

G-1

ARIZONA STATE BOARD OF COSMETOLOGY (F-16-0410)

Title 4, Chapter 10, Article 1, General Provisions; Article 2, Schools; Article 3, Students;
Article 4, Salons



**GOVERNOR'S REGULATORY REVIEW COUNCIL
ANALYSIS OF FIVE-YEAR REVIEW REPORT**

MEETING DATE: August 2, 2016

AGENDA ITEM: G-1

TO: Members of the Governor's Regulatory Review Council ("Council")

FROM: Chris Kleminich, Staff Attorney

DATE: July 15, 2016

SUBJECT: **ARIZONA STATE BOARD OF COSMETOLOGY (F-16-0410)**
Title 4, Chapter 10, Article 1, General Provisions; Article 2, Schools; Article 3, Students; Article 4, Salons

COMMENTS ON THE FIVE-YEAR-REVIEW REPORT

Purpose of the Agency and Number of Rules in the Report

The purpose of the Board of Cosmetology (Board) is "to ensure that the public is protected from the incompetent practice of cosmetology by establishing minimum qualifications for entry into the profession and swift and effective discipline for those practitioners who violate cosmetology statutes or rules adopted pursuant to those statutes." Laws 2014, Ch. 247, § 12.

The Board issues licenses to cosmetologists, nail technologists, aestheticians, cosmetology instructors, nail technology instructors, aesthetician instructors, cosmetology salons, nail technology salons, aesthetic salons, cosmetology schools, nail technology schools, and aesthetic schools. This five-year-review report covers 35 rules in A.A.C. Title 4, Chapter 10. The rules, as written, have become effective at various times between 1996 and 2015.

Article Contents

Article 1 contains fifteen rules addressing general provisions, including fees and licensing time-frames.

Article 2 contains nine rules addressing schools, including license applications and requirements for various types of schools.

Article 3 contains six rules addressing students, including instruction and curriculum requirements.

Article 4 contains five rules addressing salons, including license applications and minimum equipment requirements.

Proposed Action

The Board intends to amend all of its rules by December 31, 2017 to address issues identified in the report and to generally make the rules more clear, concise, and understandable.

Substantive or Procedural Concerns

None.

Analysis of the agency's report pursuant to criteria in A.R.S. § 41-1056 and R1-6-301:

1. Has the agency certified that it is in compliance with A.R.S. § 41-1091?

Yes. The Board has certified its compliance with A.R.S. § 41-1091.

2. Has the agency analyzed the rules' effectiveness in achieving their objectives?

Yes. The Board indicates that the rule are effective in achieving their objectives.

3. Has the agency received any written criticisms of the rules during the last five years, including any written analysis questioning whether the rules are based on valid scientific or reliable principles or methods?

Yes. The Board indicates that it has not received any written criticisms of the rules during the last five years.

4. Has the agency analyzed whether the rules are authorized by statute?

Yes. The Board cites to both general and specific statutory authority for the rules. Of particular note is A.R.S. § 32-504(A)(1), under which the Board must "[a]dopt rules that are necessary and proper for the administration of this chapter [Title 32, Chapter 5, Cosmetology], including sanitary and safety requirements for salons and schools and sanitary and safety standards for the practice of cosmetology, aesthetics and nail technology."

5. Has the agency analyzed the rules' consistency with other rules and statutes?

Yes. The Board indicates that there are a number of inconsistencies with state statutes.

- A.R.S. § 41-1080 requires that the Board not issue a license to an individual unless the individual's presence in the U.S. is authorized under federal law. The Board complies with this provision but the rules do not provide notice of the requirement.
- A.R.S. § 32-551(B) requires the Board to return an incomplete application for a school license to the applicant within 30 days. This is inconsistent with the Board's licensing time frames in Section 106. The Board's licensing time frames are consistent with A.R.S. § 41-1074 regarding an incomplete application. The problem arises from the fact that

A.R.S. § 32-551(B) was enacted in 1984, many years before A.R.S. § 41-1074 was enacted. The Board notes that legislative action is required to eliminate the inconsistency.

- Section 115(A) and (D) are inconsistent with the times specified in A.R.S. § 41-1092.09, and the rule incorrectly refers to a contested case rather than an appealable agency action.

In addition, some of the rules are inconsistent with current procedures:

- Section 101(26) references an examination given by the Board. The required examination is actually given by the contracted examination provider.
- Section 104(A)(1) requires an examination fee to be submitted to the Board. The fee is actually submitted directly to the contracted examination provider.
- Section 108(E) directs the Board to notify applicants of the time and place for examination. This notification is given by the contracted examination provider.

Finally, some of the rules are internally inconsistent:

- Section 106, Section 108(A), and Table 1 reference Board approval to take an examination. Under the definition in Section 101(26), taking and passing an examination is part of the substantive review of an application for licensure, not a separate approval.
- Section 204(E), which indicates that a student “registers” for the Board examination, is inconsistent with Sections 104 and 106. The rules require applicants to apply for Board approval to take the examination.
- Section 306(H) refers to an approved course of instruction, but the Board does not approve courses of instruction.

6. Has the agency analyzed the current enforcement status of the rules?

Yes. The Board indicates that it enforces the rules either as written or, when there is an inconsistency with statute, in a manner consistent with statute. Additionally, staff would note that, as described above, there are instances in which the rules are not enforced as written because of contracted examination provider procedures.

7. Has the agency analyzed whether the rules are clear, concise, and understandable?

Yes. The Board indicates that the rules lack clarity, conciseness, and understandability in the following ways:

- Some of the rules are written in the passive voice;
- An internal citation in Section 103(C)(2) is incorrect and use of the term “penalty” is inaccurate;
- The heading for Section 108 is incomplete because much of the rule deals with a pre-screening review of examination qualifications;
- The heading for Section 114 is inaccurate because the substance of the rule does not deal with disciplinary action;
- The word “unexpected” in Section 201(A)(5) should be “unexecuted”; and
- An internal citation in Section 302(B) is incorrect.

8. **Stringency of the Rules:**

a. **Are the rules more stringent than corresponding federal law?**

No. The Board indicates that no federal laws directly correspond to the rules.

b. **If so, is there statutory authority to exceed the requirements of federal law?**

Not applicable.

9. **For rules adopted after July 29, 2010:**

a. **Do the rules require issuance of a regulatory permit, license or agency authorization?**

Yes. The rules require issuance of a regulatory permit, license or agency authorization.

b. **If so, are the general permit requirements of A.R.S. § 41-1037 met or does an exception apply?**

The rules made after July 29, 2010 comply with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

10. **Has the agency indicated whether it completed the course of action identified in the previous five-year-review report?**

Yes. In its 2010 five-year-review report, the Board indicated it would amend R4-10-115, as the time periods in subsections (A) and (D) are not consistent with those in A.R.S. § 41-1092.09. The Board did not complete the proposed course of action.

Conclusion

The Board intends to amend all of its rules by December 31, 2017 to address issues identified in the report and to generally make the rules more clear, concise, and understandable. The report meets the requirements of A.R.S. § 41-1056 and R1-6-301. Staff recommends that the report be approved.



**GOVERNOR'S REGULATORY REVIEW COUNCIL
M E M O R A N D U M**

MEETING DATE: August 2, 2016

AGENDA ITEM: G-1

TO: Members of the Governor's Regulatory Review Council ("Council")

FROM: GRRC Economic Team

DATE: July 15, 2016

SUBJECT: ARIZONA STATE BOARD OF COSMETOLOGY (F-16-0410)
Title 4, Chapter 10, Article 1, General Provisions; Article 2, Schools; Article 3, Students; Article 4, Salons

I reviewed the five-year-review report's economic, small business, and consumer impact comparison for compliance with A.R.S. § 41-1056 and make the following comments.

1. Economic Impact Comparison

Economic, small business, and consumer impact statements (EIS) from the most recent rulemakings were available for the Article 1 through 4 rules contained in the five-year-review report.

The rules detail the qualifications, cost and length of licensure for cosmetologists, aestheticians, nail technicians, instructors, and salons. The number of cosmetologists and nail technicians licensed by the Board has remained steady for the last several years. The number of licensed aestheticians has grown substantially.

The Board currently licenses 73,363 individuals (62% cosmetologists; 20% nail technicians; 16% aestheticians; and 2% instructors). During the last year it received applications for licensure by examination from 2,659 and for licensure by reciprocity from 1,941 individuals. During the last year, the Board reactivated 729 licenses. There are currently 3,704 inactive licensees. The licensing examination, which consists of both written and practical parts, was taken by 2,839 individuals last year. Almost 89 percent of those taking the examination passed on the first taking. There are 1,865 salons and 79 schools licensed by the Board. The Board, which currently has 16 FTEs, collected \$3,297,000 in licensing fees last year and was appropriated \$1,807,700 for the current FY.

2. Has the agency determined that the rules impose the least burden and costs to persons regulated by the rules?

The Board has determined that the rules impose the least burden and costs to the regulated community. The cost to comply with these rules is minimal and necessary to protect public health and safety. Many of the costs result from statute rather than rule.

3. Was an analysis submitted to the agency under A.R.S. § 41-1056(A)(7)?

No analysis was submitted to the agency by another person that compares the rules' impact on this state's business competitiveness to the impact on businesses in other states under A.R.S. § 41-1056(A)(7).

4. Conclusion

After review, staff concludes that the report complies with A.R.S. § 41-1056 and recommends approval.



Arizona State
Board of Cosmetology

Donna Aune, Executive Director

1721 East Broadway • Tempe, AZ 85282
Phone 480.784.4539 • Fax 480.784.4962
www.azboc.gov



January 15, 2015

Nicole A. Ong, Chair
Governor's Regulatory Review Council
100 North 15th Avenue, Ste. 402
Phoenix, AZ 85007

RE: Five-year-review Report on 4 A.A.C. 10, Articles 1 through 4

Dear Ms. Ong:

As required by A.R.S. § 41-1056, the Board of Cosmetology submits for your approval a report on a review of its rules. The Board reviewed all the referenced rules.

As required under A.R.S. § 41-1056(A), the Board certifies that it is in compliance with A.R.S. § 41-1091 regarding a substantive policy directory.

If you have questions regarding this report, please contact me at (480) 784-6963. Thank you for your consideration.

Sincerely,

Donna Aune
Executive Director

BOARD OF COSMETOLOGY

Five-year-review Report: A.A.C. Title 4, Chapter 10, Articles 1-4

February 2016

Five-year-review Report

A.A.C. Title 4. Professions and Occupations

Chapter 10. Board of Cosmetology

INTRODUCTION

The mission of the Board is to ensure the public health, welfare, and safety through education and enforcement of the cosmetology laws and rules by the regulation of salons, schools, and individuals who practice cosmetology. The Board issues licenses in 12 categories¹.

Statute that generally authorizes the agency to make rules: A.R.S. § 32-504(A)(1)

1. Specific statute authorizing the rule:

R4-10-101: A.R.S. § 32-504(A)(1)

R4-10-102: A.R.S. § 32-507

R4-10-103: A.R.S. §§ 32-504(A)(2) and 32-507

R4-10-104: A.R.S. §§ 32-504(A)(3), 32-510, 32-511, and 32-512

R4-10-105: A.R.S. §§ 32-513 and 32-532

R4-10-106: A.R.S. § 41-1072

R4-10-107: A.R.S. § 32-517

R4-10-108: A.R.S. §§ 32-510, 32-511, 32-512, 32-514, 32-515, and 32-531

R4-10-110: A.R.S. § 32-518

R4-10-111: A.R.S. §§ 32-543 and 32-554

R4-10-112: A.R.S. § 32-541(B)

R4-10-113: A.R.S. § 32-541

R4-10-114: A.R.S. §§ 32-542, 32-562, 32-572, and 32-573

R4-10-115: A.R.S. § 41-1092.09

Table 1: A.R.S. § 41-1072

R4-10-201: A.R.S. §§ 32-551 and 32-564

R4-10-202: A.R.S. § 32-563

¹ The twelve categories are: cosmetologist, nail technologist, aesthetician, cosmetology instructor, nail technology instructor, aesthetician instructor, cosmetology salon, nail technology salon, aesthetic salon, cosmetology school, nail technology school, and aesthetic school.

- R4-10-203: A.R.S. § 32-555
- R4-10-204: A.R.S. §§ 32-558, 32-560, and 32-561
- R4-10-205: A.R.S. § 32-555
- R4-10-206: A.R.S. § 32-555
- R4-10-207: A.R.S. § 32-555
- R4-10-208: A.R.S. § 32-555
- R4-10-209: A.R.S. § 32-553
- R4-10-301: A.R.S. § 32-531
- R4-10-302: A.R.S. § 32-531
- R4-10-303: A.R.S. § 32-510
- R4-10-304: A.R.S. § 32-511
- R4-10-305: A.R.S. § 32-512
- R4-10-306: A.R.S. §§ 32-510, 32-511, and 32-512
- R4-10-401: A.R.S. § 32-541
- R4-10-402: A.R.S. §§ 32-543, and 32-545
- R4-10-403: A.R.S. § 32-541
- R4-10-404: A.R.S. § 32-541
- R4-10-405: A.R.S. § 32-504(A)(1)

2. Objective of the rule including the purpose for the existence of the rule:

R4-10-101. Definitions: The objective of the rule is to define terms used in the rules in a manner that is not explained adequately by a dictionary definition. The definitions are designed to facilitate understanding by those who use the rules.

R4-10-102. Fees: The objective of the rule is to specify the fees that the Board charges for its licensing activities. This increases efficiency in the licensing process by enabling an applicant to submit the correct amount.

R4-10-103. Payment of Fees: The objective of the rule is to specify a required method of payment for agency services and a penalty payment for insufficient funds checks. This increases efficiency in the licensing process by enabling an applicant to submit payment in an acceptable form and avoid a penalty.

R4-10-104. Application for License by Examination: The objective of this rule is to specify the content of an application for a license by examination. This increases efficiency in the licensing process by enabling applicants to submit an administratively complete application.

R4-10-105. Application for License by Reciprocity: The objective of the rule is to specify the content of an application for a license by reciprocity. This increases efficiency in the licensing process by enabling applicants to submit an administratively complete application.

R4-10-106. Licensing Time-frames: The objective of this rule is to specify the time-frames within which the Board will act on a license application. This enables an applicant to anticipate when the Board-approval process will be completed.

R4-10-107. License Renewal: The objective of this rule is to specify the requirements for renewal of a license and the manner in which renewal application is made. This increases efficiency in the licensing process by enabling licensees to submit a timely and administratively complete renewal application and avoid having a license expire.

R4-10-108. Licensing Examinations: The objective of the rule is to prescribe the examination applicants are required to pass before being licensed, establish when the examination may be taken, and indicate materials that may be taken to the examination. This provides an applicant with necessary information regarding the examination qualification criteria.

R4-10-110. Reactivating an Inactive License: The objective of the rule is to specify the conditions under which and requirements to reactive an inactive license. This increases efficiency in the licensing process by enabling an individual with an inactive license to resume providing services to the public.

R4-10-111. Display of Licenses and Signs: The objective of the rule is to specify the notices that must be made to the public. This protects the public health and safety by

enabling members of the public to know whether a salon and personnel are licensed and required infection control and safety standards.

R4-10-112. Infection Control and Safety Standards: The objective of the rule is to establish infection control and safety standards. The standards are designed to protect public health and safety.

R4-10-113. Establishment Management: The objective of the rule is to establish the Board's expectations regarding the owner or manager of a salon or school. By providing clear expectations, the owner or manager of a salon or school is able to avoid disciplinary action.

R4-10-114. Disciplinary Action: The objective of the rule is to provide notice that a licensee is required to allow a representative of the Board to conduct an inspection of a salon or school. Conducting inspections is an important means by which the Board protects public health and safety.

R4-10-115. Rehearing or Review of Decision: The objective of this rule is to specify the procedures and standards for requesting a rehearing or review of a Board decision. This enables a licensee to know how to exhaust the licensee's administrative remedies before making application for judicial review under A.R.S. § 12-901.

Table 1. Time-frames (in days): The objective of this rule is to specify in table form the time frames within which the Board will act on a license application. This enables an applicant to anticipate when the Board-approval process will be completed.

R4-10-201. Application for School License; Renewal: The objective of the rule is to specify the requirements for submitting an application for an initial or renewal school license. This increases efficiency in the licensing process by enabling an applicant to submit a complete application and avoid the delays associated with an incomplete application.

R4-10-202. School Closure: The objective of the rule is to establish procedures to be followed when a school closes. This is designed to protect students from losing the investment made in attending the school.

R4-10-203. General School Requirements: The objective of the rule is to specify the minimum facilities, equipment, supplies, and materials required to operate a school. Clearly specified minimum requirements provide efficiencies in the licensing process by enabling a school applicant to prepare for licensure.

R4-10-204. School Records: The objective of the rule is to specify the records that a school must maintain regarding each student's participation and the information that must be transmitted to the Board as a monthly report verifying earned student hours. This is designed to protect students by ensuring they receive credit for participation at the school.

R4-10-205. Aesthetic School Requirements: The objective of the rule is to specify equipment necessary in a school of aesthetics and equipment that must be provided to each student. Clearly specified minimum requirements provide efficiencies in the licensing process by enabling a school applicant to prepare for licensure.

R4-10-206. Cosmetology School Requirements: The objective of the rule is to specify equipment necessary in a school of cosmetology and equipment that must be provided to each student. Clearly specified minimum requirements provide efficiencies in the licensing process by enabling a school applicant to prepare for licensure.

R4-10-207. Nail Technology School Requirements: The objective of the rule is to specify equipment necessary in a school of nail technology and equipment that must be provided to each student. Clearly specified minimum requirements provide efficiencies in the licensing process by enabling a school applicant to prepare for licensure.

R4-10-208. Combined School Requirements: The objective of the rule is to specify equipment necessary in a school that teaches aesthetics, cosmetology, and nail technology to

both students and instructors and equipment that must be provided to each student. Clearly specified minimum requirements provide efficiencies in the licensing process by enabling a school applicant to prepare for licensure.

