



**VIRTUAL/TELECONFERENCE
COSMETOLOGY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Will Johnson (608) 266-2112
July 28, 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 April 28, 2025 (5-7)**
- C. Introductions, Announcements and Recognition**
- D. Reminders: Conflicts of Interest, Scheduling Concerns**
- E. Administrative Matters – Discussion and Consideration**
 - 1. Department, Staff, and Board Updates
 - 2. 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. Hoeppner, Ann M. – 7/1/2027
 - f. Jackson, Megan A. – 7/1/2027
 - g. McIntosh, Dana – 7/1/2027
 - h. Watkins, Alexis – 7/1/2027
- F. Administrative Rule Matters – Discussion and Consideration (8-32)**
 - 1. Drafting Proposals: Cos 1, 2, 4, 5 and 6, Relating to Education and Approved Formal Training **(9-31)**
 - 2. Pending and Possible Rulemaking Projects **(32)**
- G. Legislative and Policy Matters – Discussion and Consideration (33-78)**
 - 1. 2025 Assembly Bill 323 - Cosmetology Licensure Compact

H. DSPS Interdisciplinary Advisory Committee – Discussion and Consideration (79-85)

1. Draft IV Hydration Guidance Document (80-85)
2. Future Topics

I. 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)

J. 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.).

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

1. **Monitoring Matters**
 - a. Monitor Wagner
 1. Rashaun Taylor – Review of Order (86-96)
2. **Proposed Stipulations, Final Decisions and Orders**
 - a. 21 BAC 046 – Gloss Nail Spa and Loan M. Nguyen (97-102)
 - b. 22 BAC 054 – Kathy Trang Tran and Khroma Nail Salon (103-115)

3. **Administrative Warnings**
 - a. 23 BAC 002 – D.T.D., C.N.S. (116-117)
 - b. 23 BAC 124 – M.J.K. (118-119)
 - c. 24 BAC 013 – A.L.K. (120-121)
 - d. 24 COS 0112 – S.R.T. (122-123)
4. **Case Closings**
 - a. 21 BAC 046 – G.N.S. (124-129)
 - b. 22 BAC 054 – F.C. (130-137)
 - c. 22 BAC 055 – M.H.H. (138-144)
 - d. 23 BAC 011 & 23 BAC 061 – M.N., D.H.T. (145-154)
 - e. 23 BAC 063 – S.A.N.B. (155-159)
 - f. 23 BAC 122 – J.S.S., K.C.S., J.R.M. (160-165)
 - g. 24 BAC 013 – E.T.D. (166-171)
 - h. 24 COS 0018 – C.W.S.D.S. (172-175)
 - i. 24 COS 0068 – L.M.H. (176-179)

L. 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

M. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING: OCTOBER 27, 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://dsps.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
APRIL 28, 2025**

PRESENT: Dutch Beckett, Melissa Blake, Fawn George, Ann Hoeppepner, Dana McIntosh, Alexis Watkins (*arrived at 9:36 a.m.*)

ABSENT: Megan Jackson, Kayla Cwojdzinski

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

CALL TO ORDER

Ann Hoeppepner, Secretary, called the meeting to order at 9:33 a.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

MOTION: Dana McIntosh moved, seconded by Melissa Blake, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 27, 2025

MOTION: Dutch Beckett moved, seconded by Fawn George, to approve the Minutes of January 27, 2025, as published. Motion carried unanimously.

Alexis Watkins arrived at 9:36 a.m.

ADMINISTRATIVE RULE MATTERS

Final Rule Draft: Cos 1, 2, 3, and 4, Relating to Mobile Establishments

MOTION: Ann Hoeppepner moved, seconded by Fawn George, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule 24-088 (Cos 1, 2, 3, and 4), Relating to Mobile Establishments for submission to the Governor's Office and Legislature. Motion carried unanimously.

Scope Statements: Cos 1 to 4, Relating to Definitions and Establishment Requirements

MOTION: Dutch Beckett moved, seconded by Melissa Blake, to approve the Scope Statement revising Cos 1 to 4, Relating to Definitions and Establishment Requirements, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public

hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

Drafting Proposals: Cos 1, 2, 4, 5 and 6, Relating to Education and Approved Formal Training

MOTION: Alexis Watkins moved, seconded by Melissa Blake, to authorize Dana McIntosh to work with DSPS staff on drafting the Preliminary Rule for Cos 1, 2, 4, 5, and 6, Relating to Education and Approved Formal Training. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS, AND REPORTS

NIC 70th Annual Conference, October 17-20, 2025, in Phoenix, AZ

MOTION: Fawn George moved, seconded by Dutch Beckett, to designate Megan Jackson and Dana McIntosh with Melissa Blake, Alexis Watkins and Dutch Beckett as alternates to attend NIC 70th Annual Conference, October 17-20, 2025, in Phoenix, AZ. Motion carried unanimously.

CLOSED SESSION

MOTION: Dana McIntosh moved, seconded by Dutch Beckett, 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.). Ann Hoepfner, Secretary, 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; Fawn George-yes, Ann Hoepfner-yes; Dana McIntosh-yes; and Alexis Watkins-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:14 a.m.

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

Administrative Warnings

23 BAC 041 – P.M.N.S., S.T.

MOTION: Fawn George moved, seconded by Dutch Beckett, to issue an Administrative Warning in the matter of P.M.N.S., S.T., DLSC Case Number 23 BAC 041. Motion carried unanimously.

Case Closings

- MOTION:** Ann Hoepfner moved, seconded by Dana McIntosh, to close the following DLSC Cases for the reasons outlined below:
1. 23 BAC 103 – N.Y.N., B.H.N., T.V.L. – Prosecutorial Discretion (P5)
 2. 23 BAC 106 – C.S.S., E.S. – Prosecutorial Discretion (P2)
 3. 23 BAC 108 – N.M.H., E.H.S. – Insufficient Evidence
 4. 24 COS 0030 – J.H., S.2.H.S. – Insufficient Evidence
- Motion carried unanimously.

DELIBERATION ON PROPOSED FINAL DECISION AND ORDER

Nylamone Sisomphane, Respondent (DHA Case Number SPS-23-0088/ DLSC Case Number 22 BAC 042)

- MOTION:** Ann Hoepfner moved, seconded by Fawn George, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Nylamone Sisomphane, Respondent, DHA Case Number SPS-23-0088/ DLSC Case Number 22 BAC 042. Motion carried unanimously.

RECONVENE TO OPEN SESSION

- MOTION:** Dutch Beckett moved, seconded by Fawn George, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 10:23 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

- MOTION:** Fawn George moved, seconded by Dutch Beckett, 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:** Alexis Watkins moved, seconded by Dana McIntosh, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:25 a.m.

**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: 07/15/25 <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: 07/28/25	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. Drafting Proposals: Cos 1, 2, 4, 5 and 6, Relating to Education and Approved Formal Training 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: -Redlined Code Text – Cos 1, 2, 4, 5, 6 -Rule Projects Chart Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx															
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">11) Authorization</td> <td style="width: 40%;"></td> </tr> <tr> <td style="border-bottom: 1px solid black;"> </td> <td style="border-bottom: 1px solid black; text-align: right;">07/15/25</td> </tr> <tr> <td style="text-align: right;"><small>Signature of person making this request</small></td> <td style="text-align: right;"><small>Date</small></td> </tr> <tr> <td style="border-bottom: 1px solid black;"> <small>Supervisor (if required)</small></td> <td style="border-bottom: 1px solid black; text-align: right;"><small>Date</small></td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;"> <small>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</small> </td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black; text-align: right;"><small>Date</small></td> </tr> </table>				11) Authorization			07/15/25	<small>Signature of person making this request</small>	<small>Date</small>	 <small>Supervisor (if required)</small>	<small>Date</small>	<small>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</small>		<small>Date</small>	
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	07/15/25														
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<small>Date</small>															
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.															

Chapter Cos 1

DEFINITIONS

Cos 1.01 Definitions.

Note: Chapter BC 1 was renumbered ch. Cos 1 under s. 13.92 (4) (b) 1., Stats., Register February 2013 No. 686.

Note: See Chapter SPS 50 for rules governing the licensing of barbers, barbering managers, and barbering establishments.

Cos 1.01 Definitions. For the purposes of chs. Cos 1 to 10:

(1) "Antiseptic" means a chemical that kills or inhibits the growth of organisms on skin or living tissue.

(1v) "Board" means the cosmetology examining board.

(2) "Chemical relaxing" means the process of straightening hair by use of chemical agents.

(2m) "Chemical waving" means a system of permanent waving employing chemicals rather than heat.

(3) "Contagious" means capable of being transmitted by direct or indirect contact.

(3e) "Cosmetologist" has the meaning given in s. 454.01 (7e), Stats.

(3g) "Credential" means a license, permit or certificate or certification of registration that is issued under ch. 454, Stats.

(3r) "Cutting," as used at s. 454.01 (13), Stats., means exclusively the cutting of human nails, cuticles and calluses, and does not refer to any other invasive procedure.

(4) "Department" means the department of safety and professional services.

(6) "Disinfectant" means a chemical or product that destroys disease-causing bacteria.

Note: Examples of disinfectants are: 1. A solution of household bleach (5 ¼ percent sodium hypochlorite) and water containing at least 500 parts per million (ppm) available chlorine (1:100 dilution, or 2 teaspoons of household bleach per quart of water made fresh each day prior to use); 2. A solution of at least 70% isopropyl alcohol; 3. A solution using a phenolic germicidal such as Lysol (brown bottle); 4. A solution using an iodophor germicidal agent such as iodine or Betadyne; and 5. A solution using a quaternary ammonium germicide agent such as Lysol (spray) or Barbicide Plus.

(6e) "Disinfection" means application of a disinfectant following thorough cleaning of the utensil.

(6m) "Division" means the division of legal services and compliance in the department of safety and professional services.

(6s) "Exfoliation" means the process whereby the superficial epidermal cells are removed from the skin.

(7) "Full time" means work which is performed for 30 hours per week or the maximum number of hours an establishment is open if the establishment is open less than 30 hours per week.

(7m) "General supervision" means the supervising physician is available for direct communication, either in person or by telephone, radio, radiotelephone, television or similar means and is physically located within 120 miles of the licensee.

(8) "Infectious" means capable of being transmitted, with or without contact.

(9) "Laser" means light amplification by the stimulated emission of radiation.

(10) "Licensee" means a person who holds a license, permit, certificate or registration issued by the board or who has the right to renew a license, permit, certificate or registration issued by the board.

(11g) "Massaging," as used at s. 454.01 (2) and (13), Stats., means massage for cosmetic rather than therapeutic purposes.

(11n) "Mechanical exfoliation" means the physical removal of surface epidermal cells by means that include but are not limited to brushing machines, granulated scrubs, peel-off masques or drying preparations that are rubbed off, and microdermabrasion.

(11r) "Microdermabrasion" means mechanical exfoliation using an abrasive material or apparatus to remove surface epidermal cells with a mechanical closed loop vacuum system.

(11w) "Nail enhancement" means any material other than nail polish which is added to the fingernail or toenail generated by the person's own body, or which is used to enhance the fingernail or toenail of a person.

(12) "Owner" means the person who holds an establishment license or right to renew an establishment license.

(13) "Patron" means a person to whom services from a cosmetologist, aesthetician, electrologist or manicurist are provided for compensation.

(13m) "Personal care services" means shampooing, setting, combing, brushing, cutting, chemical waving, chemical relaxing, bleaching or coloring the hair. "Personal care services" also includes electrology, manicuring and aesthetic services.

(13t) "Physician" means a person licensed in Wisconsin to practice medicine and surgery.

(14) "Practitioner" means a person who holds a current license to practice cosmetology issued under s. 454.06 (2), Stats.

(14m) "Sterilization" means a process which destroys all forms of microbial life, including spores.

(15) "Supervision" means regular, on-premise coordination, direction and inspection of the practice of another.

(16) "Training permit holder" means a person who holds a current training permit issued pursuant to s. 454.06 (9), Stats.

Note: Immersion of the object to be disinfected in a solution of household bleach (5 ¼ percent sodium hypochlorite diluted to 2 teaspoons per quart of water).

Chapter Cos 2

PRACTICE AND PROFESSIONAL CONDUCT

Cos 2.01	Definitions.
Cos 2.02	Treatments prohibited, infectious and contagious diseases.
Cos 2.025	Delegated medical procedures.
Cos 2.03	Practice standards.
Cos 2.04	Unauthorized practice.
Cos 2.045	Personal care services for persons in hospitals, nursing homes, and correctional institutions.
Cos 2.046	Personal care services outside of a licensed establishment generally.
Cos 2.05	Advertising.
Cos 2.06	Responsibilities of owners.
Cos 2.07	Responsibilities of the cosmetology manager.
Cos 2.08	Responsibilities of licensees.
Cos 2.09	Continuing education.

Note: Chapter BC 2 was renumbered ch. Cos 2 under s. 13.92 (4) (b) 1., Stats., Register February 2013 No. 686.

Note: See Chapter SPS 50 for rules governing the licensing of barbers, barbering managers, and barbering establishments.

Cos 2.01 Definitions. For the purposes of this chapter:

- (1) “Chemical process” means the use of chemical reactions to change the texture, style, or length of hair, skin, or nails.
- (2) “Dermaplaning,” also referred to as dermablading, means a skin resurfacing procedure that uses a scalpel and blade held at a 45-degree angle to the skin to remove hair and some of the stratum corneum.
- (3) “Impact” means to touch, change, alter, modify, or transform.
- (4) “Microblading” means a permanent makeup technique in which a handheld tool made of several tiny needles is used to cut into the skin in fine, short strokes to insert pigment to change its appearance.
- (5) “Microneedling,” also referred to as collagen induction therapy, means a cosmetic procedure that involves repeatedly puncturing the skin with tiny sterile needles in a single use cartridge. The needle depth of the single use cartridge may be adjusted by the operator and is attached to a power-operated device that moves the needle up and down at a rapid pace.
- (6) “Stratum corneum,” also referred to as the horny layer of the skin, means the outermost layer of the epidermis, usually made up of 10-30 layers of corneocytes or dead cells.

Cos 2.02 Treatments prohibited, infectious and contagious diseases. (1) No licensee may treat any disease of the skin unless under the direction of a physician.

(1m) No licensee may diagnose any disease of the skin.

(2) No licensee may provide services to a patron suffering from an infectious or contagious scalp or skin disease unless the licensee takes appropriate precautions and uses safeguards to prevent the spread of the disease to other patrons and to the licensee.

(3) No licensee, having a known infectious or contagious disease, may provide a service to a patron if the licensee is, by reason of the disease, unable to safely and competently perform the service.

(4) No licensee may provide services to a patron if the licensee has a known infectious or contagious disease unless the licensee takes appropriate precautions and uses safeguards which prevent the spread of the disease to patrons.

Cos 2.025 Delegated medical procedures. (1) Licensees may provide client services constituting medical procedures only as directed, supervised and inspected by a physician who has the power to direct, decide and oversee the implementation of the client services provided in licensed establishments.

(2) Delegated medical procedures include the following:

(a) Laser hair removal services.

(am) Laser skin rejuvenation services.

(b) Microdermabrasion services, except as specified under sub. (2r).

(c) Chemical exfoliation, except for application of commercially available exfoliation products utilized in accordance with the manufacturers' instructions, limited to the following:

1. Alpha hydroxyl acids of 30% or less, with a ~~p~~**p**H of not less than 2.0.

2. Salicylic acids of 20% or less, with a ~~p~~**p**H of not less than 2.0.

(d) Microneedling.

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

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

(a) Dermaplaning, when performed by an aesthetician licensed under s. 454.06 (4), Stats.

(b) Eyelash or eyebrow tinting.

(c) Microblading.

(d) Utilization of electromagnetic radiation and electric current.

(e) Utilization of thermal energy.

