

# Wisconsin Department of Safety and Professional Services

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## COSMETOLOGY EXAMINING BOARD

### COMPLIANCE INSPECTION REPORT

**Insturctions:** While investigating consumer complaints and performing inspections of cosmetology establishments, staff of the Department of Safety and Professional Services found that many problems could have been eliminated if the credential holder had been aware of the relevant Wisconsin Statutes and Administrative Codes relating to the practice of cosmetology.

The purpose of the Compliance Inspection Report is to educate credential holders and to insure compliance with Wisconsin Statutes and Administrative Code. **This form is not required to be submitted to DSPS for licensure. It is information for the inspection only.**

The Department, on behalf of the Board, has the authority to conduct unannounced inspections/audits of the establishment to insure compliance with relevant Wisconsin Statutes and Administrative Code relating to the practice of barbering and cosmetology. Therefore, a random unannounced inspection of the establishment may occur in the future.

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#### COS 2.02: Treatments Prohibited, Infectious and Contagious Diseases

- COS 2.02(1)** No licensee may treat any disease of the skin unless under the direction of a physician.
- COS 2.02(2)** No licensee may provide services to a patron suffering from an infectious or contagious scalp or skin disease unless the licensee takes appropriate precautions and uses safeguards to prevent the spread of the disease to other patrons and to the licensee.
- COS 2.02(3)** No licensee, having a known infectious or contagious disease, may provide a service to a patron if the licensee is, by reason of the disease, unable to safely and competently perform the service.
- COS 2.02(4)** No licensee may provide services to a patron if the licensee has a known infectious or contagious disease unless the licensee takes appropriate precautions and uses safeguards which prevent the spread of the disease to patrons.

#### COS 2.025: Delegated Medical Procedures

- COS 2.025** Delegated medical procedures. **(1)** Licensees may provide client services constituting medical procedures only as directed, supervised and inspected by a physician who has the power to direct, decide and oversee the implementation of the client services provided. **(2)** Delegated medical procedures include the following: (a) Laser hair removal services. (b) Microdermabrasion services, except as specified under sub. (2r). (c) Chemical exfoliation, except for application of commercially available exfoliation products utilized in accordance with the manufacturers' instructions, limited to the following: 1. Alpha hydroxyl acids of 30% or less, with a ph of not less than 3.0. 2. Salicylic acids of 20% or less, with a ph of not less than 3.0. **(2r)** A licensee may utilize microdermabrasion devices in his or her practice without medical supervision if all of the following conditions are met: (a) The device shall be of an aesthetic grade and not labeled as a prescription device by the United States Food and Drug Administration. Only FDA approved Class I machines may be used pursuant to this subsection. (b) The device utilizes a closed loop negative pressure system that incorporates a tissue retention device. (c) The normal and customary use of the device results in the removal of only the surface epidermal cells of the skin. (d) Eye protection is provided to the client and protective gloves are worn by the operator. (e) Microdermabrasion services are not provided within 48 hours before or after a chemical exfoliation. (f) The licensee has performed a pretreatment assessment on the client and reviewed the results with the client. (g) The client has given written consent prior to the administration of the services. The consent shall contain all of the following: 1. A statement setting forth in general terms the nature and purpose of the procedure or procedures, together with the known risks associated with the procedure or procedures, if reasonably determinable. 2. A statement that acknowledges that the disclosure of that information has been made and that all questions asked about the procedure or procedures have been answered in a satisfactory manner. 3. The signature of the client for whom the procedure is to be performed, or if the client for any reason lacks legal capacity to consent, is signed by a person who has legal authority to consent on behalf of that client. **(3)** Delegated medical procedures shall be undertaken only pursuant to formal written protocols setting forth the nature and scope of the procedures delegated, describing the supervisory plan, and indicating any contraindications to undertaking the procedure. A laser hair removal product or device, or intense pulsed light device shall not be used on a minor unless the minor is accompanied by a parent or guardian and only under the general supervision of a physician. **(4)** A licensee providing client services constituting delegated medical procedures shall upon request make available to the client and to the Board a copy of the formal written protocols. **(5)** Should a client service constituting a delegated medical procedure be contraindicated based upon either the written protocol or some other basis, the licensee shall decline to carry out the procedure and shall explain to the client the basis for the licensee's inability to provide the service. **(6)** A licensee providing client services constituting delegated medical procedures in a licensed establishment shall post in a conspicuous location in the immediate area where the procedure is carried out the name of the delegating physician and the nature and scope of the procedures delegated.

