

BEFORE THE BOARD OF BARBERS AND COSMETOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC
adoption of New Rules I through) HEARING ON PROPOSED
XXXVII, pertaining to licensure,) ADOPTION AND REPEAL
fees and regulation of barbers,)
cosmetologists, electrologists,)
estheticians and manicurists under)
the new Board of Barbers and)
Cosmetologists, and the proposed)
repeal of all the rules in Chapter)
120, Board of Barbers, and Chapter)
132, Board of Cosmetologists, and)
ARM 24.121.101, interim rule)

TO: All Concerned Persons

1. On August 30, 2004, at 9:00 a.m., a public hearing will be held in room 438, 301 South Park Avenue, Helena, Montana to consider the proposed adoption and repeal of the above-stated rules.

2. The Department of Labor and Industry (Department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Barbers and Cosmetologists no later than 5:00 p.m., August 23, 2004 to advise us of the nature of the accommodation needed. Please contact Royce Poe, Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2335; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2323; or e-mail dlibsdcos@state.mt.us.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The 2003 Montana Legislature enacted Chapter 243, Laws of 2003 (House Bill 196), an act combining the former Board of Barbers and the former Board of Cosmetologists into the new Board of Barbers and Cosmetologists (Board). The bill was signed by the Governor on April 8, 2003, became effective on October 1, 2003, and is codified at Title 37, chapter 31, Montana Code Annotated (MCA).

The Board is now proposing the New Rules in order to timely implement the new legislation. The rules will function as guidelines for the conduct of Board business and the qualification, examination and registration of applicants to practice barbering, cosmetology, electrology, esthetics and manicuring, and applicants for booth rental licenses. The New Rules also address the regulation and instruction of students and schools within the Board's jurisdiction, and the general conduct of individuals and organizations affected by the legislation. The Board is also proposing to adopt rules related

to the sanitary operation of shops, salons and schools and the sanitary practices of licensed barbers, cosmetologists, electrologists, estheticians and manicurists.

The Board has been operating since October 2003 with interim rules. There is reasonable necessity to adopt the proposed New Rules to provide a single integrated set of rules applicable to the Board's licensees, and to repeal the interim rule which has been in place since October 2003. In addition, it is reasonable and necessary to repeal the rules of the former Board of Barbers and the Board of Cosmetologists in their entirety, as those rules are replaced by the proposed New Rules.

4. The Board proposes to adopt the following NEW RULES:

NEW RULE I BOARD ORGANIZATION (1) The board of barbers and cosmetologists adopts and incorporates the organizational rules of the department of labor and industry (department) as listed in chapter 1 of this title.

AUTH: 37-31-203, MCA
IMP: 2-4-201, MCA

NEW RULE II PROCEDURAL RULES (1) The board of barbers and cosmetologists adopts and incorporates the procedural rules of the department as listed in chapter 2 of this title.

AUTH: 37-31-203, MCA
IMP: 2-4-201, 37-31-203, MCA

NEW RULE III DEFINITIONS The following definitions shall apply as used in this chapter:

(1) "Blood spill kit" means a kit containing the equipment necessary to follow all of the blood spill procedures as required by [NEW RULE VI].

(2) "Booth rental" means an establishment or business attached to or within a licensed salon or shop that is operated independently by a licensed booth renter.

(3) "Booth renter" means an independent contractor who operates in a licensed salon or shop and is not an employee or owner of the salon or shop and abides by the requirements of 39-51-204, MCA.

(4) "Cadet" or "student" instructor means a licensee who is enrolled in a school for the teacher-training program.

(5) "Clean" means the absence of, or the removal of, soil, dirt, dust, hair or foreign material, by washing, sweeping, clearing away, or any other appropriate method rendering a sanitary condition.

(6) "Demonstration" means a planned educational instruction that illustrates and explains with examples the merits of products or services to one or more enrolled students. Members of the public may not be charged for any service performed in connection with a demonstration.

(7) "Dermabrasion" or "open dermabrasion" means the

surgical application of a wire or diamond frieze by a physician to abrade the skin, vaporizing from the epidermis and possibly down to the papillary layer of the dermis.

(8) "Dermaplane" means the use of a scalpel or sharp, bladed instrument by a physician to "shave" the upper layers of the epidermis.

(9) "Direct supervision" means the on-site physical presence of a supervisor in the clinic and basic areas of the school, where students perform educational activities and services requiring licensure, and includes communication, direction, observation and evaluation on a consistent basis.

(10) "Embellishment and beautification" means the improvement of an individual's appearance to meet the individual's need or desire through noninvasive procedures and practices.

(11) "Employee" means a person employed by a salon, shop or school and paid wages and/or commissions in accordance with federal, state and local regulations.

(12) "Exfoliation" means the sloughing off of nonliving (dead) skin cells by very superficial and noninvasive means.

(13) "Member of the public" means any person that is not enrolled as a student or employed as an instructor of the school in which the student is attending. Payment or compensation for services shall not be a consideration.

(14) "Microdermabrasion" means a gentle, progressive, very superficial mechanical exfoliation of the uppermost layers of the stratum corneum using a closed-loop vacuum system that utilizes aluminum oxide or corundum crystals as the abrasive material.

(15) "Noninvasive" means procedures confined to the nonliving cells of the epidermis, specifically the stratum corneum layer, and through which living cells are never altered, cut or damaged. At no time shall individuals licensed in this chapter perform services where the germinative or basal layers of the skin are compromised.

(16) "Patch test" or "predisposition test" means a test required by federal law under the Food and Drug Act, whereby a small amount of the chemical preparation is applied to the skin of the arm or behind the ear to determine possible allergies (hypersensitivity) of the client.

(17) "Sanitized", "sanitary" or "sanitation" means the absence of agents of infection, disease, or infestation by insects, vermin, soil, dust, dirt, hair or foreign material, or the removal of agents of infection, disease, or infestation by insects, vermin, soil, dust, dirt, hair or foreign material from items, implements, tools and surfaces.

(18) "Sterilization" means to completely destroy all living organisms on a surface.

(19) "Very superficial" means confined to the uppermost stratum corneum layer of the epidermis.

(20) "Working area" means the area of a salon, shop or school where students or licensees perform services upon clients or members of the public.

AUTH: 37-1-131, 37-31-203, MCA
IMP: 37-31-103, 37-31-203, MCA

NEW RULE IV GENERAL REQUIREMENTS (1) Applicants for all licensure types shall submit to the board a completed application, on forms prescribed by the board, including all required fees and documentation.

(2) Applications received by the board will be reviewed for completeness. If the application is not complete, the applicant has 90 days in which to supply the remaining information or documents. If the application is not completed within 90 days, the application is rejected, and the applicant shall be required to submit a new application package and fees.

(3) All licensees, including salons, shops and schools, shall display all licenses conspicuously for members of the public to view. The address on the personal license may be covered.

(a) Booth renters shall display conspicuously at their working areas all current licenses and a clear legible sign, of at least six inches by three inches, stating that the booth/station is a booth rental and is rented by the booth renter.

(b) Booth renters shall clearly label all other areas of the salon or shop maintained by the renter, including but not limited to retail, roll-about, carts, and manicure tables.

(4) Licensees shall ensure that their correct name and current mailing address is on file with the board by notifying the board of changes in name or address in writing within 30 days, and including the licensee's name, profession and license number.

(5) Licenses must not be defaced or altered.

(6) Licensees shall immediately notify the board of lost, damaged or destroyed licenses and obtain a duplicate license by submitting a written request and appropriate fees to the board or through the board's website.

(7) All licensees practicing barbering, cosmetology, electrology, esthetics or manicuring shall provide a suitable place equipped to provide adequate services to clients, as specified in rule and subject to inspection by the department or board designee.

(8) Licensees seeking to offer mechanical exfoliation or microdermabrasion services shall obtain an endorsement by the board prior to practicing.

(a) To obtain an endorsement, licensees shall complete an additional 50 hours of continuing education in the field of microdermabrasion as follows:

- (i) histology of the skin;
- (ii) bacteriology;
- (iii) client consultation and protection;
- (iv) client pre-care and post-care;
- (v) product knowledge;
- (vi) theory of technical application of microdermabrasion;
- (vii) sanitation and safety;
- (viii) disposal of waste products; and

- (ix) practical application and observation.
- (b) A minimum of 50% of the required hours must be taught in theory.
- (9) Licensees shall submit to the board a notarized copy of a certificate of completion of training for each machine or device to be used by the licensee. Each certificate must include:
 - (a) licensee name;
 - (b) date training was completed;
 - (c) number of hours of training;
 - (d) name of manufacturer; and
 - (e) model number of the machine.
- (10) Licensees shall advise clients of the necessity for protection of the skin prior to and following an exfoliation procedure.

AUTH: 37-1-131, 37-31-203, MCA
IMP: 37-31-301, 37-31-302, 37-31-303, 37-31-304, 37-31-305,
37-31-309, 37-31-311, MCA

NEW RULE V VARIANCES (1) Upon application, the board may grant a variance from requirements of the safety and sanitation rules upon the board's determination that:

- (a) strict compliance with the rules would be overly burdensome or impractical due to special conditions or cause;
- (b) the public or private interest in the granting of a variance clearly outweighs the application of uniform rules; and
- (c) alternative measures will provide adequate public health and safety protection.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA
IMP: 37-31-204, MCA

NEW RULE VI PREMISES AND GENERAL REQUIREMENTS (1) The premises of all salons, shops and schools must be kept clean, sanitary and in a safe condition at all times.

(2) No services connected with a salon, shop or school can be conducted in any room used as living or sleeping quarters.

(3) No other business can be conducted in a salon, shop or school, except those regulated by the board or related to the industries regulated by the board, unless separated by a full-length partition.

(4) If there is another salon, shop and school connected to a salon, shop or school, there must be a door between the establishments that must remain closed during business hours.

(5) Salons, shops and schools must provide direct entry into the salon, shop or school from a public access area.

(6) Furniture must be kept clean, sanitary and in a safe condition at all times.

(7) Animals are permitted on the premises of a salon or shop only as follows:

(a) Animals assisting individuals with disabilities must be accompanied as specified in 49-4-214, MCA.

(b) Dogs may be permitted on the premises at any time at

the discretion of the licensee, after the licensee:

(i) provides the board with proof of current rabies vaccination records for each dog on the premises, and makes such proof available to the board inspector;

(ii) provides the board with a certificate of insurance for liability insurance covering each dog on the premises and maintains a copy of the certificate on the premises; and

(iii) posts a legible sign at or near the entrance of the salon or shop indicating that there is a dog present on the premises.

(c) Fish are permitted in enclosed tanks or aquariums only.

(d) All other animals are prohibited on the premises of salons or shops at any time, unless the licensee has submitted a request for a variance that has been approved by the board as provided in rule.

(8) Food must not be prepared and sold or stored in a salon, shop, school or booth. Beverages that are prepared beyond the addition of water are prohibited. The following exceptions apply:

(a) food and non-alcoholic beverages that the licensee has for the licensee's own consumption;

(b) items dispensed from vending machines if the machines comply with federal, state and local laws; or

(c) if the salon, shop or school is licensed as a food purveyor in accordance and in compliance with all state and county regulations.

