MISSISSIPPI STATE BOARD OF COSMETOLOGY
AMENDMENTS TO RULES AND REGULATIONS

The Mississippi State Board of Cosmetology proposes to amend its rules and regulations by revising Rules 111., 401.I.A., 501., 502., 503., and 603.

PROPOSED RULE 111.

111. VIOLATIONS OF LAW; RULES AND REGULATIONS

I. All establishments licensed by the Mississippi State Board of Cosmetology will be inspected at least once per year to insure compliance with the laws and rules and regulations of the Ms. State Board of Cosmetology.
In any instances of non-compliance with Title 73, Chapter 7 of the Laws of the state of Mississippi (the violation) and any of the Rules and Regulations of the MS State Board of Cosmetology, one of the following forms will be issued:

A. Establishments and individuals licensed by the Board: a citation for violation will be issued.

B. Establishments and individuals not licensed by the Board: a Complaint of Agent of the Ms. State Board of Cosmetology; Unlicensed Practice, will be issued.

C. **Individuals failing to provide identification, when requested, to substantiate that they are the lawful holder of a practitioner's license: A citation for violation will be issued to the owner and/or manager of the salon in which they are working.** Where the owner and manager are the same, only one violation will be issued.

II. A copy will be given to the violator with instructions to immediately complete the reverse side by indicating what has been done to correct the non-compliance item, sign and date the form, and forward to the Board office.

III. A. In most cases , violators will be given the opportunity to resolve first instances of non-compliance. Failure to respond to the citation for violation will be recommended to the Board for Administrative hearing or for referral to the proper city/county authorities.

B. **Salon owners and/or managers who are suspected of allowing unlicensed individuals to practice in their salon, who have refused to provide proof of identification to agents of the board, will not be allowed to resolve the citation for violation; they will be recommended to the Board for Administrative hearing.**

IV. A second offense of the same violation within a three year period will be recommended to the Board for Administrative Hearing or for referral to the proper city/county authorities.

V. If, at the time of issuance, the inspector is not aware that the violation is a repeat, a letter will be sent to the licensee as soon as the repeat record is discovered. The letter will advise the licensee that, because the matter is a repeat, it will be recommended for a hearing, regardless of whether or not a response is received.

EXISTING RULE 111.

111. VIOLATIONS OF LAW; RULES AND REGULATIONS

I. All establishments licensed by the Mississippi State Board of Cosmetology will be inspected at least once per year to insure compliance with the laws and rules and regulations of the Ms. State Board of Cosmetology.
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A. Establishments and individuals licensed by the Board: a citation for violation will be issued.

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C. Individuals failing to provide identification, when requested, to substantiate that they are the lawful holder of a practitioner's license: A citation for violation will be issued to the owner and/or manager of the salon in which they are working. Where the owner and manager are the same, only one violation will be issued.

II. A copy will be given to the violator with instructions to immediately complete the reverse side by indicating what has been done to correct the non-compliance item, sign and date the form, and forward to the Board office.

III. A. In most cases , violators will be given the opportunity to resolve first instances of non-compliance. Failure to respond to the citation for violation will be recommended to the Board for Administrative hearing or for referral to the proper city/county authorities.

B. Salon owners and/or managers who are suspected of allowing unlicensed individuals to practice in their salon, who have refused to provide proof of identification to agents of the board, will not be allowed to resolve the citation for violation; they will be recommended to the Board for Administrative Hearing.

IV. A second offense of the same violation within a three year period will be recommended to the Board for Administrative Hearing or for referral to the proper city/county authorities.

V. If, at the time of issuance, the inspector is not aware that the violation is a repeat, a letter will be sent to the licensee as soon as the repeat record is discovered. The letter will advise the licensee that, because the matter is a repeat, it will be recommended for a hearing, regardless of whether or not a response is received.

PROPOSED RULE 603.

