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Document No. 4230

**BOARD OF COSMETOLOGY**

CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-80

35-1. Application for Approval to Operate Schools of Cosmetology, Nail Technology, or Esthetics.

35-23. Continuing Education Requirements; Expired Licenses.

**Synopsis:**

 To satisfy the requirements of licensure for cosmetologists, estheticians, and nail technicians, Regulations 35-1 and 35-23 are updated in conformance with the current Board of Cosmetology Practice Act.

 The Notice of Drafting was published in the *State Register* on November 25, 2011.

**Instructions:**

The following sections of Chapter 35 are modified as provided below. All other items and sections remain unchanged.

**Text:**

35-1. Application for Approval to Operate Schools of Cosmetology, Nail Technology, or Esthetics.

(A) Any person, firm, or corporation desiring to open any public or private cosmetology, nail technology, or esthetics school (hereafter referred to as “school”) shall make application to the State Board of Cosmetology at least sixty (60) days prior to the anticipated opening date. Such application shall be made on a form prescribed by the board. Each application shall be accompanied by the required application fee. In addition, said applicant shall make available to the board at the time of filing the following information:

(1) Name of owner if solely owned, names of partners if a partnership, names of corporate officers and their respective office if a corporation; and

(2) The name of the school, its location, and the complete mailing address; and

(3) Floor plan drawn to scale showing placement of all equipment with all areas designated to include a clinic, dispensary, classroom, office, and restrooms/dressing rooms; and

(4) Other information which the board deems important in consideration of application may be required.

(B) Cosmetology schools shall have a minimum of two thousand five hundred (2,500) square feet of floor space to accommodate no more than sixty (60) students at any given time. For more than sixty (60) students, additional space shall be designated proportionately. Minimum square footage for the clinic area of the school must total sixty (60) square feet per workstation.

(1) Each cosmetology school implementing a nail technology course shall designate at least two hundred forty (240) square feet of enclosed floor space for every ten students or fraction thereof. Enclosed space shall mean walls or partitions with a minimum height of six feet. Enclosed space shall be visually separated from adjoining areas.

(2) Each cosmetology school implementing an esthetics course shall designate at least two hundred forty (240) square feet of enclosed floor space for every ten esthetics students or fraction thereof. Enclosed space shall mean walls or partitions with a minimum height of six feet. Enclosed space shall be visually separated from adjoining areas.

(C) Nail technology schools shall have a minimum of one thousand five hundred (1,500) square feet of floor space to accommodate no more than thirty-five (35) students at any given time. For more than thirty-five (35) students, additional space shall be designated proportionately.

(D) Esthetics schools shall have a minimum of one thousand five hundred (1,500) square feet of floor space to accommodate no more than thirty-five (35) students at any given time. For more than thirty-five (35) students, additional space shall be designated proportionately.

(E) Combination nail technology/esthetics schools shall have a minimum of two thousand (2,000) square feet of floor space to accommodate no more than forty-five (45) students at any given time. For more than forty-five (45) students, additional space shall be designated proportionately.

(F) Application Approval/Disapproval. Upon receipt of the properly completed application, prescribed fee and a detailed floor plan, the board may require a meeting with the applicant to discuss the proposed school.

(1) The board shall review the application at the next scheduled board meeting following receipt of the completed application and must report the approval or denial of the proposed school.

(2) If the board denies the application, the applicant shall be promptly notified in writing of the specific reasons of denial. Upon approval of the application, the board shall so notify the applicant and schedule a preliminary inspection for the purpose of determining the suitability of the proposed school’s space and design. The inspection shall be conducted by the department and reported to the board.

(G) Final Inspection/License Issued.