(9) Single service disposable drinking cups must be available for client use unless the salon, shop or school is licensed as a food purveyor as above.

(10) Alcoholic beverages are prohibited in a salon, shop or school, except where permitted in accordance with the state regulations of the department of revenue.

(11) If a blood spill should occur, the licensee, student or cadet instructor shall follow the blood spill procedure adopted by the national interstate council of state boards of cosmetology (NIC). The board adopts and incorporates by reference the blood spill procedure as adopted by NIC, August 1998. A copy of the blood spill procedure is available at the board offices, 301 South Park Avenue, P.O. Box 200513, Helena, MT 59620-0513.

(12) The NIC blood spill procedure must be posted in all salons, shops and schools.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA

IMP: 37-31-204, 37-31-311, MCA

<u>NEW RULE VII FEES</u>	(1) Original and renewal license to practice	\$ 45
	(2) Active instructor license	60
	(3) Inactive instructor license	50
	(4) Original and renewal school license	150
	(5) Additional courses within a cosmetology school	50

(6)	School/course inspection	150
(7)	Original and renewal salon or shop license	50
(8)	Salon or shop inspection	100
(9)	Original and renewal booth rental license	40
(10)	Late renewal penalty	75
(11)	Out-of-state license by endorsement	45
(12)	Duplicate license	15
(13)	Student enrollment/re-enrollment	25
(14)	Document	20

(15) Examination fees must be paid to the examination administration service as contracted by the board. If the board does not contract examination services, the fees must be paid to the board.

(16) All individual licenses must be renewed on a biennial basis and expire on December 31 of the renewal year.

(a) If the completed renewal application is postmarked after December 31, or after the first business day of the new year if December 31 is a Sunday, the licensee shall pay a late renewal fee in addition to the license renewal fee.

(17) All school licenses must be renewed on an annual basis and expire on December 31 of each year.

(a) If the completed school renewal application is postmarked after December 31, or after the first business day of the new year if December 31 is a Sunday, the licensee shall pay a late renewal fee in addition to the license renewal fee.

(18) All salon, shop and booth rental licenses must be renewed on an annual basis and expire on July 1 of each year.

(a) If the completed salon, shop or booth renewal application is postmarked after July 1, or after the first business day of the renewal year if July 1 is a Sunday, the licensee shall pay a late renewal fee in addition to the license renewal fee.

(19) Any portion of a year is considered a full year. Fees may not be prorated.

(20) Fees are nonrefundable.

AUTH: 37-1-131, 37-1-134, 37-31-203, MCA

IMP: 37-1-134, 37-31-302, 37-31-304, 37-31-305, 37-31-311, 37-31-312, 37-31-321, 37-31-322, 37-31-323, MCA

REASON: Section 37-1-134, MCA, requires licensing boards to establish fees commensurate with costs. In the past, under the separate Board of Barbers and Board of Cosmetologists, several of the fees associated with barbers were higher than those for licensees under the Board of Cosmetologists. With the creation of the new Board of Barbers and Cosmetologists, the licensure fees for all types of licensees have been combined and simplified so that fees are not separated according to type of profession practiced. For example, all licensees will pay the same fee for original and renewal licensure to practice, regardless of the type of profession. As well, all individual practice licenses are renewable on a biennial basis and now renew on December 31. School licenses are annual licenses and renew on December 31. Licenses for salons, shops and booth

rentals are annual renewals also but renew on July 1. These changes have resulted in a much more simple and concise rule for all licensure fees.

FISCAL IMPACT: The fees proposed in New Rule VII are set at the same level as those set by the former Board of Cosmetologists at ARM 24.132.404, with the exception of the fee for out-of-state licensure by endorsement in (11). The Board determined that applications for endorsement licensure are processed in exactly the same manner as applications for licensure by examination. The fee is proposed at \$45 instead of the former fee of \$195. This change will affect an estimated 55 endorsement licensees each biennium and will result in a reduction in revenue of \$8,250 biennially.

The Board bases its estimates on the number of licensees from the former Board of Barbers and the former Board of Cosmetologists for the last state fiscal year, 2004. Where there is an increase or decrease in the amount to be paid by a specific group of licensees or applicants, this fiscal impact estimate will specifically identify the class of individuals who will be so affected. All revenue estimates represent biennial amounts, except for salons, shops and schools, which renew on an annual basis.

<u>Fee Category</u>	<u>Persons/ licenses</u>	<u>Amount</u>	<u>Revenue</u>	<u>Notes</u>
Original/renewal	7,091	\$ 45	\$319,095	1
Active instructor	38	60	2,280	2
Inactive instructor	49	50	2,450	
School license	12	150	1,800	3
Additional courses	17	50	850	
School/course inspection	1	150	150	
Original/renewal salon or shop	1,492	50	74,600	4
Salon/shop inspection	60	100	6,000	
Booth rental	2,000	40	80,000	
Late renew penalty	300	75	22,500	
Endorsement	55	45	2,475	5
Duplicate license	72	15	1,080	6
Student enrollment	367	25	9,175	
Document charge	185	20	3,700	

Notes:

1. Reduction of \$5 each for 617 barbers for a net decrease of \$3,085.
2. Reduction of \$40 each for 7 barbers for a net decrease of \$280.
3. Reduction of \$50 each for 0 barber schools for a net decrease of \$0.
4. Reduction of \$25 each for 262 barber shops for a net decrease of \$6,550.

5. Reduction of \$105 each for 0 barbers and \$150 each for 55 cosmetologists, for a net decrease of \$8,250.
6. Reduction in fees of \$15 each for 62 cosmetologists and \$10 each for 10 barbers, for a net decrease of \$1,030.

Accordingly, the Board estimates that approximately 750 persons and 262 shops will recognize an aggregate decrease of approximately \$19,195 per biennium with the fees proposed.

NEW RULE VIII APPLICATIONS FOR LICENSURE (1) Applicants for licenses to practice shall apply for licensure within five years of the applicant's graduation date from a licensed school.

(2) Applicants for licensure shall submit the following documentation:

(a) hour records showing the following hours completed:

- (i) barbering - 1,500;
- (ii) cosmetology - 2,000;
- (iii) electrology - 600;
- (iv) esthetics - 650; or
- (v) manicuring - 350;

(b) a barbering, cosmetology, electrology, esthetics or manicuring school diploma;

(c) proof of high school graduation or equivalency;

(d) copy of a birth certificate or other verifiable evidence of applicant's birth date; and

(e) proof of passage of a board approved examination.

(3) In lieu of a high school diploma or equivalency, applicants may petition the board for an exception by submitting the following information:

(a) certified copies of applicant's high school transcripts; and/or

(b) lists of courses completed, including:

- (i) adult education courses;
- (ii) postsecondary education courses; and
- (iii) other experiences providing evidence to equivalency of a high school diploma.

(4) The board shall accept hours of instruction from schools located outside Montana towards fulfillment of the hour requirements for the various categories of licenses.

(5) Out-of-state student applicants shall meet the same requirements as in-state barbering, cosmetology, electrology, esthetics or manicuring students.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-31-303, 37-31-304, 37-31-308, 37-31-321, MCA

NEW RULE IX OUT-OF-STATE APPLICANTS (1) Applicants tested and licensed in states administering a board approved examination and having received a scaled score as required for licensure in Montana may qualify for licensure by endorsement.

(a) "Board approved" means the examination is written and administered by the national interstate council of state boards of cosmetology or any other nationally recognized examination.

(2) To qualify for licensure by endorsement, an out-of-

state barber shall submit an application including the following documentation:

(a) proof of completion of 1,500 hours of training in an approved school of barbering or barbering course;

(i) For the purposes of 37-1-304, MCA, "substantially equivalent" for barbers means 1,500 hours of formal training and successful completion of a board approved examination by a passing score set forth in rule. Applicants who have not completed 1,500 hours of formal training shall be required to pass the board approved examination as specified in rule. Work experience obtained in the profession will not be considered as part of a barbering applicant's qualifications or credit for hours.

(ii) The applicant will be credited for the hours of formal training currently required in that state or the hours shown in the transcript or verification.

(b) copy of a birth certificate or other verifiable evidence of applicant's birth date;

(c) proof of high school graduation or equivalency; and

(d) an original state board transcript or verification from each state in which the applicant holds or has held a license.

(3) To qualify for licensure by endorsement, an out-of-state cosmetologist shall submit an application including the following documentation:

(a) proof of completion of 2,000 hours of training in an approved school of cosmetology;

(i) For the purposes of 37-1-304, MCA, "substantially equivalent" for cosmetologists means 2,000 hours of formal training and successful completion of a board approved examination by a passing score set forth in rule. Applicants who have not completed 2,000 hours of formal training shall be required to pass the board approved examination as specified in rule. Work experience obtained in the profession will not be considered as part of a cosmetologist applicant's qualifications or credit for hours.

(ii) The applicant shall be credited for the hours of formal training currently required in that state or the hours shown in the transcript or verification.

(b) copy of a birth certificate or other verifiable evidence of applicant's birth date;

(c) proof of high school graduation or equivalency; and

(d) a certified state board transcript or verification from each state in which the applicant holds or has held a license.

(4) To qualify for licensure by endorsement, an out-of-state electrologist shall submit an application including the following documentation:

(a) proof of completion of 600 hours of training in an approved school of electrology;

(i) For the purposes of 37-1-304, MCA, "substantially equivalent" for electrologists means 600 hours of formal training and successful completion of a board approved examination with a passing score set forth in rule. Applicants

who have not completed 600 hours of formal training shall be required to pass the board approved examination as specified in rule. Work experience obtained in the profession will not be considered as part of an electrologist applicant's qualifications or credit for hours.

(ii) The applicant will be credited for the hours of formal training currently required in that state or the hours shown in the transcript or verification.

(b) copy of a birth certificate or other verifiable evidence of applicant's birth date;

(c) proof of high school graduation or equivalency; and

(d) an original state board transcript or verification from each state in which the applicant holds or has held a license.

(5) To qualify for licensure by endorsement, an out-of-state esthetician shall submit an application including the following documentation:

(a) proof of completion of 650 hours of training in an approved school of esthetics or esthetics course;

(i) For the purposes of 37-1-304, MCA, "substantially equivalent" for estheticians means 650 hours of formal training and successful completion of a board approved examination with a passing score set forth in rule. Applicants who have not completed 650 hours of formal training shall be required to pass the board approved examination as specified in rule. Work experience obtained in the profession will not be considered as part of an esthetician applicant's qualifications or credit for hours.

(ii) The applicant will be credited for the hours of formal training currently required in that state or the hours shown in the transcript or verification.

(b) copy of a birth certificate or other verifiable evidence of applicant's birth date;

(c) proof of high school graduation or equivalency; and

(d) an original state board transcript or verification from each state in which the applicant holds or has held a license.

(6) To qualify for licensure by endorsement, an out-of-state manicurist shall submit an application including the following documentation:

(a) proof of completion of 350 hours of training in an approved school of manicuring or manicuring course;

(i) For the purposes of 37-1-304, MCA, "substantially equivalent" for manicurists means 350 hours of formal training and successful completion of a board approved examination with a passing score set forth in rule. Applicants who do not possess 350 hours of formal training shall successfully pass the board approved examination as specified in rule. Work experience obtained in the profession will not be considered as part of a manicurist applicant's qualifications or credit for hours.

