



COSMETOLOGY EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Erin Karow (608) 266-2112
June 4, 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

10:00 AM

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of March 26, 2018 (4-6)**
- C. Administrative Matters – Discussion and Consideration**
 - 1. Board and Staff Updates
 - 2. Department Updates
 - 3. Credentialing Updates
- D. 10:00 A.M. APPEARANCE: David Hagemeyer, Owner, Signature Two Company – Addressing Licensing Application Process (7-8)**
 - 1. Board Discussion and Consideration
- E. Legislative and Administrative Rule Matters – Discussion and Consideration (9-18)**
 - 2. Petition Letter for Repeal of Rules Under the Expedited Rule Process Relating to Continuing Education
 - 3. Draft Expedited Rule Relating to Continuing Education
 - 4. Cos 1-11 Draft Permanent Rule
 - 5. Update on Legislation and Pending and Possible Rulemaking Projects
- F. Speaking Engagements, Travel, or Public Relation Requests**
 - 1. Travel Report – Denise Trokan: National-Interstate Council of State Board of Cosmetology (NIC) 2018 Regional Conference in Charlotte, NC on April 21-22, 2018
- 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**

1. **Deliberation on Proposed Final Decision and Order of Default**

- a) Tia Saipanya – DLSC Case Number 17 BAC 009 **(19-23)**

2. **Case Closings**

- a) 17 BAC 012 – K.S. **(24-28)**
- b) 17 BAC 026 – C.H. **(29-33)**
- c) 17 BAC 035 – A.N. **(34-37)**
- d) 17 BAC 042 – G.T. **(38-40)**
- e) 17 BAC 068 – Q.T. **(41-44)**

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

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

ADJOURNMENT

NEXT MEETING: AUGUST 27, 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
March 26, 2018**

PRESENT: Vicky McNally (*via GoToMeeting*), Lori Paul (*via GoToMeeting*), Kim Rank, Gail Sengbusch (*via GoToMeeting*), Denise Trokan

STAFF: Erin Karow, Executive Director; Laura Smith, Bureau Assistant; and other Department staff.

CALL TO ORDER

Vicky McNally, Chair, called the meeting to order at 9:35 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Vicky McNally moved, seconded by Denise Trokan, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Lori Paul moved, seconded by Vicky McNally, to approve the minutes of February 5, 2018 as published. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS – DISCUSSION AND CONSIDERATION

Expedited Rule, CR 18-002

MOTION: Vicky McNally moved, seconded by Kim Rank, to adopt Clearinghouse Rule 18-002 to repeal an unauthorized rule relating to cosmetology managerial license. 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.). The 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 10:41 a.m.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 10:52 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Vicky McNally moved, seconded by Denise Trokan, to affirm all motions made 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

Proposed Stipulations, Final Decisions and Orders

17 BAC 010 (G.M.R.)

MOTION: Denise Trokan moved, seconded by Kim Rank, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Guadalupe M. Rivas, DLSC Case Number 17 BAC 010. Motion carried unanimously.

17 BAC 0101 (T.C.L.S.N.)

MOTION: Denise Trokan moved, seconded by Kim Rank, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against TLC Spa Nails Inc., DLSC Case Number 17 BAC 010. Motion carried unanimously.

Case Closings

17 BAC 059

MOTION: Denise Trokan moved, seconded by Kim Rank, to close DLSC Case Number 17 BAC 059, against N.H.N. for No Violation. Motion carried unanimously.

17 BAC 099

MOTION: Vicky McNally moved, seconded by Denise Trokan, to close DLSC Case Number 17 BAC 099, against T.N. and F.N. for Prosecutorial Discretion (P7). Motion carried unanimously.

ADJOURNMENT

MOTION: Lori Paul moved, seconded by Denise Trokan, to adjourn the meeting.
Motion carried unanimously.

The meeting adjourned at 10:57 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Erin Karow, Executive Director		2) Date When Request Submitted: 5/29/2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Cosmetology Examining Board			
4) Meeting Date: 6/4/2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 10:00 A.M. APPEARANCE: David Hagemeyer, Owner, Signature Two Company – Addressing Licensing Application Processes 1. Board Discussion and Consideration	
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 checked="" type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: None	
10) Describe the issue and action that should be addressed: The Board will be entertaining a brief discussion lead by David Hagemeyer to discuss license application processes at the Department. Credentialing will be in attendance to answer any questions.			
11) Authorization			
Erin Karow		5/29/2018	
Signature of person making this request		Date	
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.			