603. DUPLICATE LICENSE

I. For the benefit of licensees who may be employed in more than one location, a request for a duplicate license may be made at the time of license renewal, provided the proper fee is submitted. **If more than one duplicate is requested during a licensing period, the licensee must provide a certified statement of the reason for the request. In the case of working in more than one salon, the individual and the salon owner must provide proof of same.**

II. In order to insure that a request for the issuance of a duplicate license, which is made at any time other than at renewal, is indeed received from and for the benefit of the licensee to whom it is entitled, such requests must be accompanied by two forms of identification. Acceptable forms of identification may be: drivers license, government issued ID card, Social Security card, school ID card with photograph, voter registration card, U.S. Military card, Native American tribal document, birth certificate, passport, certificate of U.S. citizenship, certificate of naturalization, valid (unexpired) temporary resident card or employment authorization card.

III. **Any individual who has a duplicate license posted, will be required to provide proof of identity to any agent of the board who is performing an inspection of the establishment in which they are working. Failure to do so will result in the issuance of a citation for violation.**

IV. When a new or renewed license has been issued and mailed by the Board, but has not been received by the licensee, a duplicate license may be issued, at no charge to the licensee, under the following conditions:

A. The license has not been returned to the Board office.

B. A correct mailing address was provided to the Board.

C. The Board is notified of non-receipt of the license within four months of the receipt date of the proper renewal fee, or in the case of a new license, within four months of the actual license issue date.

EXISTING RULE 603.

603. DUPLICATE LICENSE

I. For the benefit of licensees who may be employed in more than one location, a request for a duplicate license may be made at the time of license renewal, provided the proper fee is submitted. **If more than one duplicate is requested during a licensing period, the licensee must provide a certified statement of the**

reason for the request. In the case of working in more than one salon, the individual and the salon owner must provide proof of same.

II. In order to insure that a request for the issuance of a duplicate license, which is made at any time other than at renewal, is indeed received from and for the benefit of the licensee to whom it is entitled, such requests must be accompanied by two forms of identification. Acceptable forms of identification may be: drivers license, government issued ID card, Social Security card, school ID card with photograph, voter registration card, U.S. Military card, Native American tribal document, birth certificate, passport, certificate of U.S. citizenship, certificate of naturalization, valid (unexpired) temporary resident card or employment authorization card.

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PROPOSED RULE 401. I. A.

401. EXAMINATION ELIGIBILITY

I. Eligibility Requirements

A. Cosmetologists, manicurists, estheticians, and wig specialists must:

1. Be at least 17 years of age.
2. Be able to read, write and speak English.
3. Have at least a twelfth (12th) grade education or its equivalent.
   a. Proof of completion of high school education may be submitted in the form of a diploma, or certified transcript which reflects graduation data. If the education was acquired by GED, an original GED transcript must be submitted to the Board.
   b. Where the secondary education was obtained outside of the United States, the applicant must present a copy of the proof of completion, along with an original translation

which has been prepared by an approved translation or credentialing service, and which certifies that the document is considered to be proof of the equivalent of a 12th grade education.

c. A high school education received from a distance learning entity will only be accepted if that entity is accredited by an accrediting agency recognized by the U.S. Department of Education.

d. Any other document and/or affidavit which constitutes reliable proof of completion of high school education may be required by the Board.

EXISTING RULE 401. I. A.

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a. Proof of completion of high school education may be submitted in the form of a diploma, or certified transcript which reflects graduation data. If the education was acquired by GED, an original GED transcript must be submitted to the Board.

b. **Where the secondary education was obtained outside of the United States, the applicant must present a copy of the proof of completion, along with an original translation which has been prepared by an approved translation or credentialing service, and which certifies that the document is considered to be proof of the equivalent of a 12th grade education.**

c. A high school education received from a distance learning entity will only be accepted if that entity is accredited by an accrediting agency recognized by the U.S. Department of Education

d. Any other document and/or affidavit which constitutes reliable proof of completion of high school education may be required by the Board. ~~Additional information may be required if it has been determined, or there is reason to believe that a candidate for examination has submitted as proof of high school education, a diploma or transcript acquired under one or more of the following circumstances:~~

~~(1) The institution is not accredited by the Department of Education in the relevant state~~

~~(2) The institution is not accredited by a recognized proprietary school accrediting association~~

~~(3) The candidate may have completed a self-study course~~

PROPOSED RULES 501., 502., AND 503

501. DEFINITIONS

As used in this rule section, unless the context otherwise requires:

I. "Biennial" means every two years (24 months)
II. "Category" means any one of seven areas in which continuing education hours may be acquired.
III. "CEIT" means Continuing Education in Instructor Training.
IV. "MC" means Master Cosmetologist
V. "MCSA" means Mississippi Cosmetology School Association.
VI. "MIBA" means Mississippi Independent Beautician's Association.
VII. "MSBC" means Mississippi State Board of Cosmetology.
VIII. "MCA" means Mississippi Cosmetology Association
IX. "Provider" means an individual, association or a company which makes a request to present a continuing education event.
X. "SOTA" means School Owner's and Teacher's Association.
XI. "T & T" means Mississippi State Department of Education, Vocational-Technical Bureau, Trade and Technical Division.