(ii) The applicant will be credited for the hours of formal training currently required in that state or the hours shown in the transcript or verification.

(b) copy of a birth certificate or other verifiable

evidence of applicant's birth date;

(c) proof of high school graduation or equivalency; and

(d) an original state board transcript or verification from each state in which the applicant holds or has held a license.

(7) To qualify for licensure by endorsement, an out-of-state instructor shall submit an application including the following documentation:

(a) proof of completion of the applicable minimum hours of teacher training required under 37-31-305, MCA;

(i) For the purposes of 37-1-304, MCA, "substantially equivalent" for instructors means the minimum hours of formal teacher training specific to the applicant's area of instruction and successful completion of a board approved examination with a passing score set forth in rule. Applicants who have not completed either the applicable minimum hours of formal training or the work experience provisions of [NEW RULE XI] shall be required to pass the board approved examination as specified in rule.

(ii) Applicants shall be credited for the hours of formal training currently required in that state or the hours shown in the transcript or verification.

(b) copy of a birth certificate or other verifiable evidence of applicant's birth date;

(c) proof of high school graduation or equivalency; and

(d) an original state board transcript or verification from each state in which the applicant holds or has held a license.

(8) Out-of-state applicants whose licensure has lapsed and who are not currently licensed in another state shall:

(a) meet the requirements for licensure in the state of Montana;

(b) satisfy the statutes and rules of the board with regard to the formal training hour requirements; and

(c) pass a board approved examination in the field in which the training hours were received.

(9) Applicants from foreign countries shall be held to the same licensure requirements as out-of-state applicants. Applicants shall first receive board approval for the foreign hours of training in accordance with the established curriculum set forth in rule.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-1-304, 37-31-303, 37-31-304, 37-31-305, 37-31-308, MCA

NEW RULE X APPLICATION FOR SCHOOL LICENSURE (1) The board may give preliminary approval to applicants for school licensure before inspections are scheduled and conducted. If preliminary approval is denied, the applicant shall correct any deficiencies and resubmit the application. Failure to resubmit within 90 days shall be treated as a voluntary withdrawal of the application and the fees shall be forfeited.

(2) Applicants shall designate the type of school and which courses are to be offered as follows:

- (a) barbering school;
- (b) school of cosmetology, consisting of a cosmetology course and one or more of the following:
 - (i) barbering course;
 - (ii) esthetics course; or
 - (iii) manicuring course;
- (c) school of electrology;
- (d) school of esthetics;
- (e) school of manicuring; or
- (f) teacher training course.

(3) School applicants shall present a bond or other security in the amount of \$5,000 and in a form and manner prescribed by the board.

(a) The bond or other security may only be used to provide a refund of prepaid tuition to enrolled students in the event the school ceases to operate or otherwise is unable to complete the course of instruction.

(b) Cosmetology schools offering courses in barbering, esthetics, and/or manicuring shall be required to post a single \$5,000 bond or other security.

(4) Schools shall not allow the bond or other security to be cancelled or expire as long as the school is licensed and shall submit to the board proof of continuous annual renewal of the bond or other security in the form of a certificate of insurance.

(5) As part of the application, the school applicant shall submit a financial report prepared by a certified public accountant (CPA) indicating the financial solvency of the school.

(6) Schools shall provide true and accurate copies of all current school policies, procedures, rules, student contracts, tuition costs and required deposits, including but not limited to those policies, procedures and rules addressing:

- (a) students;
- (b) school operating standards;
- (c) disciplinary procedures;
- (d) permissible attire;
- (e) ethics/conduct;
- (f) leaves of absence;
- (g) attendance;
- (h) holidays and school closures;
- (i) hours of operation;
- (j) refunds;
- (k) withdrawals;
- (l) grounds for termination;
- (m) grading standards;
- (n) final practical examination and passing score;
- (o) requirements for satisfactory progress;
- (p) release of information; and
- (q) instructional demonstrations.

(7) Schools shall be subject to unscheduled on-site inspections or audits by a designee directed by the board to determine:

- (a) compliance with board statutes, rules, policies and

procedures; and/or

(b) adequacy of student files and required school documentation.

(8) As part of the inspection, investigation or audit process the board may use information found by or prepared for the department of education or national accrediting commission of cosmetology arts and sciences (NACCAS) reviews.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-31-302, 37-31-311, 37-31-312, 37-31-321, MCA

NEW RULE XI APPLICATION FOR INSTRUCTOR LICENSE

(1) Applicants for instructor's licenses shall submit the following documentation:

(a) Applicants having completed the applicable minimum hours of teacher training required under 37-31-305, MCA, shall submit:

(i) hour records showing the number of hours completed;

(ii) a diploma issued for a teacher course;

(iii) a copy of a birth certificate or other verifiable evidence of applicant's birth date;

(iv) proof of current Montana licensure in barbering, cosmetology, electrology, esthetics or manicuring, in good standing; and

(v) proof of passage of the board approved examination.

(b) Pursuant to 37-31-305, MCA, if the applicable hours of teacher training have not been obtained, the applicant may provide documented proof, such as employer/contractor affidavits and proof of income, i.e., W-2 or 1099 forms, verifying the applicant's three years of continuous full-time practice immediately prior to the application submission.

(2) Applicants having graduated from a teacher-training course administered by a licensed school with an approved teacher's training program shall apply for a license within five years of the applicant's graduation date.

(3) Pursuant to 37-31-305, MCA, "immediately" means the last day of employment as a barber, cosmetologist, electrologist, esthetician or manicurist being not more than 90 days prior to taking the teacher's examination and "continuous years" means full-time employment of not less than 32 hours per week.

(4) The board shall accept hours of instruction from out-of-state schools towards fulfillment of the hour requirements for licensure.

(5) Out-of-state student applicants shall meet the same requirements as in-state instructor students.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-31-302, 37-31-303, 37-31-305, 37-31-308, 37-31-321, MCA

NEW RULE XII LAPSED LICENSE (1) Pursuant to 37-1-141, MCA, if a license has lapsed for a period of up to, but no longer than, three years, the license may be renewed upon

payment of licensure fees plus late renewal fees for each year due.

(2) A completed lapsed license application must be submitted to the board with the appropriate fees.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-1-141, 37-31-322, MCA

NEW RULE XIII EXAMINATION REQUIREMENTS AND PROCESS

(1) Applicants sitting for the examination shall adhere to the standards and requirements for admission to the examination, including the payment of appropriate fees.

(2) Applicants shall obtain a scale score of at least 75% to pass the examination for licensure to practice or for an instructor's license.

(3) In addition to the requirements of 37-31-308, MCA, candidates who have taken the examination and failed shall apply to be re-examined and pay the necessary examination fees as required.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-31-304, 37-31-305, 37-31-308, 37-31-321, MCA

NEW RULE XIV INSPECTION - SCHOOL LAYOUT (1) School applicants shall be inspected by a designated inspector or a board designee before a license is issued.

(2) Schools shall maintain the following square footage:

(a) Barbering and cosmetology schools shall have floor space of at least 1,500 square feet for the first 25 students and 60 square feet for each additional student, including locker room and office space.

(b) Electrology schools shall have floor space of at least 1,000 square feet for the first 10 students and 60 square feet for each additional student, including locker room, office space and reception area.

(c) Esthetics schools shall have floor space of at least 900 square feet for the first 10 students and 90 square feet for each additional student, including locker room and office space.

(d) Manicuring schools shall have floor space of at least 450 square feet for the first 10 students and 45 square feet for each additional student, including locker room and office space.

(3) Schools shall be inspected at least once a year for compliance with board statutes and rules. Inspections must be conducted during the school's business hours as stated on the school application. The board administrator or board members may accompany inspectors on inspections.

(4) Schools shall maintain the most current inspection report and shall make it available upon request by the inspector or board designee.

(5) Schools shall address all inspection report violations and provide a detailed written response, including all corrective action taken, to the board office within 30 days of the inspection date.

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA
IMP: 37-31-311, 37-31-312, MCA

NEW RULE XV SCHOOL REQUIREMENTS (1) Schools or courses licensed after April 1, 2001, shall provide a separate classroom, other than the clinic floor, for theory/basic classes.

(2) Schools shall provide a separate lunch/break room for students.

(3) Separate restrooms with sinks for male and female persons must be provided and shall include hot and cold running water connected to a sewer system.

(4) Schools shall have a mechanical ventilation or portable air purifier system that provides the total cubic square feet of the school with at least four air exchanges per hour. The ventilation system must operate continuously during business hours of the school. Doors and windows are not acceptable for the ventilation requirement.

(5) Schools shall display at the entrance a large legible sign with letters not less than two inches in size with the words "School of Barbering," "School of Cosmetology," "School of Electrology," "School of Esthetics" or "School of Manicuring" permanently affixed to the facility as to not be easily altered or removed by weather or individuals. Similar signs with the words "Student Work Only" shall be posted within each classroom and on the clinic floor.

(6) Barbering schools or cosmetology schools offering a separate barbering course shall provide the following equipment:

(a) one barber style chair and work station with mirror per student on the clinic floor;

(b) one serviceable school first aid kit;

(c) a fire extinguisher that is readily accessible to the clinic floor, classroom, storage room and other locations where flammable liquids may be kept. Fire extinguishers must be inspected at least once a year or more often as required by the manufacturer or local authority; and

(d) the following equipment shall be provided for schools enrolling one to 15 students. The equipment shall be doubled for 16 to 30 students and tripled for 31 to 45 students:

(i) two shampoo bowls;

(ii) one stationary or rollabout portable hair dryer;

(iii) one hot lather machine; and

(iv) two covered wet sanitizers;

(e) one closed cabinet for clean linens;

(f) one covered soiled linen container;

(g) two covered garbage containers;

(h) one locker per two students;

(i) one protective covering per student;

(j) one current board law and rule book per student; and

(k) one barbering kit per student, issued and personally given to each individual student upon enrollment, for use by the student and consisting of the following:

(i) a barbering textbook;

(ii) a barbering workbook;

- (iii) two dozen assorted clips;
- (iv) one blow dryer;
- (v) one marcel curling iron;
- (vi) six brushes;
- (vii) one dozen styling combs;
- (viii) six tail combs;
- (ix) one dozen taper combs;
- (x) six flat top combs;
- (xi) two capes;
- (xii) one water bottle;
- (xiii) two pair of shears (one at least 7.5 inches);
- (xiv) one straight razor and blades;
- (xv) one styling razor with guard;
- (xvi) one pair thinning shears;
- (xvii) one electric clipper;
- (xviii) one T-edger;
- (xix) one tint bottle;
- (xx) one color bowl and brush;
- (xxi) one mannequin and holder;
- (xxii) one box of rubber gloves;
- (xxiii) one color drape for student; and
- (xxiv) 30 dozen permanent rods of assorted sizes.