R4-10-209. Demonstrators, Exclusions: The objective of the rule is to specify the limits on an individual who gives demonstrations in a licensed school. This protects students by limiting the teaching done by individuals who are not licensed instructors.

R4-10-301. Instructors; Licensed Individuals: The objective of the rule is to specify requirements for schools that provide professional development instruction for licensees. This protects licensees by having a record of their professional development and clearly distinguishing between education necessary for licensure and professional development.

R4-10-302. Instructor Curriculum Required Hours: The objective of the rule is to specify the hours of education required in a course for an instructor of aesthetics, cosmetology, and nail technology and to place limits on teaching done by student instructors. This increases efficiency in the licensing process by enabling individuals who wish to be an instructor to know the requirements for licensure.

R4-10-303. Aesthetics Curriculum Required 600 Hours: The objective of the rule is to specify the hours of education required in an aesthetics curriculum and place limits on remuneration for student services. This increases efficiency in the licensing process by enabling individuals who wish to be an aesthetician to know the requirements for licensure.

R4-10-304. Cosmetology Curriculum Required 1600 Hours: The objective of the rule is to specify the hours of education required in a cosmetology curriculum and place limits on remuneration for student services. This increases efficiency in the licensing process by enabling individuals who wish to be a cosmetologist to know the requirements for licensure.

R4-10-305. Nail Technology Curriculum Required 600 Hours: The objective of the rule is to specify the hours of education required in a nail technology curriculum and place limits on

remuneration for student services. This increases efficiency in the licensing process by enabling individuals who wish to be a nail technologist to know the requirements for licensure.

R4-10-306. Curricula Hours: The objective of the rule is to specify the number of hours in one discipline of study that may transfer to another discipline and to specify the number of hours that may be obtained in an alternative format or at an alternative location. This increases efficiency in the licensing process by enabling individuals to know the requirements for licensure.

R4-10-401. Application for a Salon License: The objective of the rule is to specify the requirements for submitting an application for a salon license. This increases efficiency in the licensing process by enabling an applicant to submit a complete application and avoid the delays associated with an incomplete application.

R4-10-402. Changes Affecting a Salon License: The objective of the rule is to specify the changes in a salon ownership or location that require a new application for salon licensure. The rule also specifies that the Board-issued license be publically posted. This protects the public by providing notice that the salon is properly licensed to operate in Arizona.

R4-10-403. Salon Requirements and Minimum Equipment: The objective of the rule is to specify the minimum equipment, materials, supplies, tools, and instruments required for the kind of services provided at a salon and to protect the public and employees. This protects the public by ensuring a salon is equipped to safely provide the advertised services.

R4-10-404. Mobile Services: The objective of the rule is to specify the requirements for providing mobile services. This protects the public by ensuring that mobile services comply with the same standards as services provided in a stationary salon.

R4-10-405. Shampoo Assistants: The objective of the rule is to specify the work that may be performed by an unlicensed individual working in a salon. This protects the public by ensuring that skilled work is performed by licensees.

3. Effectiveness of the rule in achieving the objective including a summary of any available data supporting the conclusion:

The Board concludes the rules are effective in achieving their objectives. The Board bases this conclusion on the fact that it is able to license and regulate individuals in the cosmetology industry while protecting public health and safety.

4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency:

The rules are consistent with applicable federal statutes. The applicable federal statutes are:

- 42 U.S.C. 7412: This establishes a list of hazardous air pollutants and is consistent with R4-10-112(M).
- 34 CFR Part 600: This establishes the rules and procedures used by the U.S.

Department of Education to determine whether an educational institution qualifies as an eligible institution and may apply to participate in programs authorized by the Higher Education Act of 1965. A school licensed by the Board under R4-10-201 is qualified.

There are some minor inconsistencies with state statutes.

- A.R.S. § 41-1080 requires that the Board not issue a license to an individual unless the individual's presence in the U.S. is authorized under federal law. The Board complies with this provision but the rules do not provide notice of the requirement.
- A.R.S. § 32-551(B) requires the Board to return an incomplete application for a school license to the applicant within 30 days. This is inconsistent with the Board's licensing time frames at R4-10-106. The Board's licensing time frames are consistent with A.R.S. § 41-1074 regarding an incomplete application. The problem arises from the fact that A.R.S. § 32-551(B) was enacted in 1984, many years before A.R.S. § 41-1074 was enacted. Legislative action is required to eliminate the inconsistency.
- R4-19-115(A) and (D) are inconsistent with the times specified in A.R.S. § 41-1092.09 and the rule incorrectly refers to a contested case rather than an appealable agency action.

The following are inconsistencies with current Board procedure:

- R4-10-101(26) references an examination given by the Board but the required examination is actually given by the contracted examination provider.
- R4-10-104(A)(1) requires the examination fee be submitted to the Board but the fee is actually submitted directly to the contracted examination provider.
- R4-10-108(E) indicates the Board shall notify applicants of the time and place for examination but this is actually done by the contracted examination provider.

The following are internal inconsistencies in the Board's rules:

- R4-10-106(B)(1)(a) and (C)(3), R4-10-108(A), and Table 1 reference Board approval to take an examination. However, by the Board's definition at R4-10-101(26), taking and passing an examination is part of the substantive review of an application for licensure rather than a separate approval.
- R4-10-204(E), which indicates a student "registers" for the Board examination is inconsistent with R4-10-104 and R4-10-106, which require applicants to apply for Board approval to take the examination.
- R4-10-306(H) refers to an approved course of instruction. However, the Board does not approve courses of instruction.

5. Agency enforcement policy including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement:

The Board enforces the rules either as written or, when there is an inconsistency with statute, in a manner consistent with statute.

6. Clarity, conciseness, and understandability of the rule:

The Board concluded the rules are generally clear, concise, and understandable. However, the following issues impair clarity:

- Contrary to current rule-writing standards, some of the rules are written in the passive voice and items in a list do not follow the lead language;
- The heading for R4-10-108 is incomplete because much of the Section deals with a pre-screening review of examination qualifications;
- The heading for R4-10-114 is inaccurate because the substance of the Section does not deal with disciplinary action;
- The word "unexpected" in R4-10-201(A)(5) should be "unexecuted;"

- The internal citation in R4-10-103(C)(2) is incorrect and use of the term “penalty” is inaccurate;
- The internal citation in R4-10-302(B) is incorrect.

7. Summary of written criticisms of the rule received by the agency with the past five years, including letters, memoranda, reports, written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or methods, and, written allegations made in litigation or administrative proceedings in which the agency was a party that the rule is discriminatory, unfair, unclear, inconsistent with statute or beyond the authority of the agency to enact, and the result of the litigation of administrative proceedings:

The Board received no written criticisms of the rules during the last five years, including analyses regarding whether the rules are based on valid scientific or reliable principles or methods.

8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule:

The Board currently licenses 73,363 individuals (62% cosmetologists; 20% nail technicians; 16% aestheticians; and 2% instructors). During the last year it received applications for licensure by examination from 2,659 and for licensure by reciprocity from 1,941 individuals. During the last year, the Board reactivated 729 licenses. There are currently 3,704 inactive licensees. The licensing examination, which consists of both written and practical parts, was taken by 2,839 individuals last year. Almost 89 percent of those taking the examination passed on the first taking. There are 1,865 salons and 79 schools licensed by the Board. The Board, which currently has 16 FTEs, collected \$3,297,000 in licensing fees last year and was appropriated \$1,807,700 for the current FY.

1996 rulemaking

The only rules made in 1996 and not subsequently amended are R4-10-202 (School Closure) and R4-10-209 (Demonstrators, Exclusions). The EIS prepared in 1996 is not available. The Board believes these two Sections have minimal economic consequences. R4-10-202

imposes requirements necessary to protect students when a school closes. It requires the school to provide notice of closure and send student records to the Board for safe keeping. R4-10-209 also protects students by specifying the limited circumstances in which instruction may be provided by an unlicensed individual.

1999 rulemaking

The following rules have not been amended since being made in 1999: R4-10-106 (Licensing Time-frames), R4-10-113 (Establishment Management), R4-10-114 (Disciplinary Action), R4-10-115 (Rehearing or Review of Decision), Table 1 (Time-frames), and R4-10-405 (Shampoo Assistants). The EIS prepared in 1999 is not available. The Board believes these Sections have minimal economic consequences. R4-10-106, R4-10-114, R4-10-115, and Table 1 simply provide information useful to an applicant or licensee is dealing with the Board. R4-10-113 imposes requirements regarding the responsibilities of the individual who manages a salon, school, or mobile service. These requirements are designed to protect the public. R4-10-405 addresses the limited services that can be provided by an unlicensed individual. This is to protect the public.

2003 rulemaking

The only rule made in 2003 and not subsequently amended is R4-10-103 (Payment of Fees). The EIS prepared in 2003 is not available. The Board believes this Section has minimal economic consequences. This Section facilitates the licensing process by specifying the manner in which fees and charges are to be paid.

2005 rulemaking

The following rules have not been amended since being made in 2005: R4-10-104 (Application for License by Examination), R4-10-207 (Nail Technology School Requirements), R4-10-208 (Combined School Requirements), R4-10-302 (Instructor Curriculum Required Hours), and R4-10-305 (Nail Technology Curriculum Required 600 Hours). The EIS prepared in 2005 is available. The Board believes these Sections have minimal economic consequences. The changes to all Sections except R4-10-302 were made

to be consistent with statutory changes. The amendment to R4-10-302 provided needed flexibility in the education of instructors.

2006 rulemaking

The following rules have not been amended since being made in 2006: R4-10-101 (Definitions), R4-10-105 (Application for License by Reciprocity), R4-10-108 (Licensing Examination), R4-10-111 (Display of Licenses and Signs), R4-10-201 (Application for School License; Renewal), R4-10-203 (General School Requirements), R4-10-204 (School Records), R4-10-205 (Aesthetic School Requirements), R4-10-206 (Cosmetology School Requirements), R4-10-401 (Application for Salon License), R4-10-402 (Changes Affecting a Salon License), R4-10-403 (Salon Requirements and Minimum Equipment), and R4-10-404 (Mobile Services). The EIS prepared in 2006 is available. The Board believes these Sections have minimal economic consequences.

In addition to making the rules more clear, concise, and understandable and consistent with statutory changes, the Board created the option of a pre-screening for examination, eliminated the requirement that the practical examination use a live model, expanded the ability to reactivate a license after years of inactivity, and updated the requirements regarding school supplies.

2008 rulemaking

The following rules have not been amended since being made in 2008: R4-20-112 (Infection Control and Safety Standards), R4-10-301 (Instruction; Licensed Individuals), R4-10-303 (Aesthetics Curriculum Required 600 Hours), R4-10-304 (Cosmetology Curriculum Required 1600 Hours), and R4-10-306 (Curricula Hours). The EIS prepared in 2008 is available. The Board believes these Sections have minimal economic consequences. In this rulemaking, the Board took steps to protect the public by updating provisions regarding cleanliness of spas and allowing licensees to provide invasive procedures, as allowed under law, if they had proper training and supervision.

2015 rulemaking

The following rules were amended in 2015: R4-10-102 (Fees), R4-10-107(License Renewal), and R4-10-110 (Reactivating an Inactive License). The EIS prepared in 2015 is available. The Board believes these Sections have minimal economic consequences. The amendments made were in response to a statutory change requiring biennial rather than annual license renewal. The cost of licensure and renewal was not changed except that the cost for delinquent renewal was actually decreased minimally.

9. Any analysis submitted to the agency by another person regarding the rule's impact on this state's business competitiveness as compared to the competitiveness of businesses in other states:

No analysis has been submitted.

10. How the agency completed the course of action indicated in the agency's previous 5YRR:

In a five-year-review report approved by Council in October 2010, the Board indicated it would amend R4-10-115. It has yet to do so.

11. A determination after analysis that the probable benefits of the rule outweigh within this state the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective:

Most of the costs associated with licensing and regulating cosmetologists result from statute rather than rule. For example, it is statute that establishes the requirements for obtaining a license from the Board and requires cosmetologists to be licensed and renew the license biennially and pass a licensing examination. Statute requires that the Board fund its activities by charging fees. Statute establishes nine grounds for disciplinary action.

To protect public health and safety, the rules provide detail about necessary infection control and sanitation standards, as required by A.R.S. § 32-504(A)(1). To protect students, the rules impose curriculum and recordkeeping standards. The costs associated with these standards are a cost of doing business.

The Board believes the rules are the least burdensome possible to achieve the statutory responsibility of protecting the public.

12. A determination after analysis that the rule is not more stringent than a corresponding federal law unless there is statutory authority to exceed the requirements of that federal law:

The rules are not more stringent than applicable federal law: 42 U.S.C. 7412 and 34 CFR Part 600.

13. For a rule made after July 29, 2010, that require issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037:

The only rules made after July 29, 2010, are R4-10-102 (Fees), R4-10-107(License Renewal), and R4-10-110 (Reactivating an Inactive License). All the licenses for which a fee is required under R4-10-102, including a license renewal or reactivation, comply with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

14. Course of action the agency proposes to take regarding each rule, including the month and year in which the agency anticipates submitting the rules to the Council if the agency determines it is necessary to amend or repeal an existing rule or to make a new rule. If no issues are identified for a rule in the report, the agency may indicate that no action is necessary for the rule:

The Board intends to amend all of its rules by December 31, 2017.

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 10. BOARD OF COSMETOLOGY

(Authority: A.R.S. § 32-501 et seq.)

ARTICLE 1. GENERAL PROVISIONS

Article 1, consisting of Sections R4-10-01 thru R4-10-19, repealed; Section R4-10-27 renumbered to R4-10-105; and Sections R4-10-101 thru R2-10-112 adopted effective April 9, 1996 (Supp. 96-2).

Section

- R4-10-101. Definitions
- R4-10-102. Fees
- R4-10-103. Payment of Fees
- R4-10-104. Application for License by Examination
- R4-10-105. Application for License by Reciprocity
- R4-10-106. Licensing Time-frames
- R4-10-107. License Renewal
- R4-10-108. Licensing Examinations
- R4-10-109. Repealed
- R4-10-110. Reactivating an Inactive License
- R4-10-111. Display of Licenses and Signs
- R4-10-112. Infection Control and Safety Standards
- R4-10-113. Establishment Management
- R4-10-114. Disciplinary Action
- R4-10-115. Rehearing or Review of Decision
- Table 1. Time-frames (in days)

ARTICLE 2. SCHOOLS

Article 2, consisting of Sections R4-10-28 thru R4-10-32, repealed; Section R4-10-33 renumbered to R4-10-112; Section R4-10-34 repealed; and Sections R4-10-201 thru R4-10-R4-10-209 adopted effective April 9, 1996 (Supp. 96-2).

Section

- R4-10-201. Application for a School License; Renewal
- R4-10-202. School Closure
- R4-10-203. General School Requirements
- R4-10-204. School Records
- R4-10-205. Aesthetic School Requirements
- R4-10-206. Cosmetology School Requirements
- R4-10-207. Nail Technology School Requirements
- R4-10-208. Combined School Requirements
- R4-10-209. Demonstrators, Exclusions

ARTICLE 3. STUDENTS

Article 3, consisting of Sections R4-10-301 thru R4-10-306, adopted effective April 9, 1996 (Supp. 96-2).

Section

- R4-10-301. Instruction; Licensed Individuals
- R4-10-302. Instructor Curriculum Required Hours
- R4-10-303. Aesthetics Curriculum Required 600 Hours
- R4-10-304. Cosmetology Curriculum Required 1600 Hours
- R4-10-305. Nail Technology Curriculum Required 600 Hours
- R4-10-306. Curricula Hours

ARTICLE 4. SALONS

Article 4, consisting of Sections R4-10-401 thru R4-10-404, adopted effective April 9, 1996 (Supp. 96-2).

Section

- R4-10-401. Application for a Salon License
- R4-10-402. Changes Affecting a Salon License
- R4-10-403. Salon Requirements and Minimum Equipment
- R4-10-404. Mobile Services
- R4-10-405. Shampoo Assistants

ARTICLE 1. GENERAL PROVISIONS

Editor's Note: The Board of Cosmetology repealed or renumbered Sections with the old Administrative Code numbering scheme and adopted new Sections under the current numbering scheme (Supp. 96-2). The old and new Sections cannot be shown in numerical order because of the two Articles; therefore the old numbers are not shown here. Please refer to this Chapter as published in Revised Format 6-92 for historical note information on the old numbered Sections.

