

Summary of Proposed Changes
Rules for Cosmetology in Arkansas

REVISION by Section	Supporting Information
§1 Cosmetology Section	
<p>§ (1.2) (1.3) Add Language “mobile salons”</p> <p>§ (1.4) Replace language “www.healthysarkansas.com” with “healthy.arkansas.gov”</p> <p>§ (1.5) Replace language “Department” with “following fees” and “collect fees in accordance with the following fee schedule” with “apply” and “through” with “under” Add language “All fees are non-refundable upon submission.”</p> <p>§ (1.5) b. 1) i. Add language “(Payable to School) – not to exceed”</p> <p>§ (1.5) b. 2) i. Add language “(Payable to School) – not to exceed”</p> <p>§ (1.5) b. 4) i. Add language “Transfer fee - \$65.00 one-time fee” ii. Add language “(Payable to School) – not to exceed”</p> <p>§ (1.5) d., e., f., g., h., j., k., l., m.,</p> <p>§ (1.5) e., f., k., o. Add language “mobile salon”</p>	<p>Correct rules to meet requirements of Act 1081</p> <p>Correct Department website in Rules</p> <p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Lower renewal fees, transfer fees and first time licensure fees</p> <p>Correct Rule to meet requirements of Act 1081</p>
§2 Definitions	
<p>§ (2.4) Add language “Certified hours- Cosmetology, Manicure, Aesthetic, Electrology, or Instructor hours which have been earned and recorded with the Department in which tuition has either been paid in full or the person has signed a promissory note that is acceptable to the school.”</p> <p>Move Rule’s: § (2.7), § (2.9), § (2.17)</p> <p>§ (2.13) Add language “and pseudomonacidal.”</p> <p>§ (2.14) (a) (b) (c) Add language “Domestic violence and sexual assault awareness training (a) A one (1) hour training course in domestic violence and sexual assault awareness (b) The training course materials are provided by the Department of Health and incorporated into the curriculum of cosmetology and its branches. (c) Certificates of training shall contain proof of domestic violence and sexual assault training.”</p>	<p>Better Clarification of the definition</p> <p>Better flow of the Rule</p> <p>Better Clarification of the definition</p> <p>Correct Rule to meet requirements of Act 488</p>

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<p>§ (2.17) Add language “or Mobile Salon”</p> <p>§ (2.20) Add language “Mobile Salon A self-contained, self-supporting, enclosed unit that:</p> <ul style="list-style-type: none"> (a) Is at least twenty-four-feet (24’) in length; (b) May be transported from one location to another; (c) Has a base location at the home, salon or office of the owner of the mobile salon; (d) Is licensed as a cosmetology establishment for the practice of a branch or a combination of branches of cosmetology or the occupation of a cosmetologist licensed by the Department; and (e) Complies with rules established by the Department. <p>§ (2.27) Add language “Revocation, Official cancellation of practitioner, establishment, mobile salon, school of cosmetology, or postsecondary school of cosmetology license.”</p>	<p>Correct Rule to meet requirements of Act 1081</p> <p>Correct Rule to meet requirements of Act 1081</p> <p>Better Clarification of the definition</p>
<p>§3 Requirements for Cosmetology and Related Occupations</p>	
<p>§ (3.1) Add language “mobile salon”</p> <p>§ (3.2) Add language “(A)” and “(B) An institution wishing to teach both secondary and post-secondary students shall obtain both a license for a School of Cosmetology and a license for a Postsecondary School of Cosmetology. The institution shall also provide a procedure by which it will ensure that only students with a high school diploma or the equivalent are enrolled in the post-secondary school and receive Title IV funds.”</p> <p>§ (3.3) Add language “or mobile salon”</p>	<p>Correct Rule to meet requirements of Act 1081</p> <p>Rule required based on language utilized by the Department of Education.</p> <p>Correct Rule to meet requirements of Act 1081</p>
<p>§ 4 Examinations</p>	
<p>§ (4.1) Replace language “Eligibility” with “Written”</p> <p>§ (4.1) Remove language “The Department will admit to examination for a license”</p> <p>§ (4.1) (A) Add language “1. Completed training:” and “Graduated” and “2. Partial training currently enrolled – The School of cosmetology or Postsecondary school of cosmetology is responsible for submitting Early Testing-examination form.” And “the written”</p> <p>Remove language “then” and “Hours must be certified by the school of cosmetology or postsecondary school of cosmetology in order to be eligible for the examination. 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.”</p> <p>§ (4.2) Add language “Practical: Schools of Cosmetology or Postsecondary Schools of Cosmetology shall administer the Arkansas practical licensing examination that has been</p>	<p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Correct Rule to meet requirements of Act 972 and 973</p>