(7) Cosmetology schools shall provide the following equipment:

(a) one styling chair and work station with mirror per student on the clinic floor;

(b) one serviceable school first aid kit;

(c) a fire extinguisher that is readily accessible to the clinic floor, classroom, storage room and other locations where flammable liquids may be kept. Fire extinguishers must be inspected at least once a year or more often as required by the manufacturer or local authority; and

(d) the following equipment shall be provided for schools enrolling one to 15 students. The equipment shall be doubled for 16 to 30 students and tripled for 31 to 45 students:

(i) two shampoo bowls;

(ii) two stationary or rollabout portable hair dryers;

(iii) two manicure tables; and

(iv) two covered wet sanitizers;

(e) one closed cabinet for clean linens;

(f) one facial chair;

(g) one covered soiled linen container;

(h) two covered garbage containers;

(i) one locker per two students;

(j) one protective covering per student;

(k) one current board law and rule book per student; and

(l) one cosmetology kit per student, issued and personally given to each individual student upon enrollment, for use by the student and consisting of the following:

(i) a cosmetology textbook;

(ii) a cosmetology workbook;

(iii) a roller rack and rollers;

(iv) assorted single and double prong clips;

(v) one blow dryer;

- (vi) one marcel curling iron;
- (vii) one dozen brushes;
- (viii) one dozen wave combs;
- (ix) one dozen tail combs;
- (x) two capes;
- (xi) one water bottle;
- (xii) one pair of shears;
- (xiii) one razor;
- (xiv) one cuticle pusher;
- (xv) one cuticle nipper;
- (xvi) two orange wood sticks;
- (xvii) one tweezer;
- (xviii) one file or assorted emery boards;
- (xix) one manicure bowl and brush;
- (xx) one acrylic nail brush;
- (xxi) one tint bottle;
- (xxii) one color bowl and brush;
- (xxiii) 10 assorted duck bills;
- (xxiv) one mannequin and holder;
- (xxv) one pair of rubber gloves;
- (xxvi) one color drape per student; and
- (xxvii) 30 dozen permanent rods of assorted sizes.

(8) Electrology schools shall provide the following equipment:

- (a) a practice workroom, including:
 - (i) one bead sterilizer; and
 - (ii) one sink, with hot and cold running water for hand washing;
- (b) a minimum of two stations for the first three students enrolled, with one station added for each additional two students. Each station shall include:
 - (i) one epilator;
 - (ii) one table or chair for patron;
 - (iii) one stool, adjustable in height;
 - (iv) one illuminated magnifying lamp;
 - (v) one stand for placing instruments and sterilizers;
 - (vi) liquid sanitizer and an autoclave;
 - (vii) one dry container for sterile instruments;
 - (viii) one covered soiled linen container;
 - (ix) 15 pair of tweezers; and
 - (x) one covered garbage container;
- (c) needles of various sizes per student upon completion of 50 hours of basic training; and
- (d) one locker per two students.

(9) Only pre-sterilized, disposable needles may be used for electrolysis services on any individual in a licensed school, unless a properly installed, serviced and operated autoclave is utilized for sterilization of reusable needles.

(10) The clinical area of an electrology school must be divided into workstations that are enclosed by partitions or curtains. Each workstation must measure at least 10 feet by six feet in area.

(11) Esthetics schools or cosmetology schools offering a separate esthetics course shall provide the following equipment:

- (a) one locker per two students;
- (b) one sink for hand washing, not used for restroom facilities;
- (c) one facial bed or chair;
- (d) one magnifying lamp;
- (e) one facial unit consisting of a vaporizer, high frequency unit, massage brush, vacuum spray, galvanic unit, magnifying lamp and woods lamp;
- (f) one current board law and rule book per student;
- (g) one serviceable school first aid kit;
- (h) one fire extinguisher that is readily accessible to the clinic floor, classroom, storage room and other locations where flammable liquids may be kept. Fire extinguishers must be inspected at least once a year or more often as required by the manufacturer or local authority;
- (i) the number of sinks, facial beds or chairs, and lamps must be increased by one for each additional five students (e.g., six to 10, 11 to 15, etc.);
- (j) the following equipment shall be provided for schools enrolling one to 15 students. The equipment shall be doubled for 16 to 30 students and tripled for 31 to 45 students:
 - (i) two covered wet sanitizers;
 - (ii) one covered soiled linen container; and
 - (iii) one covered garbage container; and
 - (k) one basic esthetics kit per student, issued and personally given to each individual student upon enrollment, for use by the student and consisting of the following:
 - (i) esthetics textbook covering basic esthetics including manual, chemical and mechanical exfoliation;
 - (ii) esthetics text workbook;
 - (iii) protective covering;
 - (iv) spatulas;
 - (v) hair cover;
 - (vi) one client cape;
 - (vii) rubber gloves;
 - (viii) spray bottle;
 - (ix) disposal facial sponges;
 - (x) tweezers;
 - (xi) extractor;
 - (xii) fan brush;
 - (xiii) cosmetic brushes;
 - (xiv) basic skin care and makeup kit; and
 - (xv) sanitizing container.
- (12) Manicuring schools or cosmetology schools offering a separate manicure course shall provide the following equipment:
 - (a) one locker per two students;
 - (b) one manicure table with chairs per student on the clinic floor;
 - (c) one current board law and rule book per student;
 - (d) one serviceable school first aid kit;
 - (e) a fire extinguisher that is readily accessible to the clinic floor, classroom, storage room and other locations where flammable liquids may be kept. Fire extinguishers must be inspected at least once a year or more often as required by the

manufacturer or local authority;

(f) the following equipment shall be provided for schools enrolling one to 15 students. The equipment shall be doubled for 16 to 30 students and tripled for 31 to 45 students:

(i) two covered wet sanitizers; and

(ii) one sink for hand washing, not used for restroom facilities;

(g) one closed cabinet for clean linens;

(h) one covered container for soiled linens;

(i) two covered waste containers;

(j) electric nail file and appropriate bits; and

(k) one manicuring kit per student, issued and personally given to each individual student upon enrollment, for use by the student and consisting of the following:

(i) a manicuring textbook;

(ii) a manicuring workbook;

(iii) one protective covering;

(iv) one lap cover;

(v) rubber gloves;

(vi) a cuticle pusher;

(vii) emery boards;

(viii) a manicure brush;

(ix) a manicure bowl;

(x) acrylic nail brushes;

(xi) toenail and nail clippers;

(xii) acrylic nail clippers;

(xiii) toe separators;

(xiv) orange wood sticks;

(xv) cuticle nipper;

(xvi) a pedi-paddle;

(xvii) one two-ounce dispenser bottle and one four-ounce dispenser bottle;

(xviii) sanitizing container; and

(xix) dappen dishes.

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA

IMP: 37-31-311, MCA

NEW RULE XVI SCHOOL OPERATING STANDARDS (1) Schools shall not advertise, enroll or admit students until properly licensed.

(2) Schools shall not use deceptive statements or false promises to induce students to enroll. All advertising must clearly disclose that the establishment is a school.

(3) School licenses are not transferable. Upon a change in ownership and/or location, schools shall submit a new school application accompanied by the appropriate fees.

(4) Schools shall submit student registrations to the board office within five working days of the first day of instruction.

(5) Schools shall adopt written policies and procedures.

(a) The policies and procedures must describe the following:

(i) areas of responsibility;

- (ii) administrative lines of authority; and
- (iii) school administration operating procedures.
- (b) The policies must include provisions:
 - (i) allowing students access to their records;
 - (ii) requiring written requests for all information;
 - (iii) requiring student written consent for release of student records to third parties, unless required by law; and
 - (iv) requiring maintenance of records for no less than five years.
- (6) Schools shall make available for student review:
 - (a) a copy of the student contract; and
 - (b) a complete and current copy of all school policies, procedures and rules.
- (7) Schools shall maintain for not less than five years, and protect from loss, damage and tampering, a registration file on each student who attended the school. Each file must include:
 - (a) name, address and phone number;
 - (b) course of study;
 - (c) enrollment date;
 - (d) daily attendance records;
 - (e) academic records, including copies of written progress evaluations, signed by the student and the school designee;
 - (f) grades;
 - (g) final practical examination with scores;
 - (h) evaluations;
 - (i) breakdown of curriculum requirements and completion;
 - (j) disciplinary action;
 - (k) student counseling;
 - (l) original contracts;
 - (m) tuition costs;
 - (n) accepted transfer of hours from other schools;
 - (o) withdrawals; and
 - (p) leaves of absence.
- (8) The school shall keep accurate, verifiable daily attendance records and shall track the number of hours received by each student within the course curriculum as set forth in rule.
 - (a) Schools may convert clock hours to credit hours using the conversion rate of 30 clock hours equaling one credit hour.
- (9) Schools shall record student daily attendance records onto monthly hour sheets, either as provided by the board or using the school's own form, provided it contains the same information as the board's form.
 - (a) The monthly hour sheets must:
 - (i) be received in the board office on or before the 15th of each month;
 - (ii) accurately reflect attendance by all students; and
 - (iii) be available upon request of the inspector or designee.
 - (b) Clock hours must be verified by a time-keeping system sufficient to protect against tampering and capable of rounding attendance to the nearest quarter hour. Monthly hour

calculations shall be submitted to the board office in hours and minutes (000:00).

(10) Appropriately licensed instructors shall directly supervise students at all times on the school premises in the classroom and on the clinic floor. One instructor shall supervise no more than 25 cosmetology, barbering, esthetics or manicuring students, and no more than 10 electrology students, at any time.

(11) Instructors with inactive licenses shall not substitute teach for more than 10 days in any calendar year.

(12) Instructors shall wear name badges or insignia indicating they are instructors.

(13) Schools shall not allow instructors to practice on members of the public, unless solely for educational demonstration purposes to instruct students in a classroom setting, as defined in rule.

(14) Each student shall complete the following hours of basic training, prior to working or performing any services on members of the public, with or without compensation to the school:

- (a) barbering students - 225 hours;
- (b) cosmetology students - 300 hours;
- (c) electrology students - 200 hours for facial services and 50 hours for other services;
- (d) esthetics students - 150 hours; and
- (e) manicuring students - 80 hours.

(15) Schools shall not call students out of class to perform services on members of the public.

(16) Schools shall not deduct or reduce hours earned by students as a form of disciplinary sanction or for any other reason.

(17) Upon completion by students of at least 90% of the required hours of a course of study in barbering, cosmetology, electrology, esthetics, manicuring, or instructing, and prior to graduating and receiving a diploma, the student shall take the school's final practical examination. The final practical examination must include all components for evaluation as provided in [NEW RULE XVII] for each course of study. The final practical examination passing score shall be at least equal with the school's academic passing requirements.

(18) Schools shall send each student's final hour records to the board within five days of the student's completion of the applicable required hours of training and graduation.

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA
IMP: 37-31-311, MCA

NEW RULE XVII SCHOOL CURRICULA (1) Barbering, cosmetology, electrology, esthetics, manicuring, and instructor students shall complete the course of study within five years of the student's original enrollment date.