R4-10-101. Definitions

In this Chapter unless otherwise specified:

1. "Accredited" means approved by the:
 - a. New England Association of Schools and Colleges,
 - b. Middle States Association of Colleges and Secondary Schools,
 - c. North Central Association of Colleges and Schools,
 - d. Northwest Association of Schools and Colleges,
 - e. Southern Association of Colleges and Schools, or
 - f. Western Association of Schools and Colleges.
2. "Administrative completeness review" means the Board's process for determining that an applicant has provided all information and documents required by Board statute or rule for an application.
3. "Applicant" means an individual or any of the following seeking licensure by the Board:
 - a. If a corporation, any two officers of the corporation;
 - b. If a partnership, any two of the partners; or
 - c. If a limited liability company, the designated corporate contact person, or if no contact person is designated, any two members of the limited liability company.
4. "Application packet" means the forms and documents the Board requires an applicant to submit.
5. "Certification of hours" means a document that states the total number of hours completed at a school, including:
 - a. A written statement of the hours a student received in a licensed school, or credits a student received, signed by the administrator of the agency authorized to record hours in the jurisdiction in which the applicant received certified or accredited vocational or academic training, affixed with the agency's official seal; or
 - b. If a student is transferring from one Arizona school to another under A.R.S. § 32-560, a transfer application that reflects the hours or credits a student received, signed by the administrator of the school where the applicant received certified or accredited training.
6. "Certification of licensure" means the status of the license, signed by the administrator of the agency authorized to issue cosmetology, nail technician, aesthetics, or instructor licenses in the jurisdiction in which the applicant received a license, affixed with the agency's official seal.
7. "Clinic" means the area where a student practices cosmetology, nail technology, or aesthetics on the general public for a fee.
8. "Course" means an organized subject matter in which instruction is offered within a given period of time and for which credit toward graduation or certification is given.
9. "Credit" means one earned academic unit of study based on completing a high school's required number of class sessions per calendar week in a course or an earned academic unit of study based on attending a one-hour class session per calendar week at a community college, an accredited college or university, or a high school.
10. "Days" means calendar days.
11. "Double bracing" means using a stable base of support and two points of contact for the hand while performing a procedure.
12. "Establishment" means a business that functions as a school or a salon at least an average of 20 hours a week for the majority of the year.
13. "Graduation" or "graduated from a school" means the completion of the criteria established by a cosmetology, aesthetics, or nail technology school for the course in which the applicant was enrolled including the completion of the required curriculum hours.
14. "High school equivalency" means:
 - a. A high school diploma from a school recognized by the basic education authority or the Department of Education in the jurisdiction in which the school is located,
 - b. A total score of 45 points on a high school equivalency general educational development test or its equivalent as required by the Department of Education,
 - c. An associate degree or 15 academic credits from a junior college recognized by the basic education authority in the jurisdiction in which the college is located, or
 - d. Any degree from a college or university recognized by the basic education authority in the jurisdiction in which the college or university is located.
15. "Hour" means one clock hour.
16. "Instructor training" means the courses specified in R4-10-302.
17. "Lab" means the area in which instruction is provided regarding demonstration, theory, and practice on models.
18. "Licensed in another state of the United States or foreign country" means:
 - a. A governmental regulatory agency in the state or country is authorized to examine, for competency, candidates who graduate from a licensed cosmetology, nail technology, aesthetics school, or instructors for these disciplines; and
 - b. The agency issues licenses over which the state or country has jurisdiction and monitors.
19. "Manager" means an individual licensed by the Board who is responsible for ensuring an establishment's compliance with A.R.S. §§ 32-501 et seq. and this Chapter.

20. "Model" means a person or a mannequin on whom an applicant performs demonstrations for the practical section of a licensing examination or lab.
21. "Owner" means an individual or entity that has a controlling legal or equitable interest and authority and is responsible for ensuring an establishment's compliance with A.R.S. § 32-501 et seq. and this Chapter.
22. "Patron" means any client of an establishment or student of a school.
23. "Personal knowledge" means actual observation of an individual who practiced aesthetics, cosmetology, or nail technology in any state or country.
24. "Practice" means engaging in the profession of aesthetics, cosmetology, nail technology, or instructor.
25. "Reciprocity" means the procedure for granting an Arizona license to an applicant who received the required hours from a school licensed in another state of the United States or a foreign country or is currently licensed in another state of the United States or a foreign country.
26. "Substantive review" means the Board's process for determining whether an applicant for licensure meets the requirements for the license for which application is made including, if applicable, taking and passing an examination given by the Board.
27. "Tenth grade equivalency" means:
 - a. Ten high school credits, including two in English, from any school recognized by the basic education authority or the Department of Education in the jurisdiction in which the credits were obtained;
 - b. Proof that the prospective student is 23 years old. Satisfactory proof of the prospective student's age is shown by a government-issued driver's license or identification card, a birth certificate, or a passport; or
 - c. High school equivalency.
28. "Transfer application", as used in A.R.S. § 32-560, means an application that documents the transfer of a student from one Arizona cosmetology, nail technology, or aesthetics school to another and contains the student's name, address, identification number, telephone number, and number of hours of instruction received.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Amended by final rulemaking at 5 A.A.R. 1791, effective May 18, 1999 (Supp. 99-2).
Amended by final rulemaking at 12 A.A.R. 807, effective April 8, 2006 (Supp. 06-1).

R4-10-102. Fees and Charges

A. Subject Under the specific authority provided by A.R.S. § 32-507(A) and subject to R4-10-103(E), the Board establishes and shall collect the following fees:

- ~~1. Written examination: \$50.00~~
- ~~2. Practical examination: \$50.00~~
- ~~3.1.~~ Initial personal license: ~~\$40.00~~ \$70.00
- ~~4.2.~~ Personal licensing renewal fees: ~~\$30.00~~ \$60.00
- ~~5.3.~~ Delinquent personal license renewal: \$90.00 (\$60 for personal license renewal as specified under subsection (A)(4) plus \$30 for delinquent renewal) for each year every two years or portion of a year two years for which that the license is inactive to a maximum of four years ~~delinquent fees: \$50.00~~
- ~~6. Duplicate license: \$20.00~~
- ~~7.4.~~ Personal reciprocity license: ~~\$110.00~~ \$140.00
- ~~8.5.~~ Salon initial license: \$110.00
- ~~9.6.~~ Salon renewal: \$50.00
- ~~10.7.~~ Salon delinquent renewal: \$80.00
- ~~11.8.~~ School license: \$600.00
- ~~12.9.~~ School renewal: \$500.00
- ~~13.10.~~ Delinquent school renewal: \$600.00

B. An applicant for licensure by examination shall pay directly to the national professional organization with which the Board contracts the amount charged to administer and grade the written and practical examinations.

C. Under the specific authority provided by A.R.S. § 32-507(B) and subject to R4-10-103(E), the Board establishes and shall collect the following charges for the services provided:

~~14.1.~~ Board administered educational classes: \$25.00

~~15.2.~~ Review of examination: \$50.00

~~16.3. Regrading~~ Re-grading of examination: \$25.00

~~17.4.~~ Certification of licensure or hours: \$30.00

~~18.5. Service charge for~~ For use of an alternative payment method of payment: \$3.00 per transaction; ~~2.5% of applicable fee~~

~~19.6. The fee for~~ For copying public documents; is 50¢ per page. ~~The fee for~~

~~7.~~ For audiotapes, videotapes, computer discs, or other media used for recording sounds, images, or information, ~~is ;~~ \$15 per tape, disc, ~~page,~~ or other medium.

~~20.8. The fee for providing~~ For a list of licensees' names and addresses; ~~is~~ 25¢ per name.

~~9.~~ Duplicate license: \$20.00

~~21.C. The~~ As authorized by A.R.S. § 44-6852, the Board shall charge a service fee of \$20.00 for the return of a dishonored check or the failure of any other means of payment to be honored plus the actual charges assessed by the financial institution dishonoring the check or other means of payment.

R4-10-103. Payment of Fees

- A. A fee is not considered paid until the Board receives the amount required. The Board shall not provide services, administer examinations, or issue certifications or licenses until it receives the required fee.
- B. The Board shall accept personal checks only for license renewals. If a check for a license renewal is returned because it is dishonored for any reason including insufficient funds, the renewal application is incomplete, and any license renewal that has been issued is void effective the date the Board mails written notice to the licensee that the license is void.
- C. An applicant or licensee whose fee payment to the Board is dishonored for any reason including an insufficient funds check is not entitled to a further service, examination, certification, or license until the Board receives the following:
 - 1. The amount of the fee for which the payment was dishonored;
 - 2. The penalty provided in R4-10-102(21);
 - 3. If applicable, the delinquent fee for each year or part of a year the license was inactive for the type of license to be renewed.
- D. Fees are nonrefundable except if A.R.S. § 41-1077 applies.
- E. The Board shall not refund fees tendered for \$5.00 or less over the amount specified in R4-10-102, except the Board shall refund fees paid over the amount specified as the maximum fee in A.R.S. § 32-507.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Amended by final rulemaking at 9 A.A.R. 1050, effective May 6, 2003 (Supp. 03-1).

R4-10-104. Application for License by Examination

- A. An applicant for an aesthetics, cosmetology, nail technology, or instructor license by examination shall submit to the Board:
 - 1. The applicable fees required for the practical and written examination and initial personal license in R4-10-102;
 - 2. An application provided by the Board that contains:
 - a. A passport quality photo of the applicant;
 - b. The applicant's name, address, telephone number, Social Security number, gender, and birth date;
 - c. The name and address of each licensed school attended by the applicant;
 - d. The name of course completed, the name of the school where completed, and the starting date and date of graduation;
 - e. If previously licensed by the Board, type of license, license number, license expiration date, and the name used on the license;
 - f. A statement of whether the applicant has ever had an aesthetics, cosmetology, nail technology, or instructor license suspended or revoked in any state or foreign country;
 - g. A statement by the applicant verifying the truthfulness of the information provided by the applicant; and
 - h. The applicant's signature.

- B.** In addition to complying with the requirements in subsection (A), an applicant for an aesthetics, nail technology, or cosmetology license by examination shall:
1. Comply with A.R.S. § 32-510, 32-511, or 32-512 by submitting documentation of 10th grade equivalency.
 2. Comply with A.R.S. § 32-510, 32-511, or 32-512 by submitting a copy of one of the following:
 - a. If the applicant graduated from a course presented by a school licensed by the Board, a written statement signed by the administrator of the school that documents proof of graduation and completion of all required hours; or
 - b. If the applicant attended more than one licensed school in Arizona, a copy of a transfer application or certification of hours from each school attended that includes the starting and ending dates, and a written statement signed by the administrator of each school that documents proof of the total number of hours completed at the school, and, if applicable, proof of graduation.
- C.** In addition to complying with the requirements in subsection (A), an applicant for an instructor license by examination shall:
1. Comply with A.R.S. § 32-531 by submitting the following:
 - a. Documentation of required work experience;
 - b. Proof of current licensure in the profession in which experience was gained;
 - c. Proof of licensure during the period experience was gained; and
 - d. Proof of attainment of 23 years of age; or
 - e. Proof of high school equivalency.
 2. If qualifying under A.R.S. § 32-531(3)(a), submit a copy of the following:
 - a. Documentation of graduation from a Board-licensed school by a certification of graduation on a form supplied by the Board including the starting and ending dates, total number of hours completed, and signature of the administrator of the school; and
 - b. If the applicant attended more than one licensed school in Arizona, a copy of a transfer application or certification of hours from each school attended, including the starting and ending dates, total number of hours completed, and signature of the administrator of the school.
 3. Documentation of the work experience required by A.R.S. § 32-531 shall be signed by an owner or manager of a licensed salon, an individual, or a supplier of cosmetology products with personal knowledge of the applicant's licensed experience in the profession for which the applicant seeks an instructor license. The person providing the documentation verifying the applicant's experience shall also indicate the following:
 - a. Profession in which applicant gained the experience;
 - b. Starting and ending dates of applicant's experience in the profession;
 - c. Name of licensed salon and address where applicant gained experience in the profession; and
 - d. License number and name of the licensed individual completing the form; or
 - e. Name, address, and telephone number of the individual completing the information.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Former Section R4-10-104 renumbered to R4-10-108; new Section adopted by final rulemaking at 5 A.A.R. 1791, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking 11 A.A.R. 4239, effective December 5, 2005 (Supp. 05-4).

R4-10-105. Application for License by Reciprocity

An applicant for an aesthetics, cosmetology, nail technology, or instructor license by reciprocity shall submit the applicable fee required in R4-10-102 and all of the following to the Board:

1. An application provided by the Board and signed by the applicant that contains:
 - a. The applicant's name, address, telephone number, gender, passport quality photo, Social Security number, and birth date;
 - b. If previously licensed by the Board, the type of license, license number, license expiration date, and the name used on the license; and
 - c. A statement of whether the applicant has ever had an aesthetics, cosmetology, nail technology, or instructor license suspended or revoked in any state or foreign country.
2. A certification of hours and proof of graduation or licensure in another state of the United States or a foreign country that shows the number of hours received in a school or the initial and final dates of licensure.

Historical Note

Section R4-10-105 renumbered from former Section R4-10-27 and amended effective April 9, 1996 (Supp. 96-2). Former Section R4-10-105 renumbered to R4-10-109; new Section adopted by final rulemaking at 5 A.A.R. 1791, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 807, effective April 8, 2006 (Supp. 06-1).

R4-10-106. Licensing Time-frames

- A.** The overall time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Board is set forth in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The substantive review time-frame may not be extended by more than 25% of the overall time-frame.
- B.** The administrative completeness time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is set forth in Table 1.
 1. The administrative completeness review time-frame begins:

- a. For approval to take an examination, approval or denial of school or salon license, or approval or denial of a license by reciprocity, when the Board receives an application packet; or
- b. For approval or denial of a license by examination, when the applicant takes an examination.
- 2. If an application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
- 3. If an application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.
- 4. If the Board grants a license or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of notice of administrative completeness.
 - 1. As part of the substantive review for a school license, the Board shall conduct an inspection that may require more than one visit to the school.
 - 2. During the substantive review time-frame, the Board may make one comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
 - 3. If an applicant meets the requirements of A.R.S. § 32-501 through § 32-575 and this Chapter, the Board shall send written notice of approval to the applicant. If an applicant is applying for approval to take an examination, the notice shall include the date, time, and place the applicant is scheduled to take an examination.
 - 4. If an applicant does not meet the requirements of A.R.S. § 32-501 through § 32-575 and this Chapter, the Board shall send a written notice of denial to the applicant including a basis for the denial and an explanation of the applicant's right to appeal as prescribed in A.R.S. § 41-1076.
- D. The Board shall consider an application withdrawn if within 180 days from the application submission date the applicant fails to:
 - 1. Supply the missing information under subsection (B)(2) or (C)(2); or
 - 2. Take an examination.
- E. An applicant who does not wish an application withdrawn may request a denial in writing within 180 days from the application submission date.
- F. An individual shall not practice as an aesthetician, cosmetologist, instructor, or nail technician until the individual receives and posts the license at the individual's place of employment.
- G. If a time-frame's last day falls on a Saturday, Sunday, or a legal holiday, the Board shall consider the next business day the time-frame's last day.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 1791, effective May 18, 1999 (Supp. 99-2).

R4-10-107. License Renewal

- A. An aesthetician, cosmetologist, nail technician, or instructor licensee shall postmark or electronically submit an application for renewal to the Board on or before the licensee's birthday every two years.
 - 1. If ~~an applicant's~~ a licensee's birthday falls on a Saturday, Sunday, or legal holiday, the ~~applicant licensee~~ may file the renewal application on the next business day following the ~~applicant's licensee's~~ birthday.
 - 2. ~~An~~ A renewal application consists of:
 - a. A form provided by the Board that contains: the ~~applicant's licensee's~~ name, address, Social Security number, and signature or Personal Identification Number (PIN) supplied by the Board if filed electronically;
 - b. A statement of whether the ~~applicant licensee~~ has changed the ~~applicant's licensee's~~ name since the previous application and, if name has changed, a copy of a legal document, such as a marriage license or divorce decree, showing the name change; and
 - c. The fee required in R4-10-102.

- B.** An establishment licensee shall annually postmark or electronically submit to the Board an application for renewal and the fee required in R4-10-102 on or before the license renewal date.
1. If the license renewal date falls on a Saturday, Sunday, or legal holiday, the ~~applicant~~ licensee may file the application on the next business day following the license renewal date.
 2. ~~An~~ A renewal application consists of a form provided by the Board that contains:
 - a. The establishment's name and license number; and
 - b. If the owner is an individual or partnership, the signature and tax identification number of the owner; if the owner is a corporation, the signature of the authorized signer and the tax identification number of the corporation; if filed electronically, the Personal Identification Number (PIN) supplied by the Board may be used in place of the signature; ~~and~~
 - e. ~~The fee required in R4-10-102.~~

R4-10-108. Licensing Examinations

- A.** The Board may complete a pre-screening review of examination qualifications, if requested, before the student graduates from a school, but the Board shall not approve the examination application until the student has completed a minimum of:
1. 1450 hours of cosmetology training,
 2. 500 hours of aesthetics or nail technician training,
 3. 550 hours of cosmetology instructor training,
 4. 400 hours for aesthetics instructor training, or
 5. 250 hours of nail technician instructor training.
- B.** After the Board completes the pre-screening, an applicant may receive an examination date, but the applicant is not allowed in the examination site until the applicant provides a certification of graduation. If the applicant fails to provide a certification of graduation by the date set for the examination or the applicant does not appear at the examination site at the scheduled examination time, the applicant forfeits the examination fee. A pre-screening review is not a substitute for an official agency acceptance or issuance of a license.
- C.** If the applicant does not request an examination pre-screening review, the Board shall not consider an examination application until the applicant has received the hours required for graduation and has graduated from a school licensed by the Board.
- D.** All examinations shall be held in the Board's examination center at the Board's office unless another location is designated by the Board in its written notice to the applicant.
- E.** The Board shall notify applicants in writing of the time and place assigned for the examination.
- F.** An applicant shall provide identification upon entering the examination center. Acceptable forms of identification include United States issued: passport, driver license, bank identification card, military identification, or government-issued identification card. Identification shall contain a photograph of the applicant.
- G.** An examination shall consist of both written and practical sections and the practical sections shall include live demonstrations on a model as follows:
1. An applicant shall perform a cosmetology or nail technology demonstration on a mannequin,
 2. An applicant shall perform a demonstration for an aesthetics examination on a person, and
 3. An applicant shall perform demonstrations for an instructor examination on a person for an aesthetics class or a mannequin for a cosmetology or nail technology class.
- H.** An applicant shall comply with all infection control and safety standards required by R4-10-112 during the examination.
- I.** An applicant who cannot appear for an examination as scheduled shall forfeit the examination fee. An applicant who arrives at an examination site after a scheduled examination begins shall not be allowed to test at the scheduled time. If an applicant arrives after the examination begins or fails to appear for a scheduled examination, the Board shall reschedule the examination upon payment of another examination fee. The applicant is allowed a one time cancellation of the examination test date if the applicant cancels at least 48 hours before the examination start time. The Board does not require another examination fee for rescheduling a canceled examination.
- J.** An applicant shall supply equipment, supplies, tools or instruments, and a model as required.
- K.** An applicant shall not use a current or former student in an aesthetics, cosmetology, or nail technology school as a model in the live demonstration of aesthetics or instructor examinations.
- L.** Examination materials are not available for inspection or copying by any person nor shall any person attempt to obtain or provide examination materials.
- M.** The applicant shall not bring and the examination administrator shall not allow written material or recording media in either the written or practical sections of the examination for aestheticians, cosmetologists, or nail technicians. The examination administrator may exclude other items from the written or practical sections of the examination that may impede the fair administration or security

of the examination. An applicant who seeks to impede the fair administration of an exam, or copies or asks for information from another applicant shall be dismissed from the examination and shall forfeit the examination fee. An applicant who has a blood spill that is not treated following proper blood spill procedures in R4-10-112 shall be dismissed from the examination and shall forfeit the examination fee.

