



**VIRTUAL/TELECONFERENCE
COSMETOLOGY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Adam Barr (608) 266-2112
October 31, 2022**

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:30 AM

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of August 29, 2022 (4-7)**
- C. Introductions, Announcements and Recognition – Discussion and Consideration**
 - 1) Recognition: Charity-Faith Fazel, Cosmetologist/Aesthetician Member (Resigned 8/29/2022)
- D. Reminders: Conflicts of Interest, Scheduling Concerns**
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Board Updates
 - 2) Appointment of Liaisons and Alternates, Delegation of Authorities
 - 3) Board Members – Term Expiration Dates
 - a. Cwojdzinski, Kayla M. – 7/1/2024
 - b. Halverson, Georgianna – 7/1/2023
 - c. Hoepfner, Ann M. – 7/1/2023
 - d. Jackson, Megan A. – 7/1/2023
 - e. Lee, Kristin N. – 7/1/2023
 - f. Quintal, Daisy L. – 7/1/2023
- F. Legislative and Policy Matters – Discussion and Consideration**
- G. Administrative Rule Matters – Discussion and Consideration (8)**
 - 1) Rule Draft: COS 2, 3, 5, and 8, Relating to Scope of Practice, Mobile Practice, Distance Learning **(9-13)**
 - 2) Scope Statement: COS 1, 2, 5 and 6, Relating to Education **(14-15)**
 - 3) Pending and Possible Rulemaking Projects **(16)**

H. Speaking Engagement(s), Travel, or Public Relation Request(s) – Discussion and Consideration

- 1) Travel Report: National Interstate Council of State Boards of Cosmetology (NIC) Annual Conference on 9/30/2022-10/3/2022 in San Antonio, TX – Megan Jackson

I. COVID-19 – Discussion and Consideration

J. Deliberation on Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Election of Officers, Appointment of Liaison(s), Delegation of Authorities
- 3) Administrative Matters
- 4) Education and Examination Matters
- 5) Credentialing Matters
- 6) Practice Matters
- 7) Legislative and Policy Matters
- 8) Administrative Rule Matters
- 9) Liaison Reports
- 10) Board Liaison Training and Appointment of Mentors
- 11) Informational Items
- 12) Division of Legal Services and Compliance (DLSC) Matters
- 13) Presentations of Petitions for Summary Suspension
- 14) Petitions for Designation of Hearing Examiner
- 15) Presentation of Stipulations, Final Decisions and Orders
- 16) Presentation of Stipulations and Interim Orders
- 17) Presentation of Proposed Final Decision and Orders
- 18) Presentation of Interim Orders
- 19) Petitions for Re-Hearing
- 20) Petitions for Assessments
- 21) Petitions to Vacate Orders
- 22) Requests for Disciplinary Proceeding Presentations
- 23) Motions
- 24) Petitions
- 25) Appearances from Requests Received or Renewed
- 26) Speaking Engagement(s), Travel, or Public Relation Request(s)

K. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

L. Deliberation on Division of Legal Services and Compliance (DLSC) Matters

- 1) **Administrative Warnings**
 - a) 20 BAC 061 – M.T.R. J.R. **(17-18)**
 - b) 22 BAC 009 – T.X.L., P.N. **(19-20)**
- 2) **Case Closings**
 - a) 19 BAC 043 – H.S., H.B.B. **(21-25)**
 - b) 21 BAC 056 – G.H.S. **(26-29)**
 - c) 22 BAC 020 – A.M. **(30-37)**

M. Deliberation on Proposed Final Decision and Orders

- 1) Tamir L. Williams, Respondent – DHA Case Number SPS-22-0036, DLSC Case Number 21 BAC 036 **(38-45)**

N. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspension
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decision(s) and Order(s)
- 9) Proposed Final Decision(s) and Order(s) of Default
- 10) Proposed Interim Orders
- 11) Administrative Warnings
- 12) Review of Administrative Warnings
- 13) Proposed Final Decisions and Orders
- 14) Orders Fixing Costs/Matters Related to Costs
- 15) Case Closings
- 16) Board Liaison Training
- 17) Petitions for Assessments and Evaluations
- 18) Petitions to Vacate Orders
- 19) Remedial Education Cases
- 20) Motions
- 21) Petitions for Re-hearings
- 22) Appearances from Requests Received or Renewed

O. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

P. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

Q. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: TBD 2023

 MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board’s agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
COSMETOLOGY EXAMINING BOARD
MEETING MINUTES
AUGUST 29, 2022**

PRESENT: Kayla Cwojdzinski, Charity-Faith Fazel, Georgianna Halverson, Ann Hoepner, Megan Jackson, Kristin Lee, Daisy Quintal (*excused at 10:33 a.m.*)

STAFF: Adam Barr, Executive Director; Joseph Ricker, Legal Counsel; Dana Denny, Administrative Rule Coordinator; Kimberly Wood, Program Assistant Supervisor-Adv.; Dialah Azam, Bureau Assistant; and other Department staff.

CALL TO ORDER

Megan Jackson, Chairperson, called the meeting to order at 9:31 a.m. A quorum was confirmed with seven (7) members present.

ADOPTION OF AGENDA

MOTION: Ann Hoepner moved, seconded by Kayla Cwojdzinski, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 13, 2022

MOTION: Ann Hoepner moved, seconded by Kayla Cwojdzinski, to approve the Minutes of June 13, 2022 as published. Motion carried unanimously.

APPEARANCE: KEITH BUCKHOUT & MATT SHAFER, THE COUNCIL OF STATE GOVERNMENTS – COSMETOLOGY LICENSURE COMPACT STAKEHOLDER SURVEY

MOTION: Ann Hoepner moved, seconded by Megan Jackson, to acknowledge and thank Keith Buckhout and Matt Shafer, The Council of State Governments, for their appearance and presentation to the Board. Motion carried unanimously.

BARBERING AND COSMETOLOGY APPRENTICESHIPS

MOTION: Ann Hoepner moved, seconded by Kayla Cwojdzinski, to request that DSPS create a committee composed of cosmetologists and barbers to study the current state of apprenticeships for cosmetologists and barbers, and to present recommendations for improvements to the Board as they relate to cosmetology, and to the Department as they relate to barbering. Motion carried unanimously.

MOTION: Ann Hoepner moved, seconded by Kayla Cwojdzinski, to authorize the Chairperson to appoint two members to represent the Board if DSPS forms a committee relating to cosmetology and barbering apprenticeships. Motion carried unanimously.

(Daisy Quintal was excused at 10:33 a.m.)

REPORT AND POSSIBLE ACTION RESULTING FROM THE COSMETOLOGY EXAMINING BOARD SCOPE OF PRACTICE COMMITTEE

- MOTION:** Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to accept the following recommendations of the Cosmetology Scope of Practice Advisory Committee.
1. Clarify administrative rules to specify that microblading is within the scope of practice of aestheticians and cosmetologists as defined in state statute.
 2. Make no changes to administrative rules regarding microdermabrasion.
 3. Dermaplaning may be considered part of the scope of practice of aesthetics, assuming proper formal training in the procedure as part of a board approved curriculum, as long as only the stratum corneum layer is being affected.
 4. Cos 2.025 as it relates to chemical exfoliation be amended to reduce the minimum pH level to 2.0, the remainder of the provision should remain unchanged.
 5. Microneedling be listed under Cos 2.025 as a delegated medical procedure.
 6. Eyelash and eyebrow tinting and lifting may be considered part of the scope of board regulated professions, assuming proper formal training in the procedure as part of a board approved curriculum.
 7. Utilization of electromagnetic radiation and electric current be considered delegated medical procedures, except when application is limited to the stratum corneum layer of skin assuming proper formal training in the procedures as part of a board approved curriculum.
 8. Open a Scope Statement revising Cos 5 to outline formal education requirements for procedures recommended for inclusion by the Committee.
 9. 2.02(1), Wis. Admin. Code be modified to read “No licensee may **diagnose or** treat any disease of the skin unless under the direction of a physician.”
 10. Utilization of thermal energy be considered a delegated medical procedure, except when application is limited to the stratum corneum layer of skin assuming proper formal training in the procedure as part of a board approved curriculum.
 11. Incorporate language indicating that any treatment impacting a skin layer below the stratum corneum layer be considered a delegated medical procedure.

Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Review of Cos 2, 3, 5, & 8, Relating to Scope of Practice, Mobile Practice, Distance Learning

MOTION: Ann Hoepner moved, seconded by Charity-Faith Fazel, to authorize Kayla Cwojdzinki to work with DSPS staff in drafting Cos 2, 3, 5, & 8, Relating to Scope of Practice, Mobile Practice, Distance Learning. Motion carried unanimously.

Pending and Possible Rulemaking Projects

MOTION: Ann Hoepner moved, seconded by Charity-Faith Fazel, to request DSPS staff draft a Scope Statement revising Cos 5, relating to courses of instruction, and to designate Kayla Cwojdzinki to work with DSPS staff. Motion carried unanimously.

CLOSED SESSION

MOTION: Ann Hoepner moved, seconded by Kayla Cwojdzinski, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (ss. 19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Megan Jackson, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Kayla Cwojdzinski-yes; Charity-Faith Fazel-yes; Georgianna Halverson-yes; Ann Hoepner-yes; Megan Jackson-yes; and Kristin Lee-yes;. Motion carried unanimously.

The Board convened into Closed Session at 11:07 a.m.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Case Closings

19 BAC 001, 19 BAC 080 – B.M.U.C.

MOTION: Ann Hoepner moved, seconded by Kayla Cwojdzinski, to close DLSC Case Numbers 19 BAC 001 and 19 BAC 080, against B.M.U.C., for Prosecutorial Discretion (P7). Motion carried unanimously.

20 BAC 074 – F.N.

MOTION: Ann Hoepner moved, seconded by Kayla Cwojdzinski, to close DLSC Case Number 20 BAC 074, against F.N., for Lack of Jurisdiction (L2). Motion carried unanimously.

Proposed Stipulation (s), Final Decision(s) and Orders

20 BAC 074 – Jonathan Vu

MOTION: Ann Hoepner moved, seconded by Megan Jackson, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jonathan Vu, DLSC Case Number 20 BAC 074. Motion carried unanimously.

DELIBERATION ON MATTERS RELATING TO COSTS/ORDERS FIXING COSTS

Kim Bui and TLC Nails & Spa, LLC, Respondent – DHA Case Number SPS-21-0073/DLSC Case Number 18 BAC 003

MOTION: Ann Hoepner moved, seconded by Megan Jackson, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Kim Bui and TLC Nails & Spa, LLC, Respondent – DHA Case Number SPS-21-0073/DLSC Case Number 18 BAC 003. Motion carried unanimously.

(Georgianna Halverson recused herself and left the room for deliberation and voting in the matter concerning Kim Bui and TLC Nails & Spa, LLC, Respondent – DHA Case Number SPS-21-0073/DLSC Case Number 18 BAC 003.)

RECONVENE TO OPEN SESSION

MOTION: Ann Hoepner moved, seconded by Kayla Cwojdzinski, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 11:19 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Kayla Cwojdzinski moved, seconded by Ann Hoepner, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

MOTION: Ann Hoepner moved, seconded by Kayla Cwojdzinski, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:20 a.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dana Denny Administrative Rules Coordinator		2) Date when request submitted: 10/19/22 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Cosmetology Examining Board			
4) Meeting Date: 10/31/22	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Rule Draft: a. COS 2, 3, 5 and 8, Relating to Scope of Practice, Mobile Establishments, and Distance Learning 2. Scope Statement: a. COS 1, 2, 5 and 6, Relating to Education 3. Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Possible and pending Rulemaking Projects Attachments: <ul style="list-style-type: none"> • Preliminary Rule Draft - COS 2, 3, 5, and 8, Relating to Scope of Practice, Mobile Establishments, and Distance Learning • Scope Statement – COS 1, 2,5 and 6, Relating to Education • Rules Project Chart Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx			
11) Authorization			
Dana Denny <hr/> Signature of person making this request		10/19/22 <hr/> Date	
<hr/> Supervisor (if required)		<hr/> Date	
<hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	COSMETOLOGY EXAMINING
COSMETOLOGY EXAMINING BOARD	:	BOARD ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Cosmetology Examining Board to amend Cos 2.02 (1), Cos 2.025 (2) (c) (1) and (2), and 2.05 (2); to repeal and recreate Cos 5.01; to create Cos 2.01 (title), (1), (2), and (3), Cos 2.015 (title), and Cos 2.025 (2) (d), (e), and (2m), related to scope of practice, mobile establishments, and distance learning.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 454.02, 454.04, and 440.62 (5) (b) 1., Stats.