#### COS 2.03: Practice Standards

- COS 2.03(1)** Services provided by any licensee shall be performed in a manner that is consistent with basic and accepted practice standards and in accordance with all state statutes, Board rules and local codes and ordinances.
- COS 2.03(2)** Licensees may provide only those services which they are competent to perform by training or experience and are licensed to provide.

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- COS 2.03(3)** Licensees shall provide services to the best of their ability and make reasonable efforts to comply with requests in a manner that is satisfactory to a patron. Licensees shall not provide services to a patron without first obtaining the consent of the patron or legal guardian of the patron.
- COS 2.03(4)** Licensees may neither consume alcohol nor take controlled substances during practice, unless prescribed by a physician.
- COS 2.03(5)** Licensees shall take adequate necessary precautions to protect the patron from health and safety hazards when performing services. Licensees shall not smoke while performing personal services on a patron.
- COS 2.03(7)** Licensees shall not engage in sexual harassment or sexual assault of a patron, former patron, employee, employer, or co-worker. In this section, "sexual harassment," and sexual assault" have the meanings defined in secs. 111.32(13), 940.225(1),(2),(3) and (3m) and 948.02(1) and (2), Stats.
- COS 2.03(8)** Licensees may not provide the following services unless both the licensee and the establishment are properly licensed by the Department of Health Services. (a) Body piercing, except for piercing of ears. (b) Tattooing, including permanent cosmetics. (c) Operation of a tanning booth. Note: Body piercers, body piercing establishments, tattooists and tattoo establishments are regulated by the Department of Health Services under ch. DHS 173, Wis. Admin. Code. Tanning facilities and tanning facility operators are regulated by the Department of Health Services under ch. DHS 161, Wis. Admin. Code.
- COS 2.03(9)** Licensees may not use methyl methacrylate monomer, commonly referred to as MMA in liquid form, and may not use any cosmetic or nail product formulated with MMA as one of its ingredients.

## COS 2.04: Unauthorized Practice

- COS 2.04(1)** Licensees may not assist or participate in the unauthorized or unlicensed practice of cosmetology, aesthetics, electrology or manicuring.
- COS 2.04(2)** Licensees shall report to the Board unauthorized or unlicensed practice or other violations of ch. 454, Stats., and chs. Cos 1 to 11.

## COS 2.045: Services Outside of a Licensed Establishment

- COS 2.045(1)** Licensees shall not provide personal care services outside of a licensed establishment except for persons who are unable to leave their homes because of illness or disability or for persons who are in hospitals, nursing homes, correctional institutions or other institutions. Licensees may provide any personal care service for inmates or patients regardless of whether it is done in a designated area or in the personal room of an inmate, patient, or infirm person within an institution or private home. **Note:** Examples of settings in which personal care services may not take place include on-site wedding parties, adult day care centers, or assisted living facilities.
- COS 2.045(2)** Licensees shall comply with all practice standards set forth in s. Cos 2.03 in providing services outside of a licensed establishment.

## COS 2.05: Advertising

- COS 2.05(1)** Advertising by licensees shall be truthful and accurate and may not mislead the public.
- 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."

