



VIRTUAL/TELECONFERENCE
COSMETOLOGY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Will Johnson (608) 266-2112
January 27, 2025

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 (1-4)**
- B. Approval of Minutes of October 28, 2024 (5-8)**
- C. Introductions, Announcements and Recognition**
 - 1. Introduction and Welcome – DSPS Secretary Hereth
- D. Reminders: Conflicts of Interest, Scheduling Concerns**
- E. 9:30 A.M PRELIMINARY PUBLIC HEARING on Statement of Scope: SS 101-24 on Cos 1, 2, 4, 5, and 6, Relating to Education and Approved Formal Training (9-12)**
 - 1. Review Preliminary Public Hearing Comments
- F. 9:30 A.M. PUBLIC HEARING: Clearinghouse Rule 24-088 on Cos 1, 2, 3, and 4, Relating to Mobile Establishments (13-21)**
- G. Administrative Matters – Discussion and Consideration (22-43)**
 - 1. Department, Staff, and Board Updates
 - 2. **2025 Meeting Dates (22)**
 - 3. **Annual Policy Review (23-25)**
 - 4. **Elections, Appointment of Liaisons and Alternates, Delegation of Authorities (26-43)**
 - 5. Board Members – Term Expiration Dates
 - a. Beckett, Dutch W.V. – 7/1/2027
 - b. Blake, Melissa K. – 7/1/2028
 - c. Cwojdzinski, Kayla M. – 7/1/2028
 - d. George, Fawn J. – 7/2/2027
 - e. Hoepfner, Ann M. – 7/1/2027
 - f. Jackson, Megan A. – 7/1/2027
 - g. McIntosh, Dana – 7/1/2027

h. Watkins, Alexis – 7/1/2027

H. Administrative Rule Matters – Discussion and Consideration (44-50)

1. Discussion of Clearinghouse Report and Public Comments on Cos 1, 2, 3, and 4 Relating to Mobile Establishments (45-49)
2. Pending and Possible Rulemaking Projects (50)

I. Legislative and Policy Matters – Discussion and Consideration

J. DSPS Interdisciplinary Advisory Council – Discussion and Consideration

K. 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. Public Health Emergencies
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)

L. 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.).

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

1. Case Closings
 - a. 20 BAC 087 – N.K., N.L.N. (51-55)

- b. 21 BAC 026 – F.N., T.N. **(56-60)**
 - c. 23 BAC 056 – P.N., P.O. **(61-64)**
 - d. 23 BAC 129 – L.V., A.X. **(65-69)**
- 2. Monitoring Matters**
- a. Stephanie Madden – Board Review of Order **(70-102)**

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: APRIL 28, 2025

 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://dps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of any agenda item may be changed by the board for the

convenience of the parties. The person credentialed by the board has the right to demand that the meeting at which final action may be taken against the credential be held in open session. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
COSMETOLOGY EXAMINING BOARD
MEETING MINUTES
OCTOBER 28, 2024**

PRESENT: Dutch Beckett, Melissa Blake, Kayla Cwojdzinski, Ann Hoepner, Megan Jackson (*excused at 10:17 a.m., arrived at 10:24 a.m.*), Dana McIntosh (*arrived at 9:35 a.m.*), Alexis Watkins

ABSENT: Fawn George

STAFF: Will Johnson, Executive Director; Joseph Ricker, Legal Counsel; Jacob Pelegrin, Administrative Rule Coordinator; Tracy Drinkwater, Board Administration Specialist; and other Department staff.

CALL TO ORDER

Megan Jackson, Chairperson, called the meeting to order at 9:32 a.m. A quorum was confirmed with six (6) 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 AUGUST 26, 2024

MOTION: Ann Hoepner moved, seconded by Alexis Watkins, to approve the Minutes of August 26, 2024, as published. Motion carried unanimously.

Dana McIntosh arrived at 9:35 a.m.

ADMINISTRATIVE MATTERS

Delegation of Authorities

Delegation to Monitoring Liaison

MOTION: Dutch Beckett moved, seconded by Ann Hoepner, to delegate authority to the Monitoring Liaison(s) to make any determination on Orders under monitoring and to refer to the Full Board any matter the Monitoring Liaison deems appropriate. Motion carried unanimously.

Delegation to Department Monitor

MOTION: Kayla Cwojdzinski moved, seconded by Alexis Watkins, to delegate authority to the Department Monitor as outlined below:

1. to grant reinstatement of licensure if education and/or costs are the sole condition of the order and the credential holder has submitted the required proof of completion for approved courses and paid the costs.

2. to suspend the license if the credential holder has not completed Board ordered education and/or paid costs and forfeitures within the time specified by the Board order. The Department Monitor may remove the suspension and issue an order when proof of completion and/or payment has been received.
3. to suspend the license (or remove stay of suspension) if a credential holder fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if credential holder ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
4. to grant or deny approval when a credential holder proposes treatment providers, mentors, and supervisors unless the Order specifically requires full-Board or Board designee approval.
5. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete Board ordered continuing, disciplinary, or remedial education.
6. to grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by a credential holder.
7. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete a Board ordered evaluation or exam.

Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Drafting Proposals: Cos 1 to 4 relating to Mobile Establishments

MOTION: Alexis Watkins moved, seconded by Dana McIntosh, to authorize the Chair to approve the Preliminary Rule Draft of Cos 1 to 4 relating to Mobile Establishments for posting for Economic Impact Analysis comments and submittal to the Clearinghouse. Motion carried unanimously.

2025 Biennial Rules Report

MOTION: Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to authorize the Chair to approve the 2025 Biennial Rules Report under s. 227.29 (1), Stats., on board rules which may be unauthorized, obsolete, or duplicative. Motion carried unanimously.

CLOSED SESSION

MOTION: Kayla Cwojdzinski moved, seconded by Alexis Watkins, 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: Dutch Beckett-yes; Melissa Blake-yes; Kayla Cwojdzinski-yes; Ann Hoepfner-yes; Megan Jackson-yes; Dana McIntosh-yes; and Alexis Watkins-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:17 a.m.

Megan Jackson excused at 10:17 a.m.

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

Deliberation on Proposed Final Decision and Order of Default

21 BAC 023 – Azure Nails & Ngoc Dung Thi Nguyen

MOTION: Dana McIntosh moved, seconded by Ann Hoepfner, to adopt the Proposed Decision and Order of Default in the matter of disciplinary proceedings against Azure Nails & Ngoc Dung Thi Nguyen, DLSC Case Number Case Number 21 BAC 023. Motion carried unanimously.