502. CONTINUING EDUCATION REQUIREMENTS:

I. Instructor and Master Cosmetologist:

A. In order to renew an instructor's license in an active status, proof of

acquisition of twenty-four (24) CEIT hours must be on record with the board.

1. The biennial period is twenty-four month intervals from the date of qualification for licensure as an instructor, and each twenty-four month period thereafter.
2. Licensed instructors must attend at least one mandatory Board sanctioned methods of teaching seminar earning a minimum of 5.0 continuing education hours per biennial period in order to renew the instructor's license in an active status.
3. At the time of renewal of an instructor's license, his/her record is reviewed for compliance at the end of the most recent biennial period.
4. An instructor who fails to acquire 24 hours CEIT during their biennial period will be issued an inactive license upon renewal, and must obtain an additional 24 hours CEIT before the license can be made active, i.e., hours may not be carried forward for the purpose of making an inactive license active.

B. A Master Cosmetologist license may be issued to any individual who makes application for same, on a form prescribed by the board provided:

1. He/she has been licensed as a cosmetologist in this state for at least twelve (12) months.
2. Proof of having acquired sixteen (16) hours of continuing education approved by the board during the licensing period prior to application, is on record with the board.

C. In order to renew a Master Cosmetologist license, proof of acquisition of eight (8) hours of continuing education must be on record with the board.

503. Credit is given for CEIT/MC hours in the following CATEGORIES, providing all requirements set forth by the board have been met:

I. Category One: Organized course work or activities in cosmetology or cosmetology related subject matter. Included are seminars, short courses, workshops, and on-line continuing education, as well as technical sessions of MSBC meetings or conferences.

A. Credit accrues at the rate of one hour for each hour of contact, rounded off to the nearest quarter hours.

1. An individual must actually be in attendance for each contact hour claimed. No credit is given for missed sessions, social hours, breaks and related activities, or business meetings.

B. In order for an activity to be approved for CEIT/MC hours in this category, the following criteria must be met:

1. The activity must have significant intellectual or practical content and its primary objective must be to increase the participant's professional competency as an instructor or master cosmetologist.
2. The activity must be offered by a provider having substantial, recent experience in offering CEIT/MC courses. Demonstrated ability arising partly from the extent to which individuals with training or educational experience are involved in the planning, instruction, and supervision of the activity.
    a. The following providers are recognized by the board as having met the criteria set forth above:
        1) Mississippi Cosmetology School Association
        2) Mississippi Independent Beauticians Association
        3) Mississippi State Board of Cosmetology
        4) Mississippi State Department of Education, T & T Division
        5) Mississippi Cosmetology Association
        6) School Owners and Teachers Association
        7) Out of State Continuing education certified by that State's board, commission, or department of registration & licensure.
    b. Other providers may be approved as their identities and programs are confirmed by the board.
    c. The board may, at any time, re-evaluate a program and revoke approval of the provider.
3. The activity itself must be conducted by an individual or group qualified by practical or academic experience. The program, including the named advertised participant, must be conducted substantially, as planned, subject to emergency withdrawals and alterations.
4. Thorough, high quality, readable, and carefully prepared written materials must be made available to all participants at or before the time the course is presented, unless the absence of such materials is recognized as reasonable and approved by the board; mere outline without citations or explanatory notations are not sufficient.
5. The activity must be conducted in a physical setting conducive to learning.

6. At a minimum, the activity must consist of not less than four hours of actual instruction.
7. Activities that cross academic lines, such as a financial aid seminars, may be considered for approval.
8. The costs of the program to the participant, apart from optional meals, lodging, travel, etc., should be reasonable, considering subject matter, instructional level, etc.

