 Conflict of Standards. Where a standard of unprofessional conduct set forth in statute conflicts with a standard set forth in rule, the standard that is most protective of the public shall govern. See 3 V.S.A. § 129a(e).

3-6 Determination of Equivalency. Where the Director is permitted by law or rule to accept certain training or experience on the basis of equivalence to a fixed standard, it is the burden of the applicant or licensee to establish equivalence to the Director's satisfaction, by producing credible, clear, and convincing evidence of the same. The Director has no obligation to research the bona fides of any institution, program, course, degree, certification, practicum, fellowship, or examination and may resolve all inferences in favor of withholding a credential, approval, or recognition.

3-7 Waiver or Variance. The Director will not grant routine waivers or variances from any provisions of these rules without amending the rules. See 3 V.S.A. § 845. Where, in extraordinary circumstances, application of a rule would result in manifest unfairness, an absurd result, unjustifiable inefficiency, or an outcome otherwise inimical to the public health, safety, and welfare, the Director may, upon written request of an interested party, so find, grant a waiver with or without particular conditions and limitations, and record the action and justification in a written memorandum. This rule shall not be construed as creating any hearing right or cause of action.

Administrative Rules for Barbers & Cosmetologists

3-8 Endorsement from a Foreign Jurisdiction. A person licensed or certified in good standing under the laws of another jurisdiction may be eligible for licensure as specified by 26 V.S.A. § 285:

- (a) if the sending jurisdiction's requirements for licensure are substantially equivalent to those of Vermont; or
- (b) if the sending jurisdiction's requirements for licensure are not equivalent, but the applicant has 1,500 documented hours of practice in not less than one year.

3-9 Inspection. All premises, shops, schools, or facilities licensed by the Office, and all sites where services licensed under these rules are provided, shall be open to announced or unannounced visits by Office inspectors during regular business hours.

3-10 Contacting the Office. See the Office website for contact details. Send mail to: Office of Professional Regulation, ATTN: Barbering & Cosmetology, 89 Main Street, 3rd Floor, Montpelier, VT 05620-3402.

Part 4: Barbers

4-1 Scope of Practice. A barber engages in cutting, shampooing, or styling hair; shaving the face, shaving around the vicinity of the ears and neckline, or trimming facial hair; facials, skin care, or scalp massages, and bleaching, coloring, straightening or permanent-waving hair, or similar work by any means, with hands or mechanical or electrical apparatus or appliances. Barbering also includes esthetics. Core barber training does not include permanent-waving, chemical relaxing, or more advanced esthetic work such as microdermabrasion and waxing; a barber may perform these functions only if he or she has documented training, education, and experience additional to that required for licensure.

4-2 Eligibility. A person shall be eligible for licensure as a barber if he or she:

- (a) holds a high-school diploma or equivalent;
- (b) has successfully completed an Office-approved apprenticeship under Part 9, or a course of study not fewer than 750 hours at a school of barbering accredited at the time of matriculation by an authority recognized by the United States Department of Education, or a school recognized by the Director as substantially equivalent thereto; and
- (c) has passed written and practical barbering examinations recognized by the Director.

4-3 Core Competencies. An acceptable course of study shall establish and test competency in:

- (a) shampooing;
- (b) straight razor shaves and beard trims;
- (c) basic facials;
- (d) hair lightening and coloring, including temporary, semi-permanent, and permanent;
- (e) hair cutting, hairstyling, and hair shaping;
- (f) clipper cutting;
- (g) hair analysis and scalp treatments;
- (h) equipment sanitation and sterilization techniques applicable to supplies, general and specific chemical waste and storage;
- (i) anatomy, personal health, hygiene, and sanitation;
- (j) safe chemical storage, use, and disposal and understanding related reference materials;
- (k) laws, rules, and professional ethics;
- (l) knowledge and history of the profession.

Administrative Rules for Barbers & Cosmetologists

4-4 Crossover Licensure for Cosmetologists.

(a) A cosmetologist licensed under these rules shall be eligible for separate and additional licensure as a barber if he or she:

- (1) has successfully completed an Office-approved crossover apprenticeship under Part 9, or a course of study not fewer than 150 hours at a school of barbering accredited at the time of matriculation by an authority recognized by the United States Department of Education, or a school recognized by the Director as substantially equivalent thereto; and
- (2) has passed written and practical barbering examinations recognized by the Director.

(b) An acceptable course of crossover study shall establish and test competency in:

- (1) straight razor shaves and beard trims;
- (2) barber-specific facials;
- (3) barber-specific clipper cutting, safety, and sanitation; and
- (4) the history of barbering.

Part 5: Cosmetologists

5-1 Scope of Practice. A cosmetologist engages in work on the hair, including dressing, curling, waving, cleansing, cutting, bleaching, coloring, or similar work by any means, with hands or mechanical or electrical apparatus or appliances. Cosmetology also includes esthetics and manicuring. A cosmetologist may not use straight razors upon the face or neck.

5-2 Eligibility. A person shall be eligible for licensure as a cosmetologist if he or she:

- (a) holds a high-school diploma or equivalent;
- (b) has successfully completed an Office-approved apprenticeship under Part 9 or has successfully completed a course of study not fewer than 1,000 hours at a school of cosmetology accredited at the time of matriculation by an authority recognized by the United States Department of Education, or a school recognized by the Director as substantially equivalent thereto; and
- (c) has passed written and practical cosmetology examinations recognized by the Director.

5-3 Core Competencies. An acceptable course of study shall establish and test competency in:

- (a) shampooing;
- (b) waxing;
- (c) permanent waving and straightening;
- (d) finger waving, pin curls, roller formation;
- (e) manicuring (nail technician practice);
- (f) facials;
- (g) hair analysis and scalp treatments;
- (h) hair lightening and coloring, including temporary, semi-permanent and permanent;
- (i) hair cutting, clipper cutting, hairstyling, and hair shaping;
- (j) equipment sanitation and sterilization techniques applicable to supplies, general and specific chemical waste and storage;
- (k) anatomy, personal health, hygiene, and sanitation;
- (l) safe chemical storage, use, and disposal and understanding related reference materials;
- (m) laws, rules, and professional ethics.

5-4 Crossover Licensure for Barbers.

(a) A barber licensed under these rules shall be eligible for separate and additional licensure as a cosmetologist if he or she:

- (1) has successfully completed an Office-approved crossover apprenticeship under Part 9, or a course of study not fewer than 250 hours at a school of cosmetology accredited at the time of matriculation by an authority recognized by the United States Department of Education, or a school recognized by the Director as substantially equivalent thereto; and
- (2) has passed written and practical cosmetology examinations recognized by the Director.

(b) An acceptable course of crossover study shall establish and test competency in:

- (1) waxing;
- (2) permanent waving and straightening;
- (3) finger waving, pin curls, roller formation;
- (4) manicuring (nail technician practice);
- (5) cosmetology-specific facials;
- (6) cosmetology-specific hair analysis and scalp treatments;
- (7) equipment sanitation and sterilization techniques applicable to supplies, general and specific chemical waste, and storage;
- (8) safe chemical storage, use, and disposal and understanding related reference materials.

