



COSMETOLOGY EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Erin Karow (608) 266-2112
March 26, 2018

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 (4-9)**
 - 1. February 5, 2017
- C. Administrative Matters – Discussion and Consideration**
 - 1. Board and Staff Updates
 - 2. Department Updates
- D. Legislative and Administrative Rule Matters – Discussion and Consideration (10-16)**
 - 1. Expedited Rule, CR 18-002 (**11**)
 - 2. Cos 1-11 Draft Rule (**12-16**)
 - 3. Update on Legislation and Pending and Possible Rulemaking Projects
- E. National-Interstate Council of State Boards of Cosmetology (NIC) Model Law**
- F. Speaking Engagements, Travel, or Public Relation Requests**
- G. Informational Items**
- H. Deliberation on Items Added After Preparation of Agenda**
 - 1. Introductions, Announcements and Recognition
 - 2. Election of Officers
 - 3. Appointment of Liaison(s)
 - 4. Delegation of Authorities
 - 5. Administrative Matters
 - 6. Education and Examination Matters
 - 7. Credentialing Matters
 - 8. Practice Matters
 - 9. Legislative and Administrative Rule Matters
 - 10. Liaison Reports
 - 11. Board Liaison Training and Appointment of Mentors

12. Informational Items
13. Division of Legal Services and Compliance (DLSC) Matters
14. Presentations of Petitions for Summary Suspension
15. Petitions for Designation of Hearing Examiner
16. Presentation of Stipulations, Final Decisions and Orders
17. Presentation of Stipulations and Interim Orders
18. Presentation of Proposed Final Decision and Orders
19. Presentation of Interim Orders
20. Petitions for Re-Hearing
21. Petitions for Assessments
22. Petitions to Vacate Orders
23. Requests for Disciplinary Proceeding Presentations
24. Motions
25. Petitions
26. Appearances from Requests Received or Renewed
27. Speaking Engagement(s), Travel, or Public Relation Request(s)

I. 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.).

J. Deliberation on Division of Legal Services and Compliance (DLSC) Matters (17-36)

1. **Proposed Stipulations, Final Decision and Orders**
 - a) 17 BAC 010 – G.M.R. **(17-21)**
 - b) 17 BAC 010 – T.C.L.S.N. **(22-27)**
2. **Case Closings**
 - c) 17 BAC 059 **(28-31)**
 - d) 17 BAC 099 **(32-36)**

K. 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 Interim Orders
10. Administrative Warnings
11. Review of Administrative Warnings
12. Proposed Final Decisions and Orders
13. Orders Fixing Costs/Matters Related to Costs
14. Case Closings
15. Board Liaison Training
16. Petitions for Assessments and Evaluations
17. Petitions to Vacate Orders
18. Remedial Education Cases
19. Motions

- 20. Petitions for Re-hearings
- 21. Appearances from Requests Received or Renewed

L. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

ADJOURNMENT

NEXT MEETING: JUNE 4, 2018

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 at 1400 East Washington Avenue, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. 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. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**COSMETOLOGY EXAMINING BOARD
MEETING MINUTES
February 5, 2018**

PRESENT: Vicky McNally, Lori Paul, Kim Rank, Gail Sengbusch, Denise Trokan

STAFF: Erin Karow, Executive Director; Emily Handel, Bureau Assistant; and other department staff.

CALL TO ORDER

Vicky McNally, Chair, called the meeting to order at 9:30 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

Amendment to the Agenda:

- Open Session – Under Item “G. Informational Items” **ADD:**
 - “Credentialing Report on Endorsement Applications”

MOTION: Gail Sengbusch moved, seconded by Lori Paul, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Kim Rank moved, seconded by Denise Trokan, to approve the minutes of December 15, 2017 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

BOARD CHAIR

NOMINATION: Gail Sengbusch nominated Vicky McNally for the Office of Board Chair.

Erin Karow called for nominations three (3) times.

Vicky McNally was elected as Chair by unanimous consent.

Roll Call Vote: Vicky McNally-yes; Lori Paul-yes; Kim Rank-yes; Gail Sengbusch-yes; Denise Trokan-yes

VICE CHAIR

NOMINATION: Vicky McNally nominated Lori Paul for the Office of Vice Chair.

Erin Karow called for nominations three (3) times.

Lori Paul was elected as Vice Chair by unanimous consent.

Roll Call Vote: Vicky McNally-yes; Lori Paul-yes; Kim Rank-yes; Gail Sengbusch-yes; Denise Trokan-yes

SECRETARY

NOMINATION: Lori Paul nominated Gail Sengbusch for the Office of Secretary.

Erin Karow called for nominations three (3) times.

Gail Sengbusch was elected as Secretary by unanimous consent.