(2r) A licensee may utilize microdermabrasion devices in his or her practice without medical supervision if all of the following conditions are met:

(a) The device shall be of an aesthetic grade and not labeled as a prescription device by the United States Food and Drug Administration. Only FDA approved Class I machines may be used pursuant to this subsection.

(b) The device utilizes a closed loop negative pressure system that incorporates a tissue retention device.

(c) The normal and customary use of the device results in the removal of only the surface epidermal cells of the skin.

(d) Eye protection is provided to the client and protective gloves are worn by the operator.

(e) Microdermabrasion services are not provided within 48 hours before or after a chemical exfoliation.

(f) The licensee has performed a pretreatment assessment on the client and reviewed the results with the client.

(g) The client has given written consent prior to the administration of the services. The consent shall contain all of the following:

1. A statement setting forth in general terms the nature and purpose of the procedure or procedures, together with the known risks associated with the procedure or procedures, if reasonably determinable.

2. A statement that acknowledges that the disclosure of that information has been made and that all questions asked about the procedure or procedures have been answered in a satisfactory manner.

3. The signature of the client for whom the procedure is to be performed, or if the client for any reason lacks legal capacity to consent, is signed by a person who has legal authority to consent on behalf of that client.
- (3) Delegated medical procedures shall be undertaken only pursuant to formal written protocols setting forth the nature and scope of the procedures delegated, describing the supervisory plan, and indicating any contraindications to undertaking the procedure. A laser hair removal product or device, or intense pulsed light device shall not be used on a minor unless the minor is accompanied by a parent or guardian and only under the general supervision of a physician.
- (4) A licensee providing client services constituting delegated medical procedures shall upon request make available to the client and to the board a copy of the formal written protocols.
- (5) Should a client service constituting a delegated medical procedure be contraindicated based either upon the written protocol or some other basis, the licensee shall decline to carry out the procedure and shall explain to the client the basis for the licensee's inability to provide the service.
- (6) A licensee providing client services constituting delegated medical procedures in a licensed establishment shall post in a conspicuous location in the immediate area where the procedure is carried out the name of the delegating physician and the nature and scope of the procedures delegated.

Cos 2.03 Practice standards. (1) Services provided by any licensee shall be performed in a manner that is consistent with basic and accepted practice standards and in accordance with all state statutes, board rules and local codes and ordinances.

- (2) Licensees may provide only those services which they are competent to perform by training or experience and are licensed to provide.
- (3) Licensees shall provide services to the best of their ability and make reasonable efforts to comply with requests in a manner that is satisfactory to a patron. Licensees shall not provide services to a patron without first obtaining the consent of the patron or legal guardian of the patron.
- (4) Licensees may neither consume alcohol nor take controlled substances during practice, unless prescribed by a physician.
- (5) Licensees shall take adequate and necessary precautions to protect the patron from health and safety hazards when performing services. Licensees shall not smoke while performing personal services on a patron.
- (7) Licensees shall not engage in sexual harassment or sexual assault of a patron, former patron, employee, employer, or co-worker. In this section, "sexual harassment" and "sexual assault" have the meanings defined in ss. 111.32 (13), 940.225 (1), (2), (3) and (3m) and 948.02 (1) and (2), Stats.

Note: Section 111.32 (13) defines sexual harassment as "...unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. 'Sexual harassment' includes conduct directed by a person at another person of the same or opposite gender. 'Unwelcome verbal or physical conduct of a sexual nature' includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee's work performance or to create an intimidating, hostile or offensive work environment."

(8) A licensee may not provide the following services unless both the licensee and the establishment are properly licensed by the department of safety and professional services:

- (a) Body piercing, except for piercing of ears.
- (b) Tattooing, including permanent cosmetics.
- (c) Operation of a tanning booth.

Note: Body piercers, body piercing establishments, tattooists and tattoo establishments are regulated by the Department of Safety and Professional Services under ch. SPS 221, Wis. Adm. Code. Tanning facilities and tanning facility operators are regulated by the Department of Safety and Professional Services under ch. SPS 220, Wis. Adm. Code.

(9) Licensees may not use methyl methacrylate monomer, commonly referred to as MMA in liquid form, and may not use any cosmetic or nail product formulated with MMA as one of its ingredients.

Cos 2.04 Unauthorized practice. (1) Licensees may not assist or participate in the unauthorized or unlicensed practice of cosmetology, aesthetics, electrology or manicuring.

(2) Licensees shall report to the board unauthorized or unlicensed practice or other violations of ch. 454, Stats., and chs. Cos 1 to 10.

Cos 2.045 Personal care services for persons in hospitals, nursing homes, and correctional institutions. A licensee may provide any personal care services, subject to all practice standards set forth in this chapter, to persons who are in hospitals, nursing homes, or correctional institutions, regardless of whether it is done in a designated area or in the personal room of an inmate, patient, or infirm person.

Cos 2.046 Personal care services outside of a licensed establishment generally. Other than personal care services provided under s. Cos 2.045, an appropriately credentialed licensee may provide services outside of a licensed establishment as follows:

(1) Aesthetics, cosmetology, and manicuring services may be provided outside of a licensed establishment if all the following are true:

- (a) The licensee owns, manages, is employed by, or affiliated with an establishment that is licensed to provide services under s. 454.08 (2), Stats.
- (b) The licensee brings to the outside service location their active license certificate, or a copy, provided to them under s. 454.06 (7), Stats.
- (c) The licensee complies with all practice standards provided in this chapter when providing personal care services outside of a licensed establishment.
- (d) The licensee complies with all sanitation and safety precautions regarding the use of chemical processes provided in ch. Cos 4.
- (e) The services provided do not involve the use of a chemical process, with the following exceptions:
 - 1. A licensee practicing aesthetics or cosmetology outside of a licensed establishment may apply cosmetics, oils, lotions, clay, creams, antiseptics, powders, or tonics.
 - 2. A licensee practicing cosmetology outside of a licensed establishment may use cleansing, styling, and finishing products for the purpose of cutting or styling hair.

(2) Electrology services may be provided outside of a licensed establishment if all the following are true:

- (a) The licensee complies with all practice standards provided in this chapter when providing personal care services outside of a licensed establishment.

(b) The licensee complies with all sanitation and safety precautions provided in ch. Cos 4.

Cos 2.05 Advertising. (1) Advertising by licensees shall be truthful and accurate and may not mislead the public.

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

Cos 2.06 Responsibilities of owners. The owner of any licensed establishment shall be responsible for compliance with ch. 454, Stats., and chs. Cos 2, 3 and 4. The owner shall:

(2) Provide supplies and equipment necessary to maintain safe and sanitary establishment conditions.

(3) Ensure the provision of supervision and training of apprentices, temporary permit holders and training permit holders.

(4) Maintain and provide appropriate records for apprentices, temporary permit holders, training permit holders, and practitioners, including employment records, to enable apprentices or practitioners to meet the requirements of s. 440.63 (3) (a) 1. or 454.10 (2), Stats., for credentialing as a practitioner or instructor. Owners shall maintain these records for a minimum of 5 years.

(5) In the case of an owner of a cosmetology establishment who is not a licensed cosmetologist, employ at least one licensed cosmetologist to act as a full-time manager who shall ensure that the establishment operates in compliance with state statutes and administrative rules.

Cos 2.07 Responsibilities of the cosmetology manager. (1) The manager of a cosmetology establishment shall be responsible for the daily operations of an establishment and ensure that the establishment is in compliance with ch. 454, Stats., and chs. Cos 3 and 4. The cosmetology manager shall maintain supplies and equipment necessary to ensure safe and sanitary establishment conditions.

(1g) A cosmetology manager shall train and supervise any apprentices in accordance with s. Cos 6.04 (1) and shall supervise any temporary permit holders and training permit holders.

(1r) The cosmetology manager shall, for a minimum of 5 years, maintain and provide appropriate records for apprentices, temporary permit holders, training permit holders, and practitioners, including employment records, to enable apprentices or practitioners to meet the requirements of s. 440.63 (3) (a) 2. or 454.10 (2), Stats., for credentialing as a practitioner or instructor.

(2) The cosmetology manager shall post all required licenses, permits and notices.

Cos 2.08 Responsibilities of licensees. Licensees holding current licenses or permits granted under ch. 454, Stats., shall:

(1) Be responsible for compliance with the sanitation and safety precautions contained in ch. Cos 4.

(2) Be responsible for their own professional practice, conduct and compliance with ch. Cos 2.

Cos 2.09 Continuing education. To ensure competency, the board may require specific remedial continuing education requirements for any licensee as part of a disciplinary process.

Chapter Cos 4

SANITATION, ~~AND~~ SAFETY AND FORMAL TRAINING

Cos 4.01	Equipment and sanitation.
Cos 4.02	Disinfection.
Cos 4.03	Sterilization.
Cos 4.04	Supplies.
Cos 4.045	Prohibited materials.
Cos 4.05	Procedure for exposure to blood.
Cos 4.06	Precautionary procedures.
Cos 4.07	Ear piercing.
Cos 4.08	Waxing.
Cos 4.09	Electrolysis.
Cos 4.10	Manicuring

Note: Chapter BC 4 was renumbered ch. Cos 4 under s. 13.92 (4) (b) 1., Stats., Register February 2013 No. 686.

Note: See Chapter SPS 50 for rules governing the licensing of barbers, barbering managers, and barbering establishments.

Cos 4.01 Equipment and sanitation. (1) All areas of an establishment, or the area of practice outside of an establishment in accordance with the applicable standards, and the equipment, tools, and implements used by licensees, shall be maintained in a clean, sanitary, and safe condition.

(2) Licensees shall wash their hands thoroughly with soap and running water prior to serving each patron and following removal of gloves. Waterless hand washing agents with alcohol as an active ingredient with a concentration of at least 60% are an acceptable substitute for washing hands that are not visibly soiled with soap and running water.

(3) All tools, implements and items that come in direct contact with a client shall be cleaned and disinfected or disposed of after use on each client.

(3g) All non-disposable, disinfectable manicure tools and implements shall be cleaned and disinfected with a disinfectant as defined in s. Cos 1.01 (6), after use on each client.

(3r) All items designed to be disposed of after a single use including orangewood sticks, cotton, gauze, neck strips, nail wipes, tissues, sponges, paper towels, wooden applicators and spatulas, emery boards, buffer blocks, sanding bands or sleeves, and disposable nail bits shall be disposed of after each use.

(4) All liquids, creams, powders and semi-solid substances shall be dispensed from a container in a manner which will prevent contamination of the unused portion of the substance.

(5) Shampoo bowls and basins shall be drained after each use and kept in a sanitary and safe condition.

(6) Clean towels shall be used for each patron. A neckstrip or towel shall be placed around the neck of the patron to prevent contact with the cape. The head rest of any operating chair shall be covered with fresh linen or paper for each patron.

(7) All other equipment and instruments shall be clean to sight and touch.

(8) Licensees using lancets for the lateral piercing of raised whiteheads shall utilize only pre-sterilized, single use, disposable lancets.

Cos 4.02 Disinfection. (1) Unless sterilized, disinfection is required prior to reuse on another patron of any personal care instruments, including scissors, razors, clipper blades and tweezers, excluding tweezers used in electrolysis.

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

Cos 4.03 Sterilization. (1) Sterilization in ss. Cos 4.07, 4.09 ~~and 4.10~~, 4.11, 4.12, and 4.13 shall be accomplished by use of a dry heat or steam sterilizer cleared for marketing by the food and drug administration, used according to manufacturer's instructions. If steam sterilization, moist heat, is utilized, heat exposure shall be at a minimum of 121° C., 250° F., for at least 30 minutes. If dry heat sterilization is utilized, heat exposure shall be at a minimum of 171° C., 340° F., for at least 60 minutes.

(2) Sterilizers shall be maintained in working order. Equipment shall be checked in compliance with manufacturer's recommendations at least monthly to ensure that it is reaching required temperatures.

Cos 4.04 Supplies. (1) All establishments shall supply each licensee with at least one of the antiseptics listed in s. Cos 4.05.

(2) All licensees working in a licensed establishment shall be supplied with bandages and disposable gloves.

(3) Licensees providing services outside of an establishment shall have available with them at least one of the antiseptics listed in s. Cos 4.05 and have a reasonable supply of bandages and disposable gloves.

Cos 4.045 Prohibited materials. Cosmetologists, aestheticians, electrologists, or manicurists may not use pumice stones or credo razors when providing services.

Cos 4.05 Procedure for exposure to blood. (1) In the case of any patron injury, such as a scissors cut, razor cut, needle stick, laceration or other exposure to blood, broken skin, or a mucous membrane, the licensee shall do all of the following:

- (a) Stop service.
- (b) Put gloves on hands.
- (c) Assist the client with rinsing the exposed area using soap and water. Pat dry with a towel.
- (d) Provide the patron with disinfectant such as iodine, 70% isopropyl alcohol, or 6% stabilized hydrogen peroxide or equivalent.
- (e) Provide the patron with an adhesive bandage if appropriate.
- (f) Dispose of single-use items in the trash container and clean and disinfect all implements.
- (g) Clean and disinfect the workstation.
- (h) Remove gloves and wash hands before resuming service.

(2) In the case of any licensee injury that may expose a patron to blood, broken skin, or a mucous membrane, the licensee shall do all of the following:

- (a) Stop service.
- (b) Explain the situation to the patron.
- (c) Rinse the area with soap and water.
- (d) Apply disinfectant such as iodine, 70% isopropyl alcohol, or 6% stabilized hydrogen peroxide or equivalent.
- (e) Apply an adhesive bandage.
- (f) Dispose of single-use items in the trash container.
- (g) Put gloves on hands.
- (h) Clean and disinfect all implements and clean and disinfect the workstation.
- (i) Replace gloves and return to service.

(3) A licensed establishment shall post a written protocol describing the procedure for unintentional occupational exposure to bodily fluids described in subs. (1) and (2). The protocol shall be posted in a place conspicuous to licensees.

Cos 4.06 Precautionary procedures. (1) A licensee shall cover any abrasions, oozing or open lesions or wounds on his or her hands or forearms prior to patron contact. If a licensee has oozing or open lesions or weeping dermatitis on his or her hands or forearms that cannot be effectively covered, the licensee shall refrain from direct patron contact until the condition has been resolved.

(2) A licensee shall use disposable protective gloves when dealing with patrons with oozing or open lesions or weeping dermatitis. These gloves shall be changed between patrons and disposed of after use. Gloves shall be removed upon completion of patron services, and hands washed after glove removal.

Note: It is recommended that licensees use protective gloves in handling caustic chemicals such as permanent waving solution and neutralizer or hair straightening preparations. The handling of these substances without protection can cause skin damage which may provide a route for infection to be transmitted to the licensee.

(3) Licensees shall carefully bag and dispose of paper products contaminated with blood and thoroughly cleanse and disinfect linens contaminated with blood in accordance with s. Cos 4.02 (6).

Note: Paper products contaminated with blood may be disposed of in the regular trash unless saturated with blood. See s. NR 526.05 (Department of Natural Resources).

Cos 4.07 Ear piercing. Ear piercing may be performed by non-licensees, but licensees performing ear piercing shall do all of the following:

- (1) Wear disposable protective gloves. These gloves shall be changed between patrons and disposed of after each use. Hands shall be washed after removal of gloves.
- (2) Thoroughly wash the skin area to be pierced with soap and water or a waterless washing agent with alcohol as an active ingredient.
- (3) Apply an antiseptic to the skin surface of the area to be pierced and allow the antiseptic to air dry.

Note: Iodine and Betadyne® are acceptable antiseptics.

(4) Sterilize earrings, needles, or any other piercing instruments prior to insertion. Pre-sterilized earrings may be utilized.

(5) Prior to each use all other surfaces that come into contact with the skin of the patron shall be disinfected.