Part 6: Estheticians

6-1 Scope of Practice. An esthetician engages in massaging, cleansing, stimulating, manipulating, beautifying, or otherwise working on the scalp, face, or neck by using cosmetic preparations, antiseptics, tonics, lotions, or creams.

6-2 Eligibility. A person shall be eligible for licensure as an esthetician if he or she:

- (a) holds a high-school diploma or equivalent;
- (b) has successfully completed an Office-approved apprenticeship under Part 9, or has successfully completed a course of study not fewer than 500 hours at a school of esthetics accredited at the time of matriculation by an authority recognized by the United States Department of Education, or a school recognized by the Director as substantially equivalent thereto;
- (c) has passed written and practical esthetics examinations recognized by the Director.

6-3 Core Competencies. An acceptable course of study shall establish and test competency in:

- (a) facials;
- (b) microdermabrasion;
- (c) chemical peels, exfoliation;
- (d) mask therapy;
- (e) chemicals;
- (f) electrical machines used in esthetics;
- (g) waxing;
- (h) makeup techniques and services;
- (i) equipment sanitation and sterilization techniques applicable to supplies, general and specific chemical waste and storage;
- (j) anatomy, personal health, hygiene, and sanitation;
- (k) safe chemical storage, use, and disposal and understanding related reference materials;
- (l) laws, rules, and professional ethics.

Administrative Rules for Barbers & Cosmetologists

Part 7: Nail Technicians

Scope of Practice. A nail technician engages in the nonmedical treatment of a person's fingernails or toenails or the skin in the vicinity of the nails and includes the use of cosmetic preparations or appliances.

7-1 Eligibility. A person shall be eligible for licensure as a nail technician if he or she:

- (a) has successfully completed an Office-approved apprenticeship under Part 9 or has successfully completed a course of study not fewer than 200 hours at a school of manicuring accredited at the time of matriculation by an authority recognized by the United States Department of Education, or a school recognized by the Director as substantially equivalent thereto, and
- (b) has passed written and practical nail-technician examinations recognized by the Director.

7-2 Core Competencies. An acceptable course of study shall establish and test competency in:

- (a) manicuring;
- (b) nail drill;
- (c) synthetic nails, nail gels, nail tips, application of nail wraps, and repairs;
- (d) liquids and powder brush-ons;
- (e) pedicuring;
- (f) equipment sanitation and sterilization techniques applicable to supplies, general and specific chemical waste and storage;
- (g) anatomy, personal health, hygiene, and sanitation;
- (h) safe chemical storage, use, and disposal and understanding related reference materials;
- (i) laws, rules, and professional ethics.

Part 8: Schools

8-1 License Required; Significance. No postsecondary school of barbering, cosmetology, esthetics, or nail-technician practice may operate without a certificate of approval from the Director. Such certificate is a license subject to the laws of professional regulation. A regional vocational center overseen by the Vermont Agency of Education is not required to be licensed but may elect to seek license from the Director. Licensure of a postsecondary school or regional vocational center signifies that the school or center, at the time of license issuance or renewal, complies with the requirements of these rules and has in place a program of education fit to ensure that a graduate meets the educational requirements of barber, cosmetologist, esthetician, or nail-technician licensure.

8-2 Application. A school shall apply in the manner specified by the Director, showing:

- (a) the equipment used in the school;
- (b) the floor plan of the school, size and arrangement of classrooms, location of equipment, entrances, bathrooms, and storage areas;
- (c) the curricula to be offered, its scope and sequence, textbooks or workbooks used, and equipment and supply requirements;
- (d) the school's policies on non-discrimination, student participation in customer services, sale or lending of equipment, material, professional garb to students;
- (e) documentation of incorporation, trade name, partnership agreement, and other evidence of ownership structure or controlling interest; and

Administrative Rules for Barbers & Cosmetologists

- (f) such other information as the Director may require to assess the school's ability to operate in the public interest and in a manner consistent with the requirements of these rules, including data indicating applicable examination pass rates, rates and durations of program completion, and evidence of financial stability and operational ability to see entrants through successful graduation.

8-3 General Operation. A school shall:

- (a) employ signage clearly indicating to the public that it is a school of cosmetology, barbering, esthetics, or nail-technician practice, including a sign reading "All work done by instructor-supervised students," in room(s) used for practical instruction;
- (b) develop and execute a program of curricular instruction suited to the core competencies of the profession for which students are training;
- (c) educate and test students in Vermont laws and rules pertaining to the practice of the profession for which students are training;
- (d) possess equipment and facilities necessary competently to educate students in the practical execution of skills within its approved curriculum;
- (e) maintain accurate records of daily student and instructor attendance and corresponding subjects studied;
- (f) make known to students and prospective students, in clear, written material, all costs of attendance, including tuition, fees, and required purchases of equipment, textbooks, supplies, and professional garb;
- (g) compile, and make available to the Office on request, accurate data reflecting student program completion, examination pass rates, and post-graduation attainment of licensure;
- (h) track the continuing-education status of its instructors and enforce instructor compliance with these rules;
- (i) obtain the informed consent of clients prior to the provision of services by students;
- (j) have and enforce written policies specifying the minimum training and showing of competence required before a student may work on a paid client under supervision, which policies shall ensure that a student has satisfied at least one-quarter of the training-hour requirements for barbering, cosmetology, esthetics, or nail-technician licensure before initiating practical work on any paid client;
- (k) not allow instructors to work on patrons except in the course of instructing students, unless additionally licensed as a shop;
- (l) not require students to study or practice more than 40 hours in any one week;
- (m) not exploit students financially or withhold transcripts reflecting accomplished education for which tuition has been paid;
- (n) not require students to purchase cosmetics or merchandise from the school as a condition of enrollment;
- (o) retain attendance and examination records for at least seven years; and
- (p) make compliance documentation relative to the requirements of this Part available to the Director upon request or license renewal.

8-4 Instructors. A school shall display each instructor's license and specialty designation in a location conspicuous to students. A school and instructor may request specialty designation through the Office website. A school is responsible for ensuring, and may be required at inspection to show by competent documentation, that each instructor employed to teach students:

- (a) is licensed by the Office, in good standing, to perform the professional acts he or she teaches;
- (b) has attained at least 1,500 hours of practical experience in not less than one year;

Administrative Rules for Barbers & Cosmetologists

- (c) is fit not only to practice at a standard that consistently exceeds minimum expectations, but also to convey curricular material to students, as evidenced by completion of an instructor's examination or instructor training recognized by the Director; and
- (d) once employed, has maintained competency by participating in at least 24 hours of professional education recognized by the Director each biennial licensure period, of which not fewer than 8 hours shall pertain to teaching and none may relate to marketing or business management.

8-5 Substitutes. A school may permit an otherwise-qualified person not designated an instructor to stand in when an instructor is ill or indisposed; provided, however, that such a substitute shall not oversee the provision of services to a client. A substitute may be used for no more than fifteen percent of total course hours.

8-6 Ratios. A school shall employ a sufficient number of instructors to ensure that students obtain a meaningful educational benefit from each hour of schooling. The student:instructor ratio shall not exceed 1:16 for hands-on training or 1:40 for didactic training.