- N. If an applicant passes the examination but does not apply for an original license within one year after the date of the examination, the Board shall void the examination scores.
- O. If application is made by reciprocity, the Board may accept a score on a written or practical examination from another jurisdiction if the examination:
 - 1. Is the same national examination as that administered in Arizona,
 - 2. The score is at least the same as the passing score that was required by the Board at the time the applicant took the examination in the other jurisdiction, and
 - 3. The applicant provides the Board with documentation from the other jurisdiction verifying the passing score and that the score was received within one year of the application for reciprocity.
- P. The Board shall conduct all examinations in English and applicants shall submit answers in English.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Former Section R4-10-108 renumbered to R4-10-111; new Section R4-10-108 renumbered from Section R4-10-104 by final rulemaking at 5 A.A.R. 1791, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 807, effective April 8, 2006 (Supp. 06-1).

R4-10-110. Reactivating an Inactive License

- A. A cosmetology, nail technology, aesthetics, or instructor license that has been inactive for less than ~~one year~~ with two years may be reactivated by paying the delinquent renewal fee.
- B. A cosmetology, nail technology, aesthetics, or instructor license that has been inactive for more than ~~one year~~ two years, but less than five years, may be reactivated by the licensee paying the delinquent renewal fee and paying for and completing the infection protection class and law review class, offered by the Board, ~~but paid for by the licensee~~.
- C. A cosmetology, nail technology, aesthetics, or instructor license that has been inactive for more than five years, but less than 10 years, may be reactivated by the licensee if the licensee does all of the following:
 - 1. Provides a certification of licensure;
 - 2. Completes the infection protection class and law review class given by the Board;
 - 3. Takes and passes the Board examination pertaining to the type of license formerly held; and
 - 4. Pays for the classes required under subsection (C)(2) and the delinquent renewal fee.
- D. If a cosmetology, nail technology, aesthetics, or instructor license has been inactive for more than 10 years, the licensee shall comply with all application requirements in R4-10-104 before practicing or teaching cosmetology in Arizona.

R4-10-111. Display of Licenses and Signs

- A. The name on an establishment's exterior sign, advertising, and publications shall be the same as the name on the establishment license issued by the Board. The establishment's exterior sign shall contain lettering at least 2 1/2 inches in height.
- B. A school shall prominently post a class schedule that lists the names of instructors and classes. The school shall display the school and instructor licenses near the school entrance, visible to the public.
- C. A salon shall prominently post the salon license and ensure that the personal license of each licensee performing services in the salon is posted at the licensee's station.
- D. A licensee performing mobile services shall prominently display a duplicate personal and establishment license in the area where mobile services are provided. The licensee's original license shall be prominently displayed in the salon from which the licensee was dispatched in accordance with subsection (C).
- E. A copy of R4-10-112 shall be prominently posted in each establishment.

- F. A salon shall prominently post a notice of salon services that are not regulated by the Board and that are provided at the salon.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Former Section R4-10-111 renumbered to Section R4-10-114; new Section R4-10-111 renumbered from R4-10-108 by final rulemaking at 5 A.A.R. 1791, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 807, effective April 8, 2006 (Supp. 06-1).

R4-10-112. Infection Control and Safety Standards

- A. An establishment shall have and maintain the following minimum equipment and supplies:
1. Non-leaking, waste receptacles, which shall be emptied, cleaned, and disinfected daily;
 2. Ventilated containers for soiled linens including towels and capes;
 3. Closed, clean containers to hold clean linens including towels and capes;
 4. A covered, wet disinfectant container made of stainless steel or a material recommended by the manufacturer of the wet disinfectant that:
 - a. Is large enough to contain sufficient disinfectant solution to allow for the total immersion of tools and instruments,
 - b. Is set up with disinfectant at all times the establishment is open, and
 - c. Is changed as determined by manufacturer's instructions or when visibly cloudy or contaminated;
 5. An Environmental Protection Agency (EPA)-registered bactericidal, virucidal, fungicidal, and pseudomonacidal (formulated for hospitals) disinfectant which shall be mixed and used according to manufacturer's directions on all tools, instruments, and equipment, except those that have come in contact with blood or other body fluids; and
 6. An EPA-registered disinfectant that is effective against HIV-1 and Human Hepatitis B Virus or Tuberculocidal which shall be mixed and used according to the manufacturer's directions on tools, instruments, and equipment that come in contact with blood or other body fluids.
- B. Procedure for disinfecting non-electrical equipment.
1. Non-electrical equipment shall be disinfected by cleaning with soap or detergent and warm water, rinsing with clean water, and patting dry; and
 2. Totally immersing in the wet disinfectant required under subsection (A)(5) or (A)(6) following manufacturer's recommended directions.
- C. Procedure for storage of tools and instruments.
1. A tool or implement that has been used on a client or soiled in any manner shall be placed in a properly labeled receptacle; and
 2. A disinfected implement shall be stored in a disinfected, dry, covered container and isolated from contaminants.
- D. Procedure for disinfecting electrical equipment, which shall be in good repair, before each use.
1. Remove all foreign matter;
 2. Clean and spray or wipe with a disinfectant, compatible with electrical equipment, as required in subsection (A)(5) or (A)(6); and
 3. Disinfect removable parts as described in subsection (B).
- E. Tools, instruments and supplies.
1. All tools, instruments, or supplies that come into direct contact with a client and cannot be disinfected (for example, cotton pads, sponges, porous emery boards, and neck strips) shall be disposed of in a waste receptacle immediately after use;
 2. Disinfected tools and instruments shall not be stored in a leather storage pouch;
 3. A sharp cosmetology tool or implement that is to be disposed of shall be sealed in a rigid, puncture-proof container and disposed of in a manner that keeps licensees and clients safe;
 4. An instrument or supply shall not be carried in or on a garment while practicing in the establishment;
 5. Clips or other tools and instruments shall not be placed in mouths, pockets, or other unsanitized holders;
 6. Pencil cosmetics shall be sharpened before each use;
 7. All supplies, equipment, tools, and instruments shall be kept clean, disinfected, free from defects, and in good repair;
 8. Cutting equipment shall be kept sharp; and
 9. A client's personal cosmetology tools and instruments that are brought into and used in the establishment shall comply with these rules.
- F. If there is a blood spill or exposure to other body fluids during a service, licensees and students shall stop the service and:
1. Before returning to service, clean the wound with an antiseptic solution;
 2. Cover the wound with a sterile bandage;
 3. If the wound is on a licensee's or student's hand in an area that can be covered by a glove or finger cover, the licensee or student shall wear a clean, fluid-proof protective glove or finger cover. If the wound is on the client, the licensee or student providing service to the client shall wear gloves on both hands;
 4. Blood-stained tissue or cotton or other blood-contaminated material shall be placed in a sealed plastic bag and that plastic bag shall be placed into another plastic bag (double bagged), labeled with a red or orange biohazard warning, and discarded;
 5. All equipment, tools, and instruments that have come in contact with blood or other body fluids shall be disinfected as discussed in subsections (A)(6) and (B); and
 6. Electrical equipment shall be disinfected as discussed in subsection (D).
- G. All circulating and non-circulating tubs or spas shall be cleaned as follows using the disinfectant in subsection (A)(5) or (6):
1. After each client or service, complete all of the following:
 - a. Drain the tub;
 - b. Clean the tub according to manufacturer's instructions, taking special care to remove all film, especially at the water line;
 - c. Rinse the tub;

- d. Fill the tub with water and disinfectant as in subsection (A)(5) or (6); and
 - e. Allow the disinfectant to stand for non-circulating tubs or to circulate for circulating tubs for the time specified in manufacturer's instructions.
2. At the end of the day, complete all of the following:
 - a. Remove all filters, screens, drains, jets, and other removable parts;
 - b. Scrub with a brush and soap or detergent until free from debris;
 - c. Rinse;
 - d. Completely immerse in the solution described in subsection (A)(5);
 - e. Rinse;
 - f. Air dry; and
 - g. Replace the disinfected parts in the tubs or store in a disinfected, dry, covered container.
- H. Personal cleanliness.**
1. A licensee or student shall thoroughly wash his or her hands with soap and warm water or any equally effective cleansing agent immediately before providing services to each client, before checking a student's work on a client, or after smoking, eating, or using the restroom;
 2. A licensee or student shall wear clothing and shoes;
 3. A client's skin upon which services will be performed shall be washed with soap and warm water or wiped with disinfectant or waterless hand cleanser approved for use on skin before a nail technology service, including a pedicure service, is provided; and
 4. A licensee or student shall wear clean, fluid-proof protective gloves while performing any service if any bodily discharge is present from the licensee, student, or client or if any discharge is likely to occur from the client because of services being performed.
- I. Disease and infestation.**
1. A licensee or student who has a contagious disease shall not perform services on a client until the licensee or student takes medically approved measures to prevent transmission of the disease; and
 2. Services shall not be performed on an individual who has a contagious disease that may be transmitted by the performing of the services on the individual.
- J. Client protection.**
1. A client's clothing shall be protected from direct contact with shampoo bowls or headrests by the use of clean linens, capes, robes, or protective neck strips;
 2. Infection control shall be maintained and services shall be performed safely to protect the licensee or student and client;
 3. Double bracing shall be used around a client's eyes, ears, lips, fingers, and toes; and
 4. A client shall receive a pre- and post-analysis that includes appropriate instructions for follow-up.
- K. Care and storage of linens including towels, robes, and capes.**
1. Clean linens shall be provided for each client and laundered after each use;
 2. Soiled linens shall be stored in a ventilated receptacle;
 3. Laundering shall include disinfecting linens by using detergent and bleach; and
 4. Clean linens shall be stored in closed containers or closets.
- L. Care and storage of products including liquids, creams, powders, cosmetics, chemicals, and disinfectants.**
1. All products shall be stored in a container that is clean and free of corrosion and labeled to identify contents, in compliance with state and local laws and manufacturer's instruction;
 2. All products containing poisonous substances shall be distinctly marked;
 3. When only a portion of a cosmetic product is to be used, the portion shall be removed from the container in a way that does not contaminate the remaining product; and
 4. Once dispensed, a product shall not be returned to the original container.
- M. Prohibited hazardous substances and use of products.**
1. An establishment shall not have on the premises cosmetic products containing hazardous substances banned by the U.S. Food and Drug Administration (FDA) for use in cosmetic products, including liquid methyl methacrylate monomer and methylene chloride; and
 2. Product shall be used only in a manner approved by the FDA.
- N. Care of headrests, shampoo bowls, and treatment tables.**
1. Headrests of chairs and treatment tables shall be disinfected at least daily and treatment tables covered with a clean linen or paper sheet for each client;
 2. Shampoo bowls and neck rests shall be cleansed with soap and warm water or other detergent after each use and kept in good repair; and
 3. Shampoo neck rests shall be disinfected with a solution described in subsection (A)(5) or (A)(6) before each use.
- O. Prohibited devices, tools, or chemicals; invasive procedures.**
1. Except as provided in this subsection and subsection (O)(2), all of the following devices, tools, or chemicals are prohibited from being present in or used in a salon:
 - a. A device, tool, or chemical that is designed or used to pierce the dermis; and
 - b. A low-frequency, or low-power ultrasonic, or sonic device except one intended for skin cleansing, exfoliating, or product application.

2. A salon or licensee that provides an invasive procedure, using a device, tool, or chemical described in subsection (O)(1), that is otherwise allowed under Arizona law shall ensure that the performance of the procedure complies with statutes and rules governing the procedure, training, or supervision as required by the relevant, regulatory authorities.
- P. Skin peeling.**
1. Except as provided in subsections (O)(1) and (O)(2), only the non-living, uppermost layer of skin, known as the epidermis, may be removed by any method or means and only for the purpose of beautification;
 2. A skin removal technique or practice that affects the dermal layer of the skin is prohibited;
 3. Skin removal products shall not be mixed or combined except as required by manufacturer instructions and approved by the FDA; and
 4. Only commercially available products for the removal of epidermis for the purpose of beautification shall be used.
- Q. Restricted use tools and instruments.**
1. Nippers shall be used only to remove loose cuticles; and
 2. Pre-sterilized, disposal lancets shall be used only to dilate follicles and release sebaceous debris from the follicle.
- R. Cleanliness and repair of the establishment shall be maintained according to the following guidelines.**
1. After each client, hair and nail clippings shall immediately be discarded;
 2. All areas of the establishment, including storerooms and passageways, shall be well lighted, ventilated, and free from infectious agents;
 3. Floors, walls, woodwork, ceilings, furniture, furnishings, and fixtures shall be clean and in good repair;
 4. Shampoo bowls shall be clean and disinfected by using a disinfectant discussed in subsection (A)(5) or (A)(6) and drains shall be free running;
 5. Counters and all work areas shall be disinfected after each client by using a disinfectant discussed in subsection (A)(5) or (A)(6); and
 6. Waste or refuse shall be removed timely so there is no accumulation.
- S. Building standards.**
1. There shall be a direct entrance from the outside, not through living quarters, into the establishment;
 2. If connected to a residence, all passageways between the living quarters and the establishment shall have a door that remains closed during business hours;
 3. The establishment shall not be used for residential or other living purposes;
 4. The establishment shall have a restroom for employees' and clients' use during business hours that has a wash basin, running water, liquid soap, and disposable towels; is kept clean and sanitary at all times; is in close enough proximity to the salon to ensure safety for cosmetology procedures during use; and is open and available for use by employees and clients of the salon;
 5. Any excess material stored in a restroom shall be in a locked cabinet;
 6. The establishment shall have hot and cold running water;
 7. A mobile unit shall have sufficient water at all times; and
 8. The establishment shall have a natural or mechanical ventilation and air filtration system that provides free flow of air to each room, prevents the build-up of emissions and particulates, keeps odors and diffusions from chemicals and solutions at a safe level, and provides sufficient air circulation and oxygen.
- T. General requirements.**
1. The establishment shall have a first-aid kit that contains, at a minimum, small bandages, gauze, antiseptic, and a blood-spill kit that contains disposable bags, gloves, and hazardous waste stickers;
 2. No bird or animal, except fish aquariums and service animals, are allowed in the establishment; and
 3. The establishment shall comply with federal and state requirements.

Historical Note

Section R4-10-112 renumbered from former Section R4-10-33 and amended effective April 9, 1996 (Supp. 96-2). Former Section R4-10-112 renumbered to Section R4-10-115; new Section R4-10-112 renumbered from Section R4-10-109 by final rulemaking at 5 A.A.R. 1791, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking at 11 A.A.R. 4239, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 2083, effective July 5, 2008 (Supp. 08-2).

R4-10-113. Establishment Management

- A.** The manager of each establishment shall ensure that:
1. Licenses, notices, and the Board's most recent inspection sheet are prominently displayed;
 2. The establishment and all licensees in a salon, school, or a mobile service area have current licenses;
 3. Infection control and safety standards are maintained.
- B.** The salon and school owner and salon and school manager or director shall be responsible for all violations enumerated in subsection (A), occurring within the salon, school, or mobile service areas.
- C.** If a salon owner rents or leases space within the salon to a person who obtains a separate salon license, that second licensee and their salon manager and the owner shall each be responsible for all violations of requirements enumerated in subsection (A) occurring within the second licensee's licensed portion of the salon, and are each responsible for the common areas.

Historical Note

New Section R4-10-113 renumbered from Section R4-10-110 by final rulemaking at 5 A.A.R. 1791, effective May 18, 1999 (Supp. 99-2).

R4-10-114. Disciplinary Action

- A. Licensees shall permit an inspector or Board representative to inspect the premises of any salon or school, or other location identified by a complaint or the Board, alleging the location is operating a salon or school.
- B. Board action is required to dismiss a complaint.

Historical Note

New Section R4-10-114 renumbered from Section R4-10-111 by final rulemaking at 5 A.A.R. 1791, effective May 18, 1999 (Supp. 99-2).

R4-10-115. Rehearing or Review of Decisions

- A. Except as provided in subsection (G), any party in a contested case before the Board who is aggrieved by a decision rendered in such case may file with the Board, not later than 15 calendar days after service of the decision, a written motion for rehearing or review of the decision specifying particular grounds therefor. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed by certified mail to the party’s last known residence or place of business.
- B. A motion for rehearing or review may be amended at any time before it is ruled upon by the Board. A response may be filed within 10 calendar days after service of such motion or amended motion by any party. The Board may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
- C. A rehearing or review of the decision may be granted for any of the following causes materially affecting the moving party’s rights:
 - 1. Irregularity in the administrative proceedings of the agency or its hearing officer or the prevailing party, or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing;
 - 2. Misconduct of the Board or its hearing officer or prevailing party;
 - 3. Accident or surprise which could not have been prevented by ordinary prudence;
 - 4. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing;
 - 5. Excessive or insufficient penalties;
 - 6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing; or
 - 7. A decision which is not justified by the evidence or is contrary to law.
- D. Not later than 10 calendar days after the Board’s receipt of a motion for rehearing or review, the Board may affirm or modify the decision or grant a rehearing or review to any of the parties and on all or part of the issues for any of the reasons set forth in subsection (C). An order granting a rehearing or review shall specify with particularity the ground or grounds on which the rehearing or review is granted, and the rehearing or review shall cover only those matters so specified.
- E. Not later than 15 calendar days after a decision is rendered, the Board may on its own initiative, order a rehearing or review of its decision for any reason for which it might have granted a rehearing or review on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing or review for a reason not stated in the motion. In either case the order granting such a rehearing or review shall specify the grounds therefor.
- F. When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 10 calendar days after such service, serve opposing affidavits, which period may be extended for an additional period not exceeding 20 calendar days by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
- G. If in a particular decision the Board makes specific findings that the immediate effectiveness of the decision is necessary for the immediate preservation of the public peace, health, or safety and that a rehearing or review of the decision is impractical, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for rehearing or review. An application for judicial review of the decision shall be made within the time limits permitted for applications for judicial review of the Board’s final decisions.
- H. For purposes of this Section, the terms “contested case” and “party” shall be defined as provided in A.R.S. § 41-1001.