Prior to the final inspection, every school shall furnish:

(1) A list of board approved equipment and sufficient training supplies, by quantity and type; and

(2) A proposed course of study and schedule, in compliance with the board’s mandatory minimum standard curriculum which said school shall teach; and

(3) A list of texts and materials conducive to learning the prescribed curriculum; and

(4) A schedule of the hours and days of the week the school will be in operation; and

(5) The name and address and license number of each registered instructor to be employed. Each school shall employ at least one instructor for each course offered. If the number of students attending in any particular course is greater than twenty (20), then one additional instructor shall be employed for each twenty (20) additional students, or fraction thereof, attending; two instructors if the number of students in attendance in the school shall be more than forty (40), then one instructor for each additional twenty (20) students in attendance shall be employed; and

(6) A surety bond to the board issued by a licensed bonding company doing business in this state except in the case of a public school district. Such bond shall be in the penal sum as set forth in the statute, per location, and shall be conditioned upon the faithful performance of the terms and conditions of all contracts entered into between the school and persons enrolling therein. Suit on the bond may be brought by any student injured by the breach of any of the conditions of the approved contract between the student and the owner of the school on pre-paid tuition only. The bond shall be to the State of South Carolina in favor of every person who pays or deposits any money with the school as payment for instruction. Every bond shall continue in force and in effect until notice of termination is given by registered mail to the board and every bond shall set forth this fact; and

(7) After the inspection and approval, a license to operate the school shall be issued.

(H) Change of Location/Ownership/School Closing.

If, at any time during the year, the physical plant or operation of a school is moved to a new location or address, or if ownership is transferred, or if the controlling interest of a partnership or corporation is altered in such a way as to affect the ownership, or if the name of the school changes, then the license for such school shall become void and a new application shall be filed.

(1) Upon receipt of application and prescribed fee for change of school owner and/or school name, the application shall be promptly processed and, if approved, a license issued. Proof of bond transferal must be required.

(2) No school shall be reopened at a new location, until a new application is received by the board, accompanied by the prescribed fee. The same application and application procedures as a new school shall apply.

(3) Any school terminating its operation shall inform the board at least thirty (30) working days prior to the anticipated termination date and in addition properly terminate its students. If the school is being transferred to a new owner the school must certify and transfer, to the new owner, any and all student records. If the school is being closed, certified student records must be provided to the board in a format approved by the board on or before the last day of operation. The school must provide to each current student a certified transcript detailing hours obtained, completed, and for which the school has been compensated.

(4) Prior to school closure, a record of all students’ transcripts, who are currently enrolled and who have met contractual obligations, must be submitted within ten working days, via certified mail, to the board office.

(5) If a school desires to relocate temporarily, it shall notify the board to receive approval.

35-23. Continuing Education Requirements; Expired Licenses.

(A) All persons licensed by the board as cosmetologists, nail technicians and estheticians must show satisfactory evidence of twelve (12) contact hours of instruction during the preceding licensing year. At least three (3) hours of instruction shall be in sanitation or health and safety for clients.

(B) Initial License. Any person shall not be required to complete continuing education during the first licensing period. During the second licensing period and thereafter, the continuing education requirements shall apply.

(C) Expired License. Any license expired for up to three (3) years may be reinstated if the applicant pays the reinstatement fee and submits proof to the board of completion of continuing education requirements for renewal.

(1) After three (3) years, the license is no longer renewable by payment of fees.

(2) After three (3) years expiration of a license, the full examination must be repeated (practical and theory). The license will then be considered on the same basis as a newly licensed individual.

(D) Instructor License—All persons licensed by the Board as instructors must show satisfactory evidence of twelve (12) contact hours of instruction geared toward teaching during the preceding licensing year.

(E) Employment on military installations—All persons employed in salons on military installations outside of South Carolina, who desire an active license shall be exempt from completing any continuing education requirements, so long as he/she is actively employed on said military base and can provide proof of employment.

**Fiscal Impact Statement:**

 There will be no cost incurred by the State or any of its political subdivisions.

**Statement of Rationale:**

 These regulations are updated in conformance with the current Cosmetology Practice Act.