## COS 2.06: Responsibilities of Owners

**The owner of any licensed establishment shall be responsible for compliance with ch. 454, Stats., and chs. Cos 2, 3 and 4. The owner shall:**

- COS 2.06(2)** Provide supplies and equipment necessary to maintain safe and sanitary establishment conditions.
- COS 2.06(3)** Ensure the provision of supervision and training of apprentices, temporary permit holders and training permit holders.
- COS 2.06(4)** Maintain and provide appropriate records for apprentices, temporary permit holders, training permit holders and practitioners, including employment records, to enable apprentices or practitioners to meet the requirements of s. 454.06(3)(b), 440.63(3)(a)1, or 454.10(2), Stats., for credentialing as a practitioner, manager or instructor. Owners shall maintain these records for a minimum of 5 years.
- COS 2.06(5)** In the case of an owner of a cosmetology establishment, employ a cosmetology manager who shall have direct authority over the operations of the establishment. If the cosmetology manager of an establishment leaves employment or becomes otherwise unavailable, an owner may continue to operate the establishment for no more than 90 days without a cosmetology manager. The owner shall notify the Board that the cosmetology manager is no longer employed or has become otherwise unavailable within 10 days following the cosmetology manager's last day of employment.

## COS 2.07: Responsibilities of the Cosmetology Manager

- COS 2.07(1)** The licensed cosmetology manager of a cosmetology establishment shall be responsible for the daily operations of an establishment and ensure that the establishment is in compliance with ch. 454, Stats., and chs. Cos 3 and 4. The cosmetology manager shall maintain supplies and equipment necessary to ensure safe and sanitary establishment conditions.
- COS 2.07(1g)** The cosmetology manager shall train and supervise an apprentice in accordance with s. Cos 6.04(1), and shall supervise temporary permit holders and training permit holders. Supervision and training shall be conducted by a currently licensed manager.
- COS 2.07(1r)** The cosmetology manager shall, for a minimum of 5 years, maintain and provide appropriate records for apprentices, temporary permit holders, training permit holders, and practitioners, including employment records, to enable apprentices or practitioners to meet the requirements of s. 454.06(3)(b), 440.63(3)(a)2., or 454.10(2), Stats., for credentialing as a practitioner, cosmetology manager or instructor.
- COS 2.07(2)** The cosmetology manager shall post all required licenses, permits and notices.

## COS 2.08: Responsibilities of Licensees

- COS 2.08(1)** Licensees holding current licenses or permits granted under ch. 454, Stats., shall:
  - (a) Be responsible for compliance with the sanitation and safety precautions contained in ch. Cos 4.
  - (b) Be responsible for their own professional practice, conduct and compliance with ch. Cos 2.

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## COS 3.01: Establishment Requirements

- COS 3.01(1)** Cosmetology, aesthetics, electrology, and manicuring shall not be practiced outside the confines of a licensed establishment except as provided in s. Cos 2.045. Establishments, including floors, walls, ceilings, furniture, equipment, tools, utensils and instruments, shall at all times be in good repair and maintained in an orderly and sanitary condition.
- COS 3.01(3)** If public drinking facilities are provided, disposable drinking cups or a drinking fountain shall be available.
- COS 3.01(4)** All floor coverings in an establishment shall be kept in a clean, orderly and safe condition. Loose hair shall be removed regularly and placed in a closed container.
- COS 3.01(5)** A toilet room shall not be used as a dispensary or for the providing of services.
- COS 3.01(6)** Establishments shall provide safe and secure areas for storing, cleaning and disinfecting equipment. Poisonous substances stored in public areas shall be locked in a cabinet or closet, with the exception of over-the-counter products used for room deodorizing. These products shall be kept in an elevated location out of the reach of children.
- COS 3.01(7)** Plastic or metal containers of adequate size shall be provided to store all soiled linen. All soiled linen shall be properly cleaned in compliance with s. Cos 4.02(6) or disposed of after use.
- COS 3.01(8)** Establishments where apprentices are trained shall provide equipment, supplies and products for all cosmetology services.
- COS 3.01(9)** No smoking shall be allowed in areas of an establishment where flammable products or materials are being used or stored.
- COS 3.01(10)** Animals shall not be in an establishment during business hours, except for service animals. **Note:** Section 106.52 (1) (fm), Stats., reads as follows: “‘Service animal’ means a guide dog, signal dog, or other animal that is individually trained or is being trained to do work or perform tasks for the benefit of a person with a disability, including the work or task of guiding a person with impaired vision, alerting a person with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.”
- COS 3.01(11)** Where an establishment is located in the same building as a residence, the business and living quarters shall be separate.
- COS 3.01(12)** Establishments shall provide a basin which has hot and cold running water, and a chair which is designed for the service to be provided. At least one basin shall be constructed and available to permit licensees to wash their hands prior to serving each patron and following removal of gloves. Establishments shall provide the equipment and supplies necessary to perform services offered. Basins may be shared with other establishments located on the same premises.
- COS 3.01(13)** The establishment license shall be posted in the establishment.
- COS 3.01(14)** All facilities shall be equipped with a ventilation system adequate to comply with minimal occupational safety and health standards.

