

Proposed Rule Changes:

Chapter 2

Section 1. Licensing by Examination.

(a) An applicant who graduated from a cosmetology school with equal or greater hour requirements may apply for licensure by taking the theory and practical examination.

(b) An applicant who is licensed in another state, but has not taken a board administered practical examination and does not have at least one (1) year work history may apply for licensure by taking the practical phase of the examination.

(c) Applications for examination shall be submitted to the Board office on the prescribed form accompanied by required documentation and the appropriate fees. Exam applications shall be received in the Board office no later than fifteen (15) days prior to the examination date.

(d) Examinations are administered in English only.

(e) An applicant who fails the examination must retake any phase of the examination failed, applicants must reapply and pay the appropriate fee before retaking the examination.

(f) Any applicant who has failed any phase of an examination and does not pass all phases within one year of failing must retake the entire examination.

Section 3. Licensing by Endorsement.

(a) An applicant from another state who meets the requirements of W.S. 33-12-132 who has passed a board administered theory and the practical examination ~~meets the requirements for licensure by endorsement; and~~ or

(b) An applicant from another state who meets requirements of W.S. 33-12-132 who has passed a board administered theory examination, and has at least one (1) year work history.

Chapter 7

Section 1. Salon Minimum Equipment. As a minimum requirement each salon shall provide and maintain the following:

(a) One shampoo bowl with hot and cold running water;

(b) One work station; and

(c) A One handwashing sink. If a restroom is shared with other business, a hand washing sink independent from the restrooms-is required.

Section 2. Premises.

(a) The use of a salon as living or sleeping quarters is prohibited. Beds or mattresses are not allowed on the premises.

(b) When a salon occupies the same building as another business, the salon shall be separated from the other areas by walls or partitions at least six feet high.

(c) Access to a salon shall be by means of an outside or separate entrance or from a passageway in a public building. All doors to a salon from adjacent areas used for other purposes shall be closeable.

(d) In-home salons, in compliance with city ordinances, must have the salon entrance clearly marked.

(e) In-home salons shall have a bathroom that is designated for salon use only.

(f) In-home salon entrance shall not pass through any living quarters of the residence.

(g) Every salon shall provide and maintain toilet and hand washing facilities that are clean and in good repair for employees and patrons. Restroom facilities shall be accessible and shall not require passage through living quarters for access. All existing salons shall comply with this regulation upon sale or relocation.

(h) All salons shall be adequately heated, lighted, and ventilated.

(i) Walls and ceilings shall be kept clean, painted, or otherwise in good repair. Floors shall be of such construction as to be easily cleaned and shall be smooth, washable, and in good repair. Acceptable flooring is tile, vinyl, or other smooth non-porous material. Carpeting shall be permitted only in the following areas;

(i) Under nail technician stations;

(ii) Esthetics rooms; and

- (iii) Reception/drying areas.

Chapter 10

Section 4. Additional Infection Control.

(a) Restroom facilities shall be adequately supplied with disposable hand towels and liquid ~~or powder~~ soap. Cloth towels are not allowed.

(b) Hand sanitizer shall be available in salon.

(c) All facilities shall have an adequate supply of potable hot and cold water under pressure. The water supply shall comply with the requirements of the Federal Safe Drinking Water Act, the safe drinking water amendments of 1977, 42 U.S.C. § et seq. and the regulations adopted there under.

(d) All refuse shall be deposited in suitable receptacles with lids. Lids shall be kept in place at all times. All refuse shall be disposed of in a manner so as not to be unsightly, offensive, or a menace to health. Hair cuttings shall be swept up and properly disposed of after each haircut.

(e) No dogs, cats, birds, fish, or animals of any kind shall be allowed on premises designated as a salon or school. Seeing eye, guide, or service dogs for impaired persons are permitted. Therapy dogs are not permitted.

(f) Clippers and trimmers must be cleaned and disinfected after each uses with disinfectant designed for clippers and trimmers, and used according to manufactures recommendations. Clipper wash may be used as a cleaner prior to disinfection but is not acceptable as a disinfectant unless it is labeled as a germicidal, virucidal, and fungicidal with proven effectiveness against HIV, HEPB, and Staphylococcus aureus (including MRSA). Clipper blades must be stored in closed container or blades covered.

