Agency Name: Board of Cosmetology - Labor, Licensing and Regulation

Statutory Authority: 40-1-70, 40-13-60, and 40-13-230(D)

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Subject: Emergency Temporary Work Permits

History: 5034

By Date Action Description Jt. Res. No. Expiration Date

- 01/22/2021 Proposed Reg Published in SR

- 03/31/2021 Received by Lt. Gov & Speaker 03/28/2022

S 03/31/2021 Referred to Committee

H 04/06/2021 Referred to Committee

S 03/15/2022 Resolution Introduced to Approve 1166

- 03/28/2022 Approved by: Expiration Date

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 provided for in the Regulation

Document No. 5034

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**

**BOARD OF COSMETOLOGY**

Chapter 35

Statutory Authority: 1976 Code Sections 40-1-70, 40-13-60, and 40-13-230(D)

35-12. Emergency Temporary Work Permits. (New)

**Synopsis:**

 The South Carolina State Board of Cosmetology proposes to add a regulation creating emergency temporary work permits.

 A Notice of Drafting was published in the *State Register* on September 25, 2020.

**Instructions:**

 Replace regulation as shown below. All other items and sections remain unchanged.

**Text:**

35-12. Emergency Temporary Work Permit.

 A temporary work permit allowing a license candidate to work under the direct supervision of a Board licensee prior to licensure, may be issued for up to 90 days when due to a period of public emergency, candidates for licensure who have completed their education and are otherwise qualified for licensing do not have access to either or both parts (theory and practical) of the required licensing examination. The permit must be displayed in a conspicuous place adjacent to or near the permittee’s work chair, with a 2 x 2 passport-type photograph of the permittee affixed to the permit.

 The applicant must submit an application for the permit on a form approved by the Board, and must designate in the application an appropriately credentialed, licensed South Carolina cosmetologist, nail technician, or esthetician, whose license is in good standing, as their supervisor. The proposed supervisor must also sign the application, agreeing to provide direct supervision. Direct supervision means the supervisor must be present on the salon premises and available to provide oversight to the permittee when the permittee is performing cosmetology, nail technology or esthetic services on the public. Failure of the designated supervisor to provide direct supervision as required is deemed to be an unprofessional act. A temporary work permittee cannot provide these services unless under direct supervision in a licensed salon, and may not be the manager of a salon.

 Additionally, to be eligible to apply for a temporary work permit, the license candidate must have applied or be eligible to apply to take the examination, and must not have failed any previous attempt to pass the part or parts of the licensing examination that have not been completed. Failing a remaining part or parts of the examination, or failing to timely apply for or to take a scheduled examination without good cause voids the permit. Working on a void or lapsed temporary work permit is deemed to be unlicensed practice. A temporary work permittee is subject to and must follow all applicable Board statutes and regulations, and is subject to discipline in the same manner as a licensee.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

 The updated regulations will add an emergency temporary work permit to allow licensees to work under the direct supervision of an identified licensee for up to ninety days in the event that a public emergency prevents cosmetology students from taking exams required for licensure.