Case Closings

22 BAC 043 – A.V.T.

MOTION: Ann Hoepfner moved, seconded by Dutch Beckett, to close DLSC Case Number 22 BAC 043 against A.V.T., for Prosecutorial Discretion (P5). Motion carried unanimously.

DELIBERATION ON PROPOSED FINAL DECISION AND ORDER

Gijeila A. Rivera Quiles – DHA Case Number SPS-24-0015/ DLSC Case Number 23 BAC 071

MOTION: Ann Hoepfner moved, seconded by Alexis Watkins, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order, in the matter of disciplinary proceedings against Gijeila A. Rivera Quiles, DHA Case Number SPS-24-0015/ DLSC Case Number 23 BAC 071. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Ann Hoepfner moved, seconded by Dutch Beckett, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 10:24 a.m.

Megan Jackson arrived at 10:24 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

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

The meeting adjourned at 10:26 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator		2) Date when request submitted: 01/13/25 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: 01/27/25	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 9:30 A.M. Preliminary Hearing on Statement of Scope – SS 101-24 on Cos 1, 2, 4, 5, and 6, Relating to Education and Approved Formal Training 1. Review Preliminary Hearing Comments	
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: The Board will hold a Preliminary Hearing on this scope statement as directed by the Joint Committee for Review of Administrative Rules.			
11) Authorization			
Signature of person making this request		01/13/25 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.			

STATEMENT OF SCOPE

COSMETOLOGY EXAMINING BOARD

Rule No.: Chapters Cos 1, 2, 4, 5, and 6

Relating to: Education and Approved Formal Training

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 conduct a review of the requirements relating to education and approved formal training in Wisconsin Administrative Code Chapters Cos 1, 2, 4, 5 and 6.

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 2, 4, 5 and 6 cover requirements for practice and professional conduct, sanitation and safety, courses of instruction, and apprenticeship procedures and standards. Chapter Cos 1 covers definitions. The Board has identified the need to clarify its rules to ensure that they are clear, consistent with current professional and academic practices and standards, and that they comply with applicable Wisconsin statutes. Specifically, the Board has identified a need to update education and formal training requirements to achieve these goals.

The alternative to making these updates is that license, education, and training 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, aestheticians, electrologists, and manicurists; sponsors and providers of training, initial, and continuing education related to those credentials; 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: Jake Pelegrin, Administrative Rule Coordinator, DSPSAdminRules@wisconsin.gov, (608) 267-0989

Approved for publication:

Approved for implementation:



Authorized Signature

Authorized Signature

08/30/2024

Date Submitted

Date Submitted

October 24, 2024

Dan Hereth, Secretary
Department of Safety and Professional Services
Attn: Cosmetology Examining Board
4822 Madison Yards Way
Madison, WI 53705

RE: SS 101-24 – Education and approved formal training

Dear Secretary Hereth:

As co-chairperson of the Joint Committee for Review of Administrative Rules (JCRAR) and pursuant to s. 227.136 (1), Stats., I write to direct the Department of Safety and Professional Services (DPS) to hold a preliminary public hearing and comment period on Scope Statement SS 101-24, which was published in the Wisconsin Administrative Register on October 14, 2024.

Additionally, pursuant to s. 227.135 (2), Stats., please note that a scope statement may not be approved by the Secretary of DPS or other boards and individuals within the department until after the preliminary public hearing and comment period are held by the agency, and accordingly, no activity may be conducted in connection with the drafting of a proposed rule until after such hearing and approval have occurred.

Please confirm receipt of this letter directing preliminary hearings and comment periods on the above scope statement.

Sincerely,

Adam Neylon


Representative Adam Neylon

Co-Chair, JCRAR

– Sent via e-mail –

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

AGENDA REQUEST FORM

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3) Name of Board, Committee, Council, Sections: Cosmetology Examining Board			
4) Meeting Date: 01/27/25	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 9:30 A.M. Public Hearing for Clearinghouse Rule 24-088 on Cos 1, 2, 3, and 4, Relating to Mobile Establishments	
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: The Board will hold a public hearing on this rule as required by the rulemaking process.			
11) Authorization			
 Signature of person making this request		01/13/25 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.			

STATE OF WISCONSIN
COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	COSMETOLOGY
COSMETOLOGY	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 24-088)

PROPOSED ORDER

An order of the Cosmetology Examining Board to **amend** Cos 3.01 (11), Cos 3.04 (2), Cos 3.06 (2); and to **create** Cos 1.01 (11t), Cos 3.01 (2), Cos 3.04 (2m), and Cos 4.11 relating to Mobile Establishments.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 454.08 (1) (ag) 1. and 2., and 454.08 (4), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), 454.08 (1) (ag) 1. and 2., and 454.08 (4), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides 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., provides that “Each 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 454.08 (1) (ag) 1., Stats.: “The examining board shall promulgate rules permitting the practice of electrology outside of a licensed establishment.”

Section 454.08 (1) (ag) 2., Stats.: “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.”

Section 454.08 (4), Stats., states that “[t]he examining board shall, by rule, establish minimum standards concerning the maintenance, equipment, plans, and specifications for licensed establishments as they relate to the public health and safety.”

Related statute or rule:

None.

Plain language analysis:

The proposed rule creates new regulations to allow mobile cosmetology establishments in the state of Wisconsin. It creates a definition for mobile establishments and specifies that mobile establishments are held to the same standards of licensing, inspections, sanitation, and safety as fixed establishments. All services provided through a mobile establishment are held to the same standards of practice and professional conduct in chapter Cos 2. It also sets additional regulations for mobile establishments specifically.

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

None.

Comparison with rules in adjacent states:

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation allow for mobile establishments in Illinois [68 Ill. Adm. Code 1175.1300]. Cosmetology, nail technology, hair braiding or esthetics salons and barber shops are allowed to be in the form of a mobile salon or shop, and are subject to the same regulations as those in buildings.

Iowa:

Iowa statute allows for mobile cosmetology establishments [Chapter 157, Iowa Code]. “Establishment” is defined as a fixed location or a location that is readily movable where one or more persons engage in the practice of barbering and cosmetology arts and sciences, including but not limited to a retail establishment. All establishments are subject to the same regulations for licensure, safety, and sanitation. Rules of Iowa’s Public Health Department, Professional Licensure Division further specify licensing and sanitation requirements [645 IAC 61].

Michigan:

Michigan statutes allow for mobile salons and the performance of cosmetology services in mobile salons [MCL 339.1203]. Rules of the Michigan Department of Licensing and Regulatory Affairs require an establishment license for mobile salons in the same way as those in a building [Mich Admin Code, R 338.2126a]. One additional application requirement for mobile salons is that they provide photographs demonstrating compliance with safety and sanitation requirements upon application for an establishment license.