8-7 Credit. Credit may be issued only for time a student is present and engaged in a course of instruction or supervised practice; not for lunch, rest periods, or non-instructional time.

8-8 School as Testing Authority. A licensed school may apply to the Director for recognition as a testing authority. The Director's decision as to testing-authority recognition shall be final and shall not be subject to any administrative hearing right or appeal. Students who pass the capstone examination of a school so recognized shall be deemed to have satisfied the requirements of 26 V.S.A. § 283. Approval as a testing authority shall be indicated by the addition of a specialty designation to the school's license and shall be valid through the school's next biennial license renewal. To qualify as a testing authority, a school must:

- (a) demonstrate the ability to administer a professional skills examination commensurate in rigor to those prevailing nationally for barbers, cosmetologists, estheticians, and/or nail technicians;
- (b) use examiners not regularly employed by the school or dependent upon the school as their primary source of income, each holding a Vermont license in good standing in the field or fields of practice under evaluation, and each having practiced in those fields for not fewer than three years;
- (c) use objective, written evaluative criteria and rubrics, known to examinees in advance and specified in the school's memorandum of understanding with the Office;
- (d) establish procedural safeguards to maximize the objectivity and fairness of examination, including means of insulating examiners from undue financial or social influence;
- (e) administer written exam components in a secure setting, using appropriate means to prevent cheating, proctored by persons licensed under these rules and accountable for maintaining exam integrity;
- (f) administer practical exam components under video recording, retained for not fewer than five years and available to the Office on request;
- (g) provide mandatory, written notice to each examinee, supplied by the Director, explaining how to contact the Office to report cheating or other exam irregularities;
- (h) not charge students of the school an examination fee in excess of actual and necessary costs of exam provision; and
- (i) advise students of possible complications to out-of-state portability that may result from selecting school-based examination and allow students to elect between the school-sponsored exam and the corresponding, Director-approved national examination.

Administrative Rules for Barbers & Cosmetologists

Part 9: Apprenticeships

9-1 Initiation. An applicant wishing to commence an apprenticeship under Part 4, 5, 6, or 7 may do so by completing an online apprenticeship application, including an Office Apprenticeship Initiation Form, the contents of which shall set out a detailed plan for structured training under the supervision and mentorship of a qualified supervisor, to be completed within:

- (a) 1,125 hours for barbers;
- (b) 1,500 hours for cosmetologists;
- (c) 750 hours for estheticians;
- (d) 300 hours for nail technicians; and
- (e) 300 hours for crossover licensing under Rules 4-4 or 5-4.

No apprenticeship may commence until the apprenticeship plan is approved and an apprenticeship license is issued to the apprentice.

9-2 Acceptable Plans. A plan must detail the means and pace at which an apprentice will be oriented to the core competencies required of the profession; must specify any texts or training tools employed; and must be verifiable through contemporaneous documentation created by an identified supervisor and apprentice. All plans must be completed within two years of inception. The Director may reject or require amendment of any plan that is not adequate to permit Office verification attained competencies, that appears exploitative of the apprentice, or that appears unsuited to prepare the apprentice to pass required examinations.

9-3 Acceptable Supervisors. To supervise another, a licensee must have at least three years of experience practicing the profession in which his or her apprentice seeks licensure; must not have a disqualifying disciplinary history in Vermont or any other jurisdiction; and may be required to take a supervision course approved by the Office. Supervision is not a right vested in a licensee. The Director's decision on the acceptability of a supervisory arrangement shall be final and shall not be subject to any administrative hearing right or appeal. A supervisor may not oversee more than one full-time apprentice or any group of part-time apprentices with aggregate weekly apprenticeship hours exceeding 40.

9-4 Orderly, Accurate Documentation. Apprenticeship progress shall be documented on apprenticeship log forms supplied by the Office, in compliance with Office procedures. All forms shall be signed by supervisor and apprentice. The negligent or willful submission of materially inaccurate or misleading logs is cognizable as unprofessional conduct under 3 V.S.A. §§ 129a(a)(1)&(7).

9-5 Logs to be Produced on Request. Apprenticeship logs shall be promptly submitted upon the request of the Office or a designated inspector. It is the responsibility of each apprentice and supervisor to submit progress reports when requested; failure to do so may result in denial of denial of training-hour recognition. The Office may identify and require correction of any deviation from the apprenticeship plan; however, the Office's final assessment of license eligibility occurs only at the completion of an apprenticeship.

9-6. Recognition of Hours Earned. The Director shall recognize toward apprenticeship requirements only those hours of apprenticeship actually earned and properly documented in conformity with an approved apprenticeship plan. Clerical tasks, reception, and cleaning may occupy no more than ten percent of the hours accrued. The Director may refuse to credit hours that are insufficiently documented or unverifiable, that were unsupervised, or that fail to advance

Administrative Rules for Barbers & Cosmetologists

learning in the core competencies for the relevant profession. The Director's decision on the recognition of apprenticeship hours shall be final and shall not be subject to any administrative hearing right or appeal.

Part 10: Shops

10-1 License Required. All shops must be licensed. A distinct license is required of each location or mobile facility, regardless of common ownership. Shop and staff licenses shall be conspicuously displayed. Shop licenses are not transferrable.

10-2 Application. A shop shall apply in the manner specified by the Director, showing:

- (a) its floor plan;
- (b) that it has a designated licensee responsible for overall cleanliness, sanitation, and safety of the shop;
- (c) documentation of incorporation, trade name, partnership agreement, and other evidence of ownership structure or controlling interest;
- (d) its compliance with the sanitation and safety standards set out in Part 13 of these rules; and
- (e) the satisfactory results of an inspection by an Office inspector, approved third-party inspector, or designated licensee.

10-3 Non-discriminatory Pricing. A shop may not price services differently on the basis of a client's race or gender. Prices may reflect non-discriminatory factors such as the supplies, effort, skill, and time required of a service, or market supply and demand for the service.

10-4 Duty to Verify Licensure. A shop shall employ only licensed persons to perform licensed services. Real-time license status is available from the Office website. Knowledge of license status is imputed to all shops.

10-5 Mobile Shops. Shops generally are located in permanent buildings and licensed at fixed addresses; however, a licensee may apply for licensure of a mobile shop, which may be an automobile or tow-behind trailer specially adapted for the safe, convenient, and accessible provision of professional services. A mobile shop application must demonstrate that the mobile shop can be operated safely and without creating a public nuisance. Requirements imposed by the Director shall be developed on a case-by-case basis specific to the vehicle and intended use, but shall include at a minimum:

- (a) verification, by a person accepted by the Director as qualified to give such opinion, that the mobile shop is adequately ventilated, has appropriate egress, is fire safe, is fit for the use intended by the licensee-applicant, and otherwise is able to satisfy the applicable requirements of Part 13;
- (b) a policy for chocking wheels to prevent rollaway incidents if transmission and parking brakes are disengaged;
- (c) a policy prohibiting transportation of clients in the mobile shop;
- (d) appropriate commercial liability insurance;
- (e) a functioning carbon-monoxide detector;
- (f) equipment and a related policy ensuring that electricity is supplied safely and without the use of portable gasoline or propane generators;
- (g) equipment and a related policy ensuring that appropriate amounts of fresh potable water are available and that wastewater is appropriately contained, drained regularly, and lawfully disposed; and

Administrative Rules for Barbers & Cosmetologists

- (h) appropriate verification from the Department of Motor Vehicles that the mobile shop is roadworthy, lawfully registered, and operated by a person or persons duly licensed to drive or tow the mobile shop.

