



STATE OF WEST VIRGINIA
BOARD OF BARBERS AND
COSMETOLOGISTS

REGULATORY REVIEW REPORT

DUE NOVEMBER 1, 2018



SERIES 1: PROCEDURES, CRITERIA AND CURRICULA FOR EXAMINATION AND LICENSURE OF BARBERS, COSMETOLOGISTS, NAIL TECHNICIANS, AESTHETICIANS, AND HAIR STYLISTS

Description

This rule establishes the minimum licensing and curriculum requirements for barbers, cosmetologists, aestheticians, and nail technicians/manicurists. The rule was first promulgated on February 6, 1982, with modifications effective on the following dates:

7/1/1989
7/1/1991
7/1/1992
6/1/1997
3/26/1999
4/4/2000
7/1/2011
8/7/2012
6/1/2013

Determination

The Board determined that the rule should be modified, and the Board is currently reviewing this rule for potential changes.

Reasons

Section (b) of § 3-1-3; "*Is of good moral character and temperate habits*" should be removed. The language is vague and unnecessary. No other language was found that was considered burdensome or unnecessary by the Board.

SERIES 2: QUALIFICATIONS, TRAINING, EXAMINATION AND CERTIFICATION OF INSTRUCTORS IN BARBERING, HAIR STYLING, NAIL TECHNOLOGY, AESTHETICS, AND COSMETOLOGY

Description

This rule establishes the qualifications, training, examination, and certification of instructors in schools of barbering, hairstyling, nail technology, aesthetics or cosmetology. The rule was first promulgated on September 3, 1972, with modifications effective on the following dates:

7/1/1989
7/1/1990
7/1/1991
7/1/2010
7/1/2011
5/12/2017

Determination

The Board determined that the rule should be modified, and the Board is currently reviewing this rule for potential changes.

Reasons

Section 2.1.b of § 3-2-2.; “*Is of good moral character and of temperate habits*” should be removed. The language is vague and unnecessary. No other language was found that was considered burdensome or unnecessary by the Board.

SERIES 3: RULES AND REGULATIONS FOR LICENSING SCHOOLS OF BARBERING, COSMETOLOGY, NAIL TECHNOLOGY AND AESTHETICS

Description

This rule establishes general rules for the licensing of schools of barbering, cosmetology, nail technology, and aesthetics by the West Virginia State Board of Barbers and Cosmetologists. The rule was first promulgated on July 1, 1972, with modifications effective on the following dates:

7/1/1989
7/1/1991
7/1/1992
7/1/2010
7/1/2012
6/7/2017

Determination

The Board determined that the rule should be repealed.

Reasons

The Board determined that the rule is unnecessary. Effective July 2014, schools of barbering, cosmetology, nail technology, and aesthetics are no longer licensed by the Board pursuant to W. Va. Code § 30-27.

SERIES 4: OPERATIONAL STANDARDS FOR SCHOOLS OF BARBERING, COSMETOLOGY, HAIR STYLING, NAIL TECHNOLOGY AND AESTHETICS

Description

This rule establishes the operational standards for schools of cosmetology, hair styling, nail technology, aesthetics, and barbering which operate in the State of West Virginia. The rule was first promulgated on, August 21, 1964, with modifications effective on the following dates:

7/1/1989
7/1/1992
7/1/2011
6/1/2013
5/12/2017

Determination

The Board determined that the rule should be modified, and the Board is currently reviewing this rule for potential changes.

Reasons

Section 4.1 of § 3-4-4; Classrooms and Equipment Standards for Schools of Barbering states “*all beginners will receive instruction in the junior department and will advance to the senior department when*

they have completed the minimum number of hours specified by the Board". The Board determined that it is unnecessary for schools of barbering to have a "Junior Department" or "Senior Department".

Section 4.12. of § 3-4-4. Classrooms and Equipment Standards for Schools of Barbering states *"Each student in his senior year, before graduation, must act in the capacity of manager of the school for at least one (1) week; two (2) weeks, if possible. He or she shall be in full charge of the clinical division of the school, under the supervision of the manager of the school."* The Board determined that it is unnecessary for students to act in the capacity of manager of the school.