Cos 4.08 Waxing. (1) Electrologists performing waxing shall have completed training in depilation by waxing in a school of electrology or a school of cosmetology consisting of not less than 8 training hours in all of the following areas:

- (a) Hygiene and sterilization.
- (b) Treatments with hard hot wax.
- (c) Treatments with liquid strip wax.
- (d) Hair removal from legs and arms, bikini and underarm hair.
- (e) Removal of facial hair.
- (f) Eyebrow shaping.
- (g) Post depilation treatments.

(2) Manicurists performing waxing shall have completed training in depilation by waxing in a school of cosmetology or a school of manicuring consisting of not less than 8 training hours in all of the following areas:

- (a) Hygiene and sterilization.
- (b) Treatments with hard hot wax.
- (c) Treatments with liquid strip wax.
- (d) Hair removal from the foot, lower leg, hand and forearm.
- (e) Post depilation treatments.

(3) Licensees performing depilation by waxing shall do all of the following:

- (a) Apply a topical antiseptic to the skin surface of the area to be waxed and allow the antiseptic to air dry.
- (b) Dispose of spatulas after each use.
- (c) Dispose of wax and strips after each use.

Cos 4.09 Electrolysis. Licensees performing electrolysis shall:

- (1) Use sterilized needles, lancets and tweezers for each patron, in accordance with s. Cos 4.03.
- (2) Wear disposable protective gloves when working on a patron. These gloves shall be changed between patrons and disposed of following use. Hands shall be washed after removal of gloves.
- (3) Thoroughly wash the skin area to be treated with soap and water. Apply an antiseptic to the skin surface of the patron and allow the antiseptic to air dry prior to commencing electrolysis.
- (4) Dispose of needles and lancets in a puncture resistant container specifically designed for disposal. Full sharps containers shall be disposed of appropriately.

Cos 4.10 Manicuring. (1) Prior to use, all reusable manicure instruments shall be disinfected.

(2) Disinfectant used for decontamination shall be changed daily and shall be kept in a covered container.

(3) Sterilization shall be accomplished in accordance with s. Cos 4.03.

(4) Manicure instruments that cannot be cleaned and disinfected or sterilized shall be disposed of following each use.

(5) Massaging by manicurists is limited to the hand, including the forearm and elbow, and the foot, including the lower leg and knee.

Cos 4.11 Dermaplaning. (1) Estheticians performing dermaplaning shall have completed formal training in dermaplaning that does not impact a skin layer below the stratum corneum consisting of at least 8 hours in a board approved curriculum or separate board approved education course that includes all of the following topics:

- (a) Hygiene and sterilization.
- (b) Removal of facial hair.
- (c) Methodology and procedures.
- (d) Treatment contraindications.
- (e) Instrument use and disposal.
- (f) Post depilation treatments.

(2) Estheticians performing dermaplaning shall do all of the following:

- (a) Wear disposable protective gloves. These gloves shall be changed between patrons and disposed of after each use. Hands shall be washed after removal of gloves.
- (b) Use sterilized dermaplaning tools for each patron, in accordance with s. Cos 4.03. Dermaplaning tools that cannot be cleaned and disinfected or sterilized shall be disposed of following each use.
- (c) Dispose of needles in a puncture resistant container specifically designed for disposal. Full sharps containers shall be disposed of appropriately.

Cos 4.12 Eyelash and eyebrow tinting. (1) EYELASH TINTING. (a) Licensees performing eyelash tinting shall have completed formal training in eyelash tinting consisting of at least 4 hours in a board approved curriculum or separate board approved education course that includes all of the following topics:

- 1. Hygiene and sterilization.
- 2. Methodology and procedures.
- 3. Treatment contraindications.
- 4. Instrument use and disposal.

(b) Licensees performing eyelash tinting shall do all of the following:

- 1. Wear disposable protective gloves. These gloves shall be changed between patrons and disposed of after each use. Hands shall be washed after removal of gloves.
- 2. Use sterilized eyelash tools for each patron, in accordance with s. Cos 4.03. Eyelash tinting tools that cannot be cleaned and disinfected or sterilized shall be disposed of following each use.

(2) EYEBROW TINTING. (a) Licensees performing eyebrow tinting shall have completed formal training in eyebrow tinting that does not impact a skin layer below the stratum corneum consisting of at least 4 hours in a board approved curriculum or separate board approved education course that includes all of the following topics:

- 1. Hygiene and sterilization.
- 2. Methodology and procedures.
- 3. Treatment contraindications.
- 4. Instrument use and disposal.

(b) Licensees performing eyebrow tinting shall do all of the following:

- 1. Wear disposable protective gloves. These gloves shall be changed between patrons and disposed of after each use. Hands shall be washed after removal of gloves.

2. Use sterilized eyebrow tinting tools for each patron, in accordance with s. Cos 4.03. Eyebrow tinting tools that cannot be cleaned and disinfected or sterilized shall be disposed of following each use.

Cos 4.13 Microblading. (1) Licensees performing microblading shall have completed formal training in microblading that does not impact a skin layer below the stratum corneum consisting of at least 48 hours in a board approved curriculum or separate board approved education course that includes all of the following topics:

- (a) Hygiene and sterilization.
- (b) Methodology and procedures.
- (c) Treatment contraindications.
- (d) Instrument use and disposal.

(2) Licensees performing microblading shall do all of the following:

- (a) Wear disposable protective gloves. These gloves shall be changed between patrons and disposed of after each use. Hands shall be washed after removal of gloves.
- (b) Use sterilized microblading tools for each patron, in accordance with s. Cos 4.03. Microblading tools that cannot be cleaned and disinfected or sterilized shall be disposed of following each use.
- (c) Dispose of needles in a puncture resistant container specifically designed for disposal. Full sharps containers shall be disposed of appropriately.

Cos 4.14 Utilization of electromagnetic radiation and electric current. (1) Licensees performing electromagnetic radiation or electric current treatments shall have completed formal training in utilization of electromagnetic radiation or electric current that does not impact a skin layer below the stratum corneum consisting of at least 4 hours in a board approved curriculum or separate board approved education course that includes all of the following topics:

- (a) Hygiene, disinfection and decontamination.
- (b) Methodology and procedures.
- (c) Treatment contraindications.
- (d) Instrument use and disposal.

(2) Licensees performing electromagnetic radiation or electric current treatments shall do all of the following:

- (a) Wear disposable protective gloves. These gloves shall be changed between patrons and disposed of after each use. Hands shall be washed after removal of gloves.
- (b) Prior to use, all reusable instruments shall be disinfected.
- (c) Disinfectants used for decontamination shall be changed daily and shall be kept in a covered container.

Cos 4.15 Utilization of thermal energy. (1) Licensees performing thermal energy treatments shall have completed formal training in utilization of thermal energy that does not impact a skin layer below the stratum corneum consisting of at least X hours in a board approved curriculum or separate board approved education course that includes all of the following topics:

- (a) Hygiene, disinfection and decontamination.
- (b) Methodology and procedures.
- (c) Treatment contraindications.

(d) Instrument use and disposal.

(2) Licensees performing thermal energy treatments shall do all of the following:

(a) Wear disposable protective gloves. These gloves shall be changed between patrons and disposed of after each use. Hands shall be washed after removal of gloves.

(b) Prior to use, all reusable instruments shall be disinfected.

(c) Disinfectants used for decontamination shall be changed daily and shall be kept in a covered container.

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Chapter Cos 5

COURSES OF INSTRUCTION

Cos 5.001	Instruction.
Cos 5.01	Courses.
Cos 5.015	Persons providing practical instruction in schools and specialty schools.
Cos 5.02	Practitioner license syllabus.
Cos 5.04	Aestheticians license syllabus.
Cos 5.05	Electrologist license syllabus.
Cos 5.06	Manicurist license syllabus.

Note: Chapter BC 5 was renumbered ch. Cos 5 under s. 13.92 (4) (b) 1., Stats., Register February 2013 No. 686.

Note: See Chapter SPS 50 for rules governing the licensing of barbers, barbering managers, and barbering establishments.

Cos 5.001 Instruction. An applicant for licensure as a cosmetologist, aesthetician, electrologist, or manicurist may receive instruction in a school of cosmetology licensed under s. 440.62 (3) (ar), Stats., exempted under s. 440.61, Stats., or accredited by any of the following:

- (1) National Accrediting Commission of Career Arts & Sciences (NACCAS).
- (2) Accrediting Commission of Career Schools and Colleges (ACCSC).
- (3) Council on Occupational Education (COE).
- (4) National Interstate Council of State Boards of Cosmetology (NIC).
- (5) Any other accrediting agency relating to cosmetology that is recognized by the U.S. Department of Education.

Cos 5.01 Courses. (1) Schools that provide instruction to students for cosmetology practitioner, or specialty schools that provide instruction to students for aesthetician, electrologist, or manicurist licenses shall develop curricula for instruction that are based on the appropriate syllabus as approved by the board in this chapter.

- (2) A school or specialty school shall offer at a minimum the practical and theory hours listed for subjects in the appropriate syllabus included in this section chapter.
- (3) Courses may be offered to students remotely as deemed appropriate by the school and as approved by the board.
- (4) Simulated patrons, such as mannequins, may be used for practical training as deemed appropriate by the board.

Cos 5.015 Persons providing practical instruction in schools and specialty schools. No person may use the title, “Wisconsin certified cosmetologist, aesthetician, electrologist, or manicurist instructor,” or use any title that implies the person is a Wisconsin certified instructor, or represents the person to be a Wisconsin certified instructor under this chapter unless the person holds a current license in cosmetology, aesthetics, electrology, or manicuring and meets the requirements under s. 440.63 (3), Stats.

Cos 5.02 Practitioner license syllabus. A syllabus for the practitioner license is shown below in Figure 5.02:

FIGURE 5.02

	SUBJECTS	THEORY HOURS	PRACTICAL HOURS
I.	Hygiene, grooming and personal development.	10	0
II.	Bacteriology, sterilization and sanitation.	20	20
III.	Haircutting, hair tapering (clipper-cuts), razor cutting, hairstyling, curling, thermal waving, finger-waving, roller setting, pincurl placement, blow-drying, shampoos, scalp and hair treatments, conditioning, reconditioning, hair analysis, and care of hairpieces, wigs and wefts. Tools, equipment and implements (identification and usage).	140	440
IV.	Hair straightening, hair relaxing, thermal hair straightening, blow-outs, permanents, hair coloring, tinting, bleaching and chemistry. Tools, equipment and implements (identification and usage).	185	392
V.	Shaving, beard and mustache shaping, trimming, superfluous hair removal, waxing, facials, facial massages, facial makeup, eyelashes, light therapy, basic principles of electricity, and introduction to electrology. Tools, equipment and implements (identification and usage).	35	60
VI.	Manicuring, including nail enhancement. Tools, equipment and implements (identification and usage).	10	25
VII.	Anatomy and physiology of the hair, skin and nails and disorders of the hair, skin, scalp and nails.	50	0
VII.	Product knowledge, product use and sales, preparing and consulting with customer for services.	30	0
IX.	Laws, rules, tax reporting , professional ethics and history of cosmetology.	18	0
X.	Individual student needs, industry trends and electives (e.g. recordkeeping, mathematics, communications, human relations, public relations, first aid, etc.) (Hours may include structured visits conducted by the school outside of the classroom at one or more cosmetology establishments.)	40	75
	TOTAL HOURS:	538	1012

Cos 5.04 Aestheticians license syllabus. A syllabus for the aestheticians license is shown below in Figure 5.04:

FIGURE 5.04

	SUBJECTS	THEORY HOURS	PRACTICAL HOURS
I.	Introduction		
	Law and Code, Bookkeeping, <u>Tax Reporting</u> , Business Management, History, and Ethics	<u>60</u> 26	
II.	Safety, Sanitation and Sterilization	30	20
III.	Anatomy and Physiology	30	
IV.	Chemistry, Treatments and Process, <u>Treatment-product and techniques.</u>	<u>56</u> 24	<u>96</u>
V.	Treatment-Product and Techniques	32	96
VI.	Electricity, Machines and Equipment	<u>20</u> 10	35
VII.	Make-up and Color Analysis	<u>20</u> 12	<u>35</u> 20
VIII.	Individual Student Needs and Electives (Hours may include structured visits conducted by the school outside of the classroom at one or more cosmetology or aesthetics establishments.)	<u>18</u> 65	<u>30</u> 50
	TOTAL HOURS:	<u>234</u> 229	<u>216</u> 224

Cos 5.05 Electrologist license syllabus. A syllabus for the electrologist license is shown below in Figure 5.05:

FIGURE 5.05

	SUBJECTS	THEORY HOURS	PRACTICAL HOURS
I.	Introduction Law and Code, Bookkeeping, <u>Tax Reporting</u> , Business Management, History and Ethics	30	
II.	Basic Principles of Electricity and Equipment Usage	20	20
III.	Anatomy, Physiology and Microbiology	20	
IV.	Safety, Sanitation and Sterilization	30	20
V.	Modalities of Electrology	20	50
VI.	Electrology Techniques and Variables	20	50
VII.	Clinical Practice: Consultation, Evaluation, Complications, Contraindications, Positioning and Draping, Lighting and Optics, and Epilatic Techniques	40	60
VIII.	Individual Student Needs and Electives (Hours may include structured visits conducted by the school outside of the classroom at one or more electrology establishments.)	30	40
	TOTAL HOURS:	210	240

Cos 5.06 Manicurist license syllabus. A syllabus for the manicurist license is shown below in Figure 5.06:

FIGURE 5.06

	SUBJECTS	THEORY HOURS	PRACTICAL HOURS
I.	Introduction Law and Codes, Bookkeeping, <u>Tax Reporting</u> , Business Management, History and Ethics	36	
II.	Safety, Sanitation, Sterilization, First Aid and Bacteriology	10	25
III.	Nails and Skin Disorders	24	10
IV.	Anatomy and Physiology	18	8
V.	Manicuring and Pedicuring, including nail enhancement	24	112
VI.	Introduction to Advertising	12	
VII.	Individual Student Needs and Electives (Hours may include structured visits conducted by the school outside of the classroom at one or more cosmetology or manicuring establishments.)	7	14
	TOTAL HOURS:	131	169

Chapter Cos 6

APPRENTICESHIP PROCEDURES AND STANDARDS

Cos 6.01	Applications and permits.
Cos 6.02	Theory and practical instruction.
Cos 6.03	Theory syllabus for apprentices.
Cos 6.04	Practical training for apprentices.
Cos 6.05	Transfer credit.

Note: Chapter BC 6 was renumbered ch. Cos 6 under s. 13.92 (4) (b) 1., Stats., Register February 2013 No. 686.

Note: See Chapter SPS 50 for rules governing the licensing of barbers, barbering managers, and barbering establishments.

Cos 6.01 Applications and permits. (1) The owner of an establishment seeking to train an apprentice shall contact the department of workforce development or the department for an application.

(2) An initial apprenticeship permit shall be issued for a period of 3 years. The permit shall be renewable for one additional one year period upon all of the following:

(a) The payment of the renewal fee specified in s. 440.08 (2) (b), Stats.

(b) Certification to the board from the department of workforce development of acceptable progress by the apprentice in theory instruction and practical training.

(4) An apprentice shall not engage in any cosmetology work or attend school until a permit has been issued.

(5) Each apprentice shall enter an apprenticeship contract with an establishment owner or his or her designated agent who shall employ and make arrangements for training of the apprentice in accordance with ch. 454, Stats., and the rules of the board.

(6) The owner or his or her designated agent shall provide the apprentice with the equipment necessary to learn all phases of practical cosmetology as listed in s. Cos 6.04 and keep records of all apprentice practical work hours.

(7) An apprentice seeking to transfer his or her apprenticeship contract to another establishment owner shall contact the department of workforce development or the department for transfer procedures. An apprentice shall not transfer without prior approval of the board.

(8) Cancellation of an apprenticeship contract by the department of workforce development shall result in an automatic suspension of an apprenticeship permit.