Part 11: License Renewal

11-1 Biennial Licensing Period. Licenses are valid for fixed, two-year periods. Expiration dates are printed on licenses. A license expires if not renewed by midnight on the date of expiry. Practice under an expired license is prohibited. An initial license issued fewer than 90 days prior to the beginning of the fixed biennial period shall be valid through the end of full biennial licensing period following initial licensure. A lookup tool on the Office website may be considered a primary source verification as to license status and expiration.

11-2 License Renewal. Online license renewal applications must be completed through the Office website. The Office transmits email reminders to licensees at the end of each biennial licensing period; however, non-receipt of such reminders shall not excuse a licensee from the obligation to maintain continuous licensure or the consequences of failing to do so. Practicing while a license is lapsed is a violation of 3 V.S.A. § 127. Instructors must demonstrate compliance with Rule 8-4(d) as a condition of license renewal.

11-3 Late Renewal Penalties. Late renewal applications are subject to reinstatement fees, which may be waived in certain circumstances. *See*, 3 V.S.A. § 127(d). Reinstatement waivers may be requested through the online licensing system.

11-4 Extended License Lapse. When a license has been expired for five or more years, a licensee's preparation to return to practice will be assessed on a case-by-case basis. The Director may require re-training, testing, or re-application. *See*, 3 V.S.A. § 135.

Part 12: Reporting Duties

12-1 Duty to Update and Self-Report. Applicants and licensees owe a duty of candor to the Office and shall disclose circumstances that may call for further investigation to protect the public. That a matter is reportable does not imply that the matter necessarily is a basis for discipline. A licensee, including an applicant for licensure, shall report to the Office, in writing, within 15 calendar days:

- (a) any material inaccuracy or change in circumstance relative to any application question, where the changed circumstance arises between submission of a license application and issuance of the license sought;
- (b) any conviction for a criminal act;
- (c) any legal claim, settlement, or judgment arising from alleged professional negligence, misconduct, or malpractice;
- (d) any adverse action against a foreign professional license, where the adverse action relates to an allegation of misconduct, substandard practice, or unethical conduct;
- (e) for apprentices, a change in supervision or designated supervisor; and
- (f) for shops and schools, a change in name, location, controlling ownership interest, designated licensee, or floorplan, and
- (g) for schools, the addition of an instructor, except substitutes.

12-2 Mandated Reporters. Any hospital, clinic, community mental health center, or other health care institution in which a licensee performs professional services shall report disciplinary action against a licensee, as further specified by 3 V.S.A. § 128. A nursing home or long-term-care facility is a health care institution for purposes of this rule.

12-3 Professional Standards. An administrative law officer may consider codes of ethics of established and nationally-recognized professional associations, as well as the degree of acceptance of a practice within the community of Vermont licensees, when determining “the essential standards of acceptable and prevailing practice” for purposes of 26 V.S.A. § 129a(b).

12-4 Compliance with Other Law. Licensees must comply with all federal, state and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction, and maintenance, safety, and public health.

Part 13: Sanitation and Safety

13-1 Universal Standards. The standards set out under this Part (13) shall be observed by all licensees, shops, and schools, at all sites where professional services are provided:

- (a) Disinfection and Storage of Implements.** Single use, disposable articles should be used whenever possible. If non-disposable articles are used, they shall be disinfected after each use.
- (b) Wet disinfection units.** Portions of articles which come into contact with customers are to be disinfected by completely submerging them in a disinfectant solution. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) registered hospital grade and tuberculocidal disinfectant solution. Disinfection is to be carried out in the following manner:
 - (1) remove hair and all debris from the object;
 - (2) wash thoroughly with hot water and soap;
 - (3) rinse thoroughly with clean water and dry thoroughly with a clean paper towel;
 - (4) fully immerse instruments into solution for ten (10) minutes; and
 - (5) after immersion, rinse articles, thoroughly dry with a clean paper towel and store in a clean pre-disinfected and dry cabinet, drawer, or non-airtight covered container, in a UV light cabinet, or leave instruments in an EPA registered disinfection/storage solution used according to manufacturer's directions.
- (c) Isolation of Disinfected Articles.** Undisinfected articles (i.e., pens, pencils, money, paper, mail, etc.) shall not be kept in the same container or cabinet as disinfected articles. For the purpose of recharging, rechargeable clippers may be stored in an area other than in a closed cabinet or container. However, such area is to be clean and the cutting edges of such clippers are to be disinfected.
- (d) Clippers.** Electrical clipper blades and scissors shall be appropriately sanitized after each use.
- (e) Miscellaneous Materials.** All materials including brushes, sponges, chamois, spatulas, galvanic electrodes, etc. must be cleaned with warm water and soap or detergent to remove all debris. Implements should then be rinsed thoroughly, dried with clean paper toweling, and completely immersed in an EPA registered, hospital-grade and tuberculocidal disinfectant solution. Such implements shall be soaked for ten (10) minutes or more, removed, rinsed, dried thoroughly and stored in a pre-disinfected drawer, cabinet or non-

Administrative Rules for Barbers & Cosmetologists

- airtight covered container, in a UV light cabinet, or left in an EPA registered disinfection/storage solution used according to the manufacturer's directions.
- (f) **Wax Pots.** All wax pots will be cleaned and disinfected with an EPA-registered, hospital-grade and tuberculocidal disinfectant solution with no sticks left standing in the wax at any time.
 - (g) **Nail Technician Disinfection Units.** Each working nail technician must have an assigned station appointed with a wet disinfection unit, a non-airtight covered receptacle, and a UV light cabinet or EPA-registered disinfectant/storage system. Large units may be shared by individual stations.
 - (h) **Nail Implements.** Nail brushes, nippers, finger bowls, disinfectable and/or washable files and buffers and other instruments must be washed in soap and water. Files are to be scrubbed with a brush to remove all debris. All instruments shall be rinsed thoroughly, dried with a clean paper towel, and then completely immersed in an EPA registered hospital grade and tuberculocidal disinfectant solution for ten (10) minutes after each use. After disinfection they must be rinsed, dried thoroughly with a clean paper towel, and placed in a pre-disinfected, non-airtight covered receptacle, cabinet or drawer, or in or a UV light cabinet, or left in an EPA registered disinfectant/storage system used according to manufacturer's directions.
 - (i) **Drills.** Drill bits are to be soaked and/or scrubbed with a wire brush to remove all debris. The drill bits must then be cleaned with warm water and soap or detergent. Drill bits should then be rinsed thoroughly and dried with a clean paper towel, and completely immersed in an EPA registered hospital grade and tuberculocidal disinfectant solution. Such implements shall be soaked for ten (10) minutes or more, removed, rinsed, dried thoroughly, and stored in a pre-disinfected drawer, cabinet or non-airtight covered container, in a UV light cabinet, or left in an EPA registered disinfection/storage solution used according to manufacturer's directions.
 - (j) **Pedicure Water.** Pedicure equipment that holds water for pedicures including whirlpools and spas, "pipe-less" units, foot baths, basins, tubs, sinks, and bowls, shall be cleaned and disinfected before use on each client.
 - (k) **Pedicure Screens.** Screens from pedicure equipment shall be cleaned at the end of each day and after the last client. Clean the screen with a brush and surfactant soap and water to remove all visible residues. Completely immerse the screen in either an EPA registered disinfecting solution or ten (10) minutes, or a 10% bleach solution for five (5) minutes.