(2) The required curriculum for barbering students is as follows:

- (a) 1,125 hours of training, of which at least 150 hours

is in theory, distributed as follows:

- (i) haircutting (including proper use of implements, e.g., shears, razor, clippers, thinning shears), 250 hours;
 - (ii) shampoo and scalp treatment, 60 hours;
 - (iii) skin care (including facial shaving, facials, massage, essential oils, facial masks), 60 hours;
 - (iv) hair styling (thermal and air styling, finger waving, hair pieces to include weaves and extensions), 170 hours;
 - (v) chemical waving, 250 hours;
 - (vi) chemical relaxing, 40 hours;
 - (vii) hair coloring and lightening, 170 hours;
 - (viii) bacteriology, sanitation and sterilization, safety, skin, hair and scalp anatomy, physiology, blood spill procedure, disease and disorders of hair and scalp, 85 hours;
 - (ix) state board laws, rules, and regulations, 20 hours;
- and

(x) business ethics and personal grooming, 20 hours.

(b) The remaining 375 hours of instruction shall be at the discretion of the school, provided that the hours are within the applicable curriculum.

(c) An applicant who has completed 1,500 hours of barbering instruction or more and possesses a current barbering license, and enrolls in a course of cosmetology, shall receive 1,500 hours of credit towards the 2,000-hour requirement for a cosmetologist license.

(3) The required curriculum for cosmetology students is as follows:

(a) 1,500 hours of training, of which at least 200 hours is in theory, distributed as follows:

- (i) manicuring, 130 hours, to include:
 - (A) manicures (including water, oil, hand and arm massage, paraffin wax treatments and polish);
 - (B) pedicures (including foot and ankle massage, paraffin wax treatments and polish);
 - (C) application of artificial nails (including sculptured, nail tips, nail wraps, fills, repairs, tip overlays, fiberglass, gel and acrylic);
 - (D) chemistry, anatomy, physiology, bacteriology, safety, sanitation, blood spill procedure, diseases and disorders of the nail; and
 - (E) the use of manicuring implements including the electric nail file;
- (ii) esthetics, 150 hours, to include:
 - (A) skin care (including facials, cosmetics, makeup, massage, essential oils);
 - (B) skin exfoliation (including manual, chemical and mechanical exfoliation);
 - (C) waxing and tweezing; and
 - (D) chemistry, electricity, light therapy, anatomy, physiology, bacteriology, safety, sanitation, blood spill procedure, diseases and disorders of the skin;
- (iii) shampoo (including scalp treatment), 55 hours;
- (iv) chemical waving, 265 hours;
- (v) chemical relaxing (ammonium thioglycolate, sodium

hydroxide methods), 40 hours;

(vi) hair styling (pin curls, finger waving, thermal curling, blow dry styling, braiding, back combing, wet setting), 250 hours;

(vii) hair coloring and hair lightening, 225 hours;

(viii) hair cutting (including the proper uses of implements, e.g., shears, razor, clippers, thinning shears), 250 hours;

(ix) salon management, business methods, customer service, appointment book and professional ethics, 110 hours;

(x) current state board laws and rules, 40 hours; and

(xi) bacteriology, sanitation and sterilization, safety, anatomy, physiology, blood spill procedure, disease and disorders of hair and scalp, 75 hours.

(b) The remaining 500 hours of instruction shall be at the discretion of the school, provided that the hours are within the applicable curriculum.

(c) An applicant who has completed 2,000 hours of cosmetology instruction and possesses a current cosmetology license shall complete an additional 125 hours in clipper cuts and 25 hours in shaving to qualify for barbering licensure.

(4) The required curriculum for electrology students includes 600 training hours as follows:

(a) 200 hours of technical instruction (demonstration, lecture, classroom participation or examination); and

(b) 400 hours of practical operations (the actual performance by the student of a complete service on another person) to include:

(i) a minimum of 30 hours of practical operations obtained in each of the following subjects:

(A) electrolysis;

(B) thermolysis; and

(C) the blend.

(ii) The remaining 310 hours of practical operations shall be at the discretion of the school, provided they are within the applicable curriculum.

(c) Technical instruction and practical operations shall be obtained within the following topics:

(i) causes of hair problems;

(ii) structure and dynamics of hair and skin;

(iii) practical analysis of hair and skin;

(iv) neurology and angiology;

(v) bacteriology and disinfection;

(vi) dermatology;

(vii) principles of electricity and equipment;

(viii) electrolysis;

(ix) thermolysis;

(x) the blend;

(xi) the needle;

(xii) general treatment procedure;

(xiii) treatment of specific areas;

(xiv) state board laws and rules; and

(xv) development of a practice.

(5) The required curriculum for esthetics students is as

follows:

(a) 490 hours of training, of which at least 65 hours is in theory, distributed as follows:

(i) bacteriology, sanitation and sterilization, safety, anatomy, physiology, blood spill procedure, disease and disorders of the skin, 55 hours;

(ii) electricity, chemistry, light therapy (including the use of vaporizer, high frequency, massage brush, vacuum spray, galvanic unit and lamps), 130 hours;

(iii) massage, skin care and makeup, cosmetics, facials, essential oils, 170 hours;

(iv) skin exfoliation (including manual, chemical and mechanical exfoliation), 50 hours;

(v) current state board laws and rules, 40 hours;

(vi) waxing (face, neck, hands and superfluous hair anywhere on the body, including tweezing), 15 hours; and

(vii) salon management, business methods, appointment book, customer service, professional ethics, 30 hours.

(b) The remaining 160 hours of instruction shall be at the discretion of the school provided that the hours are within the applicable curriculum.

(c) An applicant who has completed 650 hours of training or more and possesses a current esthetics license, and enrolls in a course of cosmetology, shall receive 650 hours of esthetics credit towards the 2,000-hour requirement for a cosmetologist license.

(6) The required curriculum for manicuring students includes 350 hours of training, of which at least 35 hours is in theory, distributed as follows:

(a) 265 hours of training, distributed as follows:

(i) salon management, business methods, customer service, appointment book, professional ethics, 20 hours;

(ii) bacteriology, sanitation and sterilization, safety, anatomy and physiology, diseases and disorders, 40 hours;

(iii) manicures (including water, oil, hand and arm massage, polish, paraffin wax treatments), 20 hours;

(iv) pedicures (including foot and ankle massage, polish, paraffin wax treatments), 15 hours;

(v) application of artificial nails, sculptured nails, nail tips, nail wraps, tip overlays, fills and repairs (including fiberglass, gel and acrylic), 110 hours;

(vi) the proper use of manicuring implements including the electric nail file, five hours;

(vii) manicure chemistry and nail care, 15 hours; and

(viii) current state board laws and rules, 40 hours.

(b) The remaining 85 hours of instruction shall be at the discretion of the school provided that the hours are within the applicable curriculum.

(c) Any applicant who has completed 350 hours of training or more, possesses a current manicurist license, and enrolls in a course of cosmetology will be granted 350 hours of credit towards the 2,000-hour requirement for a cosmetologist license.

(7) Students seeking licensure in a state other than Montana that requires additional hours of training, who do not

possess a Montana license, may remain enrolled in the school and be permitted to work on members of the public.

(8) The board shall not grant credit for hours earned by students for postsecondary education, under any circumstances.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-31-304, 37-31-305, 37-31-311, MCA

NEW RULE XVIII STUDENT WITHDRAWAL, TRANSFER (1) Students withdrawing from a school shall obtain a statement of good standing from the school in order for their hours to transfer. Schools shall provide a copy of the statement to the board within five days of the withdrawal.

(2) Upon the withdrawal of a student, schools shall submit to the board office a statement of total hours and grades within the required curriculum areas and the student's standing on a form prescribed by the board. The verification must set forth the hours of training in which the student was enrolled as provided in rule.

(3) Upon transfer between licensed schools and receipt of a statement of good standing and hour verification from the previous school(s), the new school shall grant full credit for all hours completed by the transferring student within five years of the student's original enrollment date.

(4) Schools shall not allow a student who re-enrolls to practice on members of the public until the school receives a verified transcript of the student's hours and grades within the required curriculum areas.

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA

IMP: 37-31-311, MCA

NEW RULE XIX FIELD TRIPS (1) The board may grant credit for hours spent in alternative educational offerings under the following conditions:

(a) students shall be accompanied by an instructor from the school in which the student is enrolled;

(b) the alternative education must relate to the required curriculum specified in rule;

(c) names of attendees must be supplied on a form provided by the board; and

(d) attendance must be taken at the beginning and ending of each program segment and provided to the board.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-31-311, MCA

NEW RULE XX APPLICATIONS TO OFFER TEACHER-TRAINING COURSES

(1) The teacher-training unit application must be completed on a form prescribed by the board and submitted with appropriate fees for approval.

(2) Student or cadet instructors shall not be registered or enrolled until the board has inspected and approved the teacher-training unit.

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA
IMP: 37-31-305, 37-31-311, MCA

NEW RULE XXI INSTRUCTOR REQUIREMENTS - TEACHER-TRAINING PROGRAMS

(1) Schools licensed to offer teacher-training programs shall employ at least one full-time licensed instructor per student or cadet instructor on the premises of the school at all times during school hours.

(2) Instructors, student instructors, and cadet instructors shall wear badges or insignia indicating their appropriate instructor status.

(3) Student or cadet instructors shall be under the direct on-site supervision of a full-time licensed instructor while practice teaching and shall not be allowed to work on members of the public during their teacher-training program.

(4) Upon application by the student or cadet instructor enrolled in a licensed school of barbering, cosmetology, electrology, esthetics or manicuring, the board may grant credit for hours toward the teacher-training curriculum when the student or cadet instructor has completed, with not less than a "C" grade, a teacher-training course offered by an accredited postsecondary educational institution.

(5) All student or cadet instructors shall register with the board.

(6) Schools shall keep and maintain on the school's premises daily records of curriculum, attendance, and classes taught and practiced by the student or cadet instructor, until the applicant has become a licensed instructor.

(7) Upon completion by the student of at least 90% of the teacher-training course, and prior to graduation and issuance of a diploma, the school shall administer a final practical examination that must:

(a) include all components for evaluation as provided in [NEW RULE XXII]; and

(b) be consistent with the school's academic passing requirements.