C. Any provider or licensee desiring approval of a course, program, or other activity, must apply to the board on a form approved by the board by submitting all supporting documentation no less than forty-five days prior to the date for which the course or program is scheduled.

1. The board will advise the applicant in writing within thirty (30) days of the receipt of the completed application whether the activity is approved or disapproved. Applicants denied approval of a program or activity may appeal such decision by submitting a letter of appeal to the board within fifteen (15) days of the receipt of the notice of the approval.
2. The provider of an approved CEIT/MC activity may advertise in informational brochures and programs provided by the provider, as follows:

   "This course has been approved by the Mississippi State Board of Cosmetology for a maximum of _____ hours credit in continuing education for instructor or master cosmetologist."
3. The Board approves only those activities in which the board or its employees can verify that the subjects being presented conform to the board's policies. The board has the right to freely enter and observe all or appropriate portions of such activities.
4. The board may at any time re-evaluate and revoke approval of a particular activity.

II. Category Two: Successful completion of organized course work or activities which bestow college credit not specifically cosmetology or cosmetology related, but which are professionally enriching or directly benefitting the individual in his/her present position.

Credit accrues at the rate of twelve (12) CEIT/MC hours for each three (3) semester hours.

III. Category Three: Development, preparation, and presentation of an activity, such as described in Category One, which requires effort beyond the general scope of the individual's normal duties or job description.

Credit accrues at the rate of two (2) contact hours for each hours of presentation.

IV. Category Four: Teaching an approved CEIT activity, provided that presentations are accompanied by through, high quality, readable, and carefully prepared materials. (Generated by the presenter).

A. Credit accrues at the rate of:

1. Four (4) hours credit for each instructional hour of presentation, if all criteria are met.
2. Two hours credit for each instructional hour of presentation if presentation accompanied by one or two page outlines, or not accompanied by written materials.
3. Repeat presentations accrue at one half the credit applicable to the initial presentation.

V. Category Five: Preparation, writing and publication of cosmetology or cosmetology related subject matter which requires effort beyond the general scope of the individual's duties or job description.

A. Credit accrues at the rate of:

1. 15 hours for each publication requiring technical review.
2. 5 hours for an article or series of articles of a substantial nature in magazines, newspapers, or similar publications.

VI. Category Six: Self-improvement in cosmetology or cosmetology related subjects. Included is participation in or attendance at meetings such as those conducted by the State Board of Cosmetology or professional associations, and observation of the board administered practical examination.

The activity must deal primarily with matters related to the enhancement of the participants knowledge (MC) or to the teaching of cosmetology, manicuring, wigology, esthetics, professional responsibility or ethical obligations of master cosmetologists or instructors, or any related field of expertise.

A. In order to receive any credit in this category, an individual claiming hours for professional meetings, etc., should make certain that proof exists of their participation, such as inclusion on registration lists, etc. The burden of furnishing proof of compliance rests with the licensee.

B. Credit accrues at the rate of ½ contact hour for each hour of activity.

C. No more than three (3) hours credit are allowed in this category.

VII. Category Seven: Holding an elected or appointed office or active committee assignment in the MSBC or allied professional organizations.

A. Credit accrues at the rate of:
   1. Five (5) hours per year for holding office or chairing an assignment.
   2. Two (2) hours per year for active committee membership.

EXISTING RULE:

501. DEFINITIONS
As used in this rule section, unless the context otherwise requires:

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III. "CEIT" means Continuing Education in Instructor Training.
IV. "MC" means Master Cosmetologist
V. "MCSA" means Mississippi Cosmetology School Association.
VI. "MIBA" means Mississippi Independent Beautician's Association.
VII. "MSBC" means Mississippi State Board of Cosmetology.
VIII. ~~"NCA" means National Cosmetology Association of Mississippi~~ "MCA" means Mississippi Cosmetology Association
IX. "Provider" means an individual, association or a company which makes a request to present a continuing education event.
X. "SOTA" means School Owner's and Teacher's Association.
XI. "T & T" means Mississippi State Department of Education, Vocational-Technical Bureau, Trade and Technical Division.