Minnesota:

Minnesota statutes allow for mobile salons to provide cosmetology services [Minnesota Statutes, Chapter 155A.29]. They are subject to the same minimum requirements as other salons in Minnesota. Minnesota rules provide for further regulations on mobile salons [Minnesota Rules, Chapter 2105.0395]. They specify that a license can only apply to one vehicle or mobile structure and cannot be transferred. All services must be provided inside the interior of the vehicle or structure. The mobile salon must be equipped with a functioning cell phone or Voice over Internet Protocol. The mobile salon must have working alarms for carbon monoxide, smoke, and combustible gas, either as single alarms or combined alarms. The mobile salon must have a self-contained, potable water supply in holding tanks, a wastewater tank or gray water tank, and a restroom. Services may not be provided unless the mobile salon is parked with the engine off, stable, and leveled. The mobile salon must have a ventilation system sufficient to provide fresh air in the salon.

Summary of factual data and analytical methodologies:

The proposed rules were developed by the board conducting a review of the provisions of chs. Cos 1, 2, 3, and 4, reviewing regulations on mobile establishments from other states, and determining how best to regulate mobile establishments in Wisconsin.

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

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

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 phone at 608-266-2112.

Agency contact person:

Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8306; telephone 608-267-0989; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Jake Pelegrin, 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 included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Cos 1.01 (11t) is created to read:

Cos 1.01 (11t) “Mobile establishment” means an establishment providing cosmetology, aesthetics, electrology, or manicuring services located in a mobile vehicle or mobile structure.

SECTION 2. Cos 3.01 (2) is created to read:

Cos 3.01 (2) Mobile establishments shall be licensed as establishments under the requirements of this chapter. Mobile establishments are subject to all of the following requirements:

(a) The establishment shall meet the requirements of this chapter and ch. Cos 4, including requirements related to establishments, inspections, sanitation, and safety. All services provided through a mobile establishment shall meet the standards of practice and professional conduct under ch. Cos 2.

(b) A mobile establishment license is valid for a specific vehicle or mobile structure and may not be transferred to a different vehicle or mobile structure.

(c) The mobile establishment’s name as shown on the license shall be visibly displayed and clearly legible on at least one exterior side of the mobile establishment.

SECTION 3. Cos 3.01 (11) is amended to read:

Cos 3.01 (11) Where an establishment is located in the same building a residence, the business and living quarters shall be separate. A mobile establishment may not be located in a vehicle or mobile structure that also contains a residence.

SECTION 4. Cos 3.04 (2) is amended to read:

Cos 3.04 (2) ~~The~~ Except as provided in sub. (2m), the board shall require identification of the owner, business address, cosmetology manager, type of business, and a copy of the floor plan showing dimensions and required equipment, in addition to other information which may be needed to approve the issuance of a license.

SECTION 5. Cos 3.04 (2m) is created to read:

Cos 3.04 (2m) Mobile establishments shall provide both a mailing address at which board correspondence may be received and the address of the physical location where the mobile establishment is parked when not in service. Mobile establishments shall also provide a description of the vehicle or mobile structure to be used as the mobile establishment, photographs of the interior and exterior, and the vehicle registration of the mobile establishment.

SECTION 6. Cos 3.06 (2) is amended to read:

Cos 3.06 (2) Change of location of any establishment, except mobile establishments, constitutes the creation of a new establishment and requires submission of an application for a new establishment license. Relocation of a leased chair or booth which is licensed as an establishment and housed within a lessor establishment requires only written notification to the department identifying the change of chair or booth.

SECTION 7. Cos 4.11 is created to read:

Cos 4.11 Mobile Establishments. In addition to the requirements of this chapter, mobile establishments shall comply with the following requirements:

- (1) Services shall not be provided unless the mobile establishment is parked, with the engine off, stable, and level.
- (2) All services shall be provided inside the interior of the vehicle or structure.
- (3) Carpeting is permitted only within driving or cab areas.
- (4) All hazardous substances in the mobile establishment shall be stored upright in secured cabinets when the mobile establishment is moving.
- (5) All moving parts, including slide outs and steps, shall be in good working order.

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)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date November 1, 2024
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Cos 1, 3, and 4	
4. Subject Mobile Establishments	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input checked="" type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected s. 20.165 (1)(hg)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The proposed rule creates new regulations to allow mobile cosmetology establishments in the state of Wisconsin. It creates a definition for mobile establishments and specifies that mobile establishments are held to the same standards of licensing, inspections, sanitation, and safety as fixed establishments. All services provided through a mobile establishment are held to the same standards of practice and professional conduct in chapter Cos 2. It also sets additional regulations for mobile establishments specifically.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The rule will be posted to the public for Economic Impact Analysis comments as required, and will be subject to an official public hearing, along with other steps of the rule process.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) DSPS estimates a total of \$11,100.00 in one-time costs and 14,000.00 in ongoing costs for implementing this rule. The one-time staff costs support 0.3 limited term employee to undertake tasks such as updating applications, testing, training, rules drafting, system updates. The ongoing costs support 0.1 full time equivalents for renewals, system updates, and training.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit of this rule is that cosmetology practitioners will have more options, flexibility, and more ability to practice. They will be allowed to run a business without needing to have a physical building to practice in. It will help grow the cosmetology industry and help the state's economy. If the rule does not go forward, the current status quo will remain and these opportunities will be missed.	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is that it will help grow the cosmetology industry and help the state's economy.

17. Compare With Approaches Being Used by Federal Government

None.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation allow for mobile establishments in Illinois [68 Ill. Adm. Code 1175.1300]. Cosmetology, nail technology, hair braiding or esthetics salons and barber shops are allowed to be in the form of a mobile salon or shop, and are subject to the same regulations as those in buildings.

Iowa:

Iowa statute allows for mobile cosmetology establishments [Chapter 157, Iowa Code]. "Establishment" is defined as a fixed location or a location that is readily movable where one or more persons engage in the practice of barbering and cosmetology arts and sciences, including but not limited to a retail establishment. All establishments are subject to the same regulations for licensure, safety, and sanitation. Rules of Iowa's Public Health Department, Professional Licensure Division further specify licensing and sanitation requirements [645 IAC 61].

Michigan:

Michigan statutes allow for mobile salons and the performance of cosmetology services in mobile salons [MCL 339.1203]. Rules of the Michigan Department of Licensing and Regulatory Affairs require an establishment license for mobile salons in the same way as those in a building [Mich Admin Code, R 338.2126a]. One additional application requirement for mobile salons is that they provide photographs demonstrating compliance with safety and sanitation requirements upon application for an establishment license.