Statutory authority: Sections 15.08 (5) (b), 227.11 (2) (a), and 440.62 (5) (b) 1., Stats.

Explanation of board authority:

Section 15.08 (5) (b), Stats., provides that an examining board, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 227.11 (2) (a), Stats., states that an agency, “may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.” This section allows an agency to promulgate administrative rules which interpret the statutes it enforces or administers if the proposed rule does not exceed proper interpretation of the statute.

Section 440.62 (5) (b) 1., Stats., states that “[t]he cosmetology examining board shall promulgate rules prescribing the subjects required to be included in courses of instruction at schools of cosmetology and specialty schools and establishing minimum standards for courses of instruction and instructional materials and equipment at schools of cosmetology and specialty schools.”

Section 454.01 (2), Stats., defines “aesthetics” as ... caring for or beautifying the skin of the human body, including but not limited to cleaning, applying cosmetics, oils, lotions, clay, creams, antiseptics, powders or tonics to or massaging, stimulating, wrapping or exercising the skin of the human body.

Related statute or rule:

Microdermabrasion is currently considered a delegated medical procedure that must be supervised, with exceptions laid out in Cos 2.025 (2r).

Plain language analysis:

The proposed rule provides that the scope of practice for aesthetics includes dermaplaning, microblading, and microdermabrasion. The proposed rule also clarifies that courses may be offered to students remotely as deemed appropriate by the school. Schools may use simulated patrons for practical training upon prior written approval from the Board. The proposed rule makes other changes to definitions consistent with industry practice.

Summary of, and comparison with, existing or proposed federal regulation:

There are no existing or proposed federal requirements.

Comparison with rules in adjacent states:

Illinois:

Cosmetologists are prohibited from using any technique, product, or practice intended to affect the living layers of the skin. Estheticians are prohibited from using techniques, products, and practices intended to affect the living layers of the skin.

Iowa:

Iowa code prohibits cosmetologists/estheticians from administering any procedure in which the human tissue is cut, shaped, vaporized, or otherwise structurally altered. The code specifically prohibits dermaplaning.

Michigan:

Under Michigan law, the practice of microdermabrasion is limited to the direct supervision and control of a licensed physician. Microblading is considered a body art procedure that must be performed at a licensed body art facility.

Minnesota:

Minnesota allows cosmetologists to perform dermaplaning and microdermabrasion unsupervised if they have additional training and an advanced practice esthetician license. Minnesota requires a tattoo license to perform microblading, and does not allow cosmetologists/estheticians/advanced practice estheticians to perform it unless under supervision of a physician.

Summary of factual data and analytical methodologies:

The Cosmetology Examining Board reviewed their rules to ensure statutory compliance and that the rules are consistent with current practices.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The rule will be posted for 14 days on the department’s website to solicit economic impact comments from stakeholders.

Fiscal Estimate and Economic Impact Analysis:

The fiscal estimate and economic impact analysis will be attached upon completion.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-6795.

Agency contact person:

Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-287-3748; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, to be held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Cos 2.01 is created to read:

Cos 2.01 Definitions. For the purposes of this chapter:

- (1) “Chemical process” means the use of chemical reactions to change the texture, style, or length of hair, skin, or nails.
- (2) “Dermaplaning” means the removal of skin layers by use of a razor-edged instrument.
- (3) “Microblading” means the insertion of semipermanent pigment under the skin in order to change its appearance.

SECTION 2. Cos 2.015 (title) is created to read:

Cos 2.015 Microblading. The scope of practice of aesthetics under s. 454.01, Stats., includes microblading.

SECTION 3. Cos 2.02 (1) is amended to read:

Cos 2.02 (1) No licensee may diagnose or treat any disease of the skin unless under the direction of a physician.

SECTION 4. Cos 2.025 (2) (d), (e), and (2m) are created to read:

Cos 2.025 (2) (d) Microneedling.