## COS 3.02: Other Establishment Requirements

- COS 3.02(1) COSMETOLOGY MANAGER REQUIRED.** The owner of cosmetology establishment shall not operate the establishment unless a licensed cosmetologist has been employed for the establishment, subject to the exception for temporary unavailability of a cosmetology manager in s. Cos 2.06(5). The cosmetology manager shall be responsible for supervising and managing the operation of the establishment. The owner and the cosmetology manager shall ensure that the establishment operates in compliance with ch. 454, Stats., and rules of the Board as follows:
  - (a) The owner of more than one establishment shall employ a sufficient number of cosmetology managers to satisfy the requirement that a manager be present full time in each establishment as defined in s. Cos 1.01 (7).
  - (b) The owner of a cosmetology establishment may satisfy the requirement in this section by employing a cosmetology manager who also works at an establishment owned by a different person, provided the cosmetology manager works full time as defined in s. Cos 1.01 (7) at each establishment where he or she is employed as a cosmetology manager.
  - (c) A cosmetology manager is required to be present in an establishment full time, as defined in s. Cos 1.01 (7), but if an establishment is open for more than 30 hours per week, the cosmetology manager is not required to be present in the establishment at all times when the establishment is open for business, and the cosmetology manager may be absent for reasonable brief periods during a day.
- COS 3.02(2) CHAIR OR BOOTH LEASING** An owner may lease a chair or booth to a licensed individual as follows:
  - (a) A lease agreement shall be in writing.
  - (b) The lessee of a chair or booth shall be responsible for ensuring that the leased chair or booth operates in compliance with ch. 454, Stats., and the rules of the Board, and the lessee shall hold a cosmetology manager’s and an establishment license.

## COS 4.01: Equipment and Sanitation

- COS 4.01(1)** All areas of an establishment and the equipment, tools and implements used by licensees for services in an establishment shall be maintained in a clean, sanitary and safe condition.
- COS 4.01(2)** Licensees shall wash their hands thoroughly with soap and running water prior to serving each patron and following removal of gloves. Waterless hand washing agents with alcohol as an active ingredient with a concentration of at least 60% are an acceptable substitute for washing hands that are not visibly soiled with soap and running water.
- COS 4.01(3)** All tools, implements and items that come in direct contact with a client shall be cleaned and disinfected or disposed of after use on each client.
- COS 4.01(3g)** All non-disposable, disinfectable manicure tools and implements shall be cleaned and disinfected as defined in s. Cos 1.01 (6), after use on each client.
- COS 4.01(3r)** All items designed to be disposed of after a single use including orangewood sticks, cotton, gauze, neck strips, nail wipes, tissues, sponges, paper towels, wooden applicators and spatulas, emery Boards, buffer blocks, pumice stones, sanding bands or sleeves, and disposable nail bits shall be disposed of after each use.
- COS 4.01(4)** All liquids, creams, powders and semi-solid substances shall be dispensed from a container in a manner which will prevent contamination of the unused portion of the substance.
- COS 4.01(5)** Shampoo bowls and basins shall be drained after each use and kept in a sanitary and safe condition.
- COS 4.01(6)** Clean towels shall be used for each patron. A neckstrip or towel shall be placed around the neck of the patron to prevent contact with the cape. The head rest of any operating chair shall be covered with fresh linen or paper for each patron.

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- COS 4.01(7)** All other equipment and instruments shall be clean to sight and touch.
- COS 4.01(8)** Licensees using lancets for the lateral piercing of raised whiteheads shall utilize only pre-sterilized, single use, disposable lancets.