502. CONTINUING EDUCATION REQUIREMENTS:
I. Instructor and Master Cosmetologist:
   A. In order to renew an instructor's license in an active status, proof of acquisition of twenty-four (24) CEIT hours must be ~~submitted to the board biennially on a form approved by the board.~~ on record with the board
      1. The biennial period is twenty-four month intervals from the date of qualification for licensure as an instructor, and each twenty-four month period thereafter.
      2. Licensed instructors must attend at least one mandatory Board sanctioned methods of teaching seminar earning a minimum of 5.0 continuing education hours per biennial period in order to renew the instructor's license in an active status.

3. At the time of renewal of an instructor's license, his/her record is reviewed for compliance at the end of the most recent biennial period.
4. An instructor who fails to acquire 24 hours CEIT during their biennial period will be issued an inactive license upon renewal, and must obtain an additional 24 hours CEIT before the license can be made active, i.e., hours may not be carried forward for the purpose of making an inactive license active.

B. A Master Cosmetologist license may be issued to any individual who makes application for same, on a form prescribed by the board provided:
1. He/she has been licensed as a cosmetologist in this state for at least twelve (12) months.
2. ~~He/She has submitted~~ Proof of having acquired sixteen (16) hours of continuing education approved by the board during the licensing period prior to application, is on record with the board..

C. In order to renew a Master Cosmetologist license, proof of acquisition of eight (8) hours of continuing education must be on record with the board. ~~A master cosmetologist license may be renewed by submitting proof of having completed eight (8) hours of continuing education approved by the board~~.

D. ~~CEIT/MC hours are computed by the following formula:~~
~~Total minutes of Actual Contact~~
~~60 = Total Hours~~
~~(Rounded off to nearest quarter hour)~~

~~E. No person is allowed to claim more than six hours of CEIT/MC credit through electronically recorded transmitted, or reproduced materials, even though same may be presented by an approved provider.~~

503. Credit is given for CEIT/MC hours in the following CATEGORIES, providing all requirements set forth by the board have been met:

I. Category One: Organized course work or activities in cosmetology or cosmetology related subject matter. ~~such as hair-cutting, chemical services, manicuring, pedicuring, esthetics, management or Cosmetology Rules and Regulations.~~ Included are seminars, short courses, ~~and~~ workshops, and on line continuing education as well as technical sessions of MSBC meetings or conferences.

A. Credit accrues at the rate of one hour for each hour of contact, rounded off to the nearest quarter hour.

1. An individual must actually be in attendance for each contact hour claimed. No credit is given for missed sessions, social hours, breaks and related activities, or business meetings.
2. ~~Unless credit hours are acquired in Category Two, a minimum of four (4) CEIT/MC hours must be acquired in Category One.~~
3. ~~All credit hours may be acquired in Category One, but participants~~ are encouraged to distribute their activities among other categories.

B. In order for an activity to be approved for CEIT/MC hours in this category, the following criteria must be met:

1. The activity must have significant intellectual or practical content and its primary objective must be to increase the participant's professional competency as an instructor or master cosmetologist.
2. The activity must be offered by a provider having substantial, recent experience in offering CEIT/MC courses. Demonstrated ability arising partly from the extent to which individuals with training or educational experience are involved in the planning, instruction, and supervision of the activity.
   a. The following providers are recognized by the board as having met the criteria set forth above:
      1) Mississippi Cosmetology School Association
      2) Mississippi Independent Beauticians Association
      3) Mississippi State Board of Cosmetology
      4) Mississippi State Department of Education, T & T Division
      5) ~~National Cosmetology Association of Mississippi~~ Mississippi Cosmetology Association
      6) School Owners and Teachers Association
      7) Out of State Continuing education certified by that State's board, commission, or department of registration & licensure.
   b. Other providers may be approved as their identities and programs are confirmed by the board.
   c. The board may, at any time, re-evaluate a program and revoke approval of the provider.
3. The activity itself must be conducted by an individual or group qualified by practical or academic experience. The program, including the named advertised participant, must be conducted substantially, as planned, subject to emergency withdrawals and alterations.