Roll Call Vote: Vicky McNally-yes; Lori Paul-yes; Kim Rank-yes; Gail Sengbusch-yes; Denise Trokan-yes

2018 ELECTION RESULTS	
Board Chair	Vicky McNally
Vice Chair	Lori Paul
Secretary	Gail Sengbusch

Appointment of Liaisons and Alternates

2018 LIAISON APPOINTMENTS	
Credentialing Liaisons	Kim Rank Alternate – Gail Sengbusch
Monitoring and Professional Assistance Procedure (PAP) Liaison	Gail Sengbusch Alternate – Denise Trokan
Office of Education and Examinations Liaison	Vicky McNally Alternate – Lori Paul
Legislative Liaison	Vicky McNally Alternate – Lori Paul
Travel Liaison	Vicky McNally Alternate – Kim Rank
Screening Panel	Vicky McNally, Gail Sengbusch

MOTION: Lori Paul moved, seconded by Denise Trokan, to affirm the Chair's appointment of liaisons for 2018. Motion carried unanimously.

Delegation of Authorities

Document Signature Delegation

MOTION: Lori Paul moved, seconded by Kim Rank, to delegate authority to the Chair, chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Gail Sengbusch moved, seconded by Denise Trokan, that, in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chair, or in the absence of the Chair, the highest-ranking officer or longest serving board member in that succession, to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Monitoring Delegations

MOTION: Denise Trokan moved, seconded by Lori Paul, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor; document as presented. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Lori Paul moved, seconded by Denise Trokan, to delegate authority to the Credentialing Liaisons to make all credentialing decisions. Motion carried unanimously.

Delegation of Authority to DSPS When Rule and Statute Criteria is Met

MOTION: Vicky McNally moved, seconded by Gail Sengbusch, to delegate credentialing authority to DSPS to act upon applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

Delegation of Authority to DSPS for Conviction Reviews

MOTION: Lori Paul moved, seconded by Vicky McNally, to authorize and delegate the DSPS attorneys and paralegals to make decisions regarding conviction reviews approving credentials according to Wis. Stats. §454.06. All potential denials will be reviewed by the Credentialing Liaison. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Vicky McNally moved, seconded by Gail Sengbusch, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

Voluntary Surrenders

MOTION: Lori Paul moved, seconded by Denise Trokan, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender of a license by a licensee who has a pending complaint or disciplinary matter per Wis. Stat. § 440.19. Motion carried unanimously.

Education Delegations

MOTION: Vicky McNally moved, seconded by Kim Rank, to delegate authority to the Office of Education and Examination Liaison(s), to address all issues related to education and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Bodies

MOTION: Vicky McNally moved, seconded by Lori Paul, to authorize Department staff to provide national regulatory bodies with all Board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Lori Paul moved, seconded by Vicky McNally, to designate the Chair, chief presiding officer, or longest serving member of the Board, by order of succession, to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Lori Paul moved, seconded by Gail Sengbusch, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Delegation

MOTION: Vicky McNally moved, seconded by Denise Trokan, to delegate authority to approve any Board Member travel to the Travel Liaison. Motion carried unanimously.

Occupational Licensure Study Liaison

MOTION: Vicky McNally moved, seconded by Gail Sengbusch, to designate Lori Paul as the Board's liaison to represent and speak on behalf of the Board regarding occupational license review and related matters. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATIONS REQUESTS

National-Interstate Council of State Board of Cosmetology (NIC) 2018 Regional Conference in Charlotte, NC April 21-22, 2018 – Attendance Consideration

MOTION: Vicky McNally moved, seconded by Gail Sengbusch, to designate Denise Trokan, as the Board's delegate, to attend the NIC 2018 Regional Conference on April 21-22, 2018 in Charlotte, NC and to authorize travel. Motion carried unanimously.

CLOSED SESSION

MOTION: Denise Trokan moved, seconded by Lori Paul, 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.). Vicky McNally, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Vicky McNally-yes; Lori Paul-yes; Kim Rank-yes; Gail Sengbusch-yes; Denise Trokan-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:44 a.m.

RECONVENE TO OPEN SESSION

MOTION: Vicky McNally moved, seconded by Lori Paul, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 10:49 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Lori Paul moved, seconded by Denis Trokan, 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.)

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

Case Closings

16 BAC 035

MOTION: Lori Paul moved, seconded by Kim Rank, to close DLSC Case Number 16 BAC 023, against J.T. for Prosecutorial Discretion (P3). Motion carried unanimously.

17 BAC 023

MOTION: Lori Paul moved, seconded by Denise Trokan, to close DLSC Case Number 17 BAC 023, against C.C. for Prosecutorial Discretion (P3). Motion carried unanimously.