Historical Note

New Section R4-10-115 renumbered from Section R4-10-112 by final rulemaking at 5 A.A.R. 1791, effective May 18, 1999 (Supp. 99-2).

Table 1. Time-frames (in days)

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Approval to Take an Examination	A.R.S. §§ 32-514, 32-515, 32-533	90	60	30

License by Examination	A.R.S. §§ 32-510, 32-511, 32-512, 32-531	60	30	30
License by Reciprocity	A.R.S. §§ 32-513, 32-532	60	30	30
School License	A.R.S. § 32-551	90	30	60
License Renewal	A.R.S. §§ 32-517, 32-535, 544, 32-564	75	45	30
Salon License	A.R.S. §§ 32-541, 32-542	90	30	60
License Reactivation	A.R.S. § 32-518	30	15	15

Historical Note

New Table adopted by final rulemaking at 5 A.A.R. 1791, effective May 18, 1999 (Supp. 99-2).

ARTICLE 2. SCHOOLS

Editor's Note: The Board of Cosmetology repealed or renumbered Sections with the old Administrative Code numbering scheme and adopted new Sections under the current numbering scheme (Supp. 96-2). The old and new Sections cannot be shown in numerical order because of the two Articles; therefore the old numbers are not shown here. Please refer to this Chapter as published in Revised Format 6-92 for historical note information on the old numbered Sections.

R4-10-201. Application for a School License; Renewal

- A.** An applicant for a school license shall submit the documents required in A.R.S. § 32-551 and:
1. An application on a form provided by the Board, signed by the applicant, and notarized that contains:
 - a. The applicant's name, address, federal tax identification number, and telephone number;
 - b. If a partnership, each partner's name and address and an identification of whether a limited or general partner;
 - c. If a corporation, the state of incorporation and the name, title, and address of at least two officers of the corporation;
 - d. The name under which the school will be operated as registered with the Secretary of State;
 - e. The name and Board-issued license number of the instructor in charge of the school;
 - f. If an existing school, the date the applicant will be assuming ownership; and
 - g. If a new school, the scheduled date for opening the school;
 2. If a partnership, a copy of the partnership agreement;
 3. If a corporation, the articles of incorporation and a Certificate of Good Standing from the Corporation Commission;
 4. A signed statement that the establishment has the equipment required by statute and rule for the school;
 5. An unexpected contract form required by A.R.S. § 32-558;
 6. A schedule that includes the hours of each day and each day of a calendar week during which the school will be open for instruction;
 7. A proposed schedule of classes to be taught at the school;
 8. The name, address, and telephone number of the bonding company and a copy of the bond;
 9. A copy of all school policies and procedures;
 10. A school catalog that contains the information required by A.R.S. § 32-559 and:
 - a. The number of days during course enrollment that are necessary to complete the hours for the course;
 - b. The days and hours of operation, vacation periods, and holidays;
 - c. A listing of policies regarding leaves of absence and vacation approval for students;
 11. Demonstrate evidence of compliance with A.R.S. §§ 32-551 through 32-575 and these rules through a school inspection conducted by the Board; and
 12. The fee required in R4-10-102.
- B.** In addition to the requirements in R4-10-107, a licensee shall submit the following when renewing a license:
1. The most recent school catalog that:
 - a. Indicates where any modifications, additions, or deletions from the previously submitted catalog may be found;
 - b. Contains an index that shows where the information required by A.R.S. § 32-559 is located in the catalog;
 - c. Contains the name of each accrediting or approving organization; and

- d. Provides a signed statement that the establishment has the equipment required by statute and rule for the school.
 - 2. A subject description for each new course and its schedule, if applicable;
 - 3. A new operating schedule if changes will occur beginning with the new license year;
 - 4. The name and address of any new statutory agent if the change will take effect with the new license year;
 - 5. The name and license number of the current licensed instructor in charge of the school; and
 - 6. The name, address, and telephone number of the bonding company, the bond number, the expiration date of the bond, and a copy of the bond.
- C. The owner of a school shall submit to the Board the terms and conditions of any management contract entered into for the school after the contract is executed;
- D. Within five days after a change occurs during the year, the owner of a school shall submit to the Board the subject description of any new course; the name of any new statutory agent; or any change to the catalogue, generic student contract, policies, procedures, hours of operation, or bond.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 1791, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 807, effective April 8, 2006 (Supp. 06-1).

R4-10-202. School Closure

- A. For purposes of A.R.S. § 32-563, the Board may consider a school to be closed if it fails for five consecutive school days to provide instruction in accordance with its schedule of operations on file with the Board.
- 1. All enrolled students and employees shall be notified by the school in writing of a pending closure at least five calendar days before closure of the school, unless the time of such closure could not have been anticipated. A copy of the notice shall be sent to the Board at the time it is delivered to the students and employees. The students' and employees' personal belongings, including equipment, tools, and implements shall be released to each student or employee immediately upon request.
 - 2. Student records as specified by A.R.S. § 32-563 shall be sent to the Board within 10 calendar days after the school closure, including:
 - a. Copies of hour sheets documenting all student hours and the current time cards or time records received by the student after the last monthly report before the school closure as specified by R4-10-204;
 - b. A copy of the file of each student who was enrolled the last school day prior to closure as specified by R4-10-204. If a teachout was arranged with another school which agreed to complete the training, the student's file shall be transferred to that school; and
 - c. A written statement signed by each enrolled student verifying the school's compliance with subsection (A)(1) as it applies to students.
- B. Failure to comply with subsection (A) may be grounds for refusal to issue a school license to an owner, manager, director, or instructor of the school at the time of the school closure.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2).

R4-10-203. General School Requirements

- A. Aesthetics, cosmetology, and nail technology schools shall comply with R4-10-112 and have the following minimum facilities, equipment, supplies, and materials:
- 1. One area of instruction for every 20 students;
 - 2. A licensed instructor as manager or director;
 - 3. A desk, table and chair, or other instructional fixtures and facilities for each student during theory instruction;
 - 4. Filing cabinets to hold all school and student records;
 - 5. An instruction board in each room used for instruction;
 - 6. At least two cubic feet of an individual locked area with a different locking device for each enrolled student and each instructor to store personal objects and training kits;
 - 7. A sink area for each 50 students in attendance for the preparation, mixing, and dispensing of supplies and chemicals, and for the disinfection of small tools or instruments;
 - 8. At least one restroom that meets the requirements of R4-10-112;
 - 9. Separate receptacles for garbage and soiled linens; and
 - 10. One container for wet disinfectant for each student performing aesthetics and nail technology.
- B. The school shall furnish equipment, tools, instruments, materials, and supplies needed to perform assignments and for instructional purposes, except that the school may require each student to furnish small tools or instruments. All equipment, tools, and materials shall be salon quality and maintained in good repair at all times.
- C. The school shall have a library for student use which contains at least the following materials relating to the courses offered by the school:
- 1. Standard dictionary;
 - 2. Medical dictionary;
 - 3. Anatomy chart on bones, muscles, nerves, hands, arms, nails, veins, arteries, circulatory system, hair, and skin;
 - 4. Three current periodicals on the art and science of cosmetology;
 - 5. Current cosmetology instruction manuals or textbooks;
 - 6. Current Arizona Cosmetology statutes and rules; and

7. A cosmetology dictionary.
- D.** Each school shall maintain a complete file on all current curriculum requirements.
- E.** A school shall not pay a salary to an enrolled student other than a student instructor.
- F.** A licensed school may offer a postgraduate or advanced continuing education cosmetology course, including theory and lab, to students currently enrolled in the school or currently licensed individuals without a licensed instructor present.
 1. A school shall not report post-graduate credit hours to the Board or apply the hours toward graduation.
 2. Currently enrolled students shall not perform services upon a person without an instructor present.
 3. A student file is not required for licensed individuals.
 4. Each licensee shall have the licensee's current Board-issued license number onsite.
- G.** An individual licensed by the Board may re-enroll in a licensed school for a refresher course as a current student. Credit hours for training received shall be submitted by the school to the Board.
- H.** A school shall establish a periodic grading schedule and keep student transcripts current.
- I.** A school shall schedule a minimum of four hours of theory classes each week for each full-time student and a minimum of two hours of theory classes each week for each part-time student.
- J.** A school shall teach safety and infection control measures relating to each subject in conjunction with that subject.
- K.** A school shall not solicit students for enrollment at other school sites.
- L.** While teaching, instructors shall wear a tag indicating the instructor's name and courses taught.
- M.** A school shall ensure compliance with the following:
 1. A student shall not attend school more than 56 hours in any one week.
 2. A student shall only operate safe equipment in good repair.
 3. A student of aesthetics, cosmetology, and nail technology shall perform services within the enrolled course, upon the public or fellow students, only in the presence of a licensed instructor and, except for shampooing, only after completing the basic training specified in R4-10-303, R4-10-304, and R4-10-305.
 4. A school shall not prevent or discourage a student from making a complaint to the Board.
 5. A school shall not dismiss a student from a scheduled theory instruction or written or practical examination to perform clinical services for the public;
 6. While in school, each student shall wear a tag indicating the student's name and the course in which the student is enrolled; and
 7. If the school has a distant classroom, the school shall ensure that equipment for each classroom is the same as that required for each course of instruction in the school; and:
 - a. Private postsecondary facilities shall not extend the school facilities beyond .5 miles apart as verified by Global Positioning System map readings;
 - b. Public educational facilities shall not extend the school beyond the school designated campus;
 - c. A duplicate Board-issued school license shall be posted in each distant facility;
 - d. Duplicate instructor licensees are not required; and
 - e. Clinic, retail, all public services, and appointments by the public are prohibited.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Amended by final rulemaking at 12 A.A.R. 807, effective April 8, 2006 (Supp. 06-1).

R4-10-204. School Records

- A.** A school shall maintain a student's records at the school where the student is enrolled. The Board may inspect the records at any time the school is open.
- B.** When a student transfers from one school to another, the school from which the student is transferring shall:
 1. Keep a copy of the student's transcript,
 2. Forward one copy to the student and another copy to the Board within three days of the date of transfer, and
 3. Withdraw the student on the school records and the monthly report submitted to the Board.
- C.** Each school shall keep:
 1. A complete and accurate record of the time devoted by each student to the enrolled course of study;
 2. A complete and accurate record that shows the school's basis for certification of the student hours. A school shall certify only those hours of training the student receives in that school or hours the school accepts as received in another state or country;
 3. A complete and accurate individual student file for each student enrolled containing:
 - a. Contract and enrollment agreement;
 - b. Financial aid transcript;
 - c. Proof of 10th grade equivalency for a student enrolled in an aesthetics, cosmetology, or nail technology course or proof of high school equivalency or 23 years of age for a student enrolled in an instructor course;
 - d. Identification number;
 - e. Proof of one year of licensed work experience for a student instructor;
 - f. A statement signed by a school administrator and the student that provides a list of the supplies contained in the kit provided to the student. The contract shall set forth the contents of the kit including:
 - i. The price of items contained in the kit;
 - ii. When the items shall be distributed;
 - iii. The manufacturer of the products;
 - iv. The retail value of the kit; and

- v. A statement that if substitutions occur after the contract is signed, the substitutions shall be of comparable value; and
 - g. A record of completed hours, including proof of cosmetology, nail technology, aesthetics, or instructor hours earned in another state or country and accepted by the school; and
 - 4. Complete and accurate academic transcripts and attendance and hour records or time cards.
- D. The school shall electronically deliver to the Board a complete and accurate monthly report no later than the 10th day of each month. The monthly report shall include:
 - 1. For each student enrolled since the prior monthly report only:
 - a. Name;
 - b. Student identification number;
 - c. Enrollment date;
 - d. Address;
 - e. Telephone number;
 - f. Type of educational documentation that meets the requirements of R4-10-104;
 - g. Proof of hours received from another Board-licensed school, or a school in another state, or country, and certified by the school, if applicable;
 - h. Proof of crossover hours necessary to qualify for R4-10-306, if applicable; and
 - i. Birth date.
 - 2. The enrollment category of each student;
 - 3. The name, license number, and work schedule of the instructor in charge of the school, and name of the custodian of records;
 - 4. The name, license number, and work schedule of each instructor employed by the school;
 - 5. The signature of the instructor who prepares and certifies that the report is correct;
 - 6. The name of student instructors, the scheduled attendance, and the Board-issued license number for each student instructor;
 - 7. For each demonstration given, the name of the demonstrator, the name of the observing instructor, the name of the process or product demonstrated, the number of students in attendance, and the name of the course in which the demonstration was given;
 - 8. Hours received by each student for the prior month, the current month, and total cumulative hours. The school shall not amend total hours without satisfactory proof of error;
 - 9. Signature of each student verifying approval of the certified hours;
 - 10. The school's certification of the students who meet the graduation requirements of the school, including the day, month, and year of graduation; and
 - 11. The notation "transferred," "withdrawn," or "leave of absence" for students who discontinue training, and the day, month, and year training was discontinued. The school shall provide certification to the student within one week of the hours earned by the student before the student withdraws or takes a leave of absence.
- E. A school shall credit a student with additional hours earned after graduation if the student completes the required hours for graduation, registers for the Board examination, and stays in school until the date of the examination.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Amended by final rulemaking at 12 A.A.R. 807, effective April 8, 2006 (Supp. 06-1).

R4-10-205. Aesthetic School Requirements

- A. Schools that provide aesthetics 600-hour training for students, 500-hour training for instructors, or both, shall provide the following minimum facilities, equipment, supplies, and materials in addition to that required by R4-10-203 and R4-10-204:
 - 1. A work station for each student in attendance to perform aesthetics services to the public, each having:
 - a. A facial chair or table;
 - b. A table top that is 12" x 18" or larger;
 - c. A dry, disinfected, covered container to store disinfected tools and instruments, and
 - d. A labeled receptacle for contaminated tools or instruments.
 - 2. One steamer machine for each group of four students in attendance during lab and two students in attendance during clinic;
 - 3. One microdermabrasion machine to be used at a non-invasive level;
 - 4. One magnifying lamp of at least 5 diopters for each group of two students in attendance during lab and each group of four students in attendance during clinic;
 - 5. Cleansers;
 - 6. Massage medium;
 - 7. Toner;
 - 8. Exfolients and masks; and
 - 9. Depilatories.
- B. Each school shall provide a student training kit for each enrolled aesthetics student. The kit shall contain at a minimum, the following:
 - 1. One standard textbook for professional aestheticians;
 - 2. One copy of Arizona cosmetology statutes and rules;
 - 3. One disinfected, covered container to store disinfected tools and instruments as specified by R4-10-112; and
 - 4. A container for contaminated tools or instruments.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Amended by final rulemaking at 12 A.A.R. 807, effective April 8, 2006 (Supp. 06-1).

R4-10-206. Cosmetology School Requirements

- A. Schools that provide cosmetology 1600-hour training for students, 650-hour training for instructors, or both, shall provide the following minimum facilities, equipment, supplies, and materials in addition to that specified by R4-10-203 and R4-10-204:
1. A work station for each student in attendance performing cosmetology services to the public for a fee, each having:
 - a. A mirror that is at least 18" by 30" when performing services on a client;
 - b. A table top or counter;
 - c. A client chair;
 - d. A dry, disinfected, covered receptacle to store disinfected tools and instruments; and
 - e. A container for contaminated tools or instruments;
 2. One shampoo basin for each group of 10 students in attendance during lab or clinic instruction;
 3. One hand-held hair dryer for each student in attendance during lab or clinic instruction;
 4. One hooded dryer for each group of 20 students in attendance during lab or clinic instruction;
 5. One high-frequency Tesla or violet-ray unit, including a facial and scalp electrode, for each group of 20 students in attendance during practical instruction;
 6. Two electric clippers in the school;
 7. Depilatories;
 8. Chemical hair straighteners;
 9. One nail technology table with a 12" x 18" or larger top for each group of 10 students in attendance during practical instruction;
 10. A facial work station for each group of 10 students in attendance and receiving lab or clinic aesthetics instruction;
 11. A receptacle, large enough to completely immerse two feet for each group of 10 students in attendance during lab or clinic nail technology instruction;
 12. Two nail drills for filing and buffing in the school; and
 13. Nail products for acrylics, gels, tips, wraps, and polishing.
- B. Each school shall provide a student training kit for each enrolled student a nonreturnable student training kit. The kit shall contain at a minimum, the following:
1. One standard textbook for professional cosmetologists;
 2. One copy of Arizona cosmetology statutes and rules;
 3. One disinfected, covered container to store disinfected tools and instruments; and
 4. A container for contaminated tools or instruments.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Amended by final rulemaking at 12 A.A.R. 807, effective April 8, 2006 (Supp. 06-1).

R4-10-207. Nail Technology School Requirements

- A. A school that provides nail technology 600-hour training for students, 350-hour training for instructors, or both, shall provide the following minimum facilities, tools, instruments, equipment, supplies, and materials, in addition to those required by R4-10-203 and R4-10-204:
1. A work station to perform nail technology services for the public for each student in attendance containing:
 - a. A nail technology table with a top 32" x 16" or larger;
 - b. A client chair;
 - c. A nail technology chair or stool;
 - d. A disinfected, covered container to store disinfected tools and instruments as specified in R4-10-112;
 - e. A container with wet disinfectant as specified in R4-10-112;
 - f. A container for soiled tools or instruments as specified in R4-10-112;
 - g. A waste receptacle as specified in R4-10-112; and
 - h. A disinfectant for blood or body-fluid exposure as specified in R4-10-112.
 2. One container large enough to completely immerse two feet, for every five students in attendance during practical training;
 3. Nail products for acrylics, gels, tips, wraps, and polishing; and
 4. One ultraviolet light.
- B. Each enrolled nail technology student shall have a training kit containing:
1. One simulated hand;
 2. Disinfected tools and instruments including pusher, nipper, file or porous emery boards, tweezer, nail brush, and finger bowl;
 3. One covered container to store disinfected tools and implements as specified by R4-10-112;
 4. A container for soiled tools and instruments as specified in R4-10-112;
 5. A current instruction manual or textbook of nail technology and Arizona cosmetology laws and rules;
 6. Artificial nail enhancement kit with remover, wrap kit, two dappen dishes, polish kit, nail forms, finishing tools and instruments, and one brush product applicator; and
 7. One electric nail file.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Amended by final rulemaking at 11 A.A.R. 4239, effective December 5, 2005 (Supp. 05-4).