(9) An apprentice who has failed to complete an apprenticeship within 4 years from the date of issuance of his or her initial permit may apply for reentry into the apprenticeship program. Upon its review of the applicant's apprenticeship records, the board may deny the application or issue another apprenticeship permit under specified terms and conditions. The board may allow an apprentice credit for theory and practical training actually obtained under a previous permit.

Cos 6.02 Theory and practical instruction. Following issuance of an apprenticeship permit, an apprentice shall enroll in the first available course of theory instruction at a school of cosmetology and shall maintain acceptable attendance and progress in instruction and practical training. The manager shall pay the apprentice for the hours of school attendance and practical training.

Cos 6.03 Theory syllabus for apprentices. Schools which provide theory instruction for apprentices shall develop a curriculum based on the syllabus in Figure 6.03 (1):

FIGURE 6.03 (1)

	SUBJECTS	THEORY HOURS
I.	Hygiene, grooming and personal development.	10
II.	Bacteriology, sterilization and sanitation.	20
III.	Tools, equipment and implements (identification and usage).	18
IV.	Haircutting, hair tapering (clippercuts), razor cutting, hairstyling, curling, thermal waving, finger-waving, roller setting, pin-curl placement, blow-drying, shampoos, scalp and hair treatments, conditioning, reconditioning, hair analysis, and care of hairpieces, wigs and wefts.	56
V.	Hair straightening, hair relaxing, thermal hair straightening, blow-outs, permanents, hair coloring, tinting, bleaching and chemistry.	78
VI.	Shaving, beard and mustache shaping, trimming, superfluous hair removal, waxing, facials, facial massages, facial makeup, eyelashes, light therapy, basic principles of electricity, and introduction to electrology.	30
VII.	Manicuring, including nail enhancement.	10
VIII.	Anatomy and physiology of the hair, skin and nails and disorders of the hair, skin, scalp and nails.	50
IX.	Laws, rules, professional ethics and history of cosmetology.	16
	TOTAL HOURS:	288

Cos 6.04 Practical training for apprentices. (1) (a) The establishment owner with whom an apprentice contracts shall employ a cosmetology manager, whose cosmetology license is not an inactive license, to train and supervise the apprentice, except as provided in pars. (b) and (c). An apprentice shall only work under the supervision of a cosmetology manager, except as provided in pars. (b) and (c).

(b) A cosmetology manager may delegate their supervisory duty to a practitioner who has completed at least 2,000 hours of licensed practice.

- (c) A cosmetology manager may delegate their supervisory duty to a barber licensed under ch. 454, Stats., who has completed at least 2,000 hours of licensed practice, but only if the apprentice is a barbering apprentice as referenced in s. 454.22 (1) (c), Stats., and if the apprentice engages only in barbering.

Note: Under sections 454.10 (1) and 454.26 (1) of the Statutes, every apprentice is also governed by section 106.01 of the Statutes and chapter DWD 295.

- (3) Each apprentice must receive at least 3,712 hours of training and experience in the practical services of cosmetology to qualify for the examination as a practitioner. Training and experience shall include the subjects and practical hours of training shown below in Figure 6.04 (3):

FIGURE 6.04 (3)

	SUBJECTS	PRACTICAL HOURS
I.	Bacteriology, sterilization and sanitation in the establishment.	70
II.	Haircutting, hair tapering (clipper-cuts), razor cutting, hairstyling, curling, thermal waving, finger-waving, roller setting, pin curl placement, blow-drying, shampoos, scalp and hair treatments, conditioning, reconditioning, hair analysis, and care of hairpieces, wigs and wefts.	1,300
III.	Hair straightening, hair relaxing, thermal hair straightening, blow-outs, permanents, hair coloring, tinting, bleaching and chemistry.	1,000
IV.	Shaving, beard and mustache shaping, trimming, superfluous hair removal, waxing, facials, facial massages, facial makeup, eyelashes, light therapy, basic principles of electricity, and introduction to electrology.	80
V.	Manicuring, including nail enhancement.	30
VI.	General patron service and individual apprentice needs	1,232
	TOTAL PRACTICAL HOURS	3,712

Cos 6.05 Transfer credit.

- (1) Apprentices transferring to a school program shall be granted credit for hours attained at a ratio of one apprentice theory hour to one student theory hour and 4 apprentice practical hours to one student practical hour.

- (2) Students transferring to an apprenticeship program shall be granted credit for hours attained at a ratio of one apprentice theory hour to one student theory hour and one apprentice practical hour to one student practical hour.

(3) The department may grant transferees to an apprenticeship program credit for calendar time spent in prior training.

DRAFT

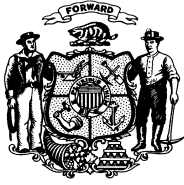
Cosmetology Examining Board
Rule Projects(updated 7/15/25)

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.	Drafting	Board Approval of Preliminary Rule Draft
24-088	056-24	11/28/2026	Cos 1, 2, 3, and 4	Mobile Establishments. Allow licensing and regulation of mobile cosmetology establishments in the state.	Legislative Review	Board Review of Adoption Order at a Future Meeting
Not Assigned Yet	Not Assigned Yet	TBD	Cos 1 to 4	Definitions and Establishment Requirements: The Board would like to review definitions and requirements for the establishment license relating to safety and client protection.	Scope Statement Submitted to Governor's Office on 05/23/25	Governor's Office Approval and Legislative Administrative Register for Publication

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Megan Jackson, Chair		2) Date When Request Submitted: 07.23.25 Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others	
3) Name of Board, Committee, Council, Sections: Cosmetology Examining Board			
4) Meeting Date: 07.28.25	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 2025 Assembly Bill 323 – Cosmetology Licensure Compact	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
Will Johnson		07.23.25	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Board Admin Specialist prior to the start of a meeting.			



2025 ASSEMBLY BILL 323

July 8, 2025 - Introduced by Representatives GOEBEN, BRILL, FRANKLIN, JOHNSON, KREIBICH, KNODL, MURPHY, O'CONNOR, PRADO and SNODGRASS, cosponsored by Senator JACQUE. Referred to Committee on Regulatory Licensing Reform.

1 **AN ACT** *to renumber and amend* 454.04 (1) (a), 454.04 (1) (b), 454.04 (1) (d)
2 and 454.06 (8m) (a); *to amend* 454.04 (2) (a), 454.04 (2) (b), 454.04 (2) (d),
3 454.06 (8), 454.125 (1), 454.15 (2) (intro.), 454.20 (10) and 454.22 (2); *to create*
4 14.837, 440.03 (11m) (c) 2rm., 454.01 (4), 454.01 (6), 454.01 (14g), 454.01 (14r),
5 454.04 (1) (a) 2., 454.04 (1) (b) 2., 454.04 (1) (d) 2., 454.06 (6m), 454.06 (8m) (a)
6 2., 454.22 (1) (k) and subchapter III of chapter 454 [precedes 454.50] of the
7 statutes; **relating to:** ratification of the Cosmetology Licensure Compact.

Analysis by the Legislative Reference Bureau

This bill ratifies and enters Wisconsin into the Cosmetology Licensure Compact, which provides for the ability of a cosmetologist to become eligible to practice in other compact states. Significant provisions of the compact include the following:

1. The creation of a Cosmetology Licensure Compact Commission, which includes one administrator of the cosmetology licensure authority of each member state. The commission has various powers and duties granted in the compact, including adopting bylaws, promulgating binding rules for the compact, appointing

ASSEMBLY BILL 323**SECTION 1**

officers and hiring employees, and establishing and electing an executive committee. The commission may levy on and collect an annual assessment from each member state or impose fees on licensees who receive multistate licenses to cover the cost of the operations and activities of the commission and its staff.

2. The ability for a cosmetologist to obtain a “multistate license,” which allows a cosmetologist who satisfies certain criteria to practice cosmetology in other member states (remote states) under the remote state’s scope of practice laws and rules of the remote state’s licensing authority. The compact specifies a number of requirements in order for a cosmetologist to obtain a multistate license, including holding an unencumbered cosmetology license in his or her primary state of residence (home state) and paying any required fees. A remote state may, in accordance with that state’s laws, take adverse action against a cosmetologist’s authorization to practice cosmetology in the remote state. If a cosmetologist’s home state takes adverse action against the cosmetologist’s license, the cosmetologist’s authorization to practice in all other member states is deactivated until all encumbrances have been removed from the home state license.

3. The ability of member states to issue subpoenas that are enforceable in other states.

4. The creation of a coordinated database and reporting system containing licensure, adverse action, and the reporting of the existence of investigative information on a) cosmetologists and b) applicants denied a cosmetologist license. The compact requires information related to adverse actions to be shared with the commission and other member states, through the data system and otherwise. A member state must submit a uniform data set to the data system on all individuals to whom the compact is applicable as required by the rules of the commission.

5. Provisions regarding resolutions of disputes among member states and between member and nonmember states, including a process for termination of a state’s membership in the compact if the state defaults on its obligations under the compact.

The compact becomes effective upon enactment by seven states. The compact provides that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute authorizing the compact, but the compact provides that a withdrawal does not take effect until 180 days after the enactment of that repeal.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 14.837 of the statutes is created to read:

2 **14.837 Cosmetology licensure compact.** There is created a cosmetology

ASSEMBLY BILL 323**SECTION 1**

1 licensure compact commission as specified in s. 454.50. The delegate on the
2 commission representing this state shall be appointed by the cosmetology
3 examining board as provided in s. 454.50 (9) (b) 1. and shall be an individual
4 described in s. 454.50 (9) (b) 2. The commission has the powers and duties granted
5 and imposed under s. 454.50.

6 **SECTION 2.** 440.03 (11m) (c) 2rm. of the statutes is created to read:

7 440.03 (11m) (c) 2rm. The coordinated database and reporting system under
8 s. 454.50 (10), if such disclosure is required under the cosmetology licensure
9 compact under s. 454.50.

10 **SECTION 3.** 454.01 (4) of the statutes is created to read:

11 454.01 (4) “Authorization to practice” means the authorization to practice, as
12 defined in s. 454.50 (2) (c), of an individual in this state under a multistate license
13 granted by another state that is a party to the compact.

14 **SECTION 4.** 454.01 (6) of the statutes is created to read:

15 454.01 (6) “Compact” means the cosmetology licensure compact under s.
16 454.50.

17 **SECTION 5.** 454.01 (14g) of the statutes is created to read:

18 454.01 (14g) “Multistate license” has the meaning given in s. 454.50 (2) (u).

19 **SECTION 6.** 454.01 (14r) of the statutes is created to read:

20 454.01 (14r) “Single-state license” means a single-state license, as defined in
21 s. 454.50 (2) (x), to practice cosmetology granted by the examining board under s.
22 454.06 (2) or 454.13.

ASSEMBLY BILL 323**SECTION 7**

SECTION 7. 454.04 (1) (a) of the statutes is renumbered 454.04 (1) (a) (intro.) and amended to read:

454.04 (1) (a) (intro.) Except as permitted under pars. (b) and (d), sub. (1m), and subch. II, no person may engage in cosmetology unless ~~the~~ any of the following applies:

1. The person has received training in the areas of service provided and holds a current cosmetologist license issued by the examining board that is not an inactive license ~~or~~.

3. The person has received training in the areas of service provided and holds a temporary permit issued by the examining board ~~or~~.

4. The person is an apprentice under s. 454.10 ~~or~~.

5. The person is a student in a cosmetology course of instruction.

SECTION 8. 454.04 (1) (a) 2. of the statutes is created to read:

454.04 (1) (a) 2. The person has received training in the areas of service provided and holds a multistate license granted in another state that is a party to the compact.

SECTION 9. 454.04 (1) (b) of the statutes is renumbered 454.04 (1) (b) (intro.) and amended to read:

454.04 (1) (b) (intro.) No person may engage in aesthetics unless ~~the~~ any of the following applies:

1. The person has received training in the areas of service provided and holds a current aesthetician license or cosmetologist license issued by the examining board that is not an inactive license ~~or~~.

ASSEMBLY BILL 323**SECTION 9**

1 3. The person has received training in the areas of service provided and holds
2 a temporary permit or training permit issued by the examining board ~~or~~.

3 4. The person is an apprentice under s. 454.10 ~~or~~.

4 5. The person is a student in an aesthetics or cosmetology course of
5 instruction.

6 **SECTION 10.** 454.04 (1) (b) 2. of the statutes is created to read:

7 454.04 (1) (b) 2. The person has received training in the areas of service
8 provided and holds a multistate license granted in another state that is a party to
9 the compact.

10 **SECTION 11.** 454.04 (1) (d) of the statutes is renumbered 454.04 (1) (d) (intro.)
11 and amended to read:

12 454.04 (1) (d) (intro.) No person may engage in manicuring unless ~~the~~ any of
13 the following applies:

14 1. The person has received training in the areas of service provided and holds
15 a current manicurist license or cosmetologist license issued by the examining board
16 that is not an inactive license ~~or~~.

17 3. The person has received training in the areas of service provided and holds
18 a temporary permit or training permit issued by the examining board ~~or~~.

19 4. The person is an apprentice under s. 454.10 ~~or~~.

20 5. The person is a student in a manicuring or cosmetology course of
21 instruction.

22 **SECTION 12.** 454.04 (1) (d) 2. of the statutes is created to read:

23 454.04 (1) (d) 2. The person has received training in the areas of service

ASSEMBLY BILL 323**SECTION 12**

1 provided and holds a multistate license granted in another state that is a party to
2 the compact.

3 **SECTION 13.** 454.04 (2) (a) of the statutes is amended to read:

4 454.04 (2) (a) No person may use the title “cosmetologist” or any other similar
5 title unless the person holds a current cosmetologist license issued by the
6 examining board that is not an inactive license or holds a multistate license granted
7 in another state that is a party to the compact.

8 **SECTION 14.** 454.04 (2) (b) of the statutes is amended to read:

9 454.04 (2) (b) No person may use the title “aesthetician” or any other similar
10 title unless the person holds a current aesthetician license or cosmetologist license
11 issued by the examining board that is not an inactive license or holds a multistate
12 license granted in another state that is a party to the compact.

13 **SECTION 15.** 454.04 (2) (d) of the statutes is amended to read:

14 454.04 (2) (d) No person may use the title “manicurist” or any other similar
15 title unless the person holds a current manicurist license or cosmetologist license
16 issued by the examining board that is not an inactive license or holds a multistate
17 license granted in another state that is a party to the compact.

18 **SECTION 16.** 454.06 (6m) of the statutes is created to read:

19 454.06 (6m) MULTISTATE LICENSE. The examining board shall grant a
20 multistate license to any of the following:

21 (a) A person who holds a single-state license, satisfies the conditions in sub.
22 (1), and satisfies the applicable requirements under s. 454.50 (4).

23 (b) A person who holds a multistate license granted in another state that is a

ASSEMBLY BILL 323**SECTION 16**

1 party to the compact, changes his or her primary state of residence to this state,
2 satisfies the conditions in sub. (1), and satisfies the applicable requirements under
3 s. 454.50 (5).

4 **SECTION 17.** 454.06 (8) of the statutes is amended to read:

5 454.06 (8) EXPIRATION AND RENEWAL. The renewal date for licenses issued
6 under subs. (2) to ~~(6)~~ (6m) is specified under s. 440.08 (2) (a), and the renewal fees
7 for such licenses are determined by the department under s. 440.03 (9) (a). The
8 examining board may not renew a license issued to a person under subs. (2) to ~~(6)~~
9 (6m) unless the person certifies to the examining board that the person has
10 reviewed the current digest under s. 454.125.