Minnesota:

Minnesota statutes allow for mobile salons to provide cosmetology services [Minnesota Statutes, Chapter 155A.29]. They are subject to the same minimum requirements as other salons in Minnesota. Minnesota rules provide for further regulations on mobile salons [Minnesota Rules, Chapter 2105.0395]. They specify that a license can only apply to one vehicle or mobile structure and cannot be transferred. All services must be provided inside the interior of the vehicle or structure. The mobile salon must be equipped with a functioning cell phone or Voice over Internet Protocol. The mobile salon must have working alarms for carbon monoxide, smoke, and combustible gas, either as single alarms or combined alarms. The mobile salon must have a self-contained, potable water supply in holding tanks, a wastewater tank or gray water tank, and a restroom. Services may not be provided unless the mobile salon is parked with the engine off, stable, and leveled. The mobile salon must have a ventilation system sufficient to provide fresh air in the salon.

19. Contact Name

Jake Pelegrin, Administrative Rules Coordinator

20. Contact Phone Number

(608) 267-0989

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)


- Yes No
-

COSMETOLOGY EXAMINING BOARD
2025 Meeting Dates

Meeting Date	Start time	Location	Agenda Item Deadline
Monday, January 27, 2025	9:30 AM	Virtual	1/15/25
Monday, April 28, 2025	9:30 AM	Virtual	4/16/25
Monday, July 28, 2025	9:30 AM	Virtual	7/16/25
Monday, October 27, 2025	9:30 AM	Virtual	10/15/25

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brenda Taylor, Board Services Supervisor		2) Date when request submitted: 12/1/2024	
3) Name of Board, Committee, Council, Sections: All Boards			
4) Meeting Date: First Meeting of 2025	5) Attachments: <input checked="" type="checkbox"/> Yes	6) How should the item be titled on the agenda page? Administrative Matters: Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session	8) Is an appearance before the Board being scheduled? <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: Board SharePoint Site: https://dsps.boards.wisconsin.gov/			
<p>Please be advised of the following Policy Items:</p> <ol style="list-style-type: none"> 1. In-Person and Virtual Meetings: Depending on the frequency of scheduled meetings, discussion topics, and member availability, DSPS may host one or more in-person meetings. Virtual connection options are available for all board meetings. 2. Attendance/Quorum: Thank you for your service and commitment to meeting attendance. If you cannot attend a meeting or have scheduling conflicts impacting your attendance, please let us know as soon as possible. A quorum is required for Boards, Sections, and Councils to meet pursuant to Open Meetings Law. Connect to / arrive at meetings 10 minutes before posted start time to allow for audio/connection testing, and timely Call to Order and Roll Call. Virtual meetings include viewable onscreen materials and A/V (speaker/microphone/video) connections. 3. Walking Quorum: Board/Section/Council members must not collectively discuss the body's business outside a properly noticed meeting. If several members of a body do so, they could be violating the open meetings law. 4. Mandatory Training: All Board Members must complete Public Records and Ethics Training, annually. Register to set up an account in the Cornerstone LearnCenter online portal or Log in to an existing account. 5. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline at 12:00 p.m., eight business days before a meeting. (Attachment: Timeline of a Meeting) 6. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. (Attachment: Per Diem Form) Travel Vouchers are distributed on travel approval. 7. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members for in-person meetings. Standard eligibility: the member must leave home before 6:00 a.m. to attend an in-person meeting by the scheduled start time. <ol style="list-style-type: none"> a. If a member cannot attend a meeting, they must cancel their reservation with the hotel within the applicable cancellation timeframe. b. If a meeting is changed to occur remotely, is canceled, or rescheduled, DSPS staff will cancel or modify reservations as appropriate. 8. Inclement Weather Policy: In inclement weather, the DSPS may change a meeting from an in-person venue to a virtual/teleconference only. 			
11) Authorization			
		12/02/2024	
<p>Directions for including supporting documents:</p> <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director 			

Timeline of a Meeting

8 business days prior to the meeting: All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

7 business days prior to the meeting: The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

5 business days prior to the meeting: The approved agenda is returned to the Board Administration Specialist for agenda packet production and compilation.

4 business days prior to the meeting: Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

Agenda Item Examples:

- Approval of the Agenda and previous meeting Minutes
- Open Session Items
 - Public Hearings (relating to Administrative Rules)
 - Administrative Matters
 - Legislation and Policy Matters
 - Administrative Rules Matters
 - Credentialing Matters
 - Education and Exam Issues
 - Public Agenda Requests
 - Current Issues Affecting the Profession
 - Public Comments
- Closed Session items
 - Deliberations on Proposed Disciplinary Actions
 - Stipulations
 - Administrative Warnings
 - Case Closings
 - Monitoring Matters
 - Professional Assistance Procedure (PAP) Issues
 - Proposed Final Decisions and Orders
 - Orders Fixing Costs/Matters Relating to Costs
 - Credentialing Matters
 - Education and Exam Issues

Thursday of the Week Prior to the Meeting: Agendas are published for public notice on the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

1 business day after the Meeting: "Action" lists are distributed by staff detailing board actions on closed session business.

5 business days after the Meeting: "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

**Cosmetology Examining Board
2024 Officers and Liaisons**

ELECTION RESULTS	
Chairperson	Megan Jackson
Vice Chairperson	Kayla Cwojdzinski
Secretary	Ann Hoepner

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Kayla Cwojdzinski <i>Alternate: Dutch Beckett</i>
Monitoring Liaison(s)	Dutch Beckett <i>Alternate: Dana McIntosh</i>
Professional Assistance Procedure (PAP) Liaison(s)	Kayla Cwojdzinski <i>Alternate: Alexis Watkins</i>
Education and Examinations Liaison(s)	Megan Jackson <i>Alternate: Melissa Blake</i>
Legislative Liaison(s)	Alexis Watkins <i>Alternate: Ann Hoepner</i>
Digest Liaison(s)	Melissa Blake <i>Alternate: Dana McIntosh</i>
Travel Authorization Liaison(s)	Dutch Beckett <i>Alternate: Melissa Blake</i>
Screening Panel	Ann Hoepner, Kayla Cwojdzinski, Melissa Blake, Alexis Watkins <i>Alternate: Megan Jackson</i>
OTHER APPOINTMENTS	
Interdisciplinary Advisory Council	Alexis Watkins <i>Alternate: Dana McIntosh</i>