PUBLIC AGENDA REQUEST FORM

Instructions:

1. Fill out this form, and then save to your device.
2. Return to the “[Suggest an Agenda Item](#)” page and select the appropriate Board or Council from the Board/Council list.
3. Attach your completed “Public Agenda Request” form and send.

First Name: David

Last Name: Hagemeyer

Association/Organization: Signature Two Company (owner of eight Supercuts and Cost Cutters salons)

Address Line 1: [REDACTED]

Address Line 2:

City: [REDACTED]

State: [REDACTED]

Zip: [REDACTED]

Phone Number: [REDACTED]

Email: [REDACTED]

Subject: Problem with Certain DSDS Processes and Requirements for Cosmetology or Barbering License Applications

Issue to Address: Harm is inflicted on potential license applicants and potential employers caused current DSDS license application requirements and processes that are contrary to the intention of the Wisconsin Fair Employment Act, and not required by state law or State of Wisconsin cosmetology code.

**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: May 14, 2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Cosmetology Examining Board			
4) Meeting Date: June 4, 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) Petition letter for repeal of rules under the expedited rule process relating to continuing education 2) Draft expedited rule relating to continuing education 3) Cos 1-11 draft permanent rule 4) 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 (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Discuss the expedited rule and request relating to continuing education. Discuss the updated draft permanent rule, Cos 1 -11, with board member input.			
11) Signature of person making this request Greg DiMiceli		Authorization	Date May 14, 2018
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			
Date			

State of Wisconsin
Department of Safety & Professional Services

Directions for including supporting documents:

1. This form should be attached to any documents submitted to the agenda.
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3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.



May 17, 2018

Senator Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10S, State Capitol
Madison, WI 53702

Representative Ballweg, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 210N, State Capitol
Madison, WI 53702

RE: Petition for Authorization to Repeal Rules Related to Cosmetology Continuing Education

Dear Senator Nass and Representative Ballweg:

I am petitioning for authorization to repeal portions of the administrative code relating to continuing education requirements for cosmetology as referenced in chs. Cos 1 to 11. A copy of the proposed rule is attached.

2017 Wisconsin Act 81 eliminated the cosmetology continuing educational requirement, except where the Cosmetology Examining Board may require it for disciplinary resolution. Therefore, repealing affected portions of the administrative code related to cosmetology continuing education will update the code and make it consistent with the requirements of 2017 Wisconsin Act 81.

Using the expedited repeal process to eliminate continuing education references from the administrative code will mitigate confusion among cosmetology practitioners. Therefore, the Cosmetology Examining Board is requesting authorization from the Joint Committee for Review of Administrative Rules to repeal portions of chs. Cos 1 to 11 relating to the continuing education requirements for cosmetology licensure using the expedited rule repeal process under s. 227.26 (4), Stats.

Sincerely,

Vicky McNally
Chair, Wisconsin Cosmetology Examining Board

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

The Cosmetology Examining Board is petitioning the Joint Committee for Review of Administrative Rules to repeal a rule the Cosmetology Examining Board has determined to be an unauthorized rule using the process under s. 227.26 (4), Stats.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections subch. I of 454.04, Stats.

Statutory authority: Sections 15.08 (5) (b), 227.11 (2) (a), 454.08 (1) (ag) 1., 2., 454.08 (6), 454.265, Stats., and 2017 Wisconsin Act 81.

Explanation of agency authority: Pursuant to ss. 15.08 (5) (b) and 227.11 (2) (a), Stats., the Cosmetology Examining Board is empowered by the legislature to promulgate rules that will provide guidance within the profession and to interpret the statutes it administers. The passage of 2017 Wisconsin Act 81 prompted the Board to review all regulations concerning cosmetology continuing education and undertake an update of the rules to make them consistent with the recent legislation.