11 **SECTION 18.** 454.06 (8m) (a) of the statutes is renumbered 454.06 (8m) (a) 1.
12 and amended to read:

13 454.06 (8m) (a) 1. ~~Any~~ Except as provided in subd. 2., a person who has been
14 issued a license under subs. (2) to (6) may apply to the examining board to classify
15 that license as inactive. Upon application under this ~~paragraph~~ subdivision, the
16 examining board may classify a license as inactive if the examining board
17 determines that the person who holds that license is in good standing with the
18 examining board and intends to refrain from the practice that is authorized under
19 the license during the period that the license is an inactive license.

20 **SECTION 19.** 454.06 (8m) (a) 2. of the statutes is created to read:

21 454.06 (8m) (a) 2. A multistate license may not be classified as inactive under
22 subd. 1. The examining board may allow a person who holds a multistate license to
23 convert his or her license to a single-state license for the purpose of classifying the
24 license as inactive under subd. 1.

ASSEMBLY BILL 323**SECTION 20**

SECTION 20. 454.125 (1) of the statutes is amended to read:

454.125 (1) At the time the department gives notice of renewal under s. 440.08 (1), the department shall send, by electronic mail, to each person granted a license under s. 454.06 (2) to ~~(6)~~ (6m) a digest that describes changes to statutes and rules that affect the practice of cosmetology, aesthetics, manicuring, or electrology.

SECTION 21. 454.15 (2) (intro.) of the statutes is amended to read:

454.15 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1) and this subchapter, the examining board may revoke, limit, suspend, or refuse to issue or renew, in accordance with the severity of the violation, a license or permit issued under this subchapter or an authorization to practice or reprimand the holder of a license or permit issued under this subchapter or an individual who is exercising an authorization to practice if it finds that the holder ~~or~~ applicant, or individual has done any of the following:

SECTION 22. 454.20 (10) of the statutes is amended to read:

454.20 (10) “Licensed cosmetologist” means a person licensed by the cosmetology examining board under s. 454.06 (2) or (6m) whose license is not an inactive license under s. 454.06 (8m).

SECTION 23. 454.22 (1) (k) of the statutes is created to read:

454.22 (1) (k) An individual who is exercising an authorization to practice, as defined in s. 454.01 (4).

SECTION 24. 454.22 (2) of the statutes is amended to read:

454.22 (2) No person may use the title “barber” or “hairstylist” or any other

ASSEMBLY BILL 323**SECTION 24**

1 similar title unless the person is a ~~licensed barber or licensed cosmetologist~~ person
2 specified in sub. (1) (a), (f), or (k).

3 **SECTION 25.** Subchapter III of chapter 454 [precedes 454.50] of the statutes is
4 created to read:

5 **CHAPTER 454**

6 **SUBCHAPTER III**

7 **COSMETOLOGY LICENSURE COMPACT**

8 **454.50 Cosmetology licensure compact.** (1) **ARTICLE 1 - PURPOSE.** The
9 purpose of this compact is to facilitate the interstate practice and regulation of
10 cosmetology with the goal of improving public access to, and the safety of,
11 cosmetology services and reducing unnecessary burdens related to cosmetology
12 licensure. Through this compact, the member states seek to establish a regulatory
13 framework which provides for a new multistate licensing program. Through this
14 new licensing program, the member states seek to provide increased value and
15 mobility to licensed cosmetologists in the member states, while ensuring the
16 provision of safe, effective, and reliable services to the public. This compact is
17 designed to achieve the following objectives, and the member states hereby ratify
18 the same intentions by subscribing hereto:

19 (a) Provide opportunities for interstate practice by cosmetologists who meet
20 uniform requirements for multistate licensure;

21 (b) Enhance the abilities of member states to protect public health and safety,
22 and prevent fraud and unlicensed activity within the profession;

ASSEMBLY BILL 323**SECTION 25**

1 (c) Ensure and encourage cooperation between member states in the licensure
2 and regulation of the practice of cosmetology;

3 (d) Support relocating military members and their spouses;

4 (e) Facilitate the exchange of information between member states related to
5 the licensure, investigation, and discipline of the practice of cosmetology;

6 (f) Provide for the licensure and mobility of the workforce in the profession,
7 while addressing the shortage of workers and lessening the associated burdens on
8 the member states.

9 **(2) ARTICLE 2 - DEFINITIONS.** As used in this compact, and except as otherwise
10 provided, the following definitions shall govern the terms:

11 (a) “Active duty military” means any individual in full-time duty status in the
12 active uniformed service of the United States including members of the national
13 guard and reserve.

14 (b) “Adverse action” means any administrative, civil, equitable, or criminal
15 action permitted by a member state’s laws which is imposed by a state licensing
16 authority or other regulatory body against a cosmetologist, including actions
17 against an individual’s license or authorization to practice such as revocation,
18 suspension, probation, monitoring of the licensee, limitation of the licensee’s
19 practice, or any other encumbrance on a license affecting an individual’s ability to
20 participate in the cosmetology industry, including the issuance of a cease and desist
21 order.

22 (c) “Authorization to practice” means a legal authorization associated with a
23 multistate license permitting the practice of cosmetology in that remote state,

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1 which shall be subject to the enforcement jurisdiction of the state licensing
2 authority in that remote state.

3 (d) “Alternative program” means a monitoring or prosecutorial diversion
4 program approved by a member state’s state licensing authority.

5 (e) “Background check” means the submission of information for an applicant
6 for the purpose of obtaining that applicant’s criminal history record information, as
7 further defined in 28 CFR 20.3 (d), from the federal bureau of investigation and the
8 agency responsible for retaining state criminal or disciplinary history in the
9 applicant’s home state.

10 (f) “Charter member state” means member states who have enacted
11 legislation to adopt this compact where such legislation predates the effective date
12 of this compact as defined in sub. (13).

13 (g) “Commission” means the government agency whose membership consists
14 of all states that have enacted this compact, which is known as the cosmetology
15 licensure compact commission, as defined in sub. (9), and which shall operate as an
16 instrumentality of the member states.

17 (h) “Cosmetologist” means an individual licensed in their home state to
18 practice cosmetology.

19 (i) “Cosmetology,” “cosmetology services,” and the “practice of cosmetology”
20 mean the care and services provided by a cosmetologist as set forth in the member
21 state’s statutes and regulations in the state where the services are being provided.

22 (j) “Current significant investigative information” means:

23 1. Investigative information that a state licensing authority, after an inquiry

ASSEMBLY BILL 323**SECTION 25**

1 or investigation that complies with a member state's due process requirements, has
2 reason to believe is not groundless and, if proved true, would indicate a violation of
3 that state's laws regarding fraud or the practice of cosmetology; or

4 2. Investigative information that indicates that a licensee has engaged in
5 fraud or represents an immediate threat to public health and safety, regardless of
6 whether the licensee has been notified and had an opportunity to respond.

7 (k) "Data system" means a repository of information about licensees,
8 including, but not limited to, license status, investigative information, and adverse
9 actions.

10 (L) "Disqualifying event" means any event which shall disqualify an
11 individual from holding a multistate license under this compact, which the
12 commission may by rule or order specify.

13 (m) "Encumbered license" means a license in which an adverse action
14 restricts the practice of cosmetology by a licensee, or where said adverse action has
15 been reported to the commission.

16 (n) "Encumbrance" means a revocation or suspension of, or any limitation on,
17 the full and unrestricted practice of cosmetology by a state licensing authority.

18 (o) "Executive committee" means a group of delegates elected or appointed to
19 act on behalf of, and within the powers granted to them by, the commission.

20 (p) "Home state" means the member state which is a licensee's primary state
21 of residence, and where that licensee holds an active and unencumbered license to
22 practice cosmetology.

23 (q) "Investigative information" means information, records, or documents

ASSEMBLY BILL 323**SECTION 25**

1 received or generated by a state licensing authority pursuant to an investigation or
2 other inquiry.

3 (r) "Jurisprudence requirement" means the assessment of an individual's
4 knowledge of the laws and rules governing the practice of cosmetology in a state.

5 (s) "Licensee" means an individual who currently holds a license from a
6 member state to practice as a cosmetologist.

7 (t) "Member state" means any state that has adopted this compact.

8 (u) "Multistate license" means a license issued by and subject to the
9 enforcement jurisdiction of the state licensing authority in a licensee's home state,
10 which authorizes the practice of cosmetology in member states and includes
11 authorizations to practice cosmetology in all remote states pursuant to this
12 compact.

13 (v) "Remote state" means any member state, other than the licensee's home
14 state.

15 (w) "Rule" means any rule or regulation promulgated by the commission
16 under this compact which has the force of law.

17 (x) "Single-state license" means a cosmetology license issued by a member
18 state that authorizes practice of cosmetology only within the issuing state and does
19 not include any authorization outside of the issuing state.

20 (y) "State" means a state, territory, or possession of the United States and the
21 District of Columbia.

22 (z) "State licensing authority" means a member state's regulatory body

ASSEMBLY BILL 323**SECTION 25**

1 responsible for issuing cosmetology licenses or otherwise overseeing the practice of
2 cosmetology in that state.

3 (3) ARTICLE 3 - MEMBER STATE REQUIREMENTS. (a) To be eligible to join this
4 compact, and to maintain eligibility as a member state, a state must:

5 1. License and regulate cosmetology;

6 2. Have a mechanism or entity in place to receive and investigate complaints
7 about licensees practicing in that state;

8 3. Require that licensees within the state pass a cosmetology competency
9 examination prior to being licensed to provide cosmetology services to the public in
10 that state;

11 4. Require that licensees satisfy educational or training requirements in
12 cosmetology prior to being licensed to provide cosmetology services to the public in
13 that state;

14 5. Implement procedures for considering one or more of the following
15 categories of information from applicants for licensure: criminal history;
16 disciplinary history; or background check. Such procedures may include the
17 submission of information by applicants for the purpose of obtaining an applicant's
18 background check as defined;

19 6. Participate in the data system, including through the use of unique
20 identifying numbers;

21 7. Share information related to adverse actions with the commission and
22 other member states, both through the data system and otherwise;

23 8. Notify the commission and other member states, in compliance with the

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1 terms of the compact and rules of the commission, of the existence of investigative
2 information or current significant investigative information in the state's
3 possession regarding a licensee practicing in that state;

4 9. Comply with such rules as may be enacted by the commission to administer
5 the compact; and

6 10. Accept licensees from other member states as established herein.

7 (b) Member states may charge a fee for granting a license to practice
8 cosmetology.

9 (c) Individuals not residing in a member state shall continue to be able to
10 apply for a member state's single-state license as provided under the laws of each
11 member state. However, the single-state license granted to these individuals shall
12 not be recognized as granting a multistate license to provide services in any other
13 member state.

14 (d) Nothing in this compact shall affect the requirements established by a
15 member state for the issuance of a single-state license.

16 (e) A multistate license issued to a licensee by a home state to a resident of
17 that state shall be recognized by each member state as authorizing a licensee to
18 practice cosmetology in each member state.

19 (f) At no point shall the commission have the power to define the educational
20 or professional requirements for a license to practice cosmetology. The member
21 states shall retain sole jurisdiction over the provision of these requirements.

22 (4) ARTICLE 4 - MULTISTATE LICENSE. (a) To be eligible to apply to their home
23 state's state licensing authority for an initial multistate license under this compact,

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1 a licensee must hold an active and unencumbered single-state license to practice
2 cosmetology in their home state.

3 (b) Upon the receipt of an application for a multistate license, according to the
4 rules of the commission, a member state's state licensing authority shall ascertain
5 whether the applicant meets the requirements for a multistate license under this
6 compact.

7 (c) If an applicant meets the requirements for a multistate license under this
8 compact and any applicable rules of the commission, the state licensing authority in
9 receipt of the application shall, within a reasonable time, grant a multistate license
10 to that applicant, and inform all member states of the grant of said multistate
11 license.

12 (d) A multistate license to practice cosmetology issued by a member state's
13 state licensing authority shall be recognized by each member state as authorizing
14 the practice thereof as though that licensee held a single-state license to do so in
15 each member state, subject to the restrictions herein.

16 (e) A multistate license granted pursuant to this compact may be effective for
17 a definite period of time, concurrent with the licensure renewal period in the home
18 state.

19 (f) To maintain a multistate license under this compact, a licensee must:

20 1. Agree to abide by the rules of the state licensing authority, and the state
21 scope of practice laws governing the practice of cosmetology, of any member state in
22 which the licensee provides services;

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1 2. Pay all required fees related to the application and process, and any other
2 fees which the commission may by rule require; and

3 3. Comply with any and all other requirements regarding multistate licenses
4 which the commission may by rule provide.

5 (g) A licensee practicing in a member state is subject to all scope of practice
6 laws governing cosmetology services in that state.

7 (h) The practice of cosmetology under a multistate license granted pursuant
8 to this compact will subject the licensee to the jurisdiction of the state licensing
9 authority, the courts, and the laws of the member state in which the cosmetology
10 services are provided.

11 **(5) ARTICLE 5 - REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE.**

12 (a) A licensee may hold a multistate license, issued by their home state, in only one
13 member state at any given time.

14 (b) If a licensee changes their home state by moving between two member
15 states:

16 1. The licensee shall immediately apply for the reissuance of their multistate
17 license in their new home state. The licensee shall pay all applicable fees and notify
18 the prior home state in accordance with the rules of the commission.

19 2. Upon receipt of an application to reissue a multistate license, the new home
20 state shall verify that the multistate license is active, unencumbered and eligible
21 for reissuance under the terms of the compact and the rules of the commission. The
22 multistate license issued by the prior home state will be deactivated and all

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1 member states notified in accordance with the applicable rules adopted by the
2 commission.

3 3. If required for initial licensure, the new home state may require a
4 background check as specified in the laws of that state, or the compliance with any
5 jurisprudence requirements of the new home state.

6 4. Notwithstanding any other provision of this compact, if a licensee does not
7 meet the requirements set forth in this compact for the reissuance of a multistate
8 license by the new home state, then the licensee shall be subject to the new home
9 state requirements for the issuance of a single-state license in that state.

10 (c) If a licensee changes their primary state of residence by moving from a
11 member state to a nonmember state, or from a nonmember state to a member state,
12 then the licensee shall be subject to the state requirements for the issuance of a
13 single-state license in the new home state.

14 (d) Nothing in this compact shall interfere with a licensee's ability to hold a
15 single-state license in multiple states; however, for the purposes of this compact, a
16 licensee shall have only one home state, and only one multistate license.

17 (e) Nothing in this compact shall interfere with the requirements established
18 by a member state for the issuance of a single-state license.

19 **(6) ARTICLE 6 - AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE**
20 **LICENSING AUTHORITIES.** (a) Nothing in this compact, nor any rule or regulation of
21 the commission, shall be construed to limit, restrict, or in any way reduce the
22 ability of a member state to enact and enforce laws, regulations, or other rules

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1 related to the practice of cosmetology in that state, where those laws, regulations, or
2 other rules are not inconsistent with the provisions of this compact.

3 (b) Insofar as practical, a member state's state licensing authority shall
4 cooperate with the commission and with each entity exercising independent
5 regulatory authority over the practice of cosmetology according to the provisions of
6 this compact.

7 (c) Discipline shall be the sole responsibility of the state in which cosmetology
8 services are provided. Accordingly, each member state's state licensing authority
9 shall be responsible for receiving complaints about individuals practicing
10 cosmetology in that state, and for communicating all relevant investigative
11 information about any such adverse action to the other member states through the
12 data system in addition to any other methods the commission may by rule require.

13 **(7) ARTICLE 7 - ADVERSE ACTIONS.** (a) A licensee's home state shall have
14 exclusive power to impose an adverse action against a licensee's multistate license
15 issued by the home state.

16 (b) A home state may take adverse action on a multistate license based on the
17 investigative information, current significant investigative information, or adverse
18 action of a remote state.