## COS 4.02: Disinfection

- COS 4.02(1)** Unless sterilized, disinfection is required prior to reuse on another patron of any personal care instruments, including scissors, razors, clipper blades and tweezers, excluding tweezers used in electrolysis.
- COS 4.02(2)** Disinfection for scissors, razors, clipper blades and tweezers shall consist of cleaning with soap and water to remove all organic material, wiping with or soaking in a disinfectant as defined in s. Cos 1.01, and air -drying.
- COS 4.02(3)** Disinfection for combs, lifts, brushes, rollers and any other contact equipment shall consist of cleaning with soap and water to remove all organic material, treating with a disinfectant as defined in s. Cos 1.01, and air-drying.
- COS 4.02(4)** Clean and disinfected contact equipment shall be placed in one or more covered containers. One or more separate containers shall be provided for the immediate storage of soiled contact equipment until cleaned and disinfected.
- COS 4.02(5)** Disinfectant used for decontamination shall be changed daily and shall be kept in a covered container.
- COS 4.02(6)** Laundry shall be disinfected by washing with a solution containing a germicidal compound. **Note:** Chlorine bleach and Lysol® (brown bottle) are germicidal compounds.

## COS 4.03: Sterilization

- COS 4.03(1)** Sterilization, in ss. Cos 4.07, 4.09 and 4.10 shall be accomplished by use of a dry heat or steam sterilizer cleared for marketing by the food and drug administration, used according to manufacturer's instructions. If steam sterilization, moist heat, is utilized, heat exposure shall be at a minimum of 121° C., 250° F., for at least 30 minutes. If dry heat sterilization is utilized, heat exposure shall be at a minimum of 171° C., 340° F., for at least 60 minutes.
- COS 4.03(2)** Sterilizers shall be maintained in working order. Equipment shall be checked in compliance with manufacturer's recommendations at least monthly to ensure that it is reaching required temperatures.

## COS 4.04: Supplies

- COS 4.04(1)** All work stations shall be supplied with at least one of the antiseptics listed in s. Cos 4.05 for use by licensees in case of injury.
- COS 4.04(2)** All licensees working in a licensed establishment shall be supplied with bandages and disposable gloves.

## COS 4.05: Procedure for Exposure to Blood

- COS 4.05(1)** When any patron or licensee is exposed to blood by scissors cut, razor cut, needle stick, laceration or other exposure to broken skin or a mucous membrane, the licensee shall stop, thoroughly wash the exposed area or wound on the patron's or the licensee's body with soap and water, and disinfect the exposed area or wound with a topical antiseptic such as iodine, 70% isopropyl alcohol, or 6% stabilized hydrogen peroxide or equivalent. In the case of mucous membrane exposure, the licensee shall wash or rinse the affected area with plenty of water.
- COS 4.05(2)** A licensed establishment shall post a written protocol, describing the procedure for unintentional occupational exposure to bodily fluids described in sub. (1) The protocol shall be posted in a place conspicuous to licensees.

## COS 4.06: Precautionary Procedures

- COS 4.06(1)** A licensee shall cover any abrasions, oozing or open lesions or wounds on his or her hands or forearms prior to patron contact. If a licensee has oozing or open lesions or weeping dermatitis on his or her hands or forearms that cannot be effectively covered, the licensee shall refrain direct patron contact until the condition has been resolved.
- COS 4.06(2)** A licensee shall use disposable protective gloves when dealing with patrons with oozing or open lesions or weeping dermatitis. These gloves shall be changed between patrons and disposed of after use. Gloves shall be removed upon completion of patron services, and hands washed after glove removal.
- COS 4.06(3)** Licensees shall carefully bag and dispose of paper products contaminated with blood and thoroughly cleanse and disinfect linens contaminated with blood in accordance with s. Cos 4.02(6).

## COS 4.07: Ear Piercing

### **Are you performing/providing the service of Ear Piercing?**

IF **No**, please note **N/A (not applicable)** on each line and move on to next section.

IF **Yes**, please check each line indicating compliance with and/or understanding of procedures.