13-2 Facilities. Licensees are responsible to ensure that any shop, school, or facility that is the site of barbering, cosmetology, esthetics, or nail technician practice is clean and sanitary at all times. The following minimum standards shall be observed at all facilities:

- (a) **Floors.** Floor surfaces in the immediate work area must be of a washable surface other than carpet. The floor must be routinely swept, kept clean, and free of hair, dropped articles, spills and electrical cords.
- (b) **Surroundings.** Walls and ceilings in the immediate work area(s) must be in good repair, free of water seepage, stains, and dirt.
- (c) **Restrooms.** A fully-functional bathroom must be readily available to customers. Such bathroom may not be shared with residential occupants and may not be a site of open storage of chemicals. Fixtures must be in good condition. The bathroom must be lighted and sufficiently ventilated. If there is a window, it must have a screen. Liquid soap and clean, individual towels must be available to clients. Laundering of towels is allowed, space permitting. The bathroom must not be used as a work area.

Administrative Rules for Barbers & Cosmetologists

- (d) **Common Areas.** General areas for customer use must be neat and clean with a covered waste receptacle for common trash.
- (e) **Accessibility.** Access to and from the shop shall be safe, without chips or damage to stairs, have a handrail for access, and any mats must be secured or flat.
- (f) **Electrical Equipment.** Electrical cords shall be placed to prevent tripping or entanglement. Electrical outlets shall be properly grounded and covered by plates.
- (g) **Plumbing.** Hot and cold potable water shall be available. At least one sink exclusive of bathroom and kitchen facilities must be designated for the washing of hands and equipment.
- (h) **Ventilation.** The shop area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals, and allow the free flow of air.
- (i) **Lighting.** Adequate lighting shall be provided.
- (j) **Fire Suppression.** Whether or not protected by sprinklers, all facilities shall have a conspicuously-marked, charged ABC-class fire extinguisher of at least 5 lbs. capacity.

- (k) **Pests and Animals.** All shops and immediate work areas shall be free of insects, rodents, or any type of animals. Animals may not be present in shops or schools, except *bona fide* service animals required by individuals with disabilities; provided, however, that schools may allow animals in areas not used for the provision of licensed services, if permitted by applicable law and regulation.

13-3 Specific Equipment. The following sanitation practices shall be observed:

- (a) **Sinks.** Sinks or shampoo bowls located within the working area shall be kept clean and sanitized after each use, and adequately supplied with soap or shampoo.
- (b) **Tables.** Massage tables, manicuring tables, sinks/shampoo bowls, facial and waxing tables, apparatus for waxing and facials, tanning beds, ear piercing equipment, and any other objects which touch the client shall be sanitized or sterilized after each use.
- (c) **Work Surfaces.** The top of work stands, back bars, service chairs, dryers and dryer chairs shall be routinely cleaned and sanitized. Work areas shall be uncluttered.
- (d) **Heated Appliances.** Heat-producing appliances and equipment shall be placed so as to prevent any accidental injury.
- (e) **Electrical Appliances.** Electrical appliances and equipment shall be in safe working order at all times, shall be supplied from a properly-grounded supply, and shall be protected with a ground-fault circuit interrupter (GFCI) device at the breaker or outlet.

13-4 Use of Articles, Tools, and Products. The following standards shall be observed when handling articles, tools, and products:

- (a) **Susceptibility to Sanitation.** Any multi-use article, tool or product which cannot be cleansed or sanitized is prohibited. Powder puffs, lip color, cheek color, sponges, or styptic pencils, which cannot be sanitized or sterilized, are not to be used on more than one client.
- (b) **Cleaning Between Clients.** Tools, implements, linens, and multi-use articles shall be cleaned, sanitized and/or sterilized prior to use upon each client.
- (c) **Separation of Soiled Implements.** Soiled implements must be removed from the tops of work stations immediately after use and deposited in a container made of cleanable, impervious materials.
- (d) **Sealed Containers.** Lotions, ointments, creams, and powders shall be kept in closed containers.
- (e) **Manicure Equipment.** A sanitary container or finger bowl shall be provided to each manicure client. Emery boards must be discarded after use.

Administrative Rules for Barbers & Cosmetologists

- (f) **Hair Implements.** Clippers, curlers, bobby pins, or hairpins must be sanitized after each use. If an object drops on the floor, it must not be used until it is sanitized or sterilized.
- (g) **Storage & Disposal.** All sharp tools and implements and heat-producing appliances shall be safely stored. Any disposable sharp object, whether or not coming into contact with blood or other body fluids, shall be disposed of in an approved sharps container.
- (h) **Protection of Sanitized Implements.** Pre-sanitized tools, implements, linens and equipment shall be stored for use in a sanitary enclosed cabinet or covered receptacle.
- (i) **Bleeding Control.** No substance other than a sterile styptic powder or sterile liquid astringent approved for hemostasis, applied with a sterile single use applicator, shall be used to check bleeding.
- (j) **Bodily-fluid Contamination.** Any disposable material coming into contact with blood or other body fluid shall be disposed of in a sealed plastic bag according to guidelines provided by the Vermont Department of Health and removed from the premises at least daily.

13-5 Chemicals. The following chemical-safety practices shall be observed:

- (a) **MSDS.** Shops and facilities shall have, in the immediate working area, a binder with all Material Safety Data Sheets (MSDS) for chemical products used. These are provided by manufacturers and shall be followed.
- (b) **Blood Kit.** Shops and facilities shall have a blood spill clean-up kit in all work areas.
- (c) **Eye Wash.** Shops and facilities shall have a plumbed eye wash or an eye-wash station consisting of one, 32-ounce bottle or two, 16-ounce bottles.
- (d) **Flammables.** Flammable chemicals shall be isolated from potential sources of ignition and stored in a non-flammable storage cabinet or a properly ventilated room.
- (e) **Separation of Hazardous Chemicals.** Chemicals which could interact in a hazardous manner (oxidizer, catalysts and solvents) shall be separated in storage.
- (f) **Prohibited Chemicals.** No shop or school shall have on the premises cosmetic products containing hazardous substances which have been banned by the U.S. Food and Drug Administration for use in cosmetic products, including liquid methyl methacrylate monomer and methylene chloride. No product shall be used in a manner that is disapproved by the FDA.