19 (c) In addition to the powers conferred by state law, each remote state's state
20 licensing authority shall have the power to:

21 1. Take adverse action against a licensee's authorization to practice
22 cosmetology through the multistate license in that member state, provided that:

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1 a. Only the licensee's home state shall have the power to take adverse action
2 against the multistate license issued by the home state; and

3 b. For the purposes of taking adverse action, the home state's state licensing
4 authority shall give the same priority and effect to reported conduct received from a
5 remote state as it would if such conduct had occurred within the home state. In so
6 doing, the home state shall apply its own state laws to determine the appropriate
7 action.

8 2. Issue cease and desist orders or impose an encumbrance on a licensee's
9 authorization to practice within that member state.

10 3. Complete any pending investigations of a licensee who changes their
11 primary state of residence during the course of such an investigation. The state
12 licensing authority shall also be empowered to report the results of such an
13 investigation to the commission through the data system as described herein.

14 4. Issue subpoenas for both hearings and investigations that require the
15 attendance and testimony of witnesses, as well as the production of evidence.
16 Subpoenas issued by a state licensing authority in a member state for the
17 attendance and testimony of witnesses or the production of evidence from another
18 member state shall be enforced in the latter state by any court of competent
19 jurisdiction, according to the practice and procedure of that court applicable to
20 subpoenas issued in proceedings before it. The issuing state licensing authority
21 shall pay any witness fees, travel expenses, mileage, and other fees required by the
22 service statutes of the state in which the witnesses or evidence are located.

23 5. If otherwise permitted by state law, recover from the affected licensee the

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1 costs of investigations and disposition of cases resulting from any adverse action
2 taken against that licensee.

3 6. Take adverse action against the licensee's authorization to practice in that
4 state based on the factual findings of another remote state.

5 (d) A licensee's home state shall complete any pending investigation(s) of a
6 cosmetologist who changes their primary state of residence during the course of the
7 investigation(s). The home state shall also have the authority to take appropriate
8 action(s) and shall promptly report the conclusions of the investigations to the data
9 system.

10 (e) If an adverse action is taken by the home state against a licensee's
11 multistate license, the licensee's authorization to practice in all other member
12 states shall be deactivated until all encumbrances have been removed from the
13 home state license. All home state disciplinary orders that impose an adverse
14 action against a licensee's multistate license shall include a statement that the
15 cosmetologist's authorization to practice is deactivated in all member states during
16 the pendency of the order.

17 (f) Nothing in this compact shall override a member state's authority to accept
18 a licensee's participation in an alternative program in lieu of adverse action. A
19 licensee's multistate license shall be suspended for the duration of the licensee's
20 participation in any alternative program.

21 (g) *Joint investigations.* 1. In addition to the authority granted to a member
22 state by its respective scope of practice laws or other applicable state law, a member
23 state may participate with other member states in joint investigations of licensees.

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1 2. Member states shall share any investigative, litigation, or compliance
2 materials in furtherance of any joint or individual investigation initiated under the
3 compact.

4 **(8) ARTICLE 8 - ACTIVE DUTY MILITARY AND THEIR SPOUSES.** Active duty
5 military personnel, or their spouses, shall designate a home state where the
6 individual has a current license to practice cosmetology in good standing. The
7 individual may retain their home state designation during any period of service
8 when that individual or their spouse is on active duty assignment.

9 **(9) ARTICLE 9 - ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY**
10 **LICENSURE COMPACT COMMISSION.** (a) The compact member states hereby create
11 and establish a joint government agency whose membership consists of all member
12 states that have enacted the compact known as the cosmetology licensure compact
13 commission. The commission is an instrumentality of the compact member states
14 acting jointly and not an instrumentality of any one state. The commission shall
15 come into existence on or after the effective date of the compact as set forth in sub.
16 (13).

17 (b) *Membership, voting, and meetings.* 1. Each member state shall have and
18 be limited to one delegate selected by that member state's state licensing authority.

19 2. The delegate shall be an administrator of the state licensing authority of
20 the member state or their designee.

21 3. The commission shall by rule or bylaw establish a term of office for
22 delegates and may by rule or bylaw establish term limits.

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1 4. The commission may recommend removal or suspension of any delegate
2 from office.

3 5. A member state's state licensing authority shall fill any vacancy of its
4 delegate occurring on the commission within 60 days of the vacancy.

5 6. Each delegate shall be entitled to one vote on all matters that are voted on
6 by the commission.

7 7. The commission shall meet at least once during each calendar year.
8 Additional meetings may be held as set forth in the bylaws. The commission may
9 meet by telecommunication, video conference or other similar electronic means.

10 (c) The commission shall have the following powers:

11 1. Establish the fiscal year of the commission;

12 2. Establish code of conduct and conflict of interest policies;

13 3. Adopt rules and bylaws;

14 4. Maintain its financial records in accordance with the bylaws;

15 5. Meet and take such actions as are consistent with the provisions of this
16 compact, the commission's rules, and the bylaws;

17 6. Initiate and conclude legal proceedings or actions in the name of the
18 commission, provided that the standing of any state licensing authority to sue or be
19 sued under applicable law shall not be affected;

20 7. Maintain and certify records and information provided to a member state
21 as the authenticated business records of the commission, and designate an agent to
22 do so on the commission's behalf;

23 8. Purchase and maintain insurance and bonds;

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1 9. Borrow, accept, or contract for services of personnel, including, but not
2 limited to, employees of a member state;

3 10. Conduct an annual financial review;

4 11. Hire employees, elect or appoint officers, fix compensation, define duties,
5 grant such individuals appropriate authority to carry out the purposes of the
6 compact, and establish the commission's personnel policies and programs relating
7 to conflicts of interest, qualifications of personnel, and other related personnel
8 matters;

9 12. As set forth in the commission rules, charge a fee to a licensee for the
10 grant of a multistate license and thereafter, as may be established by commission
11 rule, charge the licensee a multistate license renewal fee for each renewal period.
12 Nothing herein shall be construed to prevent a home state from charging a licensee
13 a fee for a multistate license or renewals of a multistate license, or a fee for the
14 jurisprudence requirement if the member state imposes such a requirement for the
15 grant of a multistate license;

16 13. Assess and collect fees;

17 14. Accept any and all appropriate gifts, donations, grants of money, other
18 sources of revenue, equipment, supplies, materials, and services, and receive,
19 utilize, and dispose of the same; provided that at all times the commission shall
20 avoid any appearance of impropriety or conflict of interest;

21 15. Lease, purchase, retain, own, hold, improve, or use any property, real,
22 personal, or mixed, or any undivided interest therein;

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1 16. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
2 dispose of any property real, personal, or mixed;

3 17. Establish a budget and make expenditures;

4 18. Borrow money;

5 19. Appoint committees, including standing committees, composed of
6 members, state regulators, state legislators or their representatives, and consumer
7 representatives, and such other interested persons as may be designated in this
8 compact and the bylaws;

9 20. Provide and receive information from, and cooperate with, law
10 enforcement agencies;

11 21. Elect a chair, vice chair, secretary and treasurer and such other officers of
12 the commission as provided in the commission's bylaws;

13 22. Establish and elect an executive committee, including a chair and a vice
14 chair;

15 23. Adopt and provide to the member states an annual report.

16 24. Determine whether a state's adopted language is materially different from
17 the model compact language such that the state would not qualify for participation
18 in the compact; and

19 25. Perform such other functions as may be necessary or appropriate to
20 achieve the purposes of this compact.

21 (d) *The executive committee.* 1. The executive committee shall have the power
22 to act on behalf of the commission according to the terms of this compact. The
23 powers, duties, and responsibilities of the executive committee shall include:

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1 a. Overseeing the day-to-day activities of the administration of the compact
2 including compliance with the provisions of the compact, the commission's rules
3 and bylaws, and other such duties as deemed necessary;

4 b. Recommending to the commission changes to the rules or bylaws, changes
5 to this compact legislation, fees charged to compact member states, fees charged to
6 licensees, and other fees;

7 c. Ensuring compact administration services are appropriately provided,
8 including by contract;

9 d. Preparing and recommending the budget;

10 e. Maintaining financial records on behalf of the commission;

11 f. Monitoring compact compliance of member states and providing compliance
12 reports to the commission;

13 g. Establishing additional committees as necessary;

14 h. Exercising the powers and duties of the commission during the interim
15 between commission meetings, except for adopting or amending rules, adopting or
16 amending bylaws, and exercising any other powers and duties expressly reserved to
17 the commission by rule or bylaw; and

18 i. Other duties as provided in the rules or bylaws of the commission.

19 2. The executive committee shall be composed of up to 7 voting members:

20 a. The chair and vice chair of the commission and any other members of the
21 commission who serve on the executive committee shall be voting members of the
22 executive committee; and

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1 b. Other than the chair, vice chair, secretary and treasurer, the commission
2 shall elect 3 voting members from the current membership of the commission.

3 c. The commission may elect ex officio, nonvoting members from a recognized
4 national cosmetology professional association as approved by the commission. The
5 commission's bylaws shall identify qualifying organizations and the manner of
6 appointment if the number of organizations seeking to appoint an ex officio member
7 exceeds the number of members specified in this subsection.

8 3. The commission may remove any member of the executive committee as
9 provided in the commission's bylaws.

10 4. The executive committee shall meet at least annually.

11 a. Annual executive committee meetings, as well as any executive committee
12 meeting at which it does not take or intend to take formal action on a matter for
13 which a commission vote would otherwise be required, shall be open to the public,
14 except that the executive committee may meet in a closed, nonpublic session of a
15 public meeting when dealing with any of the matters covered under par. (f) 4.

16 b. The executive committee shall give 5 business days advance notice of its
17 public meetings, posted on its website and as determined to provide notice to
18 persons with an interest in the public matters the executive committee intends to
19 address at those meetings.

20 5. The executive committee may hold an emergency meeting when acting for
21 the commission to:

22 a. Meet an imminent threat to public health, safety, or welfare;

23 b. Prevent a loss of commission or member state funds; or

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1 c. Protect public health and safety.

2 (e) The commission shall adopt and provide to the member states an annual
3 report.

4 (f) *Meetings of the commission.* 1. All meetings of the commission that are not
5 closed pursuant to subd. 4. shall be open to the public. Notice of public meetings
6 shall be posted on the commission's website at least 30 days prior to the public
7 meeting.

8 2. Notwithstanding subd. 1., the commission may convene an emergency
9 public meeting by providing at least 24 hours prior notice on the commission's
10 website, and any other means as provided in the commission's rules, for any of the
11 reasons it may dispense with notice of proposed rule making under sub. (11) (L).
12 The commission's legal counsel shall certify that one of the reasons justifying an
13 emergency public meeting has been met.

14 3. Notice of all commission meetings shall provide the time, date, and location
15 of the meeting, and if the meeting is to be held or accessible via telecommunication,
16 video conference, or other electronic means, the notice shall include the mechanism
17 for access to the meeting.

18 4. The commission may convene in a closed, nonpublic meeting for the
19 commission to discuss:

20 a. Noncompliance of a member state with its obligations under the compact;

21 b. The employment, compensation, discipline or other matters, practices or
22 procedures related to specific employees or other matters related to the
23 commission's internal personnel practices and procedures;

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1 c. Current or threatened discipline of a licensee by the commission or by a
2 member state's licensing authority;

3 d. Current, threatened, or reasonably anticipated litigation;

4 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or
5 real estate;

6 f. Accusing any person of a crime or formally censuring any person;

7 g. Trade secrets or commercial or financial information that is privileged or
8 confidential;

9 h. Information of a personal nature where disclosure would constitute a
10 clearly unwarranted invasion of personal privacy;

11 i. Investigative records compiled for law enforcement purposes;

12 j. Information related to any investigative reports prepared by or on behalf of
13 or for use of the commission or other committee charged with responsibility of
14 investigation or determination of compliance issues pursuant to the compact;

15 k. Legal advice;

16 L. Matters specifically exempted from disclosure to the public by federal or
17 member state law; or

18 m. Other matters as promulgated by the commission by rule.

19 5. If a meeting, or portion of a meeting, is closed, the presiding officer shall
20 state that the meeting will be closed and reference each relevant exempting
21 provision, and such reference shall be recorded in the minutes.

22 6. The commission shall keep minutes that fully and clearly describe all
23 matters discussed in a meeting and shall provide a full and accurate summary of

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1 actions taken, and the reasons therefore, including a description of the views
2 expressed. All documents considered in connection with an action shall be
3 identified in such minutes. All minutes and documents of a closed meeting shall
4 remain under seal, subject to release only by a majority vote of the commission or
5 order of a court of competent jurisdiction.

6 (g) *Financing of the commission.* 1. The commission shall pay, or provide for
7 the payment of, the reasonable expenses of its establishment, organization, and
8 ongoing activities.

9 2. The commission may accept any and all appropriate sources of revenue,
10 donations, and grants of money, equipment, supplies, materials, and services.

11 3. The commission may levy on and collect an annual assessment from each
12 member state and impose fees on licensees of member states to whom it grants a
13 multistate license to cover the cost of the operations and activities of the
14 commission and its staff, which must be in a total amount sufficient to cover its
15 annual budget as approved each year for which revenue is not provided by other
16 sources. The aggregate annual assessment amount for member states shall be
17 allocated based upon a formula that the commission shall promulgate by rule.

18 4. The commission shall not incur obligations of any kind prior to securing the
19 funds adequate to meet the same; nor shall the commission pledge the credit of any
20 member states, except by and with the authority of the member state.

21 5. The commission shall keep accurate accounts of all receipts and
22 disbursements. The receipts and disbursements of the commission shall be subject
23 to the financial review and accounting procedures established under its bylaws. All

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1 receipts and disbursements of funds handled by the commission shall be subject to
2 an annual financial review by a certified or licensed public accountant, and the
3 report of the financial review shall be included in and become part of the annual
4 report of the commission.

5 (h) *Qualified immunity, defense, and indemnification.* 1. The members,
6 officers, executive director, employees and representatives of the commission shall
7 be immune from suit and liability, both personally and in their official capacity, for
8 any claim for damage to or loss of property or personal injury or other civil liability
9 caused by or arising out of any actual or alleged act, error, or omission that
10 occurred, or that the person against whom the claim is made had a reasonable basis
11 for believing occurred within the scope of commission employment, duties or
12 responsibilities; provided that nothing in this subdivision shall be construed to
13 protect any such person from suit or liability for any damage, loss, injury, or liability
14 caused by the intentional or willful or wanton misconduct of that person. The
15 procurement of insurance of any type by the commission shall not in any way
16 compromise or limit the immunity granted hereunder.

17 2. The commission shall defend any member, officer, executive director,
18 employee, and representative of the commission in any civil action seeking to
19 impose liability arising out of any actual or alleged act, error, or omission that
20 occurred within the scope of commission employment, duties, or responsibilities, or
21 as determined by the commission that the person against whom the claim is made
22 had a reasonable basis for believing occurred within the scope of commission
23 employment, duties, or responsibilities; provided that nothing herein shall be

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1 construed to prohibit that person from retaining their own counsel at their own
2 expense; and provided further, that the actual or alleged act, error, or omission did
3 not result from that person's intentional or willful or wanton misconduct.

4 3. The commission shall indemnify and hold harmless any member, officer,
5 executive director, employee, and representative of the commission for the amount
6 of any settlement or judgment obtained against that person arising out of any
7 actual or alleged act, error, or omission that occurred within the scope of
8 commission employment, duties, or responsibilities, or that such person had a
9 reasonable basis for believing occurred within the scope of commission
10 employment, duties, or responsibilities, provided that the actual or alleged act,
11 error, or omission did not result from the intentional or willful or wanton
12 misconduct of that person.

13 4. Nothing herein shall be construed as a limitation on the liability of any
14 licensee for professional malpractice or misconduct, which shall be governed solely
15 by any other applicable state laws.

16 5. Nothing in this compact shall be interpreted to waive or otherwise abrogate
17 a member state's state action immunity or state action affirmative defense with
18 respect to antitrust claims under the Sherman Act, Clayton Act, or any other state
19 or federal antitrust or anticompetitive law or regulation.