R4-10-208. Combined School Requirements

- A. A licensed school shall ensure that the following hours are taught to a student enrolled in the specific curriculum before allowing the student to graduate:
 1. Aesthetics course - 600 hours,
 2. Aesthetics instructor course - 500 hours,
 3. Cosmetology course - 1600 hours,
 4. Cosmetology instructor course - 650 hours,
 5. Nail technology course - 600 hours, and
 6. Nail technology instructor course - 350 hours.
- B. A school that provides training in all of the above courses shall have the minimum records, facilities, equipment, supplies, and materials required by:
 1. R4-10-203,
 2. R4-10-204,
 3. R4-10-205 except subsection (A)(1) is one work station for each two aesthetics students in attendance,
 4. R4-10-206, and
 5. R4-10-207 except subsection (A)(1) is one work station for each two nail technology students in attendance.
- C. A school that provides the curriculum specified in subsections (A)(3), (A)(4), (A)(5), and (A)(6) only shall have the minimum records, facilities, equipment, supplies, and materials required by:
 1. R4-10-203,
 2. R4-10-204,
 3. R4-10-206, and
 4. R4-10-207 except subsection (A)(1) is one work station for each two nail technology students in attendance.
- D. A school that provides the curriculum specified in subsections (A)(1), (A)(2), (A)(3), and (A)(4) only shall have the minimum records, facilities, equipment, supplies, and materials required by:
 1. R4-10-203,
 2. R4-10-204,
 3. R4-10-205 except subsection (A)(1) is one work station for each two aesthetics students in attendance, and
 4. R4-10-206.
- E. A school that provides the curriculum specified in subsections (A)(1), (A)(2), (A)(5) and (A)(6) only shall have the minimum records, facilities, equipment, supplies, and material required by:
 1. R4-10-203,
 2. R4-10-204,
 3. R4-10-205, and
 4. R4-10-207.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Amended by final rulemaking at 11 A.A.R. 4239, effective December 5, 2005 (Supp. 05-4).

R4-10-209. Demonstrators; Exclusions

- A. A person who does not hold an instructor license shall not teach in a school but may demonstrate to enrolled students any process, product, or appliance when an instructor is present and observing the demonstration.
- B. When demonstrating on a model, the demonstrations shall be confined to an explanation of the products, procedures, and appliances being promoted.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2).

ARTICLE 3. STUDENTS

R4-10-301. Instruction; Licensed Individuals

Licensed schools that provide instruction for licensed individuals pursuant to this Article shall:

1. Keep a record of the date, time, title, and name of the provider of the course along with the attendee's name and license number;
2. Ensure that the instruction consists of professional development related to scope of practice as specified by A.R.S. § 32-501; and
3. Ensure that hours are not granted toward licensing unless it is part of the approved course and provided by or in the presence of a licensed instructor.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Amended by final rulemaking at 14 A.A.R. 2083, effective July 5, 2008 (Supp. 08-2).

R4-10-302. Instructor Curriculum Required Hours

A. Each student in an aesthetics, cosmetology, or nail technology instructor course shall complete the number of hours listed in Table 1:

Table 1: Instructor Curriculum (in hours)

	Nail	
Subject	Aesthetics	Cosmetology Technology

1. Orientation and Arizona laws and rules	8	8	8
2. Theory, Preparation, and Practice	405	405	270
Curriculum Development			
Developing and Using Educational Aids			
Presentation Principles (Practical and Written)			
Classroom Management			
Evaluation, Assessment, and Remediation Methods (Practical and Written)			
Diversity in learning (including cultural)			
Methods of Teaching			
Professional Development (including ethics)			
Alternative Learning [see subsection (B)]			
3. Lab (clinic) oversight	87	237	72
4. Total Hours	500	650	350

- B.** Curriculum hours may be satisfied in part by completing a course at an accredited college or university described in R4-10-101(15)(c) and (d), for no more than nine credit hours for cosmetology or aesthetics and no more than six credit hours for nail technology and encompassing the subjects listed under Theory, Preparation, and Practice in subsection (A) with each college credit hour equaling no more than 30 clock hours.
- C.** All instruction given by a student instructor shall be under the direct supervision and observation of a licensed instructor.
- D.** A student instructor shall be counted as a student for the purpose of determining the maximum allowed ratio of 40 students during a theory class and 20 students during a lab or clinic for each licensed instructor in the school.
- E.** A student instructor shall not instruct students or check student services performed on the public until the student instructor has received at least 80 hours of basic instructor training.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Amended by final rulemaking at 11 A.A.R. 4239, effective December 5, 2005 (Supp. 05-4).

R4-10-303. Aesthetics Curriculum Required 600 Hours

- A.** Each student in an aesthetics course shall complete the following curriculum:
 - 1. Theory of aesthetics, infection control, anatomy, physiology and histology of the body, diseases and disorders, and Arizona cosmetology laws and rules; and
 - 2. Clinical and laboratory aesthetics including theory that involves all skin types:
 - a. Principles and practices of infection control and safety;
 - b. Recognition of diseases and the treatment of disorders of the skin;
 - c. Interpersonal skills and professional ethics;
 - d. Clinical and laboratory practice that includes face and body;
 - e. Morphology and treatment of skin, including face and body, by hand and machine;
 - f. Product pharmacology and chemistry interaction, formulation, composition, and hazards;
 - g. Aesthetics machines, tools, and instruments and their related uses;
 - h. Alternative skin technology;
 - i. Pre- and post-client consultation, documentation, and analysis;
 - j. Spa body modalities;
 - k. Exfoliation modalities;
 - l. Body and face massage and manipulations;
 - m. Body and facial hair removal except by electrolysis;
 - n. Introduction to electricity and light therapy for cosmetic purposes including laser/Intense Pulsed Light (IPL) procedures and devices;
 - o. Cosmetic enhancement applications; and
 - p. Required industry standards and ecology, including monitor duties.
- B.** An aesthetics school shall not receive remuneration for a student performing clinical services to the public until the student has received at least 120 hours of aesthetics training; and
- C.** Each student shall be evaluated for progress and provided suggested remediation of deficiencies.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Amended by final rulemaking at 11 A.A.R. 4239, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 2083, effective July 5, 2008 (Supp. 08-2).

R4-10-304. Cosmetology Curriculum Required 1600 Hours

- A. Each student in a cosmetology course shall complete the following curriculum:
1. Theory of cosmetology, infection control, anatomy, physiology and histology of the body, electricity, diseases and disorders, and Arizona cosmetology laws and rules; and
 2. Clinical and laboratory cosmetology including theory that involves nails, hair, and skin:
 - a. Principles and practices of infection control and safety;
 - b. Recognition of diseases and the treatment of disorders of the hair, skin, and nails;
 - c. Morphology and treatment of hair, skin, and nails;
 - d. Interpersonal skills and professional ethics;
 - e. Product pharmacology and chemistry interaction, formulation, composition, and hazards;
 - f. Cosmetology machines, tools, and instruments and their related uses;
 - g. Chemical texturizing;
 - h. Changing existing hair color;
 - i. Hair and scalp care;
 - j. Fundamentals of hairstyling including braiding and extensions;
 - k. Body, scalp, and facial massage and manipulations;
 - l. Hair cutting fundamentals;
 - m. Fundamental aesthetics of the body and face;
 - n. Fundamentals of nail technology;
 - o. Clinical and laboratory practice that includes hair, skin, and nails;
 - p. Alternative hair, skin, and nail technology;
 - q. Pre- and post-client consultation, documentation, and analysis;
 - r. Body and facial hair removal except by electrolysis;
 - s. Introduction to electricity and light therapy for cosmetic purposes including laser/Intense Pulsed Light (IPL) procedures and devices;
 - t. Cosmetology technology; and
 - u. Required industry standards and ecology, including monitor duties.
- B. A cosmetology school shall not receive remuneration for a student performing any clinical services, except shampooing, to the public until the student has received at least 300 hours of cosmetology training; and
- C. Each student shall be evaluated for progress and provided suggested remediation of deficiencies.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Amended by final rulemaking at 11 A.A.R. 4239, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 2083, effective July 5, 2008 (Supp. 08-2).

R4-10-305. Nail Technology Curriculum Required 600 Hours

- A. Each student in a nail technology course shall complete the following curriculum:
1. Theory of nail technology; infection control; diseases and disorders of the nails and skin; anatomy; physiology and histology of the limbs, nails, and skin structures; and Arizona state cosmetology laws and rules; and
 2. Clinical and laboratory nail technology including theory that involves nails, skin, and limbs:
 - a. Principles and practices of infection control and safety;
 - b. Recognition of diseases and the treatment of disorders of the nail and skin;
 - c. Massage and manipulation of the limbs;
 - d. Interpersonal skills and professional ethics;
 - e. Product pharmacology and chemistry interaction, formulation, composition, and hazards;
 - f. Nail technology machines, tools, and instruments and their related uses;
 - g. Clinical and laboratory practice that includes nails, skin, and limbs;
 - h. Pre- and post-client consultation, documentation, and analysis;
 - i. Manicuring, including use of nippers;
 - j. Pedicuring, including use of nippers;
 - k. Artificial nail enhancements (application and removal);
 - l. Alternative nail technology;
 - m. Electric file use;
 - n. Pedicure spa modalities;
 - o. Exfoliation modalities on limbs or the body; and
 - p. Required industry standards and ecology, including monitor duties.
- B. A nail technology school shall not receive remuneration for students performing clinical services to the public until the student has received at least 80 hours of nail technology; and
- C. Each student shall be evaluated for progress and provided suggested remediation of deficiencies.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Amended by final rulemaking at 11 A.A.R. 4239, effective December 5, 2005 (Supp. 05-4).

R4-10-306. Curricula Hours

- A. Hours of training received in an aesthetics, cosmetology, or nail technology course do not apply toward receiving an instructor's license.
- B. Hours of training received in an instructor course do not apply toward receiving an aesthetician, cosmetologist, or nail technician license but may apply toward reactivation of an aesthetics, cosmetology, or nail technology license if the instructor hours are received after inactive status occurs.
- C. The following hours may apply toward licensing:
 - 1. 100% of the hours of training received in a nail technology course toward a cosmetologist license;
 - 2. 100% of the hours of training received in an aesthetics course toward a cosmetologist license;
 - 3. 100% of the hours of combined training received in an aesthetics course and a nail technology course toward a cosmetology license but the combined total shall not exceed 600 hours;
 - 4. 15% of the hours of training received in a cosmetology course toward a nail technician license;
 - 5. 15% of the hours of training received in a cosmetology course toward an aesthetician license;
 - 6. 33% of the hours of training received in a nail technology course toward an aesthetics license;
 - 7. 66% of the hours of training received in an aesthetics course toward a nail technology license;
 - 8. 50% of the hours of training received in a barber course toward a cosmetologist license;
 - 9. 200 hours of training received for a registered nurse (RN) or clinical nurse specialist (CNS) license toward an aesthetician license;
 - 10. 100% of the hours of training received by a licensed cosmetologist in a nail technology instructor course toward an aesthetics instructor course; however, the remaining required hours shall be received in an aesthetics or cosmetology school;
 - 11. 100% of the hours of training received by a licensed cosmetologist in a nail technology instructor course toward a cosmetology instructor course; however, the remaining required hours shall be received in a cosmetology school;
 - 12. 100% of the hours of training received by a licensed cosmetologist in an aesthetics instructor course toward a cosmetology instructor course; however, the remaining required hours shall be received in a cosmetology school;
 - 13. 100% of the hours of training received in a barber instructor course toward a cosmetology instructor course; however, the remaining required hours shall be received in a cosmetology school. One year of licensed barber experience is the same as one year of licensed cosmetology experience for the purpose of qualifying for the cosmetology instructor examination specified by A.R.S. § 32-531; and
 - 14. Hours transferred to another course shall be used only once.
- D. At the completion of a course of instruction, the cumulative hours for students shall, at a minimum, conform with R4-10-301, R4-10-302, R4-10-303, R4-10-304, R4-10-305, and R4-10-306 as applicable.
- E. Infection control, disinfection procedures, and safety issues shall be taught with every subject and every procedure.
- F. Alternative learning hours are hours that a school may authorize to enable a student to pursue knowledge of cosmetology in an alternative format or location other than a salon. A school shall not credit a student with more than 20% of the total hours required for graduation, earned during enrollment at the school, as alternative learning hours.
- G. A school that provides alternative format or location in subsection (F) shall include details of the format and location in the school policy and procedures in the school catalog.
- H. Up to 16 hours of field trips may be granted toward licensing if the field trips for which those hours were granted are part of the approved course of instruction and are provided by or in the presence of a licensed instructor.
- I. If a school physically closes while providing curricula in an alternative format or location or while conducting a field trip, the school shall:
 - 1. Post a notice that is visible to the public and students; and
 - 2. Send a notice to the Board indicating the times and location where the curricula is being conducted.
- J. A student instructor may obtain lab (clinic) hours in a licensed school other than the licensed school in which the student instructor is enrolled if the student:
 - 1. Has available proof of enrollment in a licensed school to show to a Board inspector, and
 - 2. Earns no more than the lab (clinic) hours required by R4-10-302.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Amended by final rulemaking at 11 A.A.R. 4239, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 2083, effective July 5, 2008 (Supp. 08-2).

ARTICLE 4. SALONS

R4-10-401. Application for a Salon License

An applicant for a salon license shall submit:

- 1. An application on a form provided by the Board that contains:
 - a. The applicant's name, address, telephone number, federal tax identification number, and signature;
 - b. If the applicant is a partnership, each partner's name, address, and an identification of whether each is a limited or general partner;
 - c. If a corporation, the state of incorporation and the name, title, and address of each officer of the corporation and the statutory agent;
 - d. The name of the salon as registered with the Secretary of State;
 - e. If a location change, the previous address;

- f. A history of the salon including:
 - i. If the location was previously licensed by the Board, the name of the previous establishment;
 - ii. The name of each business operating at the salon address; and
 - iii. A statement of whether a cosmetology license of the applicant, any partner of the applicant, or any corporate officer has ever been suspended or revoked by any state or foreign country.
- 2. If a corporation, the articles of incorporation and a Certificate of Good Standing from the Corporation Commission;
- 3. If a partnership, a copy of the partnership agreement;
- 4. A signed statement that the establishment is in compliance with all Board statutes and rules and has all of the following in the salon:
 - a. Wet disinfectant;
 - b. A dry, closed, disinfected container to store disinfected tools and instruments;
 - c. A sink or shampoo bowl with hot and cold running water that is not also used as a dispensary or restroom sink as required by R4-10-403;
 - d. A station;
 - e. A restroom; and
 - f. Notice posted for activities performed in the salon but not regulated by the Board; and
- 5. The fee required in R4-10-102.

Historical Note

Adopted effective April 9, 1996 (Supp. 96-2). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 1791, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 807, effective April 8, 2006 (Supp. 06-1).

R4-10-402. Changes Affecting a Salon License

- A. An owner shall apply for a new salon license when:
 - 1. The salon address changes;
 - 2. The name of a salon changes;
 - 3. The controlling ownership in the corporation is transferred or the corporation is reorganized; or
 - 4. The corporation, limited liability company, or partnership has a change of any corporate officer, partner, or statutory agent.
- B. The salon owner and manager shall ensure that a Board-issued license, indicating proper ownership, is posted in the salon before opening for business.

Historical Note

Former Section R4-10-402 renumbered to R4-10-403; new Section adopted by final rulemaking at 5 A.A.R. 1791, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 807, effective April 8, 2006 (Supp. 06-1).

R4-10-403. Salon Requirements and Minimum Equipment

- A. A salon shall perform services for the public according to the type of license issued.
- B. Salons shall have enough equipment, materials, supplies, tools, and instruments to ensure infection control and safety for the public and employees.
- C. Each salon shall have:
 - 1. A work station for each employee or person using space within the salon; and
 - 2. If the salon is a cosmetology salon, a minimum of one shampoo bowl and one hair dryer that may be a blow dryer, and if the salon is an aesthetics or nail technology salon, a minimum of one sink in addition to the restroom or dispensary sink.
- D. Aestheticians, cosmetologists, and nail technicians shall have enough equipment, materials, supplies, tools, and instruments to ensure infection control at all times and disinfection between clients.

Historical Note

Adopted April 9, 1996 (Supp. 96-2). Former Section R4-10-403 renumbered to R4-10-404; new Section R4-10-403 renumbered from Section R4-10-402 by final rulemaking at 5 A.A.R. 1791, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 807, effective April 8, 2006 (Supp. 06-1).

R4-10-404. Mobile Services

- A. If mobile services are provided as an extension of a licensed salon the mobile service shall advertise using the licensed name of the salon. The licensed salon owner and manager shall ensure that the mobile services comply with the Board's statutes and rules.
 - 1. A salon providing mobile cosmetology, nail technology, or aesthetics services shall post licenses as required by R4-10-111.
 - 2. A salon shall make client appointments through the licensed salon using an appointment book that lists the appointments and locations where services are performed.
 - 3. Mobile services are subject to inspection by the Board at any time.
 - 4. If a retrofitted mobile vehicle is used to provide mobile services, the salon owner and manager shall ensure that the vehicle has the same equipment as specified by R4-10-403 and complies with safety and infection control requirements specified by R4-10-112.
 - 5. If mobile services are provided in a location other than a retrofitted mobile vehicle, the salon owner and manager shall ensure that equipment is disinfected before use and stored as specified in R4-10-112.
- B. If a retrofitted motor vehicle is used exclusively as a mobile facility that is dispatched from a business address, the owner and manager of the mobile facility shall:

1. Comply with all salon requirements;
2. Comply with all infection control and equipment requirements;
3. Maintain a complete and current list of appointment locations at the business address and display the list in a location listed on the salon application that is available to an inspector at all times when the retrofitted motor vehicle is open for business; and
4. Comply with other statutes and rules of the Board.