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Paralegal Richanda Turner, on behalf of Attorney Joseph Ricker		2) Date when request submitted: 12/20/2024 <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: 01/27/2025	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Reaffirming 2024 delegations and new 2025 delegations	
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 applicable: N/A	
10) Describe the issue and action that should be addressed: The Board members need to review and consider reaffirming 2024 delegations and new delegations for 2025.			
11) Authorization			
<i>Richanda Turner</i>		12/20/24	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
CORRESPONDENCE / MEMORANDUM

DATE: January 1, 2025

TO: Board, Council, and Committee Members

FROM: Legal Counsel

SUBJECT: Liaison Definitions and Delegations Explanations

Overall Purpose of Liaison Appointments

Each Board/Section (Board) has inherent authority that is established in our Wisconsin Statutes. This authority may change from Board to Board. Further information on your Board's authority can be found in Wis. Stat. ch. 15. Generally, each Board has authority to grant credentials, discipline credential holders, and set standards for education and examinations. In order to efficiently accomplish these tasks, Boards may appoint Liaisons. Liaisons assist with the operations of the Boards' purpose by weighing in on legislative matters, traveling to national conferences, or communicating with stakeholders.

The Department asks that each year the Boards make Liaison appointments to assist the Board and Department to accomplish these tasks in an efficient manner. Your practical knowledge and experience, as an appointed member of a professional board, are essential in making determinations regularly. The Liaison positions listed below assist the Department to complete operations between Board meetings. In most cases, Liaisons can make decisions for the full Board in their designated area. However, these areas are determined through the delegation process. Please note, a Liaison may also decide to send the delegated matter to the full Board for consideration as appropriate. Delegations assist the Board in defining the roles and authorities of each Liaison and other Board functions.

Liaison Definitions

Credentialing Liaison: The Credentialing Liaison is empowered by the Board to review and make determinations regarding certain credential applications. The Credentialing Liaison may be called on by Department staff to answer questions that pertain to qualifications for licensure, which may include whether a particular degree is suitable for the application requirements, whether an applicant's specific work experience satisfies the requirements in statute or rule for licensure, or

whether an applicant's criminal or disciplinary history is substantially related to the practice of the profession in such a way that granting the applicant a credential would create a risk of harm to the public. Questions will likely be sent by Department staff to the Credentialing Liaison via email and may include application materials. The Credentialing Liaison serves a very important role in the credentialing process.

Monitoring Liaison: The Monitoring Liaison is empowered by the Board to make decisions on any credential that is limited either through a disciplinary order or initial licensure. The Department Monitors will send requests from credential holders to the Monitoring Liaison. These requests vary wildly. A common request could be to remove a limitation that has been placed on a credential or to petition for full licensure. The Monitoring Liaison can review these requests and make decisions on behalf of the Board. The Board has the authority to grant decision making latitude to their liaison to any degree. If the Monitoring Liaison has a question on a request, it is advisable for the Liaison to consult further with Department staff or bring the matter to the full Board for consideration.

Professional Assistance Procedure (PAP) Liaison: PAP is a voluntary program open to credential holders with substance abuse issues who wish to seek help by being held accountable through treatment and monitoring by the Department and Board. As part of PAP, the credential holder enters into an agreement with the Department to undergo testing, counseling, or other rehabilitation. The PAP Liaison's role includes responding to credential holders' requests for modifications and terminations of provisions of the agreement. Similar to the Monitoring Liaison, the Department Monitors will send requests from credential holders to the PAP Liaison for further review.

Education and Examination Liaison: Some Boards are required by statute or rule to approve qualifying education and examinations. The Education and Examination Liaison provides guidance to Department staff to exercise authority of the Board to approve or decline examinations and educational programs. This determination requires a level of professional expertise and should be performed by a professional member of the Board. For some Boards, the Education and Examination Liaison will also be tasked with approving continuing education programs and courses.

Legislative Liaison: The Legislative Liaison is permitted to act and speak on the Board's behalf regarding pending and enacted legislation or actions being considered by the legislature outside of Board meetings. The Legislative Liaison is not the Board's designated lobbyist and should exercise their delegated authority carefully.

Travel Authorization Liaison: The Travel Authorization Liaison is authorized to approve a Board member to travel to events and speak or act on the Board's behalf between Board meetings. The Travel Authorization Liaison is called upon to make decisions when sufficient notice was not received, and the full Board could not determine a representative to travel. The Travel Authorization Liaison is tasked with making determinations if the Board appointed representative is not able to attend or if the Board becomes authorized to send additional members as scholarship and funding streams can be unpredictable.

Communication Liaison: The Communication Liaison responds to questions that arise on behalf of the Board. The Communication Liaison works with the Department to cultivate an appropriate response which will be sent by the Executive Director or Board Counsel. The Communication Liaison **can** be responsible for all types of communication on behalf of the Board. However, the Board can appoint a separate **Website Liaison** to work with DSPS staff to make changes and ensure the Board webpage contains updated and accurate information. Additionally, for the Boards that are required by statute to produce a newsletter or digest, the Board can appoint a separate **Newsletter/Digest Liaison** to assemble and approve content for those communications.

Screening Panel Members: Screening Panel Members review incoming complaints against credential holders and determine which complaints should be opened for investigation and which complaints should be closed without further action. The complexity and amount of work in this role depends substantially on your Board. As a member of the Screening Panel, you are asked to apply your professional expertise to determine if a complaint alleges unprofessional conduct.

Delegations Explanations

CREDENTIALING DELEGATIONS

The overall purpose of credentialing delegations is to allow the credentialing process to proceed as efficiently and effectively as possible.

Delegation of Authority to Credentialing Liaison (Generic)

MOTION EXAMPLE: to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications.

PURPOSE: To allow a representative of the Board to assist Department staff with credentialing applications and eliminate the need for the entire Board to convene to consider credential application content or questions. Additionally, it is most efficient to have the designated liaison who has assisted with the credentialing process be able to effectuate decisions which require a signature.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION EXAMPLE: to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review.

PURPOSE: To permit Department staff to efficiently issue credentials and eliminate the need for Board/Section/Liaison review when all credentialing legal requirements are met in an application. This delegation greatly decreases workload on Board members and cuts down processing time on applications.

Delegation of Authority for Predetermination Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

PURPOSE: In general, the Wisconsin Fair Employment Act (codified in Wis. Stat. Ch. 111) prohibits licensing agencies from discriminating against applicants because of their arrest and/or conviction record. However, there are exceptions which permit denial of a license in certain circumstances. Individuals who do not possess a license have a legal right to apply for a determination of whether they are disqualified from obtaining a license due to their conviction record. This process is called “Predetermination.” Predetermination reviews must be completed within 30 days. This delegation allows Department Attorneys to conduct predetermination reviews and efficiently make these legal determinations without need for Board/Section/Liaison review.