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<p>developed by the Department and which shall include use of the official (grading, scoring, rating) document.”</p> <p>§ (4.3) Remove language “exam deadline dates,” and “and dress codes” and “practical” Add language “for the written examination”</p> <p>§ (4.3) Add Language “(B) Supply list and Allotted Time: 1) A supply list shall be developed and provided by the School for each candidate which contains the implements, supplies, and equipment necessary to perform each phase of the examination. Each candidate will be required to bring a kit and/or carrying case, which contains all the necessary items contained in the list. 2) Schools will determine allotted time for the examination.”</p> <p>§ (4.4) Replace language “part” with “examination”</p>	<p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Correct Rule to meet requirements of Act 972 and 973</p>
<p>§ 5 Reciprocity</p>	
<p>Move Rule § (4.1) (C) (A), (B) and (D) Reciprocity Requirements and create § 5 (A)(1)(2)(3)(4) (B) (C) (D) and (E)</p> <p>§ (5) (A) Add language “(application shall expire after one Year)”</p> <p>§ (5) (B) Add language “A person who has completed 1500 hours under the laws of another state shall be eligible for examination upon the followings conditions: (1) That the applicant for license as a cosmetologist, manicurist, or aesthetician is not less than eighteen (18) years of age and the applicant for a license as an instructor or electrologist is not less than twenty-one (21) years of age; (2) Completed hours evidenced by certified copy of training and an affidavit received directly from the other state or by such other evidence as the Department may require; (3) Passes a written and practical examination”</p> <p>§ (5) (C) Add Language “A person that has completed partial hours under the laws of another state shall be eligible for examination under upon the followings conditions: (1) That the applicant for license as a cosmetologist, manicurist, or aesthetician is not less than eighteen (18) years of age and the applicant for a license as an instructor or electrologist is not less than twenty-one (21) years of age; (2) Partial hours evidenced by certified copy of training and an affidavit received directly from the other state or by such other evidence as the Department may require; (3) Completes the required 1500 hours required under the rules of the Department (4) Passes a written and practical examination</p> <p>§ (5) (D) Add Language “Temporary License: (1) The Department shall issue a temporary license immediately upon receipt of the application, the required fee, and the</p>	<p>Better flow and ease for reciprocity candidates</p> <p>Clarification of Rule for better understanding</p> <p>Clarification of Rule for better understanding</p> <p>Clarification of Rule for better understanding</p> <p>Correct Rule to meet requirements of Act 1011</p>

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<p>documentation required under (A) (1), (2), and (3). (2) The temporary license shall be effective for 160 days or, unless the Department determines <u>that</u>, the applicant does not meet the requirements in Reciprocity sections <u>(A) (1)</u>, through (4), in which case the temporary license shall be immediately revoked. (3) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of <u>a temporary license.</u>"</p> <p>§ (5) (E) Add Language "Military Automatic Licensure: Upon application active duty military personal stationed in the State of Arkansas, a returning military veteran applying within one (1) year of his or her discharge from active duty or a spouse of an active duty military personal or veteran shall be granted automatic licensure to practice cosmetology and its branches under the following requirements: (1) Payment of the initial licensure fee. (2) Evidence that the individual holds a substantially equivalent license in another state: and (3) Evidence that the applicant is a qualified applicant, by submitting a certified copy of the license and an affidavit from the other state stating the license <u>is in good standing.</u>"</p> <p>§ (5) (F) Add Language "License for person from a state that does not license profession under Act 1011 of 2019. (1)Required Qualifications. An applicant from a state that does not license cosmetologists, electrologists, manicurists, aestheticians or instructors shall meet the following requirements: a. The applicant shall be sufficiently competent in the applicable occupation and b. Meet the same application and licensure requirements as any other applicant under these rules."</p>	<p>Correct Rule to meet requirements of Act 1011</p> <p>Correct Rule to meet requirements of Act 1011</p>
<p>§ 6 Requirements for Schools of Cosmetology, Postsecondary Schools of Cosmetology and Establishments</p>	
<p>§ 6 Add Language "and Mobile salons"</p> <p>§ (6.1) (A) (2)(B) Add language "To assure compliance with the laws and rules governing the operations of mobile salons, the Department's authorized representatives shall have access to the premises of any mobile salon at any time the mobile salon is open for business. The Department's representative may contact the mobile salon owner or representative to obtain a destination schedule for inspection purposes only."</p> <p>§ (6.1) (B) (1) Replace language "posted in a designated place in the reception area, at individual work station or in clinic area."</p>	<p>Correct Rule to meet requirements of Act 1081</p> <p>Correct Rule to meet requirements of Act 1081</p> <p>Clarification of Rule for better understanding</p>