(g) All items in multi-use containers such as lotions, creams, powders, and waxes shall be stored, handled, and applied in such a manner as to be protected from contamination. Ungloved hands should never be used in removing product from multi-use containers. All items in multi-use containers shall be removed from containers with a clean spatula which never touches the client or separated into single use, disposable containers for application. No implement shall be double dipped back into the original container Powder shall be dispensed from shaker and liquid preparations shall be dispensed from an atomizer or applicator bottle without contamination.

(h) A clean neck strip and/or towel shall be provided and used for each client. Shampoo capes and comb out capes shall not come in direct contact with the skin of the patron.

(i) A clean covering shall be used on the esthetic table for each client.

(j) All clean towels, table, bed, and client coverings shall be stored in a disinfected closed, dry cabinet or container.

(k) Soiled linens shall be kept in a ventilated container with lid.

~~(l) Nail tables shall be cleaned after each use with approved disinfectant. Drawers and cabinets shall be kept clean and free of debris. All implements and supplies shall be stored in covered containers.~~

(m) Electric nail files and attachments shall be properly disinfected after each use. Attachments shall be stored in a disinfected closed dry drawer, cabinet or container.

(n) Drawers and cabinets shall be kept clean and free of debris.

~~(o) Paraffin wax shall be used in single use bags only. Wax shall be kept covered when not in use.~~

(p) All wax containers shall be kept clean, free of debris, and covered when not in use.

(q) Shampoo bowls shall be cleaned with approved disinfectant after each use. Disinfectant must be kept on back bar in an appropriately labeled dispenser, and changed according to manufacture directions.

(r) Coffee and other refreshments shall be served only in single use containers with lids. No open food or drink is allowed in the work area.

Section 5. ~~Prohibited items~~ The following items shall not be present in a salon:

- (a) Implements that penetrate into the dermal layer of the skin;
- (b) Methylemethacrylate Monomer (MMA);
- (c) Neck brushes;
- (d) Roll on wax;
- (e) Credo blades;
- (f) Multi use puffs or sponges;
- (g) Styptic pencil; and

(h) Table dusters.

Chapter 11

Section 9. Contested Case Hearing.

(a) The hearing shall be conducted by the Office of Administrative Hearings in accordance with its Uniform Rules for Contested Case Practice and Procedure. The hearing officer shall submit proposed findings of fact, conclusions of law, and a proposed order to the Board within thirty (30) days of the hearing's conclusion. The parties may submit exceptions to the proposed order within ten (10) days after its service.

(b) By incorporating the Office of Administrative Hearings' Uniform Rules, the Board makes the following findings;

(i) Incorporating the full text of the Uniform Rules would be cumbersome and inefficient given the length and nature of the rules;

(ii) The incorporation is limited to the Uniform Rules of the Office of Administrative Hearing, effective on ~~October 17, 2014~~ July 20, 2017, and shall not include any subsequent editions or amendments to the Uniform Rules;

(iii) Copies of the Uniform Rules are available to the public at the Board's office at 2515 Warren Avenue, Suite 302, Cheyenne, WY 82002 or at <http://cosmetology.wy.gov>.

(c) Proposed orders shall be given consideration, but are not binding upon the Board. All final decisions shall be issued by the Board and shall be based exclusively on the evidence in the record and matters officially noticed. The Investigative Review Committee shall not participate in the Board's final decision.

(d) The Board shall, following the full and complete hearing, make and enter a written decision and order containing findings of fact and conclusions of law. The decision and order shall be filed with the Board.

Chapter 13

~~Section 3. Request for Copies.~~

~~(a) Pursuant to W.S. 16-4-204 each of the following fees may be assessed for the cost and services required to provide copies or printouts of public records.~~

~~(i) Photocopies (per page); _____ \$ _____.55~~

~~(ii) Applicable postage charges;~~

~~(iii) Applicable hourly pay rate for staff time involved to produce copies; and~~

~~(iv) Cost of computer disks, document mailers, envelopes and other supplies as applicable.~~

Section 3. Adoption of Uniform Rules. The Board of Cosmetology hereby incorporates by reference the following uniform rules:

(a) Chapter 2 – Uniform Procedure, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <http://rules.wyo.gov>

(b) For these rules incorporated by reference:

(i) The Board of Cosmetology has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendment or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules are maintained at the Board of Cosmetology office and are available for public inspection and copying at the same location.