Delegation of Authority for Conviction Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the relevant professional practice.

PURPOSE: As used here, “substantially related” is a legal standard that is used in the Wisconsin Fair Employment Act. The concept of what is “substantially related” is informed by case law. This delegation permits Department Attorneys to independently conduct conviction reviews and efficiently approve applications if convictions are not substantially related to the practice of the profession. Applications that contain conviction records that may be substantially related to the practice of a profession will still be submitted to the Credentialing Liaison for input.

Delegation to DSPS When Applicant’s Disciplinary History Has Been Previously Reviewed

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where Applicant’s prior discipline has been approved for a previous credential and there is no new discipline.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison for a lower-level credential.

Delegation to DSPS When Applicant’s Conviction History Has Been Previously Reviewed

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential and there is no new conviction record.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of conviction history that has already been reviewed and approved for a lower-level credential.

Delegation of Authority for Reciprocity Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements meet Wisconsin license requirements. (specific legal standards are referenced in the motion depending on credential/profession type).

PURPOSE: Applications via reciprocity or endorsement require comparison of Wisconsin licensing requirements to the licensing requirements of another jurisdiction. These reviews consider the legal standard for reciprocity, which varies by profession, as well as the specified legal requirements to obtain licensure in the profession. This delegation permits Department Attorneys to independently conduct reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Military Reciprocity Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09.

PURPOSE: The law permits service members, former service members, and their spouses to be licensed if they hold licensure in other jurisdictions that qualify them to perform acts authorized by the credential they are seeking in Wisconsin. This is a shortened path to licensure that does not require meeting the specific requirements/standards for licensure/reciprocity in a profession. By law, the Department/Board must expedite the issuance of a reciprocal license via military reciprocity. This delegation permits Department Attorneys to independently conduct military reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Application Denial Reviews

MOTION EXAMPLE: to delegate authority to the Department's Attorney Supervisors to serve as the Board designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential.

PURPOSE: When an application is denied, the applicant has a legal right to appeal the denial determination. Applicants must meet a specified legal standard in order to have an appeal granted. Additionally, Wisconsin law sets specific time frames for appeal decisions. This delegation permits Department Attorney Supervisors to independently review and efficiently act on requests for hearing as a result of a denial of a credential.

Delegation to Department Attorneys to Approve Duplicate Legal Issue

MOTION EXAMPLE: to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed by the Board and there are no new legal issues for that credential holder.

PURPOSE: The intent of this delegation is to be able to approve prior discipline by the Board for the renewal applicant. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison.

Delegation to Department Attorneys to Approve Prior Discipline

MOTION EXAMPLE: to delegate authority to Department Attorneys to approve an applicant's prior professional discipline which resulted in a forfeiture/fine/other monetary penalty, remedial education, and/or reprimand, that is 10 years old or older, and the previously disciplined credential is currently in good standing.

PURPOSE: In order to continue improving processing application legal reviews in a timely matter, this delegation gives Department Attorneys authority to approve prior professional discipline which meets all of the following criteria: (1) it is at least ten years old; (2) it resulted in a monetary penalty, remedial education, and/or reprimand; and (3) the previously disciplined credential is currently in good standing.

MONITORING DELEGATIONS

The overall purpose of monitoring delegations is to be able to enforce the Boards orders and limited licenses as efficiently and effectively as possible. Monitoring delegations have two categories: delegations to the Monitoring Liaison and delegations to the Department Monitor.

Delegation of Authority to Department Monitor

MOTION EXAMPLE: to delegate authority to the Department Monitor:

- a. to grant full reinstatement of licensure if education is the only limitation and credential holder has submitted the required proof of course completion.
- b. to suspend the credential if the credential holder has not completed Board ordered education, paid costs, paid forfeitures, within the time specified by the Board Order.
- c. to lift a suspension when compliance with education and costs provisions have been met.

PURPOSE: These delegations allow for the Department Monitor to automatically act on requests when certain criteria are met or not met without needing to burden the Monitoring Liaison. The Board can set their own criteria for what actions they would like to be handled by the Department, the Monitoring Liaison, and the full Board.

Delegation of Authority to Monitoring Liaison

MOTION EXAMPLE: to delegate authority to the Monitoring Liaison to approve or deny all requests received by the credential holder.

PURPOSE: These delegations allow the Board to set criteria for what decisions can be made by the Board member(s) serving as the Monitoring Liaison and what matters should be decided by the full Board.

Education and Examination Delegations

MOTION EXAMPLE: to delegate authority to the Education and Examination Liaison(s) to address all issues related to qualifying education, continuing education and examinations. Motion carried unanimously. (Differs by Board)

PURPOSE: Some Boards are responsible for approving qualifying educational programs or continuing education courses. A delegation is executed in order for an Education and Examination Liaison to make these determinations on behalf of the Board and with assistance of the Department. Additionally, some Boards review examinations and individual scores to qualify for a credential.

MISCELLANEOUS DELEGATIONS

Document Signature

MOTION EXAMPLE: to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION EXAMPLE: in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director, Board Counsel, or DPD Division Administrator the authority to sign on behalf of a Board member as necessary. Motion carried unanimously.

PURPOSE: To take the action approved at Board meetings, the Department may need to draft correspondence and/or Orders after the meetings have adjourned. These actions then need to be signed by a Board Member. This interaction usually takes place over email and a Board member can authorize the use of his/her signature that is kept on file.

Urgent Matters

MOTION EXAMPLE: in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, 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.

PURPOSE: Allows for quick responses to urgent matters that may need Board approval or for which the Department requires guidance from the Board.

Delegation to Chief Legal Counsel-Due to Loss of Quorum

MOTION EXAMPLE: to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

PURPOSE: Sometimes Boards can struggle to meet quorum necessary to conduct business. This happens for a multitude of reasons, but this delegation allows for the Boards to have disciplinary cases decided by Chief Legal Counsel if the Board fails to meet quorum for two consecutive meetings.

Delegation to Chief Legal Counsel-Stipulated Resolutions

MOTION EXAMPLE: to delegate to the Department's Chief Legal Counsel (CLC) the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department, and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

PURPOSE: For matters of public safety, it may be necessary to take immediate action on a stipulated agreement rather than allowing a credential holder to continue practicing unencumbered until the next scheduled meeting. This delegation allows CLC to act on behalf of the Board when there is a stipulated agreement. A stipulated agreement is an agreement to which all relevant parties have consented to the terms.

Voluntary Surrenders

MOTION: to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter.