20 6. Nothing in this compact shall be construed to be a waiver of sovereign
21 immunity by the member states or by the commission.

22 **(10) ARTICLE 10 - DATA SYSTEM.** (a) The commission shall provide for the

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1 development, maintenance, operation, and utilization of a coordinated database
2 and reporting system.

3 (b) The commission shall assign each applicant for a multistate license a
4 unique identifier, as determined by the rules of the commission.

5 (c) Notwithstanding any other provision of state law to the contrary, a
6 member state shall submit a uniform data set to the data system on all individuals
7 to whom this compact is applicable as required by the rules of the commission,
8 including:

9 1. Identifying information;

10 2. Licensure data;

11 3. Adverse actions against a license and information related thereto;

12 4. Nonconfidential information related to alternative program participation,
13 the beginning and ending dates of such participation, and other information related
14 to such participation;

15 5. Any denial of application for licensure, and the reason(s) for such denial
16 (excluding the reporting of any criminal history record information where
17 prohibited by law);

18 6. The existence of investigative information;

19 7. The existence of current significant investigative information; and

20 8. Other information that may facilitate the administration of this compact or
21 the protection of the public, as determined by the rules of the commission.

22 (d) The records and information provided to a member state pursuant to this
23 compact or through the data system, when certified by the commission or an agent

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1 thereof, shall constitute the authenticated business records of the commission, and
2 shall be entitled to any associated hearsay exception in any relevant judicial,
3 quasijudicial or administrative proceedings in a member state.

4 (e) The existence of current significant investigative information and the
5 existence of investigative information pertaining to a licensee in any member state
6 will only be available to other member states.

7 (f) It is the responsibility of the member states to monitor the database to
8 determine whether adverse action has been taken against such a licensee or license
9 applicant. Adverse action information pertaining to a licensee or license applicant
10 in any member state will be available to any other member state.

11 (g) Member states contributing information to the data system may designate
12 information that may not be shared with the public without the express permission
13 of the contributing state.

14 (h) Any information submitted to the data system that is subsequently
15 expunged pursuant to federal law or the laws of the member state contributing the
16 information shall be removed from the data system.

17 **(11) ARTICLE 11 - RULE MAKING.** (a) The commission shall promulgate
18 reasonable rules in order to effectively and efficiently implement and administer
19 the purposes and provisions of the compact. A rule shall be invalid and have no
20 force or effect only if a court of competent jurisdiction holds that the rule is invalid
21 because the commission exercised its rule-making authority in a manner that is
22 beyond the scope and purposes of the compact, or the powers granted hereunder, or
23 based upon another applicable standard of review.

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1 (b) The rules of the commission shall have the force of law in each member
2 state, provided however that where the rules of the commission conflict with the
3 laws of the member state that establish the member state's scope of practice laws
4 governing the practice of cosmetology as held by a court of competent jurisdiction,
5 the rules of the commission shall be ineffective in that state to the extent of the
6 conflict.

7 (c) The commission shall exercise its rule-making powers pursuant to the
8 criteria set forth in this subsection and the rules adopted thereunder. Rules shall
9 become binding as of the date specified by the commission for each rule.

10 (d) If a majority of the legislatures of the member states rejects a rule or
11 portion of a rule, by enactment of a statute or resolution in the same manner used
12 to adopt the compact within 4 years of the date of adoption of the rule, then such
13 rule shall have no further force and effect in any member state or to any state
14 applying to participate in the compact.

15 (e) Rules shall be adopted at a regular or special meeting of the commission.

16 (f) Prior to adoption of a proposed rule, the commission shall hold a public
17 hearing and allow persons to provide oral and written comments, data, facts,
18 opinions, and arguments.

19 (g) Prior to adoption of a proposed rule by the commission, and at least 30
20 days in advance of the meeting at which the commission will hold a public hearing
21 on the proposed rule, the commission shall provide a notice of proposed rule
22 making:

23 1. On the website of the commission or other publicly accessible platform;

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1 2. To persons who have requested notice of the commission's notices of
2 proposed rule making; and

3 3. In such other way(s) as the commission may by rule specify.

4 (h) The notice of proposed rule making shall include:

5 1. The time, date, and location of the public hearing at which the commission
6 will hear public comments on the proposed rule and, if different, the time, date, and
7 location of the meeting where the commission will consider and vote on the
8 proposed rule;

9 2. If the hearing is held via telecommunication, video conference, or other
10 electronic means, the commission shall include the mechanism for access to the
11 hearing in the notice of proposed rule making;

12 3. The text of the proposed rule and the reason therefor;

13 4. A request for comments on the proposed rule from any interested person;
14 and

15 5. The manner in which interested persons may submit written comments.

16 (i) All hearings will be recorded. A copy of the recording and all written
17 comments and documents received by the commission in response to the proposed
18 rule shall be available to the public.

19 (j) Nothing in this subsection shall be construed as requiring a separate
20 hearing on each rule. Rules may be grouped for the convenience of the commission
21 at hearings required by this subsection.

22 (k) The commission shall, by majority vote of all members, take final action on
23 the proposed rule based on the rule-making record and the full text of the rule.

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1 1. The commission may adopt changes to the proposed rule provided the
2 changes do not enlarge the original purpose of the proposed rule.

3 2. The commission shall provide an explanation of the reasons for substantive
4 changes made to the proposed rule as well as reasons for substantive changes not
5 made that were recommended by commenters.

6 3. The commission shall determine a reasonable effective date for the rule.
7 Except for an emergency as provided in par. (L), the effective date of the rule shall
8 be no sooner than 45 days after the commission issuing the notice that it adopted or
9 amended the rule.

10 (L) Upon determination that an emergency exists, the commission may
11 consider and adopt an emergency rule with 5 days' notice, with opportunity to
12 comment, provided that the usual rule-making procedures provided in the compact
13 and in this subsection shall be retroactively applied to the rule as soon as
14 reasonably possible, in no event later than 90 days after the effective date of the
15 rule. For the purposes of this provision, an emergency rule is one that must be
16 adopted immediately to:

- 17 1. Meet an imminent threat to public health, safety, or welfare;
18 2. Prevent a loss of commission or member state funds;
19 3. Meet a deadline for the promulgation of a rule that is established by federal
20 law or rule; or
21 4. Protect public health and safety.

22 (m) The commission or an authorized committee of the commission may direct
23 revisions to a previously adopted rule for purposes of correcting typographical

ASSEMBLY BILL 323**SECTION 25**

1 errors, errors in format, errors in consistency, or grammatical errors. Public notice
2 of any revisions shall be posted on the website of the commission. The revision shall
3 be subject to challenge by any person for a period of 30 days after posting. The
4 revision may be challenged only on grounds that the revision results in a material
5 change to a rule. A challenge shall be made in writing and delivered to the
6 commission prior to the end of the notice period. If no challenge is made, the
7 revision will take effect without further action. If the revision is challenged, the
8 revision may not take effect without the approval of the commission.

9 (n) No member state's rule-making requirements shall apply under this
10 compact.

11 **(12) ARTICLE 12 - OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.** (a)
12 *Oversight.* 1. The executive and judicial branches of state government in each
13 member state shall enforce this compact and take all actions necessary and
14 appropriate to implement the compact.

15 2. Venue is proper and judicial proceedings by or against the commission shall
16 be brought solely and exclusively in a court of competent jurisdiction where the
17 principal office of the commission is located. The commission may waive venue and
18 jurisdictional defenses to the extent it adopts or consents to participate in
19 alternative dispute resolution proceedings. Nothing herein shall affect or limit the
20 selection or propriety of venue in any action against a licensee for professional
21 malpractice, misconduct or any such similar matter.

22 3. The commission shall be entitled to receive service of process in any
23 proceeding regarding the enforcement or interpretation of the compact and shall

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1 have standing to intervene in such a proceeding for all purposes. Failure to provide
2 the commission service of process shall render a judgment or order void as to the
3 commission, this compact, or promulgated rules.

4 (b) *Default, technical assistance, and termination.* 1. If the commission
5 determines that a member state has defaulted in the performance of its obligations
6 or responsibilities under this compact or the promulgated rules, the commission
7 shall provide written notice to the defaulting state. The notice of default shall
8 describe the default, the proposed means of curing the default, and any other action
9 that the commission may take, and shall offer training and specific technical
10 assistance regarding the default.

11 2. The commission shall provide a copy of the notice of default to the other
12 member states.

13 3. If a state in default fails to cure the default, the defaulting state may be
14 terminated from the compact upon an affirmative vote of a majority of the delegates
15 of the member states, and all rights, privileges and benefits conferred on that state
16 by this compact may be terminated on the effective date of termination. A cure of
17 the default does not relieve the offending state of obligations or liabilities incurred
18 during the period of default.

19 4. Termination of membership in the compact shall be imposed only after all
20 other means of securing compliance have been exhausted. Notice of intent to
21 suspend or terminate shall be given by the commission to the governor, the majority
22 and minority leaders of the defaulting state's legislature, the defaulting state's
23 state licensing authority and each of the member states' state licensing authority.

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1 5. A state that has been terminated is responsible for all assessments,
2 obligations, and liabilities incurred through the effective date of termination,
3 including obligations that extend beyond the effective date of termination.

4 6. Upon the termination of a state's membership from this compact, that state
5 shall immediately provide notice to all licensees who hold a multistate license
6 within that state of such termination. The terminated state shall continue to
7 recognize all licenses granted pursuant to this compact for a minimum of 180 days
8 after the date of said notice of termination.

9 7. The commission shall not bear any costs related to a state that is found to be
10 in default or that has been terminated from the compact, unless agreed upon in
11 writing between the commission and the defaulting state.

12 8. The defaulting state may appeal the action of the commission by petitioning
13 the United States District Court for the District of Columbia or the federal district
14 where the commission has its principal offices. The prevailing party shall be
15 awarded all costs of such litigation, including reasonable attorney's fees.

16 (c) *Dispute resolution.* 1. Upon request by a member state, the commission
17 shall attempt to resolve disputes related to the compact that arise among member
18 states and between member and nonmember states.

19 2. The commission shall promulgate a rule providing for both mediation and
20 binding dispute resolution for disputes as appropriate.

21 (d) *Enforcement.* 1. The commission, in the reasonable exercise of its
22 discretion, shall enforce the provisions of this compact and the commission's rules.

23 2. By majority vote as provided by commission rule, the commission may

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1 initiate legal action against a member state in default in the United States District
2 Court for the District of Columbia or the federal district where the commission has
3 its principal offices to enforce compliance with the provisions of the compact and its
4 promulgated rules. The relief sought may include both injunctive relief and
5 damages. In the event judicial enforcement is necessary, the prevailing party shall
6 be awarded all costs of such litigation, including reasonable attorney's fees. The
7 remedies herein shall not be the exclusive remedies of the commission. The
8 commission may pursue any other remedies available under federal or the
9 defaulting member state's law.

10 3. A member state may initiate legal action against the commission in the
11 United States District Court for the District of Columbia or the federal district
12 where the commission has its principal offices to enforce compliance with the
13 provisions of the compact and its promulgated rules. The relief sought may include
14 both injunctive relief and damages. In the event judicial enforcement is necessary,
15 the prevailing party shall be awarded all costs of such litigation, including
16 reasonable attorney's fees.

17 4. No individual or entity other than a member state may enforce this compact
18 against the commission.

19 **(13) ARTICLE 13 - EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.** (a) The
20 compact shall come into effect on the date on which the compact statute is enacted
21 into law in the 7th member state.

22 1. On or after the effective date of the compact, the commission shall convene
23 and review the enactment of each of the charter member states to determine if the

ASSEMBLY BILL 323**SECTION 25**

1 statute enacted by each such charter member state is materially different than the
2 model compact statute.

3 a. A charter member state whose enactment is found to be materially
4 different from the model compact statute shall be entitled to the default process set
5 forth in sub. (12).

6 b. If any member state is later found to be in default, or is terminated or
7 withdraws from the compact, the commission shall remain in existence and the
8 compact shall remain in effect even if the number of member states should be less
9 than 7.

10 2. Member states enacting the compact subsequent to the charter member
11 states shall be subject to the process set forth in sub. (9) (c) 24. to determine if their
12 enactments are materially different from the model compact statute and whether
13 they qualify for participation in the compact.

14 3. All actions taken for the benefit of the commission or in furtherance of the
15 purposes of the administration of the compact prior to the effective date of the
16 compact or the commission coming into existence shall be considered to be actions
17 of the commission unless specifically repudiated by the commission.

18 4. Any state that joins the compact shall be subject to the commission's rules
19 and bylaws as they exist on the date on which the compact becomes law in that
20 state. Any rule that has been previously adopted by the commission shall have the
21 full force and effect of law on the day the compact becomes law in that state.

22 (b) Any member state may withdraw from this compact by enacting a statute
23 repealing that state's enactment of the compact.

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1 1. A member state's withdrawal shall not take effect until 180 days after
2 enactment of the repealing statute.

3 2. Withdrawal shall not affect the continuing requirement of the withdrawing
4 state's state licensing authority to comply with the investigative and adverse action
5 reporting requirements of this compact prior to the effective date of withdrawal.

6 3. Upon the enactment of a statute withdrawing from this compact, a state
7 shall immediately provide notice of such withdrawal to all licensees within that
8 state. Notwithstanding any subsequent statutory enactment to the contrary, such
9 withdrawing state shall continue to recognize all licenses granted pursuant to this
10 compact for a minimum of 180 days after the date of such notice of withdrawal.

11 (c) Nothing contained in this compact shall be construed to invalidate or
12 prevent any licensure agreement or other cooperative arrangement between a
13 member state and a nonmember state that does not conflict with the provisions of
14 this compact.

15 (d) This compact may be amended by the member states. No amendment to
16 this compact shall become effective and binding upon any member state until it is
17 enacted into the laws of all member states.

18 **(14) ARTICLE 14 - CONSTRUCTION AND SEVERABILITY.** (a) This compact and
19 the commission's rule-making authority shall be liberally construed so as to
20 effectuate the purposes, and the implementation and administration of the
21 compact. Provisions of the compact expressly authorizing or requiring the
22 promulgation of rules shall not be construed to limit the commission's rule-making
23 authority solely for those purposes.

ASSEMBLY BILL 323**SECTION 25**

1 (b) The provisions of this compact shall be severable and if any phrase, clause,
2 sentence or provision of this compact is held by a court of competent jurisdiction to
3 be contrary to the constitution of any member state, a state seeking participation in
4 the compact, or of the United States, or the applicability thereof to any government,
5 agency, person or circumstance is held to be unconstitutional by a court of
6 competent jurisdiction, the validity of the remainder of this compact and the
7 applicability thereof to any other government, agency, person or circumstance shall
8 not be affected thereby.

9 (c) Notwithstanding par. (b), the commission may deny a state's participation
10 in the compact or, in accordance with the requirements of sub. (12), terminate a
11 member state's participation in the compact, if it determines that a constitutional
12 requirement of a member state is a material departure from the compact.
13 Otherwise, if this compact shall be held to be contrary to the constitution of any
14 member state, the compact shall remain in full force and effect as to the remaining
15 member states and in full force and effect as to the member state affected as to all
16 severable matters.

17 **(15) ARTICLE 15 - CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS.**

18 (a) Nothing herein shall prevent or inhibit the enforcement of any other law of a
19 member state that is not inconsistent with the compact.

20 (b) Any laws, statutes, regulations, or other legal requirements in a member
21 state in conflict with the compact are superseded to the extent of the conflict.

22 (c) All permissible agreements between the commission and the member
23 states are binding in accordance with their terms.

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SECTION 25

1 **454.51 Implementation of the cosmetology licensure compact.** (1) In
2 this section, “authorization to practice” has the meaning given in s. 454.01 (4).

3 **(2)** (a) An individual who is exercising an authorization to practice shall
4 comply with s. 440.03 (13) (am).

