

**Arkansas Department of Health
Proposed Rules Pertaining to Arkansas Department of Health Cosmetology
Public Comments Received**

A public hearing was conducted December 10, 2015, at 10:00 a.m. in Room #2512, Arkansas Department of Health, 4815 West Markham Street, Little Rock, AR 72205.

Verbal and Written comments were received by the deadline prior to the hearing and follow.

Comment	Response
Response to written comments from Gabriel Black received November 12, 2015:	
<p>1. I have reviewed the revisions posted online and would like to comment on the revisions concerning reciprocity. It has become increasingly difficult to find licensed cosmetologists in our area. The cost and length of time of the reciprocation process has all but completely stagnated our results. The majority of the delays are in the time of release and transfer of records from the Texas Cosmetology Board with the additional process of scheduling and completing the Arkansas Law Examination. Together these make the process into not only week-long but in some cases month-long endeavors for our applicants and are usually enough to deter them from seeking employment with our salon. I am writing to you in hopes to make you aware of the seriousness of our situation and how we believe that some change, adjustment, or simplification of the rules and regulations could not only be beneficial but a necessity to our survival and the development of cosmetology in this part of the state. Considering our unique position would it be possible to include a streamlining of the process or perhaps a bi-state consideration to give some relief to the process of attracting cosmetologist to attain an Arkansas Cosmetology License in Texarkana, AR? Please give us any consideration that you can it would be greatly appreciated. Are there any steps or requirements on my part that I can do to help with this also?</p>	<p>The reciprocity requirements are set forth in the Cosmetology Act, Ark. Code Ann. § 17-26-315. To change these requirements in the Regulations, there must be a change in the Statute first.</p>
Response to written comments from Tracy Akard received November 24, 2015 and verbal comments received December 10, 2015:	
<p>2. After reviewing the rules and regs, I have a concern: Pg 10 Rule 4 section A; The removal of the sentence. Certified hours mean that tuition has either been paid in full or the person has signed a promissory note that is acceptable to the school. I understand the sentence prior to that states that hours must be certified to be eligible for the examination. However, I was in a court case where a student owed me \$6000 at 1200 hours. I have hours must be paid to certified hours in my contract, in my catalog, etc. BUT the judge told us after looking up the rules and regs from Arkansas state board of health; we did apply the law in implementing that regulations at our school. It is very important. I have enclosed a copy of this case to show the validity of what I as saying. I am going to stand firm on requesting we don't strike that language!!</p>	<p>Based on the comments received, this language is being added back into the Rule. This is not a substantive change, as it only clarifies what a "certified hour" is under the Regulations.</p>

Comment	Response
<p>Response to written comments from Carla Jones received November 30, 2015 and verbal comments received December 10, 2015:</p>	
<p>3. I received an email from Tracy Akard concerning the striking of the language of RULE NO. 4 EXAMINATIONS. In the Rule (4.1) A. It states that: Certified hours mean that tuition has either been paid in full or the person has signed a promissory note that is acceptable to the school. Tracy along with other school owners are concerned because this language better serves them as a school owner when students do not or will not pay tuition owed or sign a promissory note and they end up in court. My question is what if anything, can the school owners do in order to have this language remain in the rules and regulations?</p>	<p>Please see response to above comment #2.</p>
<p>Response to comments from Kevin Vickners received December 10, 2015:</p>	
<p>4. Medical Rules and Regulation 22</p> <p>5. Change Rule 11 pertaining to aestheticians to be more directly related to the same rules as Arkansas medical board- if you are an aesthetician and you plan on touching a laser on someone skin, keep in mind you are practicing medicine you need a doctors order first, you need to work for a physician, you cannot do it on your own or there will be consequence's.</p> <p>6. No fine listed for using lasers, a fine should be added to the scheduled fee.</p> <p>7. Add language to Rule 1.3 stating inspections can be made anywhere aestheticians are employed.</p>	<p>Does not apply to Rule Revision, as this regards the Rules of the State Medical Board</p> <p>The Rules and Regulations for Cosmetology are rules and regulations of the State Board of Health. Pursuant to Ark. Code Ann. § 20-7-109, the Board of Health is prohibited from regulated the practice of medicine. We cannot regulate aestheticians working under physicians.</p> <p>There are statutory fines set forth for the violation of any rule and regulation, they are up to \$1000 per violation per day. These provisions can be relied on if there are no more specific fines listed in the regulation.</p> <p>There are already provisions requiring aestheticians who are not working under an exemption provision to work in a licensed salon. These salons must be inspected. However, as stated above, we cannot</p>

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	regulate the practice of medicine inside a physician's office or medical spa.
Response to comments from Drusella Johnson received December 10, 2015:	
8. Would like something implemented in the manicurist about performing aesthetic work.	The Rules and Statute already prevent a manicurist from working outside the scope of his or her license, which would include performing aesthetics work.
Response to comments from Jamie Hopson and Melissa Horton received December 10, 2015:	
<p>9. Stronger Laws for medical spas -Strengthen the aesthetic industry both with the knowledge and reputation to where people aren't doing things they are not supposed to be doing, help with "medi-spas" using a doctors license when a doctor is not on the premises, help with accreditation process like LPN and RN or nurse practitioner, some sort of accreditation for years of service other than someone right out of school.</p> <p>10. Levels of Accreditation(Medical /Master Esthetician)</p> <p>11. No mandatory CEU in the aesthetic industry, nowhere to go train in Arkansas.</p> <p>12. Hours for Cosmo and esthetics- 100 hours in esthetic training for cosmetology program is not adequate to be properly treating clients. And the Esthetics curriculum 150 hours of skincare is insufficient.</p> <p>13. Does permanent cosmetic go under Cosmetology, is it kind of like the medical rules and regulations.</p>	<p>Please see responses to Comments #5 & 7 above.</p> <p>This would require a statutory change to create a new licensure level. Language would require a statutory change.</p> <p>This would require a statutory change to make CEU's a requirement for renewal.</p> <p>At this time, the curriculum is felt to be adequate and consistent with national standards. However, we are constantly reevaluating the curriculum and will take these comments under advisement.</p> <p>Permanent cosmetics are regulated with Body Art.</p>
Response to comments from Debbie McClure received December 10, 2015:	
14. Why is it 50% for Post-secondary Schools of Cosmetology	This is a typo. The previous rule change

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<p>15. On the inspector why is the 5 years' experience being taken out</p> <p>16. Rule 5 (4) Does valid license mean they have to have an instructor license.</p>	<p>defined a post-secondary school as a school that "offers a postsecondary curriculum approved by the Department of Health and whose enrollment is made up of only students that have a high school diploma or the equivalent." The language will be changed to reflect that rule revision.</p> <p>This was discussed during Rule Committee meetings, and was omitted at industry request.</p> <p>This question does not apply to Rule Revision. Please contact the Cosmetology Section for clarification of any Rules and Regulations.</p>
<p>Response to comments from Eugene Phillips received December 10, 2015:</p>	
<p>17. Wanted to know but lifetime license and 50 dollar fee?</p>	<p>This question does not apply to Rule Revision. Please contact the Cosmetology Section for clarification of any Rules and Regulations.</p>