(e) Any treatment impacting a skin layer below the stratum corneum.

(2m) The following are delegated medical procedures unless the licensee has received formal training in the procedure as part of a board-approved curriculum and the treatment does not impact a skin layer below the stratum corneum:

1. Eyelash or eyebrow tinting.
2. Dermaplaning, when performed by an aesthetician licensed under 456.06 (3).
3. Utilization of electromagnetic radiation and electric current.
4. Utilization of thermal energy.

SECTION 5. Cos 2.025 (2) (c) (1) and (2) (c) (2) are amended to read:

Cos 2.025 (2) (c) (1) Alpha hydroxyl acids of 30% or less, with a ph of not less than ~~3-0~~ 2.0.

(2) Salicylic acids of 20% or less, with a ph of not less than ~~3-0~~ 2.0.

SECTION 6. Cos 2.05 (2) is amended to read:

Cos 2.05 (2) An establishment shall either post a list of cost of services in a conspicuous place or display a sign which states: "All establishment patrons have the right to be informed of the cost of services ~~before the services are provided~~ prior to being serviced."

SECTION 7. Cos 5.01 is repealed and recreated to read:

Cos 5.01 Courses.

(1) Schools which provide instruction to students for cosmetology practitioner, or specialty schools which provide instruction to students for aesthetician, electrologist, or manicurist licenses, shall develop curricula for instruction which are based on the applicable syllabus approved by the board in this chapter.

(2) A school or specialty school shall offer at a minimum the practical and theory hours listed for subjects in the appropriate syllabus included in this section chapter.

(3) Courses may be offered to students remotely as deemed appropriate by the school.

(4) Simulated patrons, such as mannequins, may be used for practical training as deemed appropriate by the board. Schools utilizing simulated patrons must obtain prior written approval from the board.

SECTION 8. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

STATEMENT OF SCOPE

COSMETOLOGY EXAMINING BOARD

Rule No.: Chapters COS 1, 2, 5, and 6

Relating to: Scope of Practice and Education

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is for the Board to review the requirements relating to education in Wisconsin Administrative Code Chapters COS 1, 2, 5 and 6 and conduct a comprehensive review on courses of instruction.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Wisconsin Administrative Code Chapters COS 1, 2, 5 and 6 cover requirements for professional and personal conduct, courses of instruction, and apprenticeship procedures and standards, respectively. The Board has identified the need for a comprehensive evaluation of these rules to ensure that they are clear, consistent with current professional and academic practices and standards, and that they comply with applicable Wisconsin statutes.

The alternative to making these updates is that license and education requirements will continue to be inconsistently interpreted by those currently within and interested in entering the profession.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., states that “[each examining board] [s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

Section 227.11 (2) (a), Stats., states that an agency, “may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 440.62 (5) (b) 1., Stats., states that “[t]he cosmetology examining board shall promulgate rules prescribing the subjects required to be included in courses of instruction at schools of cosmetology and specialty schools and establishing minimum standards for courses of instruction and instructional materials and equipment at schools of cosmetology and specialty schools.”

Section 454.075, Stats., states that “[t]he examining board shall identify by rule the accrediting agencies it approves to accredit schools for the purpose of satisfying educational requirements for an initial license or a license renewal under this subchapter.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

80 hours

6. List with description of all entities that may be affected by the proposed rule:

Wisconsin licensed cosmetologists and aestheticians, sponsors and providers of initial and continuing education related to credentials issued by the Cosmetology Examining Board, and those looking to enter those professions.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal. The rule is not likely to have a significant economic impact on small businesses.

Contact Person: Dana Denny, Administrative Rule Coordinator, DSPSAdminRules@wisconsin.gov, (608) 287-3748.

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

**Cosmetology Examining Board
Rule Projects (updated 10/19/22)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause/ Summary	Current Stage	Next Step
21-020	139-20	4/26/2023	COS 2, 3, 5 and 8	Scope of practice, mobile establishments and distance learning.	Currently drafting rule.	Posted for EIA comments, submitted to the Clearinghouse, and scheduled for a public hearing.
	Not Yet Assigned		COS 1, 2, 5 and 6	Scope of Practice and Education	Scope Drafted.	Board Approval.