Historical Note

Adopted April 9, 1996 (Supp. 96-2). Former Section R4-10-404 renumbered to R4-10-405; new Section R4-10-404 renumbered from Section R4-10-403 by final rulemaking at 5 A.A.R. 1791, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 807, effective April 8, 2006 (Supp. 06-1).

R4-10-405. Shampoo Assistants

- A. People who are not licensed by the Board may be hired as shampoo assistants to shampoo and apply cream rinse to an individual's hair, comb the hair to remove tangles, and remove rollers and clippies.
- B. Shampoo assistants shall not apply conditioners, reconstructors, hair color, permanent wave solution or neutralizer, or remove rods, tint, relaxers, or other solutions from the hair.

Historical Note

New Section R4-10-405 renumbered from Section R4-10-404 by final rulemaking at 5 A.A.R. 1791, effective May 18, 1999 (Supp. 99-2).

32-501. Definitions

In this chapter, unless the context otherwise requires:

1. "Aesthetician" means a person who is licensed to practice skin care pursuant to this chapter.
2. "Aesthetics" means any one or a combination of the following practices if they are performed for cosmetic purposes:
 - (a) Massaging, cleansing, stimulating, manipulating, exercising, beautifying or applying oils, creams, antiseptics, clays, lotions or other preparations, either by hand or by mechanical or electrical appliances.
 - (b) Arching eyebrows or tinting eyebrows and eyelashes.
 - (c) Removing superfluous hair by means other than electrolysis or threading.
3. "Board" means the board of cosmetology.
4. "Cosmetic purposes" means for the purpose of beautifying, preserving or conferring comeliness, excluding therapeutic massage and manipulations.
5. "Cosmetologist" means a person who is licensed to practice cosmetology pursuant to this chapter.
6. "Cosmetology" means any one or a combination of the following practices if they are performed for cosmetic purposes:
 - (a) Cutting, clipping or trimming hair.
 - (b) Massaging, cleansing, stimulating, manipulating, exercising, beautifying or applying oils, creams, antiseptics, clays, lotions or other preparations, either by hand or by mechanical or electrical appliances.
 - (c) Styling, arranging, dressing, curling, waving, permanent waving, straightening, cleansing, singeing, bleaching, dyeing, tinting, coloring or similarly treating hair.
 - (d) Arching eyebrows or tinting eyebrows and eyelashes.
 - (e) Removing superfluous hair by means other than electrolysis or threading.
 - (f) Nail technology.
7. "Electrical appliances" means devices that use electrical current and includes lasers and IPL devices as defined in section 32-516.
8. "Instructor" means a person who is licensed to teach cosmetology, aesthetics or nail technology, or any combination thereof, pursuant to this chapter.
9. "Nail technician" means a person who is licensed to practice nail technology pursuant to this chapter.
10. "Nail technology" means:
 - (a) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating a person's nails.
 - (b) Applying artificial nails.
 - (c) Massaging and cleaning a person's hands, arms, legs and feet.
11. "Salon" means any of the following:
 - (a) An establishment that is operated for the purpose of engaging in the practice of cosmetology, aesthetics or nail technology, or any combination of the listed practices.
 - (b) An establishment together with a retrofitted motor vehicle for exclusive use as a mobile facility for the purpose of engaging in the practice of cosmetology, aesthetics or nail technology, or any combination of the listed practices, that is operated and dispatched through the establishment.

(c) A retrofitted motor vehicle exclusively used as a mobile facility for the purpose of engaging in the practice of cosmetology, aesthetics or nail technology, or any combination of the listed practices that is operated and dispatched from a business that has a physical street address that is on file with the board.

12. "School" means an establishment that is operated for the purpose of teaching cosmetology, aesthetics or nail technology, or any combination of the listed practices.

13. "Threading" means a service that results in the removal of hair from its follicle from around the eyebrows and from other parts of the face with the use of a single strand of cotton thread and an over-the-counter astringent, if the service does not use chemicals of any kind, wax or any implements, instruments or tools to remove hair.

32-502. Board of cosmetology; appointment; qualifications; terms

A. A board of cosmetology is established consisting of the following seven members who are appointed by the governor:

1. Two cosmetologists who have been actively practicing in this state for at least three years immediately preceding appointment.

2. One nail technician who has been actively practicing in this state for at least three years immediately preceding appointment.

3. One instructor who has been actively practicing in this state for at least three years immediately preceding appointment.

4. One school owner.

5. One educator who does not represent the cosmetology or nail technology industry and is not involved in the manufacture of cosmetology or nail technology products.

6. One public member who is not and has never been associated with the cosmetology or nail technology industry, licensed as a cosmetologist or nail technician or involved in the manufacture of cosmetology or nail technology products.

B. The term of office for members is three years beginning and ending June 22.

C. The governor may remove board members for neglect of duty, malfeasance or misfeasance.

32-503. Organization; meetings; personnel; compensation [CHANGE]

A. The board shall annually elect a chairman, vice-chairman and secretary-treasurer from among its membership.

B. The board shall hold at least one regular meeting monthly and may hold other meetings at times and places it designates.

C. Subject to title 41, chapter 4, article 4, the board may employ the following personnel as it deems necessary to carry out the purposes of this chapter and designate their duties:

1. An executive director who shall have been a licensed cosmetologist for at least one of the five years immediately preceding employment.

2. A supervisor of examinations who is an instructor licensed pursuant to this chapter and has worked at least two of the five years immediately preceding employment as an instructor in a school licensed pursuant to this chapter.
 3. Examiners who shall not be employed as instructors in any school licensed pursuant to this chapter.
 4. Persons to provide investigative, professional and clerical assistance as the board deems necessary and may hire consultants to assist the board in the performance of its duties.
 5. Other personnel.
- D. Members of the board are eligible to receive compensation as determined pursuant to section 38-611 for each day of actual service in the business of the board. The board shall compensate its executive director and other personnel as determined pursuant to section 38-611.

32-504. Powers and duties

A. The board shall:

1. Adopt rules that are necessary and proper for the administration of this chapter, including sanitary and safety requirements for salons and schools and sanitary and safety standards for the practice of cosmetology, aesthetics and nail technology.
2. Administer and enforce this chapter and rules adopted pursuant to this chapter.
3. Either prepare, administer and grade practical and written examinations or contract with a national professional organization for cosmetology selected by the board to prepare, administer and grade practical and written examinations.
4. Make and maintain a record of its acts and proceedings, including the issuance, denial, renewal, suspension or revocation of licenses and public reproofs of licensees.
5. Evidence its official acts by the signature of the chairman or vice-chairman of the board or a representative designated by the board.
6. Keep records of the board open to public inspection at all reasonable times.
7. Make an annual report to the governor on or before October 1 of each year covering its official acts and financial transactions during the preceding fiscal year and making recommendations it deems necessary.
8. Prescribe minimum school curriculum requirements for cosmetologists, aestheticians, nail technicians and instructors.
9. Prescribe standards and requirements for the provision of salon services through mobile units and in customer locations.

B. The board may:

1. Inspect the premises of any salon or school during business hours.
2. Delegate authority to its executive director to issue licenses to applicants who meet the requirements of this chapter.

32-505. Board of cosmetology fund

A. The board of cosmetology fund is established. Except as provided in subsection C of this section, before the end of each calendar month, pursuant to sections 35-146 and 35-147, the board shall deposit ten per cent of all monies from whatever source which come into the possession of the board in the state general fund and deposit the remaining ninety per cent in the board of cosmetology fund.

B. Except as provided in section 32-573, subsection G, monies deposited in the board of cosmetology fund are subject to section 35-143.01.

C. Monies from civil penalties received pursuant to section 32-571 shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

32-506. Nonapplicability of chapter

This chapter does not apply to the following persons while in the proper discharge of their professional duties:

1. Practices done for the treatment of physical or mental ailments or disease by medical practitioners licensed pursuant to this title.
2. Commissioned physicians and surgeons serving in the armed forces of the United States or other federal agencies.
3. Persons licensed pursuant to chapter 3 or 12 of this title.
4. Students attending schools licensed pursuant to this chapter while they are on school premises during school hours.
5. Persons employed by theatrical groups who apply makeup, oils and cosmetics.
6. Persons who sell makeup, oils and cosmetics and who apply such products during the process of selling such products.
7. Shampoo assistants who shampoo hair under the direction of a cosmetologist licensed pursuant to this chapter.
8. Services performed by and for persons in the custody of the state department of corrections.
9. Persons who apply makeup, oils and cosmetics to patients in a hospital, nursing home or residential care institution with the consent of the patient and the hospital, nursing home or residential care institution.
10. Persons who provide a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking or braiding, if the service does not include the application of dyes, reactive chemicals or other preparations to alter the color of the hair or to straighten, curl or alter the structure of the hair.
11. Persons who provide threading.
12. Persons who provide tanning services by means of airbrushing, tanning beds or spray tanning.

32-507. Fees [CHANGE]

A. The board shall establish and collect fees not to exceed the following:

1. Written examination, one hundred dollars.
2. Practical examination, one hundred dollars.
3. Application for initial personal license, forty-five dollars.
4. Application for personal reciprocity license, one hundred twelve dollars.
5. Application for salon license, one hundred twelve dollars.
6. Application for school license, six hundred dollars.
7. Application for certification of licensure or hours, thirty dollars.
8. Personal license renewal, thirty-eight dollars.
9. Personal license delinquent renewal, sixty dollars.
10. Salon license renewal, fifty dollars.
11. Salon license delinquent renewal, eighty dollars.
12. School license renewal, five hundred dollars.
13. School license delinquent renewal, six hundred dollars.

14. Delinquent penalties for each year or portion of a year for which the license was inactive.
 15. Computer printouts of names of licenses, twenty-five cents per name.
 16. Duplicate license, thirty dollars.
 17. Dishonored checks, twenty dollars.
 18. Copying charges, one dollar per page. For audiotapes, videotapes, computer discs or other mediums used for recording sounds, images or information, fifteen dollars per tape, disc or other medium.
 19. Board administered educational classes, one hundred dollars.
 20. Review of examination, fifty dollars.
 21. Regrading of examinations, twenty-five dollars.
 22. Service charges for persons who pay with alternative payment methods including credit cards, charge cards, debit cards and electronic transfers, not to exceed the cost of the alternative payment method.
- B. The board may charge additional fees for:
1. Documents and publications provided by the board.
 2. Services which the board deems appropriate to carry out its intent and purpose. These additional fees shall not exceed the costs of rendering the services.
- C. The board shall only issue a duplicate license on receipt of a written request which states the reason for the request for a duplicate license.

32-510. Aestheticians; applications; qualifications

A person is entitled to receive an aesthetician's license if the person:

1. Submits to the board an application for an aesthetician's license on a form supplied by the board.
2. Completes and receives appropriate credits for at least two years of high school education or its equivalent as prescribed by the board in its rules and submits to the board satisfactory evidence that the person is at least sixteen years of age.
3. Submits to the board satisfactory evidence of either of the following:
 - (a) That the person is a graduate of an aesthetician school in another state or country that has substantially the same requirements as this state for schools licensed pursuant to this chapter.
 - (b) That the person is a graduate of an aesthetician course consisting of at least six hundred hours of training in a school licensed pursuant to this chapter.
4. Passes the examination for an aesthetician's license.
5. Pays the prescribed fees for an aesthetician's license.

32-511. Cosmetologist; applications; qualifications

A person is entitled to receive a cosmetologist license if the person:

1. Submits to the board an application for a cosmetologist license on a form supplied by the board.
2. Completes and receives appropriate credits for at least two years of high school education or its equivalent as prescribed by the board in its rules and submits satisfactory evidence that the person is at least sixteen years of age.
3. Submits to the board satisfactory evidence of either of the following:
 - (a) That the person is a graduate of a cosmetology course consisting of at least sixteen hundred hours of training in a school licensed pursuant to this chapter.

(b) That the person is a graduate of a cosmetology school in another state or country that had at the time of the person's graduation substantially the same requirements as this state for schools licensed pursuant to this chapter.

4. Passes the examination for a cosmetologist license.
5. Pays the prescribed fees.

32-512. Nail technician; applications; qualifications

A person is entitled to receive a license to practice nail technology if the person does all of the following:

1. Submits to the board an application for a nail technician license on a form supplied by the board.
2. Completes and receives appropriate credits for at least two years of high school education or its equivalent as prescribed by the board in its rules and submits satisfactory evidence that the person is at least sixteen years of age.
3. Submits to the board satisfactory evidence of either of the following:
 - (a) That the person graduated from a nail technology school in another state or country that had at the time of the person's graduation substantially the same requirements as this state for schools licensed pursuant to this chapter.
 - (b) That the person completed a nail technician course consisting of at least six hundred hours of training in a school licensed pursuant to this chapter.
4. Pays the prescribed fees for a nail technician license.
5. Passes the examination for a nail technician license.

32-513. Reciprocity

Notwithstanding sections 32-510, 32-511 and 32-512, a person is entitled to receive a cosmetologist, aesthetician or nail technician license if the person:

1. Submits to the board an application for a cosmetologist, aesthetician or nail technician license on a form supplied by the board.
2. Submits to the board satisfactory evidence that the person is licensed in another state or country.
3. Takes and completes a class relating to infection protection and law review that is provided by the board or its designee. The board shall determine the amount of the fees for the class. The applicant shall pay the fees directly to the board or its designee.
4. Pays the prescribed reciprocity license fees.

32-514. Examinations

- A. The board or a national professional organization for cosmetology selected by the board shall administer written and practical examinations for a cosmetologist, aesthetician, nail technician or instructor license. The examinations shall test for requisite knowledge and skills in the technical application of cosmetology services.
- B. The board or a national professional organization for cosmetology selected by the board shall inform each applicant of the examination results.
- C. The board shall make an accurate record of each examination.

32-515. Reexaminations

- A. An applicant who fails an examination for a license pursuant to this article is entitled to a reexamination.

B. If an applicant fails either part of the examination, the applicant shall only retake the part of the examination that the applicant failed.

C. If one year or more elapses between an applicant's initial examination and reexamination, the applicant shall take both the written and practical parts of the examination.

D. An applicant desiring to be reexamined shall:

1. Apply to the board, if the board is administering the examination, on forms it prescribes and furnishes or to a national professional organization selected by the board to administer the examination.

2. Pay the prescribed examination fee.

32-516. Aestheticians; cosmetologists; cosmetic laser and IPL device use; certification; fees; definitions

A. An aesthetician or a cosmetologist who wishes to perform cosmetic laser procedures and procedures using IPL devices must:

1. Apply for and receive a certificate from the agency.

2. Comply with the requirements of this section and agency rules.

3. Successfully complete forty hours of didactic training as required by agency rules at an agency-certified training program. The program shall provide a provisional certificate to the applicant verifying the successful completion of the didactic training.

4. For hair removal, complete hands-on training that is supervised by a health professional who is acting within the health professional's scope of practice or by a laser technician who has a minimum of one hundred hours of hands-on experience per procedure. The health professional or laser technician must be present in the room during twenty-four hours of hands-on use of lasers or IPL devices. The supervising health professional or laser technician shall verify that the aesthetician or cosmetologist has completed the training and supervision as prescribed by this section.

5. For other cosmetic laser and IPL device procedures, complete a minimum of an additional twenty-four hours of hands-on training of at least ten cosmetic procedures for each type of specific procedure that is supervised by a health professional who is acting within the health professional's scope of practice or by a laser technician who has a minimum of one hundred hours of hands-on experience per procedure. The health professional or laser technician must be present in the room during twenty-four hours of hands-on use of lasers or IPL devices. The supervising health professional or laser technician shall verify that the aesthetician or cosmetologist has completed the training and supervision as prescribed by this section.

6. Submit to the agency the provisional certificate from the training program and certification by the health professional or laser technician who directly supervised the applicant in the room during the hands-on training.

B. The agency shall issue a laser technician certificate authorizing the aesthetician or cosmetologist to use lasers and IPL devices if the applicant has completed the training for hair removal or lasers and IPL devices for other cosmetic procedures, as applicable, and shall maintain a current register of those laser technicians in good standing and whether certification is for hair removal only or other cosmetic procedures as well. The agency may establish a fee for the registration of

aestheticians or cosmetologists as laser technicians and the issuance of certificates pursuant to this subsection. The agency shall deposit monies collected pursuant to this subsection in the laser safety fund established by section 32-3234.

C. An aesthetician or a cosmetologist who has been certified as a laser technician by the agency may use a laser or IPL device:

1. For hair removal under the indirect supervision of a health professional whose scope of practice permits the supervision.
2. For cosmetic purposes other than hair removal if the aesthetician or cosmetologist is directly supervised by a health professional whose scope of practice permits the supervision and the aesthetician or cosmetologist has been certified in those procedures.

D. The board shall investigate any complaint from the public or from another board or agency regarding a licensed aesthetician or cosmetologist who performs cosmetic laser procedures or procedures using IPL devices pursuant to this section. The board shall report to the agency any complaint it receives about the training or performance of an aesthetician or a cosmetologist who is certified as a laser technician.

E. An aesthetician or a cosmetologist who used laser and IPL devices before November 24, 2009 may continue to do so if the aesthetician or cosmetologist received a certificate pursuant to this section before October 1, 2010.

F. For the purposes of this section:

1. "Agency" means the radiation regulatory agency.
2. "Directly supervised" means a health professional who is licensed in this state and whose scope of practice allows the supervision supervises the use of a laser or IPL device for cosmetic purposes while the health professional is present at the facility where and when the device is being used.
3. "Health professional" means a person who is licensed pursuant to either:
 - (a) Chapter 11, article 2 of this title and who specializes in oral and maxillofacial surgery.
 - (b) Chapter 13, 14, 15, 17 or 25 of this title.
4. "Indirect supervision" means supervision by a health professional who is licensed in this state, whose scope of practice allows the supervision and who is readily accessible by telecommunication.
5. "IPL device" means an intense pulse light class II surgical device certified in accordance with the standards of the agency for cosmetic procedures.
6. "Laser" means any device that can produce or amplify electromagnetic radiation with wavelengths in the range of one hundred eighty nanometers to one millimeter primarily by the process of controlled stimulated emission and certified in accordance with the standards for the agency for cosmetic procedures.
7. "Laser technician" means a person who is or has been certified by the agency pursuant to its rules and chapter 32, article 2 of this title.