13-6 Licensee/Client Health. A licensee shall not perform services in such a manner as to expose himself, herself, or clients to suspected communicable diseases. A licensee shall not perform professional services on a client if the licensee or the client has a communicable or infectious disease or condition which could reasonably be expected to be transmitted during the course of rendering those services, such as tuberculosis, influenza, ringworm, scabies, head lice, pink eye, impetigo, poison ivy, poison oak, flu, strep throat, chicken pox, and viral infections. A licensee shall not perform services on a client or handle equipment that will be used on clients if the licensee has an open sore or other non-intact skin surface that may come into direct contact with the client or equipment.

13-7 Health Department Requirements. In addition to any requirements set forth in this section, all licensees shall adhere to guidelines set forth by the Vermont Department of Health for the control of communicable or infectious diseases including blood-borne pathogens.

13-8 New Technologies and Techniques. Beauty practices and technologies change constantly. Before applying a new technology or technique to any client a licensee shall establish that it is:

- (a) lawful for use by the licensee and for the purpose offered;
- (b) not marketed on the basis of false or misleading claims;

Administrative Rules for Barbers & Cosmetologists

- (c) a method the licensee has adequate education, training, and experience to implement safely and competently.

13-9 Excluded Technologies and Techniques. No license issued under these rules authorizes the bearer to:

- (a) use lasers for any purpose;
- (b) perform cosmetic tattooing, permanent cosmetics, or microblading; or
- (c) compound, dispense, label, sell, trade, or administer any prescription drug product.

Part 14: Discipline

14-1 Unprofessional Conduct. Unprofessional conduct includes those acts set out at 3 V.S.A. § 129a (applicable to all professional licensees). Violation of these rules is cognizable as unprofessional conduct pursuant to 3 V.S.A. § 129a(a)(3).

14-2 Remedies. Upon a finding by an administrative law officer that a licensee, applicant, or person who later becomes an applicant has committed unprofessional conduct, within or without this State, or has had a license application denied or a license revoked, suspended, limited, conditioned, or otherwise disciplined by a licensing agency in another jurisdiction for conduct which would constitute unprofessional conduct in this State, or has surrendered a license while under investigation for unprofessional conduct, the Director may warn, reprimand, suspend, revoke, limit, condition, deny, or prevent the renewal of a license. See 3 V.S.A. § 129(a). A license may be summarily suspended pending further proceedings, consistent with 3 V.S.A. § 814(c), upon a finding that public health, safety, or welfare imperatively requires emergency action.

14-3 Non-masking. A shop or school may not evade license discipline by re-incorporating or changing its trade name following discipline. Where the principal, principals, or controlling management of a shop or school that has been the subject of discipline establish any other shop or school, the Director may attach related disciplinary cases to the new shop or school in all public lookup tools.

19P-035

Substantial Arguments, Agency Responses, and Amendments to Proposed Rule

The following substantial arguments were offered by commenters. Where commentary provoked an amendment to the proposed rule, the amendment is noted in underlined text, with citation to the section affected.

Argument: Many incumbent practitioners of cosmetology weighed in on the administrative rulemaking process to oppose reduction in required hours of training.

Response: No change was made. The General Assembly has set mandated hours of training in statute, at 26 V.S.A. § 276(a)(1)(D), with the conscious purpose of reducing barriers to entering the profession. The agency is authorized to make rules concerning the curricular content to be addressed in those hours, but not to increase the hours required.

Argument: One commenter expressed concern that teachers would be able to test their own students for licensure.

Response: No change was made, because the proposed rule text does prohibit teachers testing their own students, among other measures intended to protect exam integrity. See Rule 8-8(b).

Argument: Many commenters offered constructive suggestions for the optimal allocation of hours.

Response: We hope and believe these suggestions are reflected in the core competencies. The Office purposefully allowed schools considerable flexibility in curricular offerings, as it has been our experience that marketplace demand for services can change quickly with evolving fashion and beauty technology.

Argument: Commenters expressed strong support for the new testing model, which allows schools and career technical centers to administer licensing exams. This is broadly expected to improve access and convenience, eliminate delays between graduation and entry into practice, improve fairness, and reduce student exam costs by as much as \$500.

Response: No change was considered, because the argument supported the existing text. See Rule 8-8.

Argument: An esthetician who specializes in lash and tinting services, including for clients who are undergoing chemotherapy, expressed concern that a prohibition on lash tinting would disallow an important part of her business.

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

Title 26 : Professions And Occupations**Chapter 006 : Barbers And Cosmetologists****Subchapter 002 : Administration**

(Cite as: 26 V.S.A. § 276)

§ 276. General powers and duties of the Director

(a) The Director shall:

(1) adopt rules that:

(A) prescribe sanitary and safety standards for shops, schools, and other facilities used for the practice of barbering and cosmetology;

(B) prescribe safe and sanitary practices for the performance of activities related to the practice of barbering and cosmetology;

(C) establish standards for apprenticeships, courses, and examinations to be completed by an applicant for licensure under this chapter;

(D) establish qualifications for licensure under this chapter as:

(i) a barber, provided mandated formal training shall be 750 hours;

(ii) a cosmetologist, provided mandated formal training shall be 1,000 hours;

(iii) an esthetician, provided mandated formal training shall be 500 hours; and

(iv) a nail technician, provided mandated formal training shall be 200 hours; and

(E)(i) establish criteria for apprenticeships that would enable a person seeking licensure under this chapter to train under an appropriately qualified Vermont licensee in order to attain licensure without mandated formal training; and

(ii) limit the duration of a required apprenticeship to not more than 150 percent of the duration of the corresponding formal training.

(2) Provide general information to applicants for licensure or registration under this chapter.

(3) Explain appeal procedures to licensees and applicants and complaint procedures to the public.

(4) Offer examinations at least once a year, if applications for examination are pending, and pass on the qualifications of the applicants.

(b)(1) The Director may inspect shops and schools and other places used for the practice of barbering and cosmetology.

(2) A fee shall not be charged for initial inspections under this subsection; however, if the Director determines that it is necessary to inspect the same premises in the same ownership more than once in any two-year period, the Director shall charge a reinspection fee.

(3) The Director may waive all or a part of the reinspection fee in accordance with criteria established by rule. (Added 1997, No. 40, § 16; amended 2017, No. 144 (Adj. Sess.), § 12, eff. Jan. 1, 2019.)

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

Title 3 : Executive

Chapter 025 : Administrative Procedure

Subchapter 001 : General Provisions

(Cite as: 3 V.S.A. § 801)

§ 801. Short title and definitions

(a) This chapter may be cited as the "Vermont Administrative Procedure Act."

(b) As used in this chapter:

(1) "Agency" means a State board, commission, department, agency, or other entity or officer of State government, other than the Legislature, the courts, the Commander in Chief, and the Military Department, authorized by law to make rules or to determine contested cases.

(2) "Contested case" means a proceeding, including but not restricted to rate-making and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing.

(3) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law.

(4) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license.