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA
IMP: 37-31-305, 37-31-311, MCA

NEW RULE XXII TEACHER-TRAINING CURRICULUM

(1) Cosmetology, esthetics and manicuring teacher-training courses shall consist of 650 hours and include the following:

(a) teaching methods - 325 hours, including:

(i) task analysis;

(ii) developing instructional objectives;

(iii) visual aids and their construction;

(iv) motivational tools;

(v) preparation of instructive materials;

(vi) lesson planning, including:

(A) practical theory classes; and

(B) practical demonstration classes;

(vii) fundamentals of speech and public speaking;

- (viii) methods of test construction;
 - (ix) methods of evaluation or grading; and
 - (x) curriculum planning and development;
 - (b) general psychology - 100 hours, including:
 - (i) general principles in relation to teaching and counseling;
 - (ii) conflict resolution;
 - (iii) student counseling;
 - (iv) student and teacher relationships; and
 - (v) public relations;
 - (c) business methods - 100 hours, including:
 - (i) recruitment;
 - (ii) job analysis;
 - (iii) student registration and withdrawal forms and hours (tracking, completing, calculating and verifying);
 - (iv) ethical employee and employer relationship;
 - (v) salon/booth rental relationship; and
 - (vi) professional ethics;
 - (d) advanced theory of cosmetology, esthetics or manicuring, and the chemistry, safety, sanitation, bacteriology, physiology, anatomy, diseases and disorders that apply to each course - 75 hours; and
 - (e) current state board laws and rules - 50 hours.
- (2) Barbering teacher-training courses shall consist of 500 hours and include the following:
- (a) teaching methods - 250 hours, including:
 - (i) task analysis;
 - (ii) developing instructional objectives;
 - (iii) visual aids and their construction;
 - (iv) motivational tools;
 - (v) preparation of instructive materials;
 - (vi) lesson planning, including:
 - (A) practical theory classes; and
 - (B) practical demonstration classes;
 - (vii) fundamentals of speech and public speaking;
 - (viii) methods of test construction;
 - (ix) methods of evaluation or grading; and
 - (x) curriculum planning and development;
 - (b) general psychology - 70 hours, including:
 - (i) general principles in relation to teaching and counseling;
 - (ii) conflict resolution;
 - (iii) student counseling;
 - (iv) student and teacher relationships; and
 - (v) public relations;
 - (c) business methods - 70 hours, including:
 - (i) recruitment;
 - (ii) job analysis;
 - (iii) student registration and withdrawal forms and hours (tracking, completing, calculating and verifying);
 - (iv) ethical employee and employer relationship;
 - (v) salon/booth rental relationship; and
 - (vi) professional ethics;
 - (d) advanced theory of barbering, and the chemistry,

safety, sanitation, bacteriology, physiology, anatomy, diseases and disorders that apply to each course - 60 hours; and

(e) current state board laws and rules - 50 hours.

(3) Electrology teacher-training courses shall consist of 100 hours and include the following:

(a) teaching methods - 75 hours, including:

(i) task analysis;

(ii) developing instructional objectives;

(iii) visual aids and their construction;

(iv) motivational tools;

(v) preparation of instructive materials;

(vi) lesson planning, including:

(A) practical theory classes; and

(B) practical demonstration classes;

(vii) fundamentals of speech and public speaking;

(viii) methods of test construction;

(ix) methods of evaluation or grading; and

(x) curriculum planning and development;

(b) general psychology - five hours, including:

(i) general principles in relation to teaching and counseling;

(ii) conflict resolution;

(iii) student counseling;

(iv) student and teacher relationships; and

(v) public relations;

(c) business methods - five hours, including:

(i) recruitment;

(ii) job analysis;

(iii) student registration and withdrawal forms and hours (tracking, completing, calculating and verifying);

(iv) ethical employee and employer relationship;

(v) salon/booth rental relationship; and

(vi) professional ethics;

(d) advanced theory of electrology and the chemistry, safety, sanitation, bacteriology, physiology, anatomy, diseases and disorders that apply to each course - five hours; and

(e) current state board laws and rules - 10 hours.

(4) When a student or cadet instructor has completed the required hours of teacher training, the school shall send the student's final hour records to the board within five days.

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA

IMP: 37-31-305, 37-31-311, MCA

NEW RULE XXIII SALONS/BOOTH RENTAL (1) Mobile homes, moveable trailers and structures on skids are not considered fixed places of business.

(2) The board shall inspect and approve all salons, shops and booths.

(a) The most current inspection report must be made available to the inspector or designee upon request.

(b) Within 30 days of an inspection, the salon or shop owner, booth renter, or manager shall respond to all inspection report violations by submitting a detailed written response,

including any corrective action taken, to the board office.

(3) Applicants shall furnish the board with a blueprint or detailed scale drawing of the floor plan when filing a salon or shop application.

(4) Minimum requirements for a licensed salon or shop are as follows:

(a) at least one sink basin, appropriate for the practice, within the confines of the salon or shop. The sink basin must have hot and cold running water and be connected to an appropriate sewer system;

(b) one covered wet sanitizer of suitable size and depth and containing a sufficient amount of approved sanitizing agent for complete immersion of all implements, tools and equipment (uncovered cleansers and sanitizing agents may be used, provided the cleansing and sanitizing agent is changed after each use);

(c) one covered soiled linen container;

(d) one covered garbage container;

(e) one enclosed dust free cabinet for the storage of clean towels;

(i) towels to be used during the day may be removed from the cabinet at the beginning of the business day and stored on a shelf;

(ii) any towels not used during the course of the day shall be removed from the shelf, laundered and placed in the dust free cabinet; and

(f) a mechanical ventilation or air purifier system:

(i) providing the total cubic square feet of the salon or shop with at least four air changes per hour; and

(ii) operating continuously during business hours. Doors and windows are not acceptable for the ventilation requirement.

(5) In addition to the above requirements, electrology salons or shops shall have:

(a) either a high frequency generator, galvanic generator, or electrolysis machine (dispersive or inactive electrode with connections to the machine, such as wet pad, metal rod or water jar, necessary for electrology treatments);

(b) needles in assorted sizes;

(i) only pre-sterilized, disposable needles may be used for electrolysis services on any individual in a licensed salon, unless a properly installed, serviced and operated autoclave is utilized for sterilization of reusable needles;

(c) covered containers for all lotions, soaps and cotton to be used on clients;

(d) four fine-pointed epilation forceps; and

(e) six draping sheets or towels.

(6) All residential salons and shops shall have:

(a) outside entrances with doors; and

(b) a separate restroom within the confines of the salon that is not available for the personal use of the residents.

(7) Salon and shop licenses are not transferable. Upon a change in ownership and/or location, the salon or shop shall submit a new salon or shop application accompanied by the appropriate fees.

(8) Salon or shop owners shall be responsible for safety

and sanitation in the salon or shop except sanitation and safety violations caused by the booth renter or taking place in the working area.

(9) It is the responsibility of the licensee to ensure that all personnel comply with the board's statutes and rules.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA
IMP: 37-31-302, 37-31-309, 37-31-312, MCA

NEW RULE XXIV PREMISES SANITATION (1) Carpeting is prohibited in the working areas, dispensaries and restrooms of all salons, shops and schools licensed on or after [the effective date of this rule].

(a) Salons, shops and schools licensed prior to [the effective date of this rule] shall use appropriate, nonabsorbent floor covering.

(b) Upon alteration or remodeling of any working areas, dispensaries and restrooms, carpeted flooring must be removed and replaced with appropriate, nonabsorbent floor covering.

(2) Floors, walls, ceilings, doors, windows, screens, entrances and receptacles, including those in the restrooms, must be maintained in a clean, sanitary and safe condition at all times.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA
IMP: 37-31-204, MCA

NEW RULE XXV LIGHTING (1) All areas must be adequately lighted and light fixtures must be kept clean.

AUTH: 37-1-131, 37-31-203, MCA
IMP: 37-31-204, MCA

NEW RULE XXVI RESTROOMS (1) Every salon, shop and school must provide a restroom, including a hand washing basin.

(a) The restroom must be located within the new salon, shop or school. A restroom located in another part of the building that houses the salon, shop or school is not sufficient for the purpose of this rule.

(b) Following a change in ownership or location of an existing salon, shop or school, a restroom must be provided within the new salon, shop or school, or a variance requested from the board.

(c) In a residential salon or shop, clients shall not walk through any living area of the residence to access the restroom.

(2) Hand washing instructions directing individuals to wash their hands before returning to work must be posted in each restroom.

(3) A restroom must be completely enclosed by walls, door and ceilings.

(a) Restroom fixtures must be maintained in a clean, sanitary and safe condition at all times.

(4) If restrooms are used for storage, a closet or cabinet shall be provided and must be locked if used to store chemicals.

- (5) All restrooms must have mechanical ventilation.
- (6) Single service sanitary towels or a workable hot air blower is required.
- (7) A soap dispenser containing liquid soap must be provided.
- (8) A covered waste container must be provided.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA
IMP: 37-31-204, MCA

NEW RULE XXVII HAND WASHING FACILITIES (1) Every shop, salon and school must have a hand washing facility that is convenient to the work areas, but not located in a restroom.

- (a) The hand washing facility must have hot and cold running water, and be connected to an approved sewer.
- (b) A soap dispenser containing liquid soap must be provided.
- (c) Single service towels or a workable hot air blower are required.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA
IMP: 37-31-204, MCA

NEW RULE XXVIII IMPLEMENTS, TOOLS, INSTRUMENTS, SUPPLIES AND EQUIPMENT (1) The board shall approve all new machines and devices used in the practice of barbering, cosmetology, electrology, esthetics or manicuring prior to the use of such machines and devices by licensees.

(2) All machines, devices, implements, tools and equipment, shelves, tables, sinks and other equipment used in connection with the operation of salon, shop or school must be:

- (a) constructed to be easily cleaned; and
 - (b) clean, sanitary and in a safe condition at all times.
- (3) Only electric file machines specifically manufactured for use in the nail industry are allowed be used in nail services. Modified craft or hobby tools are prohibited.

(a) Only bits specifically manufactured for use on the natural nail plate shall be used on the natural nail.

(b) Metal bits and disposable sanding bands made specifically for use on natural nail may be used in that manner and may be used on the acrylic surface covering the nail.

(4) Only microdermabrasion machines specifically manufactured for use in esthetics services and approved by the board are permitted. Modified or medical machines shall not be used.

(a) Microdermabrasion machines for use in esthetics services must be:

- (i) closed systems only;
- (ii) kept in a clean, sanitary and safe manner at all times; and
- (iii) used only in accordance with specific manufacturer directions.

(5) Aluminum oxide crystals or manufacturer approved corundum used in microdermabrasion machines are:

- (a) for single use purposes and shall:
 - (i) be discarded after each use in accordance with federal, state and local disposal regulations; and
 - (ii) have a granule size of at least 120.
- (b) The board shall approve the use of abrasives, other than aluminum oxide crystals or approved corundum, prior to the use of such abrasives by licensees.
- (6) Only single use plastic tips are allowed to be used in microdermabrasion machines and must be disposed of after each client.
- (7) Microdermabrasion machines must be maintained and filters changed in accordance with OSHA and manufacturer requirements.
- (8) The use of roller or roll-on waxing systems is prohibited.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA
IMP: 37-31-204, MCA

NEW RULE XXIX CLEANING AND SANITIZING TOOLS AND EQUIPMENT

- (1) All tools, equipment and electrical instruments must be thoroughly cleaned and subjected to an approved sanitizing process before being reused. Cloth towels and other linens must be laundered before use. Single service items must be used only once and properly disposed of after use.
- (2) A sink or container must be of appropriate size to hold all tools to be cleaned plus a detergent solution.
 - (a) After removing all hair from tools, the tools must be thoroughly washed in warm water and detergent solution in a clean sink or container.
 - (b) After washing, tools must be thoroughly rinsed in clean warm water.
- (3) All tools and implements must be completely immersed in a board approved sanitizing agent of proper strength and for the necessary time period according to manufacturer instructions.
 - (a) Sanitizing containers must be large enough to completely cover all tools with sanitizing agent.
 - (b) Contact points of all nonimmersible equipment and metal implements must be cleaned with a detergent solution and wiped or sprayed with a board approved sanitizing agent.
- (4) Sanitized implements and tools must be stored in a disinfected, dry, covered container and separated from used or soiled implements and tools.
- (5) In addition to the above requirements, the following rules apply to the practice of electrology:
 - (a) Chair and table headrests must be covered with a single use towel for each patron.
 - (b) Before use, each electrolysis needle or tweezers must be first cleansed with warm water and soap, rinsed thoroughly and placed into an ultrasonic cleanser or chemical sterilant presoak, and then sterilized by one of the following methods:
 - (i) sterilizing packets with saturated steam, 15 PSI, and 250°F for 30 minutes; or

(ii) sterilizing packets with dry heat lab oven, 340°F for 60 minutes.