ADJOURNMENT

MOTION: Gail Sengbusch moved, seconded by Kim Rank, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:50 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Greg DiMiceli Administrative Rules Coordinator		2) Date When Request Submitted: March 15, 2018 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: March 26, 2018	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Administrative Rule Matters – Discussion and Consideration 1) Expedited rule, CR 18-002 2) Cos 1-11 draft rule 3) Update on pending and 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? <input type="checkbox"/> Yes (<u>Fill out Board Appearance Request</u>) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Discuss expedited rule CR 18-002 for possible Board certification. Review and discuss Cos 1-11 permanent rule preliminary draft.			
11) Signature of person making this request Greg DiMiceli	Authorization	Date March 13, 2018	
Supervisor (if required)		Date	
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.			



JOINT COMMITTEE FOR THE REVIEW OF ADMINISTRATIVE RULES

COMMITTEE CO-CHAIRS: SENATOR STEVE NASS AND REPRESENTATIVE JOAN BALLWEG

March 5, 2018

Vicky L. McNally, Chairperson
Cosmetology Examining Board
Wisconsin Department of Safety & Professional Services
1400 East Washington Ave.
P.O. Box 8366
Madison, WI 53708

Dear Chairperson McNally:

As Co-Chairs of JCRAR, we are writing to inform you that the committee voted on February 27, 2018 to approve the Cosmetology Examining Board's petition for the repeal of an unauthorized rule, as described in Clearinghouse Rule 18-002, relating to cosmetology managerial license.

Please feel free to contact us if you have any further questions.

Sincerely,

Handwritten signature of Senator Steve Nass in black ink.

Senator Steve Nass
Co-Chair, JCRAR

Handwritten signature of Rep. Joan Ballweg in black ink.

Rep. Joan Ballweg
Co-Chair, JCRAR

STATE OF WISCONSIN
COSMETOLOGY EXAMINING BOARD

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

PROPOSED ORDER

An order of the Wisconsin Cosmetology Examining Board to repeal Cos 2.04, 6.04 (1) (b), 11.03 (1), (2), (3), (4), 11.05, and 11.07; to amend Cos 6.04 (1) (a), 8.02 (4), 11.01, and 11.02 (1); to create Cos 2.0455, 5.015, and 11.025, relating to licensure, continuing education, and practice outside of a licensed establishment.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 157.12 (2) (a), 157.62 (5), and subch. I of ch. 454, Stats.

Statutory authority: Sections 15.08 (5) (b), 227.11 (2) (a), and 454.08 (1) (ag) 1., Stats.

Explanation of board authority: Section 15.08 (5) (b), Stats., provides examining boards, “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., discusses the parameters of an agency’s rule-making authority, stating an agency, “may promulgate rule interpreting provisions of statute, but a rule is not valid if it 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 454.08 (1) (ag) 1, Stats., The examining board shall promulgate rules permitting the practice of electrology outside of a licensed establishment. (2) The examining board shall promulgate rules permitting the use of a chemical process in the practice of cosmetology, aesthetics, or manicuring outside of a licensed establishment, except that the examining board may not promulgate any rule that restricts the use of a chemical process in cutting or styling hair in the practice of cosmetology or applying cosmetics, oils, lotions, clay, creams, antiseptics, powders, or tonics in the practice of aesthetics.

Related statute or rule: Chs. Cos 1-11, and subch. I of ch. 454, Stats.

Plain language analysis:

Chapters Cos 1-11 contains all the administrative codes relating to the practice of cosmetology, aesthetics, electrology, and manicuring. 2017 Wisconsin Act 81 eliminated all continuing education requirements for licensed cosmetologists, aestheticians, electrologists, and manicurists but allows the Cosmetology Board to require continuing education for a

licensee as a part of a disciplinary process. The Act eliminates the required 4,000 hours of experience for applicants who have a credential in another jurisdiction and apply for a Wisconsin license. Under the Act, a currently licensed out-of-state applicant is now required to complete a one-hour course educating them on the Wisconsin statutes and administrative rules that apply to their practice. The Act also requires notification to all current Wisconsin license holders of the changes to the statutes and rules.

Wisconsin Act 82 eliminates the cosmetologist, aesthetician, electrologist, and manicurist manager license. Act 82 also allows the practice of cosmetology, aesthetics, electrology, and manicuring outside of a licensed establishment under certain circumstances.

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: The state of Illinois requires licensure for what they term as “general beauty professions”. Applicants must complete a specified minimum amount of educational training at a board approved school. Illinois does not allow apprenticeships but allows that 150 hours of an internship may be substituted for part of the required 1,500 hours of cosmetology training. Illinois does require continuing education and has a separate instructor license.

Iowa: Iowa does not require a cosmetology license in addition to an electrology, esthetics, nail technology or manicurist license. Iowa does require continuing education for license renewal and they require a separate instructor license. The state of Iowa requires graduation from a board licensed school along with an exam.