(5) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

(6) "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

(7) "Practice" means a substantive or procedural requirement of an agency, affecting one or more persons who are not employees of the agency, that is used by the agency in the discharge of its powers and duties. The term includes all such requirements, regardless of whether they are stated in writing.

(8) "Procedure" means a practice that has been adopted in writing, either at the election of the agency or as the result of a request under subsection 831(b) of this title. The term includes any practice of any agency that has been adopted in writing, whether or not labeled as a procedure, except for each of the following:

(A) a rule adopted under sections 836-844 of this title;

(B) a written document issued in a contested case that imposes substantive or procedural requirements on the parties to the case;

(C) a statement that concerns only:

(i) the internal management of an agency and does not affect private rights or procedures available to the public;

(ii) the internal management of facilities that are secured for the safety of the public and the individuals residing within them; or

(iii) guidance regarding the safety or security of the staff of an agency or its designated service providers or of individuals being provided services by the agency or such a provider;

(D) an intergovernmental or interagency memorandum, directive, or communication that does not affect private rights or procedures available to the public;

(E) an opinion of the Attorney General; or

(F) a statement that establishes criteria or guidelines to be used by the staff of an agency in performing audits, investigations, or inspections, in settling commercial disputes or negotiating commercial arrangements, or in the defense, prosecution, or settlement of cases, if disclosure of the criteria or guidelines would compromise an investigation or the health and safety of an employee or member of the public, enable law violators to avoid detection, facilitate disregard of requirements imposed by law, or give a clearly improper advantage to persons that are in an adverse position to the State.

(9) "Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy and that has been adopted in the manner provided by sections 836-844 of this title.

(10) "Incorporation by reference" means the use of language in the text of a regulation that expressly refers to a document other than the regulation itself.

(11) "Adopting authority" means, for agencies that are attached to the Agencies of Administration, of Commerce and Community Development, of Natural Resources, of Human Services, and of Transportation, or any of their components, the secretaries of those agencies; for agencies attached to other departments or any of their components, the commissioners of those departments; and for other agencies, the chief officer of the agency. However, for the procedural rules of boards with quasi-judicial powers, for the Transportation Board, for the Vermont Veterans' Memorial Cemetery Advisory Board, and for the Fish and Wildlife Board, the chair or executive secretary of the board shall be the adopting authority. The Secretary of State shall be the adopting authority for the Office of Professional Regulation.

(12) "Small business" means a business employing no more than 20 full-time employees.

(13)(A) "Arbitrary," when applied to an agency rule or action, means that one or more of the following apply:

(i) There is no factual basis for the decision made by the agency.

(ii) The decision made by the agency is not rationally connected to the factual

basis asserted for the decision.

(iii) The decision made by the agency would not make sense to a reasonable person.

(B) The General Assembly intends that this definition be applied in accordance with the Vermont Supreme Court's application of "arbitrary" in *Beyers v. Water Resources Board*, 2006 VT 65, and *In re Town of Sherburne*, 154 Vt. 596 (1990).

(14) "Guidance document" means a written record that has not been adopted in accordance with sections 836-844 of this title and that is issued by an agency to assist the public by providing an agency's current approach to or interpretation of law or describing how and when an agency will exercise discretionary functions. The term does not include the documents described in subdivisions (8)(A) through (F) of this section.

(15) "Index" means a searchable list of entries that contains subjects and titles with page numbers, hyperlinks, or other connections that link each entry to the text or document to which it refers. (Added 1967, No. 360 (Adj. Sess.), § 1, eff. July 1, 1969; amended 1981, No. 82, § 1; 1983, No. 158 (Adj. Sess.), eff. April 13, 1984; 1985, No. 56, § 1; 1985, No. 269 (Adj. Sess.), § 4; 1987, No. 76, § 18; 1989, No. 69, § 2, eff. May 27, 1989; 1989, No. 250 (Adj. Sess.), § 88; 2001, No. 149 (Adj. Sess.), § 46, eff. June 27, 2002; 2017, No. 113 (Adj. Sess.), § 3; 2017, No. 156 (Adj. Sess.), § 2.)



Proposed Rules Postings

A Service of the Office of the Secretary of State

- [Vermont.gov](#)
- [Feedback](#)
- [SOS Website](#)
- [APA Site](#)
- [Code of Vermont Rules](#)
- [Recent](#)
- [Search Rules](#)
- [Calendar](#)
- [Subscribe](#)
- [APA Contact Info](#)

Search Rules

Deadline For Public Comment

Deadline: Jun 12, 2019

The deadline for public comment has expired. Contact the agency or primary contact person listed below for assistance.

Rule Details

Rule Number:	19P035
Title:	Administrative Rules For Barbers, Cosmetologist, Estheticians & Nail Technicians.
Type:	Standard
Status:	Proposed
Agency:	Office of Professional Regulation, Office of the Secretary of State
Legal Authority:	26 V.S.A. § 276(a)(1); 3 V.S.A. § 123(a)(11); and 3 V.S.A. § 801(11)
Summary:	By Act 144 (Adj. Sess.), § 12, eff. Jan. 1, 2019, the General Assembly converted the regulatory model governing the cosmetology-related professions from board-based regulation to advisor-based regulation by the Director of Professional Regulation. Act 144 recalibrated educational requirements to reduce barriers to marketplace entry. Act 144 also recognized that demand for cosmetology-related services exists outside traditional shop settings. These rules implement the Act by setting necessary qualifications and standards, and by anticipating entrepreneurial demand to provide services in unconventional settings.
Persons Affected:	Barbers, cosmetologists, estheticians, nail technicians, barber shops, cosmetology shops, schools of cosmetology, the Vermont Agency of Education, the Vermont Department of Health. These rules substantially reduce regulatory burdens to entry for aspirants to professional licensure in the cosmetology-related professions and improve the availability and structure of apprenticeships. It is expected that temporal and monetary investment necessary to enter the affected professions will be reduced by one-third to one-half by comparison to the burden under the existing regulatory model. By relieving regulatory supply constraints and overhead to new entrants to the field, these rules can be expected to reduce costs to Vermont businesses and the consumers of beauty services those businesses serve.
Economic Impact:	
Posting date:	Apr 24, 2019

Hearing Information

Information for Hearing # 1

Hearing date:	06-03-2019 1:00 PM ADD TO YOUR CALENDAR
Location:	Office of Professional Regulation
Address:	89 Main Street, 3rd Floor
City:	Montpelier
State:	VT
Zip:	05620-3402
Hearing Notes:	

Contact Information

Information for Primary Contact

PRIMARY CONTACT PERSON - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.

Level: Primary

Name: Gabriel Gilman
Agency: Office of Secretary of State, Administration and Elections
Address: 89 Main Street, 3rd Floor
City: Montpelier
State: VT
Zip: 05620-3402
Telephone: 802-828-2492
Fax:
Email: gabriel.gilman@sec.state.vt.us
[SEND A COMMENT](#)

Website: <https://www.sec.state.vt.us/professional-regulation/list-of-professions/barbers-cosmetologists/statutes-rules.aspx>
Address: [VIEW WEBSITE](#)

Information for Secondary Contact

SECONDARY CONTACT PERSON - A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON.