MOTION: to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19.

PURPOSE: Credential holders can ask the Boards to accept surrender of their credentials at any time. These delegations are in place for the different situations that arise from those requests. If a credential holder is seeking to surrender their credential because they wish to leave the profession, that can be processed with this delegation by the Department if they have no pending disciplinary complaints. If the credential holder wishes to surrender while they have a pending disciplinary complaint, that request is reviewed by the individual Board member assigned to the case.

DLSC Pre-screening

MOTION EXAMPLE: to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases where the credential holder has failed to respond to allegations contained in the complaint when requested by intake (case will be opened on failure to respond and the merits of the complaint).

PURPOSE: Pre-screening delegations exist so the Board can define specific parameters where the Department can review disciplinary complaints and open those cases if they meet certain criteria. Boards also have the authority to set certain criteria that would allow the Department to review and close a case if the criteria is met.

Delegation to Handle Administrative Rule Matters

MOTION EXAMPLE: to delegate authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to act on behalf of the Board regarding administrative rule matters between meetings. Motion carried unanimously.

PURPOSE: In order to advance the administrative rules process, action may need to occur between meetings. This allows for quick responses to urgent matters that may need Board approval or for which the Department requires guidance from the Board.

Cosmetology Examining Board
January 22, 2024
2024 DELEGATIONS

All Combined Delegations for 2024

Review and Approval of 2023 Delegations

MOTION: Kayla Cwojdzinski moved, seconded by Melissa Blake, to reaffirm all delegation motions from 2023 as reflected in the agenda materials. Motion carried unanimously

Document Signature Delegations

MOTION: Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Ann Hoepfner moved, seconded by Dutch Beckett, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director, Board Counsel or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Ann Hoepfner moved, seconded by Kayla Cwojdzinski, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, 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.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to delegate the review and authority to act on disciplinary cases to DSPS Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Delegation to Chief Legal Counsel for Stipulated Resolutions

MOTION: Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to delegate to DSPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

Delegation to Chief Legal Counsel for Citation Approval

MOTION: Ann Hoepfner moved, seconded by Melissa Blake, to delegate authority to DSPS Chief Legal Counsel or designee to make the final decision and approve citations. Motion carried

Pre-Screening Delegation

MOTION: Ann Hoepfner moved, seconded by Dutch Beckett, to delegate to the screening attorney the authority to immediately open cases that consist solely of any one of the following, or combination of the following: practice by an individual holding an expired license issued by the Board, practice by an establishment without an establishment license issued by the Board or with an expired establishment license, and safety and sanitary violations that on their face warrant an inspection of an establishment. Motion carried unanimously.

Monitoring Delegations

Delegation to Monitoring Liaison

MOTION: Dutch Beckett moved, seconded by Ann Hoepfner, to delegate authority to the Monitoring Liaison(s) to make any determination on Orders under monitoring and to refer to the Full Board any matter the Monitoring Liaison deems appropriate. Motion carried unanimously.

Delegation to Department Monitor

MOTION: Kayla Cwojdzinski moved, seconded by Alexis Watkins, to delegate authority to the Department Monitor as outlined below:

1. to grant reinstatement of licensure if education and/or costs are the sole condition of the order and the credential holder has submitted the required proof of completion for approved courses and paid the costs.

2. to suspend the license if the credential holder has not completed Board ordered education and/or paid costs and forfeitures within the time specified by the Board order. The Department Monitor may remove the suspension and issue an order when proof of completion and/or payment has been received.
3. to suspend the license (or remove stay of suspension) if a credential holder fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if credential holder ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
4. to grant or deny approval when a credential holder proposes treatment providers, mentors, and supervisors unless the Order specifically requires full-Board or Board designee approval.
5. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete Board ordered continuing, disciplinary, or remedial education.
6. to grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by a credential holder.
7. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete a Board ordered evaluation or exam.

Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Delegation to Department Attorneys to Approve Duplicate Legal Issue

MOTION: Ann Hoepfner moved, seconded by Megan Jackson, to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed by the Board and there are no new legal issues. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Ann Hoepfner moved, seconded by Daisy Quintal, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Megan Jackson moved, seconded by Ann Hoepfner, to delegate authority to the Department Attorneys and Paralegals to make decisions regarding applications according to Wis. Stat. § 454.06(1)(b). Motion carried unanimously.

Delegation to DSPS When Applicant's Discipline History Has Been Previously Reviewed

MOTION: Ann Hoepfner moved, seconded by Megan Jackson, to delegate authority to Department staff to approve applications where Applicant's prior discipline has been approved for a previous credential and there is no new discipline. Motion carried unanimously.

Delegation to DSPS When Applicant's Conviction History Has Been Previously Reviewed

MOTION: Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential and there is no new conviction record. Motion carried unanimously.

Delegation of Authority for Reciprocity/Endorsement Reviews

MOTION: Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to the Department Attorneys to review and approve reciprocity/endorsement applications in which the out of state services are substantially the same as those in Wisconsin. Motion carried unanimously.

Delegation of Authority for Military Reciprocity Reviews

MOTION: Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Delegation to DPCP Legal Team Paralegals and Attorneys to Approve AODA/FTP Evaluators/Assessors

MOTION: Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to the DPCP Legal Team Attorneys and Paralegals to review and approve Applicant's proposed Evaluators/Assessors for AODA and FTP assessments, unless the request specifically requires full-Board or Board liaison approval. Motion carried unanimously.

Voluntary Surrenders

MOTION: Kayla Cwojdzinski moved, seconded by Ann Hoepfner, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

MOTION: Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to the 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 Related Bodies

MOTION: Ann Hoepfner moved, seconded by Daisy Quintal, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that 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: Ann Hoepfner moved, seconded by Megan Jackson, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Newsletter Liaisons Delegation

MOTION: Ann Hoepner moved, seconded by Kayla Cwojdzinski, to delegate authority to the newsletter liaisons to handle all matters relating to newsletters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: Ann Hoepner moved, seconded by Daisy Quintal, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

Pre-Screening Delegation

MOTION: [Board member name] moved, seconded by [Board member name], to delegate to the screening attorney the authority to immediately open cases that consist solely of any one of the following, or combination of the following: practice by an individual holding an expired license issued by the Board, ~~practice by a licensed individual outside of an establishment with a valid license,~~ practice by an establishment ~~without an establishment license issued by the Board or~~ with an expired establishment license, and safety and sanitary violations that on their face warrant an inspection of an establishment. Motion carried [] .