4. Thorough, high quality, readable, and carefully prepared written materials must be made available to all participants at or before the time the course is presented, unless the absence of such materials is recognized as reasonable and approved by the board; mere outline without citations or explanatory notations are not sufficient.
5. The activity must be conducted in a physical setting conducive to learning.
6. At a minimum, the activity must consist of not less than four hours of actual instruction.
7. Activities that cross academic lines, such as a financial aid seminars, may be considered for approval.
8. The costs of the program to the participant, apart from optional meals, lodging, travel, etc., should be reasonable, considering subject matter. Instructional level, etc.

C. Any provider <u>or licensee</u> desiring approval of a course, program, or other activity, must apply to the board on a form approved by the board by submitting all supporting documentation no less than forty-five days prior to the date for which the course or program is scheduled.

1. The board will advise the applicant in writing within thirty (30) days of the receipt of the completed application whether the activity is approved or disapproved. Applicants denied approval of a program or activity may appeal such decision by submitting a letter of appeal to the board within fifteen (15) days of the receipt of the notice of the approval.
2. The provider of an approved CEIT/MC activity may advertise in informational brochures and programs provided by the provider, as follows:

   "This course has been approved by the Mississippi State Board of Cosmetology for a maximum of _____ hours credit in continuing education for instructor or master cosmetologist."
3. The Board approves only those activities in which the board or its employees can verify that the subjects being presented conform to the board's policies. The board has the right to freely enter and observe all or appropriate portions of such activities.
4. The board may at any time re-evaluate and revoke approval of a particular activity.

II. Category Two: Successful completion of organized course work or activities which bestow college credit not specifically cosmetology or cosmetology related, but which are professionally enriching or directly benefitting the individual in his/her present position.

Credit accrues at the rate of twelve (12) CEIT/MC hours for each three (3) semester hours. ~~All credit hours may be acquired in Category Two.~~

III. Category Three: Development, preparation, and presentation of an activity, such as described in Category One, which requires effort beyond the general scope of the individual's normal duties or job description.

Credit accrues at the rate of two (2) contact hours for each hours of presentation. ~~After meeting the minimum requirement of Category One hours, all other credit hours may be acquired in Category Three~~.

IV. Category Four: Teaching an approved CEIT activity, provided that presentations are accompanied by through, high quality, readable, and carefully prepared materials. (Generated by the presenter).

A. Credit accrues at the rate of:

1. Four (4) hours credit for each instructional hour of presentation, if all criteria are met.
2. Two hours credit for each instructional hour of presentation if presentation accompanied by one or two page outlines, or not accompanied by written materials.
3. Repeat presentations accrue at one half the credit applicable to the initial presentation.

~~B. After meeting the minimum requirement of Category One hours, all other credit hours may be acquired in Category Four.~~

V. Category Five: Preparation, writing and publication of cosmetology or cosmetology related subject matter which requires effort beyond the general scope of the individual's duties or job description.

A. Credit accrues at the rate of:

1. 15 hours for each publication requiring technical review.
2. 5 hours for an article or series of articles of a substantial nature in magazines, newspapers, or similar publications.

~~B. After meeting the minimum requirement of Category One hours, all other credit hours may be acquired in Category Five~~.

VI. Category Six: Self-improvement in cosmetology or cosmetology related subjects. Included is participation in or attendance at meetings such as those conducted by state board of cosmetology or professional associations, <u>and observation of the board administered practical examination.</u>

The activity must deal primarily with matters related to the enhancement of the participants knowledge (MC) or to the teaching of cosmetology, manicuring, wigology, esthetics, professional responsibility or ethical obligations of master cosmetologists or instructors, or any related field of expertise.

A. In order to receive any credit in this category, an individual claiming hours for professional meetings, etc., should make certain that proof exists of their participation, such as inclusion on registration lists, etc. The burden of furnishing proof of compliance rests with the licensee.

B. Credit accrues at the rate of ½ contact hour for each hour of activity.

C. No more than three (3) hours credit are allowed in this category.

VII. Category Seven: Holding an elected or appointed office or active committee assignment in the MSBC or allied professional organizations.

A. Credit accrues at the rate of:

1. ~~Five (5)~~ Three (3) hours per year for holding office or chairing an assignment.
2. Two (2) hours per year for active committee membership.

~~B. After meeting the minimum hour requirement of Category One, all hours may be acquired in this category.~~ No more than three (3) hours credit are allowed in this category