Related statute or rule: s. 454.265, Stats., Wisconsin Administrative Code, chs. Cos 1 to 11

Plain language analysis: The Cosmetology Examining Board is updating the rules governing the practice of cosmetology based upon passage of 2017 Wisconsin Act 81. Act 81 eliminates the cosmetology continuing education requirement. This updates eliminates or amends references to continuing education in chs. Cos 1 to 11 of the Wisconsin Administrative Code consistent with the requirements of 2017 Wisconsin Act 81. The Board has determined that these rules are unauthorized rules and seeks their repeal under s. 227.26 (4).

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 DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

Section 1. Cos 9.01 (3) is repealed.

Section 2. Cos 9.02 is amended to read:

Cos 9.02. If the application for renewal is filed less than 5 years after the expiration of the applicant's last license, the applicant shall ~~comply with the continuing education requirements in s. Cos 11.03,~~ and pay the late renewal fee in s. 440.08 (3) (a), Stats.

Section 3. Cos 11 is repealed.

Section 4. 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)

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 2.045 (1) Note; to amend Cos 2.045 (1), and (2), 6.04 (1) (a), (b), (c), and 8.02 (4); to create Cos 2.0455, 2.085, and 5.015, relating to licensure and practicing 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), 454.08 (1) (ag) 1., and 454.265, 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 (1) is amended to read:

Cos 2.045 Services outside of a licensed establishment. (1) Licensees ~~shall not~~ may 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.

Section 2. Cos 2.045 (1) Note is repealed.

Section 3. Cos 2.045 (2) is amended to read:

Cos 2.045 (2). Licensees shall comply with all practice standards set forth in s. Cos 2.03 ~~in~~ when providing services under sub (1), outside of a licensed establishment. All other services provided outside of a licensed establishment not under sub. (1) shall comply with all practice standards set forth in s. Cos 2.03 and s. 454.08 (1) (ar), Stats.

Section 4. Cos 2.0455 is created to read:

Cos 2.0455. Practice outside of a licensed establishment. (1) A person licensed as a cosmetologist, aesthetician, electrologist, or manicurist 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 use chemicals **only** for purposes of cutting or styling hair.

(3) Licensed aestheticians practicing outside of a licensed establishment may **only** apply cosmetics, oils, lotions, clay, creams, antiseptics, powders, or tonics.

(4) A person who practices cosmetology, aesthetics, or manicuring outside of a licensed establishment may do so if all the following apply:

(a) The person owns, manages, is employed by, or affiliated with an establishment that is licensed under s. 454.06 (7), Stats., to provide services.

(b) The person brings to the outside service location their certificate, or a copy, provided to them under s. 454.06 (7), Stats.

(5) A person who practices electrology outside of a licensed establishment may do so in accordance with...

Commented [DGM-D1]: What standards, if any, should apply to electrologists? See 454.08 (1) (ag) 1. Tie to Cos 4.09? Mirror cosmetologist's standards of practice outside of an establishment?

Section 5. Cos 2.0456. is created to read:

SPS 2.0456. Sanitary standards outside of a licensed establishment. A cosmetologist, aesthetician, electrologist, or manicurist practicing outside of an establishment shall be required to do all the following:

- (1) Bring enough practice items such as combs, brushes, towels, and other practice supplies, for single patron use.
- (2) Bring sealable containers to store and transport soiled items.
- (3) Wear disposable gloves and have a first-aid kit available that is suitable to comply with s. Cos 4.05 (1).

Section 6. Cos 2.06 (5) is repealed.

Commented [DGM-D2]: This was suggested by Gail.

Section 7. Cos 2.085 is created to read:

Cos 2.085. Continuing education. To ensure competency, the board may require specific remedial continuing education requirements for any actively licensed practitioner as part of a disciplinary process.

Section 8. Cos 5.015 is created to read:

Cos 5.015. Persons providing practical instruction in schools and specialty schools. No person may use the title, "Wisconsin certified cosmetologist, aesthetician, electrologist, or manicurist instructor", or use any title that implies they are a Wisconsin certified instructor, or represent themselves to be a Wisconsin certified instructor under this chapter unless they hold a current license in cosmetology, aesthetics, electrology, or manicuring and meet the requirements under s. 440.63 (3), Stats.

Section 9. 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 board approved one-hour course regarding Wisconsin statutes and administrative code applicable to their practice.

Section 10. 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