Level: Secondary
Name: Jennifer Rotblatt
Agency: Office of Professional Regulation, Office of the Secretary of State
Address: 89 Main Street, 3rd Floor
City: Montpelier
State: VT
Zip: 05620-3402
Telephone: 802-828-2191
Fax:
Email: jennifer.rotblatt@sec.state.vt.us
[SEND A COMMENT](#)

Keyword Information

Keywords:

barbering
barbers
cosmetology
cosmetologists
esthetics
estheticians
barber shops
cosmetology shops
nail technicians
manicurists

[Back](#)

OFFICE OF THE SECRETARY OF STATE
VERMONT STATE ARCHIVES & RECORDS ADMINISTRATION
(802) 828-2863

TO:	Burlington Free Press Dave Heney (dheney@freepressmedia.com)	Tel: 863-3441 FAX: 863-4702 Attn: Display Ads
	The Caledonian Record Julie Poutré (adv@caledonian-record.com)	Tel: 748-8121 FAX: 748-1613
	Times Argus / Rutland Herald The Times Argus (classifieds@timesargus.com) Rick Root (rick.root@rutlandherald.com)	Tel: 802-747-6121 ext 2238 FAX: 802-776-5600
	The Valley News (advertising@vnews.com)	Tel: 800-874-2226 or 603-298-6082 FAX: 603-298-0212
	The Addison Independent (legals@addisonindependent.com)	Tel: 388-4944 FAX: 388-3100 Attn: Display Advertising
	The Bennington Banner / Brattleboro Reformer Lylah Wright (lwright@reformer.com)	Tel: 254-2311 ext. 132 FAX: 447-2028 Attn: Lylah Wright
	The Chronicle (ads@bartonchronicle.com)	Tel: 525-3531 FAX: 525-3200
	Herald of Randolph (ads@ourherald.com)	Tel: 728-3232 FAX: 728-9275 Attn: Brandi Comette
	Newport Daily Express (advertising@newportvermontdailyexpress.com)	Tel: 334-6568 FAX: 334-6891 Attn: Marin Gardyne
	News & Citizen (lisa@newsandcitizen.com) Irene Nuzzo (irene@newsandcitizen.com and ads@stowereporter.com removed from distribution list per Lisa Stearns.	Tel: 888-2212 FAX: 888-2173 Attn: Lisa Stearns
	St. Albans Messenger Ben Letourneau (ben.letourneau@samessenger.com)	Tel: 524-9771 ext. 117 FAX: 527-1948 Attn: Ben Letourneau
	The Islander (islander@vermontislander.com)	Tel: 802-372-5600 FAX: 802-372-3025
	Vermont Lawyer (hunter.press.vermont@gmail.com)	Attn: Will Hunter

FROM: Louise Corliss, APA Clerk

Date of Fax: November 16, 2020

RE: The "Proposed State Rules " ad copy to run on

May 2, 2019

PAGES INCLUDING THIS COVER MEMO:

2

***NOTE* 8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

If you have questions, or if the printing schedule of your paper is disrupted by holiday etc. please contact Louise Corliss at 802-828-2863, or E-Mail louise.corliss@vermont.gov, Thanks.

PROPOSED STATE RULES

By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/>. The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

Administrative Rules for Barbers, Cosmetologist, Estheticians & Nail Technicians.

Vermont Proposed Rule: 19P035

AGENCY: Secretary of State, Office of Professional Regulation

CONCISE SUMMARY: By Act 144 (Adj. Sess.), § 12, eff. Jan. 1, 2019, the General Assembly converted the regulatory model governing the cosmetology-related professions from board-based regulation to advisor-based regulation by the Director of Professional Regulation. Act 144 recalibrated educational requirement to reduce barriers to marketplace entry. Act 144 also recognized that demand for cosmetology-related services exists outside traditional shop settings. These rules implement the Act by setting necessary qualifications and standards, and by anticipating entrepreneurial demand to provide services in unconventional settings.

FOR FURTHER INFORMATION, CONTACT: Gabriel Gilman, Secretary of State, Office of Professional Regulation, 89 Main Street, 3rd Floor, Montpelier, VT 05620-3402 Tel: 802-828-2492 Email: gabriel.gilman@sec.state.vt.us
URL: <https://www.sec.state.vt.us/professional-regulation/list-of-professions/barbers-cosmetologists/statutes-rules.aspx>.

FOR COPIES: Jennifer Rotblatt, Secretary of State, Office of Professional Regulation, 89 Main Street, 3rd Floor, Montpelier, VT 05620-3402 Tel: 802-828-2191 Email: jennifer.rotblatt@sec.state.vt.us.

Rule on Alternative Preparatory Path for Funeral Directors.

Vermont Proposed Rule: 19P036

AGENCY: Secretary of State, Office of Professional Regulation

CONCISE SUMMARY: This rule establishes a program of apprenticeship and study for aspirants to funeral director licensure who have not attended a school of funeral service.

FOR FURTHER INFORMATION, CONTACT: Gabriel Gilman, Secretary of State, Office of Professional Regulation, 89 Main Street, 3rd Floor, Montpelier, VT 05620-3402 Tel: 802-828-2492 Email: gabriel.gilman@sec.state.vt.us
URL: <https://www.sec.state.vt.us/professional-regulation/list-of-professions/funeral-service/statutes-rules.aspx>.

FOR COPIES: Jennifer Rotblatt, Secretary of State, Office of Professional Regulation, 89 Main Street, 3rd Floor, Montpelier, VT 05620-3402 Tel: 802-828-2191 Email: jennifer.rotblatt@sec.state.vt.us.

Medicare Supplement Insurance Minimum Standards Rule.

Vermont Proposed Rule: 19P037

AGENCY: Department of Financial Regulation

CONCISE SUMMARY: This rule revises Vermont's Medicare supplement regulation to conform to changes in the National Association of Insurance Commissioners (NAIC) Medicare Supplement Model Regulation (MSMR) following enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA). Section 401 of MACRA prohibits the sale of Medicare Supplement policies that cover Part B deductibles to "newly eligible" Medicare beneficiaries defined as those individuals who: (1) have attained age 65 on or after January 1, 2020; or (b) first become eligible for Medicare due to age, disability or end-stage renal disease, on or after January 1, 2020. Issuers selling such policies to "newly eligible" Medicare beneficiaries on or after January 1, 2020 are subject to fines, and/or imprisonment of not more than five years, and/or civil money penalties of not more than \$25,000 for each prohibited act. The rule also makes a number of non-substantive technical corrections to the existing rule.

FOR FURTHER INFORMATION, CONTACT: E. Sebastian Arduengo, Department of Financial Regulation, 89 Main Street, Montpelier, VT 05620 Tel: 802-828-4846 Fax: 802-828-5593 Email: sebastian.arduengo@vermont.gov
URL: <https://dfr.vermont.gov/about-us/legal-general-counsel/proposed-rules-and-public-comment>.

FOR COPIES: Emily Brown, Department of Financial Regulation 89 Main Street, Montpelier, VT 05620 Tel: 802-828-4871 Email: emily.brown@vermont.gov.