(c) Equipment for steam, dry heat and glass bead sterilization methods must be checked weekly for determining equipment to be in proper working order and reaching required temperature.

(6) Sanding bands used on electric file mandrels are for single use purposes and must be discarded after each use.

(7) Metal bits for electric files must be properly sanitized after each client.

(8) If a blood spill should occur, the licensee, student or cadet instructor shall follow the procedure adopted by the national interstate council of state boards of cosmetology (NIC). The board adopts and incorporates by reference the blood spill procedure as adopted by NIC, August 1998. A copy of the blood spill procedure is available at the board offices, 301 South Park Avenue, P.O. Box 200513, Helena, MT 59620-0513 and must be posted in public view in the salon, shop or school.

(9) Paraffin treatments must be administered in a safe and sanitary manner by a single service or sanitized method of application to avoid cross contamination.

(10) Foot baths must be cleaned and sanitized after each use to include removal of all screens for cleaning and sanitizing. Tubing for airflow or water must be cleaned and sanitized.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA

IMP: 37-31-204, MCA

NEW RULE XXX SANITIZING AGENTS (1) Tools, equipment and implements used in barbering, cosmetology, electrology, esthetics or manicuring which:

(a) have come into contact with blood, bodily fluids and/or mucous membrane must be cleaned and disinfected, at a minimum, by complete immersion in an EPA-registered disinfectant that is:

(i) effective against HIV-1 and human hepatitis B virus and tuberculocidal; and

(ii) mixed and used according to the manufacturer's directions; and

(b) have not come in contact with blood, bodily fluids and/or mucous membrane, shall be disinfected by complete immersion in an EPA-registered, bactericidal, virucidal, fungicidal, and pseudomonacidal (formulated for hospitals) disinfectant that is mixed and used according to the manufacturer's directions.

(2) Detergent solutions, disinfectants and sanitizing agents must be available for inspection and clearly labeled to disclose contents and manufacturer's directions.

(3) Alcohol used at 70% or higher strength may be used as a sanitizer with a minimum of 20 minutes contact time.

(4) Chlorine compounds, hypochlorited in liquid or powder form (household bleach), may be used as a sanitizing agent at 200 parts per million concentration with a five-minute contact

time.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA
IMP: 37-31-204, MCA

NEW RULE XXXI TOOL AND EQUIPMENT STORAGE AND HANDLING

(1) Soiled tools, equipment and implements must be stored separately from those sanitized.

(2) Separate and clean towels must be used for each client. Soiled towels must be kept in an appropriate container and laundered regularly.

(3) Sanitary neck strips or towels must be used to keep hair clippings and capes from contacting the client's neck, unless a freshly laundered cape is used for each client.

(4) Tools, instruments and other implements must not be placed onto garments or in garment pockets.

(5) Tools, instruments, equipment and implements dropped on the floor must be cleaned and sanitized before reuse.

(6) Single service disposable drinking cups must be available for client use unless the establishment is licensed as a food purveyor by the department of public health and human services in accordance and compliance with all state and county regulations.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA
IMP: 37-31-204, MCA

NEW RULE XXXII SALON PREPARATION STORAGE AND HANDLING

(1) All salon and shop preparations must be:

(a) stored, handled and applied to protect against contamination; and

(b) dispensed from containers to prevent contamination of the unused portion, either by use of pump, spray, or single-service spatulas.

(2) Use of the following items is prohibited:

(a) pumice stones;

(b) natural sponges;

(c) styptic pencils or lump alum;

(d) methyl methacrylate monomers for artificial nails; and

(e) for chemical exfoliation:

(i) phenol;

(ii) resorcinol;

(iii) trichloroacetic acid (TCA); and

(iv) jessner's solution.

(3) Liquid or powder astringent must be stored and applied with a separate clean sterilized gauze or cotton pad.

(4) All acids for use in chemical exfoliation must be used in concentrations of 30% or less, a pH level of not less than 3.0 and shall be applied in a manner and for a duration as recommended by the manufacturer.

(5) Only commercially available products may be used for chemical exfoliation purposes. The mixing or combining of skin exfoliation products or services is strictly prohibited.

(6) When using bulk products poured into another or

smaller storage container, the new storage container must be labeled with the same product name, ingredients and warnings as the original container.

(7) Dermaplane procedures, dermabrasion procedures, blades, knives, lancets and any tools that invade the skin or living cells are prohibited.

(8) The use of laser energy, as prescribed in ARM 24.156.501, as "any procedure in which human tissue is cut or altered by mechanical or energy forms, including electrical or laser energy or ionizing radiation", constitutes the practice of medicine and is prohibited for all individuals licensed under this chapter.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA

IMP: 37-31-204, MCA

NEW RULE XXXIII WASTE DISPOSAL (1) Waste must be disposed of in easily cleanable, leak proof, plastic lined, nonabsorbent containers with lids.

(a) Waste containers must be kept clean and sanitary and plastic lined at all times.

(b) Plastic liners must be tightly secured and double bagged if necessary upon removal from the premises to prevent spillage of waste contents.

(c) Waste must be removed frequently to prevent overflow.

(2) Liquid waste must be disposed of in a public sewer or by a method conforming to state and local requirements and meeting with the approval of the health officer or sanitarian. Discharge of any liquid waste on the ground surface or in any other exposed manner is strictly prohibited.

(3) Chemical waste must be disposed of in accordance with manufacturer's directions and federal, state and local regulations.

(4) Hair clippings must be swept after each client.

(5) Materials, chemicals, tools or implements shall be disposed of in accordance with current OSHA hazard communication standards.

(6) Aluminum oxide crystals or approved corundum crystals must be disposed of in accordance with federal, state and local regulations.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA

IMP: 37-31-204, MCA

NEW RULE XXXIV PERSONAL HYGIENE (1) Licensees and students shall keep their hands and fingernails clean, and wear clean, professional attire. Shoes shall be worn at all times.

(2) Licensees and students shall thoroughly wash their hands:

(a) prior to starting work;

(b) during work hours as often as necessary to remove soil and contamination; and

(c) immediately after using the restroom.

(3) The use of an instant, waterless, antibacterial hand

sanitizer may be used in place of hand washing before and after servicing each client, but does not void the requirement in (1).

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA
IMP: 37-31-204, MCA

NEW RULE XXXV DISEASE CONTROL (1) A licensee or student shall not be required to provide services to a client while the licensee, student or client has an infectious, contagious, or a communicable disease or condition that has been epidemiologically demonstrated to be transmitted through casual contact.

(2) A licensee or student having an infectious, contagious or communicable disease or condition, epidemiologically demonstrated to be transmitted through casual contact, shall take all reasonable and necessary steps to avoid transmitting such disease or condition to clients and coworkers.

(3) A licensee or student with a discharging or infected sore on any exposed portion of the body shall be excluded from salons, shops or schools while such sore is present, unless the sore is adequately covered to prevent transmission of the infection.

(4) If a licensee or student detects that a client has pediculosis capitis (head lice), the licensee or student shall refuse to provide service and may provide necessary information and/or products for home self-treatment.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA
IMP: 37-31-204, MCA

NEW RULE XXXVI CONTINUING EDUCATION - INSTRUCTORS/INACTIVE INSTRUCTORS (1) Active instructors shall complete 30 hours of continuing education per renewal period to maintain active status licensure.

(2) The board shall approve each continuing education course before credits are granted to any licensee for such course.

(3) Continuing education courses must be germane to the practice of barbering, cosmetology, electrology, esthetics, manicuring or instructing.

(4) Requests for approval of continuing education courses must be submitted on a form prescribed by the board and including the following information:

- (a) course dates;
- (b) course location;
- (c) course instructor and credentials of the instructor;
- (d) a detailed course syllabus/outline;
- (e) number of credits requested; and
- (f) method of verifying attendance.

(5) A maximum of 10 of the required 30 credits per renewal period may be obtained at trade shows where products are being promoted.

(6) At renewal, licensees shall submit either certified statements, certificates or affidavits showing dates and hours

as proof of continuing education attendance.

(7) Continuing education courses must be completed prior to applying for renewal of an active instructor license.

(8) To activate an inactive instructor license, licensees shall submit evidence of completion of 15 hours of approved continuing education obtained within the 12-month period prior to activating the license. Licensees shall also be required to complete an additional 30 hours of continuing education before the December 31 renewal date.

AUTH: 37-1-131, 37-1-319, 37-31-203, MCA

IMP: 37-1-306, MCA

NEW RULE XXXVII UNPROFESSIONAL CONDUCT (1) For the purpose of implementing Title 37, chapter 1, MCA, and in addition to the provisions of 37-1-316, MCA, the board defines unprofessional conduct as follows:

(a) failing of a licensee to comply with any statute or rule under the board's jurisdiction;

(b) attempting to procure a license under the board's jurisdiction by fraud or deception;

(c) breaching a contract with a client, student, salon or shop owner, booth renter, employee or employer, if established as a final judgment in a court of law;

(d) failing to cooperate with an inspection or investigation conducted by the department on behalf of the board;

(e) knowingly submitting false records or documents to the board or the department;

(f) violating any final order of the board;

(g) impersonating a licensee or representing oneself as a licensee for which one has no current license;

(h) using the traditional symbol known as the "barber pole", or any likeness thereof, in any manner that may lead the public to believe either that barbering was being practiced in, or that a licensed barber was employed by, a salon or shop that does not employ barbers;

(i) filing a complaint with, or providing information to, the board which the licensee knows, or ought to know, is false or misleading (does not apply to any filing of complaint or providing information to the board when done in good faith);

(j) violating, or attempting to violate, directly or indirectly, or assisting or abetting the violation of, or conspiring to violate any provision of Title 37, chapter 1 or 31, MCA, or any rule promulgated thereunder, or any order of the board;

(k) being convicted of a misdemeanor or any felony involving the use, consumption or self-administration of any dangerous drug, controlled substances or alcoholic beverage or any combination of such substances;

(l) using any dangerous drug or controlled substance illegally or alcohol while providing services regulated under this chapter;

(m) acting in such a manner as to present a danger to

public health or safety, or to any client including, but not limited to, incompetence, negligence or malpractice;

(n) maintaining an unsanitary or unsafe salon, shop, booth or school or practicing under unsanitary or unsafe conditions;

(o) performing services outside of the licensee's area of training, expertise, competence or scope of practice or licensure unless such services are not licensed or inspected by the state of Montana;

(p) failing to render adequate supervision, management, training or control of auxiliary staff or other persons, including licensees or students practicing under the licensee's supervision or control, according to generally accepted standards of practice;

(q) failing to provide the board with a response to a request or inquiry;

(r) damaging, destroying or attempting to destroy property or equipment of a licensee or a member of the public in a salon, shop, booth or school;

(s) intentionally misrepresenting an individual's type of licensure;

(t) advertising or otherwise implying that the licensee is providing treatment, healing, correcting or diagnosing any medical condition; and/or

(u) aiding or abetting unlicensed practice by intentionally or unintentionally encouraging, assisting or failing to prevent the commission of unlicensed practice.