(b) Subject to s. 454.50 and any rules promulgated thereunder, ss. 440.20 to 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who is exercising an authorization to practice in this state in the same manner that they apply to holders of licenses issued under s. 454.04 (1) to (6m).

9 (END)

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Whitney DeVoe on behalf of the Interdisciplinary Advisory Committee		2) Date when request submitted: 6/26/2025 <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>							
Name of Board, Committee, Council, Sections and Meeting Dates: Physician Assistant Affiliated Credentialing Board, 6/26/2025 Board of Nursing, 7/10/2025 Controlled Substances Board, 7/11/2025 Medical Examining Board, 7/16/2025 Cosmetology Examining Board, 7/28/2025 Pharmacy Examining Board, 8/21/2025									
5) Attachments: <input checked="" type="checkbox"/> Yes [Draft Doc] <input type="checkbox"/> No		6) How should the item be titled on the agenda page? Interdisciplinary Advisory Committee – Discussion and Consideration 1. Draft IV Hydration Guidance Document 2. Future Topics							
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 checked="" type="checkbox"/> No							
9) Name of Case Advisor(s), if applicable: n/a									
10) Describe the issue and action that should be addressed: <p style="text-align: center;">Seeking Board approval of the IV Hydration Guidance Document and referral back to IAC for finalization and discussion of potential future topics.</p>									
<table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">11) Authorization</td> <td style="width: 40%;"></td> </tr> <tr> <td>Whitney De Voe</td> <td style="text-align: right;">6/26/2025</td> </tr> <tr> <td style="border-top: 1px solid black;">Signature of person making this request</td> <td style="border-top: 1px solid black; text-align: right;">Date</td> </tr> </table>				11) Authorization		Whitney De Voe	6/26/2025	Signature of person making this request	Date
11) Authorization									
Whitney De Voe	6/26/2025								
Signature of person making this request	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.									

1 **JOINT ADVISORY OPINION OF THE WISCONSIN EXAMINING BOARDS OF**
2 **MEDICAL, NURSING, PHARMACY, AND COSMETOLOGY, AND THE PHYSICIAN**
3 **ASSISTANT AFFILIATED CREDENTIALING BOARD, AND THE WISCONSIN**
4 **CONTROLLED SUBSTANCES BOARD**

5 It is the overall duty of each Examining Board to improve the profession they supervise, both
6 within and outside its own profession, to bring about a better relationship between the profession
7 and the general welfare of this state. Each Examining Board is empowered to set standards of
8 professional competency and conduct for the profession it supervises. With these principles in
9 mind, the Interdisciplinary Advisory Committee (Committee) consisting of the Wisconsin Medical
10 Examining Board, Pharmacy Examining Board, Board of Nursing, Physician Assistant Affiliated
11 Credentialing Board, Cosmetology Examining Board and Controlled Substances Board was
12 established to discuss issues of mutual concern.

13 In recent years, Wisconsin has seen an increase in the intravenous (IV) hydration therapy business
14 and the Wisconsin Department of Safety and Professional Services (DSPS) has seen an increase
15 in questions from healthcare professionals concerning the legal requirements for IV hydration
16 therapy businesses.

17 IV hydration therapy businesses provide patients with IV fluids with or without prescription
18 medications, vitamins, minerals and/or amino acids. Based on inquiries received by DSPS, there
19 appears to be confusion among healthcare professionals and the public as it relates to
20 understanding the responsibilities of healthcare professionals engaged in these businesses.
21 Because of the concern over the lack of any industry-specific guidelines or laws regarding the
22 operation of these businesses and the potential harm to the residents of Wisconsin, the Committee
23 puts forth this guidance document. **This guidance document is based upon the existing laws of**
24 **Wisconsin and sets forth the relevant laws and standards of care implicated by IV hydration**
25 **therapy businesses within the context of a retail or “on-demand” business setting.**¹

26 For purposes of this guidance document, the Committee has divided the practice occurring at IV
27 hydration businesses into three main stages: assessment, compounding, and administration. The
28 guidance below is meant to assist licensees in understanding the laws and regulations implicated
29 at each stage. Please note, this is not an exhaustive list, but rather a list addressing the most
30 commonly raised practice concerns.

31 **BACKGROUND**

32 Prior to discussion of the specific stages, the Committee believes it is crucial to highlight that
33 services offered by IV hydration therapy businesses constitute the practice of medicine and surgery.

34 The practice of medicine and surgery is defined as meaning:

¹ This guidance is meant to specifically address the emerging market for IV Hydration therapy or businesses offering IV Hydration therapy services. Underlying principles established in this guidance may be applicable to other services offered by healthcare professionals. Please contact private counsel to review your specific business model for compliance with relevant laws and regulations.

[t]o examine into the fact, condition or cause of human health or disease, or to treat, operate, prescribe or advise for the same, by any means or instrumentality ... [t]o apply principles or techniques of medical sciences in the diagnosis or prevention of any of the conditions described in par. (a) and in sub. (2) ... [t]o penetrate, pierce or sever the tissues of a human being ... [t]o offer, undertake, attempt or do or hold oneself out in any manner as able to do any of the acts described in this subsection.

See Wis. Stat. § 448.01(9). Further, pursuant to Wis. Stat. § 448.03, “[n]o person may practice medicine or surgery, or attempt to do so or make a representation as authorized to do so, without a license to practice medicine or surgery” except for “[a]ny person lawfully practicing within the scope of a license, permit, registration, certificate, or certification granted to practice... professional or practical nursing or nurse-midwifery under ch. 441... to practice as a physician assistant under subch. IX... or as otherwise provided by statute.”

At its core, the IV hydration therapy business model involves offering patients, including on a walk-in basis, a menu of pre-selected mixtures (“cocktails”) of additives to basic IV saline. The cocktails may include fluids with or without prescription medications, vitamins, minerals and/or amino acids. Some basic health screening generally occurs prior to the selection and administration of the IV. It is of concern to the Committee that the basic health screening and selection of IVs are being performed by unlicensed individuals or licensees whose scope of practice does not allow for the practice of medicine or surgery.

Although many IV hydration therapy businesses may have a physician, physician assistant (PA) or advanced practice nurse prescriber (APNP) associated with the business, in some instances a registered nurse (RN) may be the only licensed health care professional interacting with the patient. The Committee wants to make clear that a registered nurse (RN), or any individual not holding the proper credential, undertaking the diagnosing and prescribing of medications falls outside an RN’s scope of practice² and can result in disciplinary action against not only the RN’s license, but also the physician, PA, or APNP overseeing the practice.

Moreover, IV hydration therapy fluids and additives are prescription drugs requiring purchase and storage by a qualified practitioner which may include a physician, PA, or APNP. Fluids and additives must be purchased from FDA licensed manufacturers, distributors licensed in the state where they are being purchased, or from compounding pharmacies designated and licensed as 503B compounding facilities. Non-qualified individuals, including, but not limited to RNs or licensed practical nurses (LPNs), may not possess or store prescription drugs in any location not appropriately licensed by the Pharmacy Examining Board.

² It is not within the scope of practice for an RN or LPN to independently engage in acts that require independent medical diagnosis, or the ordering, compounding, or prescribing of IV fluids, IV medications, or IV therapeutic regimens. See Wis. Stat. § 441.001(4) and Wis. Admin. Code § N 6.03.

ASSESSMENT

The patient must be assessed prior to ordering any IV Hydration treatment. Practitioners who may order treatment appropriate to their area of competence as established by their education, training, or experience include:

- A physician licensed to practice medicine and surgery in this state as defined in Wis. Stat. § 448.01(5).
- A PA licensed pursuant to Wis. Stat. § 448.974.
- An APNP licensed pursuant to Wis. Stat. § 441.16.

Although telehealth may be utilized to perform the initial patient assessment, it is the recommendation of this Committee that patient assessment should be done in person, as a complete medical assessment is difficult to conduct via telehealth.³ Certain conditions may be hard to evaluate without an in-person assessment including an assessment of necessary organ systems. An assessment consisting merely of a simple questionnaire without an appropriate clinical assessment would not meet the standard of care and is considered unprofessional conduct pursuant to Wis. Admin. Code § Med 24.07(2). A patient assessment should include at minimum a history and physical exam. Although a nurse may complete certain delegated portions of the assessment, a patient assessment should not rely solely on findings from a nursing assessment.

As part of the assessment, the practitioner may diagnose the patient's condition and shall make recommendations consistent with the findings from the history and physical as to treatment. Treatment recommendations may include a discussion with the patient surrounding which therapies, including the addition of specific additives, may be appropriate to treat the patient's condition. These discussions should include a description of risks, benefits and alternative options. To be clear, this constitutes the practice of medicine and should only be undertaken by a practitioner with statutory authority to diagnose and treat. The discussion with a patient and recommendation shall be provided by the practitioner.

Following the assessment, the practitioner may prescribe the appropriate therapy or treatment. The use of standing orders outside of an established practitioner-patient relationship for an individualized assessment, diagnosis and treatment of patients may be considered prescribing in a manner inconsistent with the standard of minimal competence pursuant to Wis. Admin. Code § Med 10.03(2)(c).

To ensure the assessment complies with the standard of care, after evaluating the patient and making treatment recommendations, a comprehensive medical record must be created. Additionally, informed consent shall be obtained to be consistent with the standard of care. Informed consent should include, but not be limited to, the risks of additives to saline, the risks of IV fluids, and the risks of an IV itself. Medical records must be stored in compliance with state and federal law, including those with the Wisconsin Department of Health Services.

³ Telehealth is only acceptable if it meets established regulations. See Wis. Admin. Code chs. Med 24, PA 3 and N 8.

COMPOUNDING

After determining a course of treatment, a cocktail containing the additives ordered may need to be prepared. When an individual adds medications, vitamins, minerals and/or amino acids to IV bags, they are engaging in the practice of compounding, and federal and state law including section 503A of the Food, Drug, and Cosmetic Act apply. Application of these laws help ensure patients receive their treatment in sanitary conditions.

Pursuant to Wis. Stat. § 450.01(16), the practice of pharmacy includes the compounding, packaging, and labeling of drugs and devices. Further, pursuant to Wis. Stat. § 450.01(3), compound “means to mix, combine or put together various ingredients or drugs for the purpose of dispensing.” Federal law allows either a licensed pharmacist or a physician to perform compounding.

The United States Pharmacopeia (USP) is the recognized publication that contains standardized requirements for compounding, including sterile compounding found in USP <797> and has been adopted by the FDA and the Wisconsin Pharmacy Examining Board as the enforceable standard. USP <797> applies to all individuals who prepare compounded sterile preparations (CSPs) and all places where CSPs are prepared for human and animal patients.

The utilization of the “immediate use” provision of USP <797> does not circumvent USP sterile compounding requirements. Additionally, the “immediate use” provision requires certain conditions be met, including,

- Aseptic techniques, processes, and procedures are followed, and written SOPs are in place to minimize the potential for contact with nonsterile surfaces, introduction of particulate matter or biological fluids, and mix-ups with other conventionally manufactured products or CSPs.
- Personnel are trained and demonstrate competency in aseptic processes as they relate to assigned tasks and the facility’s SOPs.
- The preparation is performed in accordance with evidence-based information for physical and chemical compatibility of the drugs (e.g., approved labeling, stability and compatibility studies).
- The preparation involves not more than 3 different sterile products. **Please note, Saline Solution utilized in IV Hydration is a sterile product and must be included in this analysis.**
- Any unused starting component from a single-dose container must be discarded after preparation is complete. Single-dose containers must not be used for more than one patient.
- Administration begins within 4 hours following the start of preparation. If administration has not begun within 4 hours following the start of preparation, it must be promptly, appropriately, and safely discarded.
- Unless it is directly administered by the person who prepared it or administration is witnessed by the preparer, the CSP must be labeled with the names and amounts of all

active ingredients, the name or initials of the person who prepared the preparation, and the 4-hour time period within which administration must begin.⁴

The provision of USP <797> allowing for immediate use should not be viewed as a workaround for the standards governing sterile product preparation. Failure to comply with these standards may result in unsanitary and unsafe conditions for patients.⁵

ADMINISTRATION

Upon receipt of an order for IV hydration therapy, an individual with appropriate training and experience⁶, including an RN or LPN (consistent with the requirements of Wis. Admin. Code ch. N 6), may administer the treatment.

While the patient undergoes the IV administration, an RN should perform a nursing assessment of the patient including monitoring their vital signs. Please note that the performance of a nursing assessment is outside the scope of an LPN. An RN should monitor the patient for side effects, allergic reactions or any unusual or unexpected effects. An RN is expected to document all nursing acts performed by the RN as part of the administration and monitoring of the patient.

CONCLUSION

The practices engaged in at IV hydration clinics involve the practice of multiple professions. Individuals engaged in these practices must hold the appropriate license and practice within the scope of practice allowed by their credentials. Licensees who fail to follow the laws governing their practice could be subject to disciplinary proceedings as appropriate.

Licensees are charged with protecting the public by ensuring their practice complies with the laws and regulations of Wisconsin and any relevant federal regulations, including satisfying all applicable professional standards.

ACKNOWLEDGEMENT SECTION

These materials may have been consulted in the preparation of the above document.

ARIZONA STATE BOARD OF NURSING, *Advisory Opinion Intravenous Hydration and Other Therapies* (Revised date May 2024), Available at <https://azbn.gov/sites/default/files/AO-IV-Hydration-Other-Therapies.pdf>

⁴ Handling of sterile hazardous drugs must comply with USP <800> as well.

⁵ See FDA highlights concerns with compounding of drug products by medical offices and clinics under insanitary conditions <https://www.fda.gov/drugs/human-drug-compounding/fda-highlights-concerns-compounding-drug-products-medical-offices-and-clinics-under-insanitary>

⁶ For example, if an electrolyte is being administered by IV, the IV should be administered using a volumetric infusion pump or rate-controller tubing to ensure the electrolytes are administered at an appropriate rate to avoid and prevent adverse reactions. The individual administering the IV in this case should have training and experience using these devices.

KENTUCKY.GOV, *Joint Statement of the Kentucky Boards of Medical Licensure, Nursing, and Pharmacy Regarding Retail IV Therapy* (March 28, 2025), available at <https://kbn.ky.gov/KBN%20Documents/Joint%20Statement%20-%20IV%20Hydration%20Clinics.pdf>

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE, *Guidance Regarding IV Hydration Therapy from the Mississippi State Board of Medical Licensure* (Sept. 5, 2023), available at <https://www.msbml.ms.gov/sites/default/files/news/IV%20Hydration%20Therapy%20Guidance%2009-05-23.pdf>

NEBRASKA BOARD OF NURSING, *Advisory Opinion: IV/Infusion Therapy* (Nov. 2023), available at <https://dhhs.ne.gov/licensure/Documents/IVInfusion.pdf>

OHIO BOARD OF PHARMACY, *Joint Regulatory Statement of the State Medical Board of Ohio, Ohio Board of Pharmacy, and Ohio Board of Nursing Regarding Retail IV Therapy* (May 15, 2025), available at <https://www.pharmacy.ohio.gov/documents/pubs/special/ivtherapy/joint%20regulatory%20statement%20on%20the%20operation%20of%20retail%20iv%20therapy%20clinics%20in%20ohio.pdf>

RHODE ISLAND DEPARTMENT OF HEALTH, *Rhode Island Department of Health Guidance Document Regarding the Operation of Medical Spas and Intravenous (IV) Therapy Businesses* (July 2024), available at <https://health.ri.gov/sites/g/files/xkgbur1006/files/publications/guidance/Medical-Spa-and-IV-Therapy-Business.pdf>

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION, *Joint Advisory Opinion of the South Carolina State Boards of Medical Examiners, Pharmacy, and Nursing Regarding Retail IV Therapy Businesses* (Aug. 15, 2023), available at <https://llr.sc.gov/med/Policies/Joint-Position-Statement-Retail-IV-Therapy.pdf>