Michigan: The state of Michigan requires 1,500 hours of training and a two-year apprenticeship for a cosmetology license with an additional 500 hours for an instructor license. Fewer training hours are required for estheticians, electrologists, and nail technicians. Michigan does not require continuing education for license renewal.

Minnesota: Like Wisconsin, Minnesota requires 1,550 hours of training to obtain a cosmetologist license. Minnesota has a separate instructor license and has a continuing education requirement for license renewals.

Summary of factual data and analytical methodologies:

The Cosmetology Examining Board reviewed the rule and statutory requirements.

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

This rule will be posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals, for a period of 14 days.

Fiscal Estimate and Economic Impact Analysis:

The department will solicit information and advice from businesses, local government units, and individuals in order to prepare the economic impact analysis.

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 Kirsten.Reader@Wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Greg DiMiceli, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0955; email at Gregory.DiMiceli@Wisconsin.gov.

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

Comments may be submitted to Greg DiMiceli, Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708-8366, or by email to Gregory.DiMiceli@Wisconsin.gov. Comments must be received on or before (TBD) to be included in the record of rule-making proceedings.

TEXT OF RULE

Section 1. Cos 2.045 is repealed.

Section 2. Cos 2.455 is created to read:

Cos 2.0455. Practice outside of a licensed establishment. (1) A person licensed as an aesthetician, electrologist, manicurist or cosmetologist may practice outside of a licensed establishment subject to the provisions of this section, s. Cos 2.03, and s. 454.04, Stats.
(2) A licensed cosmetologist who practices outside of a licensed establishment may engage in the use of chemical processes for cutting or styling hair.
(3) Licensed aestheticians practicing outside of a licensed establishment may apply cosmetics, oils, lotions, clay, creams, antiseptics, powders, or tonics.
(4) A person who practices aesthetics, cosmetology or manicuring outside of a licensed establishment may do so only if all of the following apply:

- (a) The person owns, manages, is employed by, or is affiliated with an establishment that is licensed to provide service under s. 454.06 (7).
- (b) The person brings to the outside service location their certificate, or a copy, provided to them under s. 454.06 (7), Stats.
- (c) The service provided by a practitioner may not involve the use of any chemical processes outside of subs. (2) and (3).

Section 3. Cos 5.015 is created to read:

Cos 5.015. Persons providing practical instruction in schools and specialty schools. (1)

No person may use the title “Wisconsin certified cosmetology instructor” or provide practical instruction under this chapter unless they hold a current license in aesthetics, electrology, manicuring, or hold a current license in cosmetology.

(2) No person may provide practical instruction under this chapter in a school unless the requirements of s. 440.63, Stats., are met.

(3) No person may provide practical instruction under this chapter in a specialty school unless the requirements of s. 440.635, Stats., are met.

(4) The department may not require the renewal of an instructor certification.

Section 4. Cos 6.04 (1) (a) is amended to read:

Cos 6.04. Practical Training for apprentices. (1) (a) The establishment owner with whom an apprentice contracts shall employ a cosmetology manager, whose cosmetology manager’s license is not an inactive license, to train and supervise the apprentice, except as provided in ~~pars. (b) and par. (c)~~. An apprentice shall only work under the supervision of a cosmetology manager, licensed cosmetologist who has at least 2,000 hours of practice as a licensed cosmetologist except as provided in ~~pars. (b) and par. (c)~~.

Section 5. Cos 6.04 (1) (b) is repealed.

Section 6. Cos 8.02 (4) is amended to read:

Cos 8.02 (4). The applicant ~~has at least 4,000 hours of experience in licensed practice~~ completes a one-hour course of education regarding Wisconsin statutes and administrative rules which are applicable to the practice of cosmetology in this state.

Section 7. Cos 11.01 is amended to read:

Cos 11.01. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2), and ~~454.12~~ 454.265, Stats., and govern ~~biennial~~ continuing education for aesthetics, ~~and cosmetology practitioner and cosmetology manager~~, electrology and manicuring licenses.

Section 8. Cos 11.02 (1) is amended to read:

Cos 11.02 (1). “Biennium” or “biennial reporting period” means a 2–year period beginning April 1 of each odd–numbered year and ending on March 31 of the next odd–numbered year; ~~during which a licensee shall satisfy the continuing education requirements under this chapter.~~

Section 9. Cos 11.025 is created to read:

Cos 11.025. To ensure competency, the board may impose continuing education requirements on an actively licensed practitioner as part of a disciplinary process.

Section 10. Cos 11.03 (1), (2), (3), and (4) are repealed.

Section 11. Cos 11.05 is repealed.

Section 12. Cos 11.07 is repealed.

Section 13. 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)

DRAFT