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<p>§ (6.1) (B) (4) Add language "A copy of the online complaint website and phone number for the Arkansas Department of Health Cosmetology and Massage Therapy Section shall be posted in a designated place in the reception area, at the individual work stations or in clinic area."</p> <p>§ (6.1) (C)</p> <ul style="list-style-type: none"> • (2) (a) (b) (c) (d) Remove language • (5) Remove language • (8) Remove language "walls, woodwork, ceilings, equipment, doors, windows, mirrors, lights and similar closures, furnishings, attached equipment, decorative materials" "Concrete or pumice blocks used for interior wall construction shall be finished, filled and sealed. All of the above mentioned items shall be free of leak spots, mildew, peeling paint and shall be easily cleaned" • (9) Remove language • (10) Remove language • (12) Remove language "have sufficient ventilation installed and operated according to State and local requirements to" "keep them" • (13) (b) and (d) Remove language • (17) (a) Remove language "covered with a clean towel or paper sheet for each client" Add language "kept clean" • (17) (d) (3) (a) (i) (a) Remove language" and pseudomonacidal (Formulated for Hospitals)." • (17) (d) (3) (a) (ii) (a) Remove language" or Tuberculocidal" • (17) (d) (4) (c) Remove language" and pseudomonacidal (Formulated for Hospitals). • (17) (d) (5) Remove language" or Tuberculocidal" • (17) (e) Add language "and covered when not in use" • (18) Remove language "and disinfected" • (20) Add language "Exemption freshly laundered/clean cape used for each client" • (25) (c) Add language "and Sharpeners" "Sharpeners must be cleaned after each use" • (25) (c) Remove language " disinfected and" 	<p>Clarification of Rule for better understanding</p> <p>Industry Concerns raised by subcommittee to mirror textbook</p>
<p>§7 Cosmetology Establishment Certificate of Registration and Licensure</p>	
<p>§ (7.1) Add language "mobile salons"</p> <p>§ (7.2) Add language (A)" or mobile salon" . (B) "or mobile salon"</p> <p>Replace Language (B) "letter of authorization" with "license" and "letter" with "license"</p> <p>Remove Language(B) "provided that the owner has certified compliance with the licensing code and the rules of the Board"</p>	<p>Correct Rule to meet requirements of Act 1081</p> <p>Industry Concerns raised by subcommittee</p> <p>Correct Rule to meet requirements of Act 1081</p>