No other language was found that was considered burdensome or unnecessary by the Board.

SERIES 5: OPERATION OF BARBER, BEAUTY, NAIL, AND AESTHETIC SHOPS/SALONS, AND SCHOOLS OF BARBERING AND BEAUTY CULTURE

Description

This rule governs the sanitary requirements for salons and schools licensed by the Board. The rule was first promulgated on September 15, 1968, with modifications effective on the following dates:

7/1/1989
7/1/1991
7/1/1992
7/1/2010
5/12/2017

Determination

The Board determined that the rule may need to be modified, and the Board is currently reviewing this rule for potential changes. No language was found that was considered burdensome or unnecessary by the Board.

Reasons

Some language in the rule may need to be updated.

SERIES 6: SCHEDULE OF FEES

Description

This rule establishes the various fees that are to be submitted to the Board by students, instructors, owners and operators of schools of barbering and/or beauty culture and owners of barber, beauty, manicure and aesthetic shops. The rule was first promulgated on June 1, 1997, with modifications effective on the following dates:

7/1/2010
7/1/2011
5/12/2017

Determination

The Board determined that the rule may need to be modified, and the Board is currently reviewing this rule for potential changes. No language was found that was considered burdensome or unnecessary by the Board.

Reasons

Some language in the rule may need to be updated.

SERIES 7: SCHEDULE OF FINES**Description**

This rule establishes a system of administrative fines as adopted by the Board. The rule was first promulgated on March 26, 1999, with modifications effective on the following dates:

7/1/2010

Determination

The Board determined that the rule should continue without change.

Reasons

No language was found that was considered burdensome or unnecessary by the Board.

SERIES 8: SHAMPOO ASSISTANTS**Description**

This rule establishes the minimum requirements for shampoo assistants. The rule was first promulgated on May 1, 2012. There have been no modifications.

Determination

The Board determined that Series 8 should be modified, and the Board is currently reviewing this rule for potential changes.

Reasons

Section 3.2 of § 3.8.3; "*Is of good moral character*" should be removed. The language is vague and unnecessary. No other language was found that was considered burdensome or unnecessary by the Board.

SERIES 9: COMPLAINT PROCEDURES**Description**

This rule establishes procedures to process complaints submitted to the Board. The rule was first promulgated on January 1, 2001. There have been no modifications.

Determination

The Board determined that Series 9 should continue without change.

Reasons

No language was found that was considered burdensome or unnecessary by the Board.

SERIES 11: CONTINUING EDUCATION

Description

This rule establishes requirements for continuing education to practice hair styling, barbering, cosmetology, manicuring/nail technology, and aesthetics. The rule was first promulgated on July 1, 2010, with modifications effective on the following dates:

5/12/2017

Determination

The Board determined that the rule may need to be modified, and the Board is currently reviewing this rule for potential changes. No language was found that was considered burdensome or unnecessary by the Board.

Reasons

Some language may need to be updated.

SERIES 13: BARBER APPRENTICESHIP (NO CHEMICAL SERVICES)

Description

This rule establishes a barber apprenticeship. The rule was first promulgated on 6/1/2013, with modifications effective on the following dates:

5/12/2017

Determination

The Board determined that the rule should be modified, and the Board is currently reviewing this rule for potential changes.

Reasons

Section 3.1.b. of § 3-13-3; Qualifications for a Barber Apprentice states "*Is of good moral character*". The Board determined that the language is too vague and unnecessary. No other language was found that was considered burdensome or unnecessary by the Board.

SERIES 14: WAXING SPECIALIST

Description

This rule establishes the minimum requirements for a waxing specialist. The rule was first promulgated on 5/12/2017. There have been no modifications.

Determination

The Board determined that Series 14 should be modified, and the Board is currently reviewing this rule for future potential changes.

Reasons

Section 3.2. of § 3-14-3; Qualifications for Waxing Specialist states "*Is of good moral character*". The Board determined that the language is too vague and unnecessary. No other language was found that was considered burdensome or unnecessary by the Board.