32-517. [License renewal](#)

A. Except as provided in section 32-4301, a cosmetologist, aesthetician or nail technician shall renew his license on or before his birth date every year.

B. A cosmetologist, aesthetician or nail technician shall submit an application for renewal accompanied by the prescribed renewal fee in order to renew his license.

C. A cosmetologist, aesthetician or nail technician who fails to renew his license on or before his birth date shall also pay the prescribed delinquent renewal penalty in order to renew his license.

32-518. Inactive licenses; reactivation; suspension

A. A license that is not renewed pursuant to section 32-517 automatically reverts to inactive status.

B. A licensee may reactivate an inactive license:

1. If a license has been inactive for less than one year, by paying the prescribed delinquent renewal penalty.
2. If a license has been inactive for one year or more but less than ten years, by paying the prescribed delinquent renewal penalty and submitting proof of satisfying educational requirements prescribed by the board in its rules.

C. A license that has been inactive for ten years is automatically suspended.

D. A licensee shall not practice under an inactive license.

32-531. Instructor; applications; qualifications

A person is entitled to receive a license to teach cosmetology, aesthetics or nail technology in a school if the person does all of the following:

1. Submits to the board an application for an instructor license on a form prescribed by the board.
2. Holds a diploma from a high school or its equivalent as prescribed by the board in its rules and submits to the board satisfactory evidence that the person is at least sixteen years of age.
3. Is a licensed cosmetologist, aesthetician or nail technician and complies with either of the following:
 - (a) Has practiced for at least one year, has passed the school examination and has received the following hours of instructor training:
 - (i) For a cosmetologist instructor, six hundred fifty hours.
 - (ii) For an aesthetics instructor, five hundred hours.
 - (iii) For a nail technician instructor, three hundred fifty hours.
 - (b) Has five years of licensed industry experience within the ten years preceding the application and meets requirements as prescribed by the board in its rules.
4. Passes the examination for an instructor license.
5. Pays the prescribed fees.

32-532. Instructor reciprocity

Notwithstanding section 32-531, a person is entitled to receive a license to teach cosmetology, aesthetics or nail technology in a school if the person submits to the board an application for an instructor license on a form prescribed by the board, pays the prescribed fees and complies with one of the following:

1. Is a current licensed cosmetologist, aesthetician or nail technician instructor in another state or country.
2. Does all of the following:
 - (a) Holds a diploma from a high school or its equivalent as prescribed by the board in its rules and submits to the board satisfactory evidence that the person is at least sixteen years of age.

(b) Is a licensed cosmetologist, aesthetician or nail technician in another state or country.

(c) Completes instructor training in another state or country that has instructor education requirements that are at least substantially equivalent to those of this state.

(d) Passes the examination for an instructor license.

3. Does all of the following:

(a) Has five years of licensed industry experience within the ten years preceding application.

(b) Holds a high school diploma or its equivalent as prescribed by the board in its rules and submits to the board satisfactory evidence that the person is at least sixteen years of age.

(c) Meets requirements as prescribed by the board in its rules.

(d) Passes the examination for an instructor license.

32-533. Instructor examinations; reexaminations

A. An examination for an instructor license shall be written and practical.

B. The board shall inform each applicant of the applicant's examination results in writing.

C. The board shall make an accurate record of each examination.

D. An applicant who fails any part of the examination twice shall attend a school licensed pursuant to this chapter for two hundred fifty hours of instructor training.

E. An applicant desiring to be reexamined shall apply to the board on forms it prescribes and furnishes and pay the prescribed examination fee.

32-535. Instructor license renewal

A. Except as provided in section 32-4301, an instructor shall renew his license on or before his birth date every year.

B. An instructor shall submit an application for renewal accompanied by the prescribed renewal fee in order to renew his license.

C. An instructor who fails to renew his license on or before his birth date shall also pay the prescribed delinquent renewal penalty in order to renew his license.

32-536. Instructor practice; instruction

A. An instructor may practice in the category of practice he is licensed to practice in a salon licensed pursuant to this chapter.

B. An instructor shall teach only in the area he is licensed by the board to teach.

32-537. Instructor; inactive licenses; reactivation; suspension

A. An instructor license that is not renewed pursuant to section 32-535 automatically reverts to inactive status.

B. A licensee may reactivate an inactive license:

1. If a license has been inactive for less than one year, by paying the prescribed delinquent renewal penalty.

2. If a license has been inactive for one year or more but less than ten years, by paying the prescribed delinquent renewal penalty and submitting proof of satisfying educational requirements prescribed by the board in its rules.

C. A license that has been inactive for ten years is automatically suspended.

D. A licensee shall not practice under an inactive license.

32-541. Salon requirements

- A. A person is entitled to receive a license to operate a salon if the person:
1. Submits to the board an application for a salon license on a form supplied by the board.
 2. Pays the prescribed fee.
- B. The safety and sanitary requirements specified by the board in its rules shall be requirements while a salon is operating.
- C. Each salon shall have an individual designated as the manager of the salon.

32-542. Salon inspections

- A. The board shall inspect all proposed salons to determine if all of the requirements are met. The board may issue a license to a salon pending inspection of the salon as it deems appropriate.
- B. The board shall inspect salons on a regular basis as it deems necessary.

32-543. Required display

Salons shall display the following in a conspicuous location which is readily observable by any patron:

1. The current salon license.
2. The current licenses for cosmetologists, aestheticians or nail technicians practicing in the salon.
3. The latest inspection sheet.

32-544. Salon license renewal

- A. Except as provided in section 32-4301, a salon license is renewable each year on or before the anniversary date of the first license by meeting all the requirements for a salon license and paying the prescribed renewal fee.
- B. A salon owner who fails to renew the owner's salon license each year by the anniversary date of the license shall apply pursuant to section 32-541 and pay the prescribed fee and delinquent renewal penalty.

32-545. Change of ownership or location; change of trade name

- A. A salon shall not change from the name of one licensee to another or from one location to another or change its trade name without filing a new application and paying the prescribed fee.
- B. A salon owner shall notify the board in writing within ten days after any change of ownership of the salon or change in the salon's location or trade name and pay the prescribed fee.

32-551. School licenses; applications; requirements

- A. A person is entitled to a license to operate a school if:
1. He pays the prescribed fee.
 2. He furnishes a surety bond in the amount of ten thousand dollars approved by the board and executed by a corporate bonding company authorized to do business in this state. The bond shall be for the benefit of and subject to the claims of the

state for failure to comply with the requirements of this chapter and any student who fails to receive the full course of instruction required under this chapter.

3. He submits to the board under oath an application for a school license on a form supplied by the board and other documentation required by the board in its rules.

4. The proposed school passes an inspection by the board before it opens.

B. An incomplete application shall be returned to an applicant within thirty days after the board receives it with the causes for the return.

32-552. Change of ownership or location; change of trade name

A. A school shall not change from the name of one licensee to another or from one location to another or change its trade name without filing a new application and paying the prescribed fee.

B. A school owner shall notify the board in writing within ten days after any change of ownership of the school or change in the school's location or trade name, submit a new license application for the school and pay the prescribed fee.

32-553. Instruction staff

A. Instructors shall not apply their time to private practice with or without compensation in a school.

B. Students shall be under the constant supervision of an instructor.

32-554. Required display

Schools shall display the following in a conspicuous location:

1. The current school license.

2. The current licenses of instructors teaching in the school.

3. The latest inspection sheet.

32-555. Equipment

A school shall contain sufficient equipment as prescribed by the board in its rules.

32-556. Separation of schools from other businesses

A school of any type, including a cosmetology school or otherwise, shall not be conducted with any other business, including a salon. A school of any type, including a cosmetology school or otherwise, and another business shall be separated by walls of permanent construction and not have doors or openings between them. A cosmetology school may offer for sale cosmetology products and related articles.

32-557. Services for the public; restrictions

A. Students may render services to the public only under the direct supervision of an instructor.

B. The following notice shall be posted in a conspicuous place within the school in letters large enough to be read across the length of the room, "school of cosmetology - work done exclusively by students."

C. A student in a school shall not receive a salary or commission from the school for any cosmetology, aesthetics or nail technology services while he is enrolled in the school as a student.

D. A school shall post a price list for services rendered to the public which is large enough to be easily read from a distance of ten feet.

32-558. [Student-school contracts](#)

A private school is required to execute a contract between itself and a student in duplicate. The form of the contract shall be approved by the board. A contract between a school and a student shall bear the signature of a school official and the student or parent or guardian if the student is under eighteen years of age. A fully executed copy of the contract shall be given to the student and the school shall keep the original copy.

32-559. [School catalogs](#)

A. A private school shall submit a copy of its official catalog to the board for board approval.

B. A private school catalog shall contain the following:

1. Name and address of the school.
2. Date of publication.
3. Admission requirements and procedures used by the school.
4. Number of hours of training required for licensure.
5. A brief outline of the curriculum offered by the school.
6. A description of the school's general physical facilities and equipment.
7. Policies relating to tardiness, absences, make-up work, conduct, termination and other rules of the school.
8. The grading system, including a definition of credit units if any.
9. The type of document awarded on graduation from the school.

32-560. [Transfer procedures](#)

A student who desires to transfer from one school to another shall execute an application for transfer form prescribed by the board. The transferring school shall complete the application for transfer in triplicate and forward the requested information to the board within three days after the student executes the application for transfer.

32-561. [Student records](#)

A school shall keep records as prescribed by the board in its rules on file for each student enrolled or reenrolled in a school for a regular course, postgraduate course or additional hours.

32-562. [School inspections](#)

The board shall inspect schools on a regular basis as it deems necessary.

32-563. [School closings](#)

A. Within five days after a school closes it shall notify the board by certified mail of the closure.

B. Within ten days after a school closes it shall forward all student records to the board.

32-564. [School license renewal](#)

A. Except as provided in section 32-4301, school licenses are renewable on or before June 30 of every year by meeting all the requirements for a school license and paying the prescribed renewal fee.

B. A school owner who fails to renew his school license by June 30 of every year shall apply pursuant to section 32-551 and pay the prescribed fee and delinquent renewal penalty.

32-565. Schools; postsecondary education institutions

A school must be recognized as a postsecondary educational institution if both of the following apply:

1. The school admits as regular students only individuals who have earned a recognized high school diploma or the equivalent of a recognized high school diploma or who are beyond the age of compulsory education as provided by section 15-802.
2. The school is licensed by name by the board under this chapter to offer one or more training programs beyond the secondary school level.

32-571. Disciplinary action

The board may take any one or a combination of the following disciplinary actions:

1. Revoke a license.
2. Suspend a license.
3. Impose a civil penalty in an amount not to exceed two thousand dollars.
4. Impose probation requirements best adapted to protect the public safety, health and welfare including requirements for restitution payments to patrons.
5. Publicly reprove a licensee.
6. Issue a letter of concern.

32-572. Grounds for disciplinary action or refusal to issue or renew license; definition

A. The board may take disciplinary action or refuse to issue or renew a license for any of the following causes:

1. Continued performance of cosmetology, aesthetics or nail technology services by a person knowingly having an infectious or communicable disease.
2. Conviction of a crime.
3. Commission of an act involving dishonesty, fraud or deceit with the intent to substantially benefit oneself or another or substantially injure another.
4. Malpractice or incompetency.
5. Knowingly advertising by means of false, misleading, deceptive or fraudulent statements through communication media.
6. Violating any provision of this chapter or any rule adopted pursuant to this chapter.
7. Making oral or written false statements to the board.
8. Repeated failure to correct infractions of safety and sanitary requirements prescribed by the board in its rules.
9. Failing to comply with an order of the board.

B. A conviction of a crime or act shall not be a cause of refusal to issue or renew a license unless the crime or act is substantially related to the qualifications, functions or duties of the license for which application is made.

C. The expiration, cancellation, suspension or revocation of a license or a licensee's voluntary surrender of a license does not deprive the board of jurisdiction to do any of the following:

1. Proceed with an investigation of a licensee.
2. Proceed with an action or disciplinary proceeding against a licensee.
3. Suspend or revoke a license.
4. Deny the renewal or right of renewal of a license.

D. For the purposes of this section, "conviction" means a plea or verdict of guilty or a conviction following a plea of no contest.

32-573. Procedure for disciplinary action; appeal

A. The board on its own motion may investigate any information that appears to show the existence of any of the causes set forth in section 32-572. The board shall investigate the report of any person that appears to show the existence of any of the causes set forth in section 32-572. A person who reports pursuant to this section and who provides the information in good faith is not subject to liability for civil damages as a result.

B. If, after completing its investigation, the board finds that the evidence is not of sufficient seriousness to merit direct action against a license, it may take either of the following actions:

1. Dismiss if, in the opinion of the board, the evidence is without merit.
2. File a letter of concern if, in the opinion of the board, while there is insufficient evidence to support direct action against the license there is sufficient evidence for the board to notify the licensee that continuation of the activities that led to the information or report being made to the board may result in action against the licensee's license.

C. If, in the opinion of the board, it appears the information or report is or may be true, the board shall request an informal interview with the licensee concerned. The interview shall be requested by the board in writing, stating the reasons for the interview and setting a date not less than ten days from the date of the notice for conducting the interview.

D. If, after an informal interview, the board finds that the evidence warrants suspension or revocation of a license issued pursuant to this chapter, imposition of a civil penalty or public reproof or if the licensee under investigation refuses to attend the informal interview, a complaint shall be issued and formal proceedings shall be initiated. All proceedings pursuant to this subsection shall be conducted in accordance with title 41, chapter 6, article 10.

E. A licensee who has been notified pursuant to subsection D of this section of charges pending against the licensee shall file with the board an answer in writing to the charges not more than thirty days after the licensee receives the complaint. If the licensee fails to answer in writing within this time, it is deemed an admission by the licensee of the acts charged in the complaint and the board may take disciplinary action allowed by this chapter without a hearing.

F. If the board finds that the evidence is not of sufficient seriousness to merit suspension or revocation of a license issued pursuant to this chapter, imposition of a civil penalty or public reproof it may take the following actions:

1. Dismiss if, in the opinion of the board, the evidence is without merit.

2. File a letter of concern if, in the opinion of the board, while there is insufficient evidence to support direct action against the license there is sufficient evidence for the board to notify the licensee that continuation of the activities which led to the information or report being made to the board may result in action against the licensee's license.

3. Impose probation requirements.

G. If a licensee violates this chapter or a rule adopted pursuant to this chapter, the board may assess the licensee with the board's reasonable costs and expenses, including attorney fees, incurred in conducting the investigation and administrative hearing. All monies collected pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in a separate account in the board of cosmetology fund established by section 32-505. The board may only use these monies to defray its expenses in connection with investigation related training and education, disciplinary investigations and all costs related to administrative hearings. Notwithstanding section 35-143.01 the separate account monies may be spent without legislative appropriation.

H. Except as provided in section 41-1092.08, subsection H, final decisions of the board are subject to judicial review pursuant to title 12, chapter 7, article 6.

32-574. Unlawful acts; violation; classification

A. A person shall not:

1. Perform or attempt to perform cosmetology, aesthetics or nail technology without a license in that category issued pursuant to this chapter, or practice in a category in which the person does not hold a license.

2. Display a sign or in any way advertise or hold oneself out as a cosmetologist, aesthetician or nail technician or as being engaged in the practice or business of cosmetology, aesthetics or nail technology without being licensed pursuant to this chapter.

3. Knowingly make a false statement on an application for a license pursuant to this chapter.

4. Permit an employee or another person under the person's supervision or control to perform cosmetology, aesthetics or nail technology without a license issued pursuant to this chapter.

5. Practice or attempt to practice cosmetology, aesthetics or nail technology in any place other than in a salon licensed pursuant to this chapter unless the person is requested by a customer to go to a place other than a salon licensed pursuant to this chapter and is sent to the customer from the salon, except that a person who is licensed pursuant to this chapter may practice, without the salon's request, cosmetology, aesthetics or nail technology in a health care facility, hospital, residential care institution, nursing home or residence of a person requiring home care because of an illness, infirmity or disability.

6. Obtain or attempt to obtain a license by the use of money other than the prescribed fees or any other thing of value or by fraudulent misrepresentation.

7. Provide any service to a person having a visible disease, pediculosis or open sores suggesting a communicable disease until the person furnishes a statement signed by a physician licensed pursuant to chapter 13 or 17 of this title stating that the disease or condition is not in an infectious, contagious or communicable stage.

8. Operate a salon or school without being licensed pursuant to this chapter.

9. Violate any provision of this chapter or any rule adopted pursuant to this chapter.

10. Ignore or fail to comply with a board subpoena.

11. Use the title of "aesthetician", "cosmetologist" or "nail technician" or any other title or term likely to be confused with "aesthetician", "cosmetologist" or "nail technician" in any advertisement, statement or publication unless that person is licensed pursuant to this chapter.

B. An instructor shall not render cosmetology, aesthetics or nail technology services in a school unless the services are directly incidental to the instruction of students.

C. A person who violates this section is guilty of a class 1 misdemeanor.

32-575. Injunctions

The board, the attorney general, a county attorney or any other person may apply to the superior court in the county in which acts or practices of any person which constitute a violation of this chapter or the rules adopted pursuant to this chapter are alleged to have occurred for an order enjoining those acts or practices.

32-576. Confidentiality

A. Examination materials, records of examination grading and performance and transcripts of educational institutions are confidential and are not subject to inspection pursuant to title 39, chapter 1, article 2.

B. All investigation files are confidential and are not subject to inspection pursuant to title 39, chapter 1, article 2 until the matter is final. The licensee shall be informed of the investigation. The public may obtain information that discloses that an investigation is being conducted and the general nature of the investigation.