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<p>§ (7.3) (A) (B) Add language "Mobile salon"</p> <p>§ (7.3) (D) Remove language</p> <p>§ (7.4) (A) (B) (1) (2) & (C) (1) Add language "mobile salon"</p> <p>§ (7.4) (C) (2) (3) Add language "mobile salon owner"</p>	<p>Correct Rule to meet requirements of Act 1081</p> <p>Correct Rule to meet requirements of Act 1081</p>
<p>§8 School of Cosmetology and Postsecondary School of Cosmetology Requirements</p>	
<p>§ (8.1) (A) (1) Replace language "www.healthysarkansas.com" with "healthy.arkansas.gov"</p> <p>(11) Add Language "Proof that the school adopts and discloses to students the complaint process outlined in Rule 11"</p> <p>§ (8.2) (A) (1) Replace language "www.healthysarkansas.com" with "healthy.arkansas.gov"</p> <p>§ (8.4) (A) (1) Replace language "www.healthysarkansas.com" with "healthy.arkansas.gov"</p> <p>(11) Add Language "Proof that the school adopts and discloses to students the complaint process outlined in Rule 11"</p> <p>§ (8.5) (A) (1) Replace language "www.healthysarkansas.com" with "healthy.arkansas.gov"</p> <p>Remove language "regulation"</p> <p>§ (8.10) Add language "an inspection report of compliance is received."</p> <p>Move Rule § (8.21) (C) (6) and (H) and create Rule § (8.11) (b) and (c)</p> <p>§ (8.14) (A) (8), (8.15) (A) (6), (8.16) (A) (16), (8.17) (C) Add Language "One (1) hour domestic violence and sexual assault training as set forth in A.C.A § 17-26-205(a), etc.</p> <p>(E) Replace language "one-hundred-eighty (180)" with "one-hundred-fifty (150)"</p> <p>§ (8.21) (A)(1) Remove language "Extended break time should be on a scheduled basis, such as lunch, coffee, etc., and shall not be counted as classroom instruction time or creditable time.") (2) Remove language "and regulations" (3) Remove language "thirty (30) and Add language" (a)" "forty-five (45)". Add language "(last day of attendance)" and "If a Certificate of Training is not received within forty-five (45) days, the student will be dropped by the Department and all hours will be certified."</p> <p>Move § (8.21) (B) (5) to § (8.21) (A) (3) (b)</p> <p>(4) Replace language "www.healthysarkansas.com" with "healthy.arkansas.gov"</p> <p>(5) Add Language "Textbook material must be completed before fifteen-hundred (1500) hours are completed."</p> <p>§ (8.21) (B) (1) Add Language "report monthly hours to" and "for"</p> <p>§ (8.21) (C) Remove language "and inspections"</p> <p>§ (8.21) (C)(6) Moved to § (8.11) (b) and (c)</p>	<p>Correct Department website in Rules</p> <p>Mirror secondary school policy to postsecondary school policy.</p> <p>Correct Department website in Rules</p> <p>Correct Department website in Rules</p> <p>Mirror secondary school policy to postsecondary school policy.</p> <p>Correct Department website in Rules</p> <p>Clarification of Rule for better understanding</p> <p>Better flow and ease for understanding</p> <p>Correct Rule to meet requirements of Act 488</p> <p>Industry concerns raised by subcommittee</p> <p>Industry concerns raised by subcommittee</p> <p>Industry concerns raised by subcommittee</p> <p>Correct Department website in Rules</p> <p>Industry concerns raised by subcommittee</p> <p>Industry concerns raised by subcommittee</p> <p>Separated for clarification of Rule</p> <p>Better flow and ease for understanding</p>

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<p>§ (8.21) (E) (4) Add Language “Practical Examination fee for licensure shall be set by the School and shall not exceed \$65.00.”</p> <p>§ (8.21) (F) (1) Remove language “or regulation” (b) (c) Replace language “regulation with rule”</p> <p>§ (8.21) (F) (7) Remove language “ and regulations”</p>	<p>Clarification to meet requirements of Act 973</p> <p>Correct Rule to Act 315</p> <p>Correct Rule to Act 315</p>
<p>§ 9 INSTRUCTOR TRAINING</p>	
<p>§ (9) Add language “and renewal requirements”</p> <p>§ (9.1) (A) Remove Rule</p> <p>§ (9.2) (G) Add language “Domestic violence and sexual assault training as set forth in A.C.A. § 17-26-205(a) – 1</p> <p>§ (9.4) (A) (B) (C) (D) Add language “(9.4) Renewal Requirements</p> <p>(A) For biannual renewal Instructors shall not be required to renew the specialty license in which they were originally licensed however shall only be allowed to instruct in the specialty area of original licensure. Should an instructor wish to retain their specialty license they may renew it also.</p> <p>(B) Continuing Education Requirements</p> <p>(1) Any person holding an Arkansas Instructor License shall complete eight (8) hours of continuing education in an Instructor Training Seminar or Continuing Education Course. Compliance with the requirement of continuing education is a prerequisite for license renewal.</p> <p>(2) Reinstatement of a license that has expired as a result of failure to timely renew may be accomplished upon meeting the following conditions:</p> <p>a. Payment of all past due renewal fees:</p> <p>b. Payment of the late renewal fee; and</p> <p>c. Compliance with continuing education requirements for each license renewal period.</p> <p>(3) Out-of-State Program: Hours earned at an out-of-state continuing education program will be accepted provided said program is certified by the Cosmetology Board in that State or by a nationally recognized provider and is designated as an “Instructor Training Seminar”. To receive credit for hours earned out of state, the Instructor must submit a signed certificate of completion from the out-of-state provider.</p> <p>(4) Those persons newly licensed shall not be required to complete continuing education as a prerequisite for license renewal the first renewal period following the date of licensure.</p> <p>(5) Program Sponsor:</p> <p>(a) Any program, seminar, or workshop must be sponsored by a bona fide association/organization that is committed to the advancement of the Cosmetology Profession. “Bona fide” as used herein means state and/or national association/organization chartered with bylaws.</p> <p>(b) Community College or University.</p> <p>(6) Program requirements: All advanced-teaching education must be generic in nature.</p> <p>(A) 1) Eight (8) hours, or a minimum of four (4) of the required eight (8) hours, shall be related to advanced teaching methods or techniques. Examples include: curriculum development,</p>	<p>Add Rule to meet requirements of Act 972 and 973 Addressed in Rule §4</p> <p>Correct Rule to Act 488</p> <p>Add Rule to meet requirements of Act 972 and 973</p>