Ear piercing may be performed by non-licensees, but licensees performing ear piercing shall do all of the following:

- Yes  No  NA **COS 4.07(1)** Wear disposable protective gloves. These gloves shall be changed between patrons and disposed of after each use. Hands shall be washed after removal of gloves.
- Yes  No  NA **COS 4.07(2)** Thoroughly wash the skin area to be pierced with soap and water.
- Yes  No  NA **COS 4.07(3)** Apply an antiseptic to the skin surface of the area to be pierced and allow the antiseptic to air dry. Note: Iodine and Betadine® are acceptable antiseptics.
- Yes  No  NA **COS 4.07(4)** Sterilize earrings, needles, or any other piercing instruments prior to insertion. Pre-sterilized earrings may be utilized.
- Yes  No  NA **COS 4.07(5)** Prior to each use all other surfaces that come into contact with the skin of the patron shall be disinfected.

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## Cos 4.08: Waxing

### **Are you performing/providing the service of Waxing?**

IF **No**, please note **N/A (not applicable)** on each line and move on to next section.

IF **Yes**, please check each line indicating compliance with and/or understanding of procedures.

Yes  No  NA **COS 4.08(1)** Electrologists performing waxing shall have completed training in depilation by waxing in a school of electrology or a school of barbering and cosmetology consisting of not less than 8 training hours in all of the following areas: (a) Hygiene and sterilization. (b) Treatments with hard hot wax. (c) Treatments with liquid strip wax. (d) Hair removal from legs and arms, bikini and underarm hair. (e) Removal of facial hair. (f) Eyebrow shaping. (g) Post depilation treatments.

Yes  No  NA **COS 4.08(2)** Manicurists performing waxing shall have completed training in depilation by waxing in a school of cosmetology or a school of manicuring consisting of not less than 8 training hours in all of the following areas: (a) Hygiene and sterilization. (b) Treatments with hard hot wax. (c) Treatments with liquid strip wax. (d) Hair removal from the foot, lower leg, hand, and forearm. (e) Post depilation treatments.

Yes  No  NA **COS 4.08(3)** Licensees performing depilation by waxing shall do all of the following: (a) Apply a topical antiseptic to the skin surface of the area to be waxed and allow the antiseptic to air dry. (b) Dispose of spatulas after each use. (c) Dispose of wax and strips after each use.

## COS 4.09: Electrolysis

### **Are you performing/providing the service of Electrolysis?**

IF **No**, please note **N/A (not applicable)** on each line and move on to next section.

IF **Yes**, please check each line indicating compliance with and/or understanding of procedures.

Licensees performing electrolysis shall:

Yes  No  NA **COS 4.09(1)** Use sterilized needles, lancets and tweezers for each patron in accordance with s. Cos 4.03.

Yes  No  NA **COS 4.09(2)** Wear disposable protective gloves when working on a patron. These gloves shall be changed between patrons and disposed of following use. Hands shall be washed after removal of gloves.

Yes  No  NA **COS 4.09(3)** Thoroughly wash the skin area to be treated with soap and water. Apply an antiseptic to the skin surface of the patron and allow the antiseptic to air dry prior to commencing electrolysis.

Yes  No  NA **COS 4.09(4)** Dispose of needles and lancets in a puncture resistant container specifically designed for disposal. Full sharps containers shall be disposed of appropriately.

## COS 4.10: Manicuring

### **Are you performing/providing the service of Manicuring?**

IF **No**, please note **N/A (not applicable)** on each line and move on to next section.

IF **Yes**, please check each line indicating compliance with and/or understanding of procedures.

Licensees performing manicuring shall:

Yes  No  NA **COS 4.10(1)** Prior to use, all reusable manicure instruments shall be disinfected.

Yes  No  NA **COS 4.10(2)** Disinfectant used for decontamination shall be changed daily and shall be kept in a covered container.

Yes  No  NA **COS 4.10(3)** Sterilization shall be accomplished in accordance with s. Cos 4.03.

Yes  No  NA **COS 4.10(4)** Manicure instruments that cannot be cleaned and disinfected or sterilized shall be disposed of following each use.

Yes  No  NA **COS 4.10(5)** Massaging by manicurists is limited to the hand, including the forearm and elbow, and the foot, including the lower leg and knee.