Delegation to Department Attorneys to Approve Prior Discipline

MOTION: [Board member name] moved, seconded by [Board member name], to delegate authority to Department Attorneys to approve an applicant's prior professional discipline which resulted in a forfeiture/fine/other monetary penalty, remedial education, and/or reprimand, that is 10 years old or older, and the previously disciplined credential is currently in good standing. Motion carried [] .

Delegation to Handle Administrative Rule Matters

MOTION: [Board member name] moved, seconded by [Board member name], to delegate authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to act on behalf of the Board regarding administrative rule matters between meetings. Motion carried [] .

Review and Approval of 2024 Delegations including new modifications

MOTION: [Board member name] moved, seconded by [Board member name], to reaffirm all delegation motions made in 2024, as reflected in the January 27, 2025 agenda materials, which were not otherwise modified or amended during the January 27, 2025 meeting. Motion carried [] .

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator		2) Date when request submitted: 01/13/25 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: 01/27/25	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. Discussion of Clearinghouse Report and Public Comments on Cos 1, 2, 3, and 4 Relating to Mobile Establishments 2. 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: Attachments: -Clearinghouse Report – Cos 1, 2, 3, and 4 -Rule Projects Chart Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx			
11) Authorization			
 Signature of person making this request		01/13/25 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.			



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **24-088**

AN ORDER to amend Cos 3.01 (11), 3.04 (2), and 3.06 (2); and to create Cos 1.01 (11t), 3.01 (2), 3.04 (2m), and 4.11, relating to Mobile Establishments.

Submitted by **COSMETOLOGY EXAMINING BOARD**

11-29-2024 RECEIVED BY LEGISLATIVE COUNCIL.

12-20-2024 REPORT SENT TO AGENCY.

MSK:PW

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 24-088

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

1. Statutory Authority

a. Consider whether s. 454.08 (1) (ag) 1. and 2., Stats., are appropriate to cite both as statutes interpreted and as statutory authority. The rule creates a mobile establishment that is required to be a licensed establishment and does not impact practices outside a licensed establishment. The above-cited provisions relate to certain practices outside a licensed establishment.

b. Consider whether s. 454.08 (2), Stats., should be added as a statute interpreted.

c. Consider whether s. 454.08 (3), Stats., should be added as statutory authority.

2. Form, Style and Placement in Administrative Code

a. In the rule caption’s listing of affected provisions for the proposed rule, the agency designation “Cos” should be shown only once for each treatment category. For example, the listing of amended provisions should be shown as: “to amend Cos 3.01 (11), 3.04 (2), and 3.06 (2)”.

b. In the rule summary’s plain language analysis for the proposed rule, consider providing a general description of the additional regulations that apply to a mobile establishment. A plain language analysis should contain sufficient detail to enable a reader to understand the content of the proposed rule, in relation to current law. [s. 1.01 (2) (b), Manual.]

c. In the rule summary’s listing of the deadline to submit comments on the proposed rule, consider identifying how a reader would determine the date of the public hearing.

d. In SECTION 2 of the proposed rule, consider designating the provision as something other than “(2)”, because “3.01 (2)” has existed previously, albeit in a predecessor to the current Cos chapter. [s. 1.10 (3) (a), Manual.] Consider, instead, placing the mobile establishment requirements to follow sub. (14), and to begin with an introduction such as, “If the establishment is a mobile establishment, the establishment is also subject to all of the following requirements:”.

3. Conflict With or Duplication of Existing Rules

a. Consider whether it is necessary to state the material in proposed s. Cos 3.01 (2) (a), as a mobile establishment is a licensed establishment, and the requirements would apply to any licensed establishment.

b. Consider how s. Cos 4.11 (4), created in SECTION 7 of the proposed rule, relates to current s. Cos 3.01 (6) and its reference to poisonous substances.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Throughout the proposed rule, each instance of the plural phrase “mobile establishments” should be revised to the singular form “a mobile establishment”. When regulating a class, the obligation to comply with the regulation is on each individual of the group, not the group as a whole. [s. 1.05 (1) (c), Manual.]

b. The following comments relate to SECTION 1 of the proposed rule, defining the term “mobile establishment”:

(1) Consider revising “an establishment” to “a licensed establishment”.

(2) Consider also defining the terms used in that definition. This includes defining the terms “aesthetics”, “cosmetology”, “electrology”, “establishment”, and “manicuring”.

c. In SECTION 2, s. Cos 3.01 (2) (intro.), in the first sentence, consider removing the phrase “the requirements of”. Alternatively, the first sentence could be removed entirely, as it is duplicative of the requirements in current s. Cos 3.01 (1). See, also, the earlier comments regarding this provision.

d. In SECTION 2, if s. Cos 3.01 (2) (a) is retained, consider revising the phrase “including requirements related” to the phrase “relating to”.

e. In SECTION 3, s. Cos 3.01 (11), insert the word “as” between “building” and “a residence”.

f. In SECTIONS 4 and 5, it is not clear how the “except” clause functions. What is intended to be excepted by sub. (2m)? Do the two addresses required in sub. (2m) replace the business address required in sub. (2)? If so, that should be specified. Does any other information required in sub. (2m) replace information required in sub. (2)? If so, that should be specified. If a mobile establishment must comply with both subs. (2) and (2m), consider removing the “except” clause and restructuring sub. (2m) to something like, “In addition to the requirements of sub. (2), ...”.

g. In SECTION 5, consider drafting s. Cos 3.04 (2m) in the same style as sub. (2), such as “The board shall require...”.

h. With SECTION 6 in mind, consider what, if anything, should be required of the owner of a mobile establishment when the owner has a new mailing address or a new parking address for the mobile establishment.

i. In SECTION 7, s. Cos 4.11 (1), because a mobile establishment may be a mobile structure, and assuming that could be a trailer that is hauled behind a motor vehicle, consider specifying that the motor vehicle attached to the mobile establishment should have its engine off.

j. In SECTION 7, s. Cos 4.11 (4), consider whether “hazardous substances” should be defined.

Cosmetology Examining Board
Rule Projects(updated 1/13/25)

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause/ Summary	Current Stage	Next Step
Not Assigned Yet	101-24	4/14/2027	Cos 1, 2, 4, 5, 6	Education and Approved Formal Training. The Board would like to consider reviewing and updating the education requirements in the Cosmetology code, and consider updating the requirements for approved formal training in chapter Cos 4.	Scope Hearing held at 01/27/25 Meeting	Scope Implementation
24-088	056-24	11/28/2026	Cos 1 to 4	Mobile Establishments. Allow licensing and regulation of mobile cosmetology establishments in the state.	Public Hearing held at 01/27/25 Meeting	Drafting Final Rule and Legislative Report