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<p>lesson plan preparation, human resource management, etc.</p> <p>2) Credit accrues at one (1) contact hour for each hour of actual contact.</p> <p>(B) Courses offered at the Community College or University Level, which contribute directly to the professional competency of the licensee. Examples include semester hours in Psychology, Sociology, Methods of Teaching, Business Law, etc.</p> <p>(C) Program Educators: Approved programs must be conducted by individuals who have special education, training and experience or by other persons who by reason of special education, training and experience said individuals would be considered experts concerning the subject matter of the program.</p> <p>(D) Violations: Any licensee found falsifying continuing education attendance will be subject to disciplinary action by the Committee.</p>	
<p>§11 Complaint Policy</p>	
<p>(A) (1) Add language " Mobile salon</p> <p>(4) Any disciplinary action taken under § 17-26-105 (10) the Cosmetology Act may be waived as authorized by Ark. Code Ann. § 17-2-102 in certain circumstances.</p> <p>(5) (a) Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.</p> <p>(b) The individual must obtain the pre-licensure criminal background check petition form from the Department.</p> <p>(c)The Department will respond with a decision in writing to a completed petition within a reasonable time.</p> <p>(d) The Department's response will state the reason(s) for the decision.</p> <p>(e)All decisions of the Department in response to the petition will be determined by the information provided by the individual.</p> <p>(f) Any decision made by the Department in response to a pre-licensure criminal background check petition is not subject to appeal.</p> <p>(g) The Department will retain a copy of the petition and response and it will be reviewed during the formal application process.</p>	<p>Correct Rule to meet requirements of Act 1081</p> <p>Correct Rule to meet requirements of Act 990</p>
<p>§12 Equipment and Chemical Use in Cosmetology and its Related Branches</p>	
<p>(A) Equipment</p> <p>(1) Add language - "(1) "With the exception of piercing as set forth in sub part three (3) below,"</p>	<p>Industry Concerns raised by subcommittee</p>

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<p>Remove language – “incision, or piercing”</p> <p>(1)(a) add Language - “and manufactures instructions”;</p> <p>(2) (b) Remove language” Must not penetrate or pierce the skin beyond the epidermis or mucous membrane of the body, the ocular cavity, or the urethra, or enter the ear beyond the external auditory canal, the nose beyond the nares, the mouth beyond the pharynx, the anal canal beyond the rectum, or the vagina beyond the opening of the cervix;” and</p> <p>(3) add language – "Piercing activity of cosmetologist and aestheticians shall be limited to piercing the lobe of the ear using an ear piercing gun."</p> <p>(C) Add language “mobile salons”</p> <p>(D) (2) Add language “mobile salons”</p>	<p>Industry Concerns raised by subcommittee</p> <p>Industry Concerns raised by subcommittee</p> <p>Correct Rule to meet requirements of Act 1081</p> <p>Correct Rule to meet requirements of Act 1081</p>
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