(2) Unprofessional conduct is subject to discipline by the board.

AUTH: 37-1-131, 37-1-136, 37-1-319, 37-31-203, MCA
IMP: 37-1-136, 37-1-137, 37-31-301, 37-31-331, MCA

5. The rules proposed for repeal are as follows:

24.120.101 BOARD ORGANIZATION found at ARM page 24-9009.

AUTH: 37-30-203, MCA
IMP: 2-4-201, MCA

24.120.201 PROCEDURAL RULES found at ARM page 24-9011.

AUTH: 37-30-203, MCA
IMP: 2-4-201, MCA

24.120.202 CITIZEN PARTICIPATION RULES found at ARM page 24-9011.

AUTH: 37-30-203, MCA
IMP: 2-3-103, MCA

24.120.401 FEE SCHEDULE found at ARM page 24-9031.

AUTH: 37-1-134, 37-30-203, MCA
IMP: 37-1-134, 37-30-303, 37-30-307, 37-30-310, 37-30-402, 37-30-404, 37-30-423, MCA

24.120.402 GENERAL REQUIREMENTS found at ARM page 24-9032.

AUTH: 37-30-203, 37-30-422, MCA

IMP: 37-30-422, MCA

24.120.403 COMPLIANCE WITH APPLICABLE REGULATIONS found at page 24-9033.

AUTH: 37-30-203, 37-30-422, MCA

IMP: 37-30-422, MCA

24.120.404 INSPECTIONS found at ARM page 24-9033.

AUTH: 37-30-203, 37-30-422, MCA

IMP: 37-30-403, 37-30-423, MCA

24.120.601 EXAMINATION found at ARM page 24-9061.

AUTH: 37-1-131, 37-30-203, MCA

IMP: 37-30-203, 37-30-303, 37-30-305, 37-30-311, MCA

24.120.602 APPLICATION REQUIREMENTS found at ARM page 24-9067.

AUTH: 37-30-203, MCA

IMP: 37-30-203, MCA

24.120.603 OUT-OF-STATE APPLICATION found at ARM page 24-9068.

AUTH: 37-1-131, 37-30-203, MCA

IMP: 37-1-303, 37-1-304, MCA

24.120.607 TEMPORARY PRACTICE PERMIT found at ARM page 24-9093.

AUTH: 37-1-319, MCA

IMP: 37-1-305, 37-1-319, MCA

24.120.608 REPLACEMENT LICENSES found at ARM page 24-9093.

AUTH: 37-30-203, MCA

IMP: 37-30-203, MCA

24.120.609 POSTING OF LICENSES found at ARM page 24-9093.

AUTH: 37-30-203, 37-30-422, MCA

IMP: 37-30-422, MCA

24.120.801 SCHOOL REQUIREMENTS found at ARM page 24-9115.

AUTH: 37-1-131, 37-30-203, MCA

IMP: 37-30-403, 37-30-404, 37-30-405, 37-30-406, 37-30-407, MCA

24.120.802 INSTRUCTOR TRAINING REQUIREMENTS found at ARM page 24-9117.

AUTH: 37-1-131, 37-30-203, MCA

IMP: 37-30-311, MCA

24.120.1001 TOILET FACILITIES found at ARM page 24-9159.

AUTH: 37-30-203, 37-30-422, MCA

IMP: 37-30-422, MCA

24.120.1002 SINK AND BASIN REQUIREMENTS found at ARM page 24-9160.

AUTH: 37-30-203, 37-30-422, MCA
IMP: 37-30-422, MCA

24.120.1003 TOWELS AND LINENS found at ARM page 24-9160.
AUTH: 37-30-203, 37-30-422, MCA
IMP: 37-30-422, MCA

24.120.1010 ARTICLES AND SUBSTANCES IN CONTACT WITH A CLIENT found at ARM page 24-9255.
AUTH: 37-30-203, 37-30-422, MCA
IMP: 37-30-422, MCA

24.120.1011 WASTE MATERIAL found at ARM page 24-9255.
AUTH: 37-30-203, 37-30-422, MCA
IMP: 37-30-422, MCA

24.120.1012 CHEMICAL USE, STORAGE AND DISPOSAL found at ARM page 24-9256.
AUTH: 37-30-203, 37-30-422, MCA
IMP: 37-30-422, MCA

24.120.1013 SERVING CLIENTS found at ARM page 24-9273.
AUTH: 37-30-203, 37-30-422, MCA
IMP: 37-30-422, MCA

24.120.1014 DISINFECTING REQUIREMENTS AND STANDARDS found at ARM page 24-9273.
AUTH: 37-30-203, 37-30-422, MCA
IMP: 37-30-422, MCA

24.120.1015 VARIANCES found at ARM page 24-9274.
AUTH: 37-30-203, 37-30-422, MCA
IMP: 37-30-422, MCA

24.120.2301 UNPROFESSIONAL CONDUCT found at ARM page 24-9435.
AUTH: 37-1-131, 37-1-319, MCA
IMP: 37-1-307, 37-1-308, 37-1-309, 37-1-311, 37-1-312, MCA

24.121.101 INTERIM RULE found at ARM page 24-9439.
AUTH: 37-31-203, MCA
IMP: 37-1-131, 37-31-203, MCA

24.132.101 BOARD ORGANIZATION found at ARM page 24-11009.
AUTH: 37-31-203, MCA
IMP: 2-4-201, MCA

24.132.201 PROCEDURAL RULES found at ARM page 24-11011.
AUTH: 37-31-203, MCA
IMP: 2-4-201, MCA

24.132.202 CITIZEN PARTICIPATION found at ARM page 24-11011.
AUTH: 37-31-203, MCA

IMP: 2-3-103, MCA

24.132.301 DEFINITIONS found at ARM page 24-11013.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-31-203, MCA

24.132.401 GENERAL REQUIREMENTS found at ARM page 24-11017.

AUTH: 37-31-203, 37-32-201, MCA

IMP: 37-31-101, 37-31-301, 37-31-302, 37-31-303, 37-31-304, 37-31-311, 37-31-331, 37-32-201, 37-32-306, MCA

24.132.402 VARIANCES found at ARM page 24-11018.

AUTH: 37-31-203, 37-31-204, MCA

IMP: 37-31-204, 37-31-311, 37-31-312, MCA

24.132.403 PREMISES AND GENERAL REQUIREMENTS found at ARM page 24-11018.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA

IMP: 37-31-204, 37-31-331, MCA

24.132.404 FEES - INITIAL, RENEWAL, LATE RENEWAL AND REFUND FEES found at ARM page 24-11021.

AUTH: 37-1-134, 37-31-203, 37-31-323, 37-32-201, MCA

IMP: 37-31-302, 37-31-303, 37-31-304, 37-31-305, 37-31-309, 37-31-311, 37-31-312, 37-31-321, 37-31-322, 37-32-301, 37-32-302, 37-32-304, 37-32-305, 37-32-306, MCA

24.132.501 APPLICATION FOR SCHOOL LICENSE found at ARM page 24-11035.

AUTH: 37-31-203, 37-31-204, 37-31-302, 37-32-201, MCA

IMP: 37-31-203, 37-31-204, 37-31-311, 37-32-304, MCA

24.132.502 APPLICATION FOR INSTRUCTOR'S LICENSE found at ARM page 24-11037.

AUTH: 37-31-203, MCA

IMP: 37-31-301, 37-31-302, 37-31-303, 37-31-305, 37-31-308, 37-31-321, MCA

24.132.503 APPLICATIONS FOR LICENSE - COSMETOLOGIST, MANICURIST, ESTHETICIAN found at ARM page 24-11038.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-31-303, 37-31-304, 37-31-308, 37-31-321, MCA

24.132.504 APPLICATION - OUT-OF-STATE COSEMTOLOGISTS, MANICURISTS, ESTHETICIANS found at ARM page 24-11040.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-1-304, 37-31-303, 37-31-304, 37-31-308, MCA

24.132.505 DUPLICATE LICENSES found at ARM page 24-11042.

AUTH: 37-31-203, MCA

IMP: 37-31-323, MCA

24.132.506 LAPSED LICENSE found at ARM page 24-11043.

AUTH: 37-1-131, 37-31-203, MCA
IMP: 37-1-131, 37-1-141, 37-31-322, MCA

24.132.511 EXAMINATION REQUIREMENTS AND PROCESS found at ARM page 24-11051.

AUTH: 37-1-131, 37-31-203, MCA
IMP: 37-1-304, 37-1-319, 37-31-304, 37-31-305, 37-31-308, 37-31-321, MCA

24.132.701 SCHOOLS - APPLICATION found at ARM page 24-11071.

AUTH: 37-1-131, 37-32-201, 37-32-304, 37-32-306, MCA
IMP: 37-32-201, 37-32-302, 37-32-304, MCA

24.132.702 SCHOOL REQUIREMENTS found at ARM page 24-11072.

AUTH: 37-1-131, 37-32-201, 37-32-304, 37-32-305, 37-32-306, MCA
IMP: 37-32-302, 37-32-304, MCA

24.132.703 ELECTROLOGY LICENSE APPLICATION AND EXAMINATION PROCESS found at ARM page 24-11074.

AUTH: 37-1-131, 37-32-201, 37-32-302, MCA
IMP: 37-32-201, 37-32-302, 37-32-304, MCA

24.132.709 INSPECTION AND EQUIPMENT found at ARM page 24-11085.

AUTH: 37-1-131, 37-32-201, 37-32-304, 37-32-306, MCA
IMP: 37-32-302, 37-32-304, MCA

24.132.710 INSTRUCTOR QUALIFICATIONS found at ARM page 24-11086.

AUTH: 37-32-201, MCA
IMP: 37-32-301, MCA

24.132.711 STUDENT OR CADET INSTRUCTOR REGISTRATION found at ARM page 24-11086.

AUTH: 37-1-131, 37-32-201, 37-32-302, MCA
IMP: 37-32-201, 37-32-302, MCA

24.132.712 CURRICULUM - ELECTROLOGY STUDENTS found at ARM page 24-11086.

AUTH: 37-1-131, 37-32-201, 37-32-302, MCA
IMP: 37-32-301, 37-32-302, MCA

24.132.713 SALON found at ARM page 24-11088.

AUTH: 37-1-131, 37-32-201, 37-32-306, MCA
IMP: 37-32-304, 37-32-306, 37-32-331, MCA

24.132.901 FLOORS found at ARM page 24-11111.

AUTH: 37-32-201, MCA
IMP: 37-32-201, 37-32-304, MCA

24.132.902 WALLS AND CEILINGS found at ARM page 24-11111.

AUTH: 37-32-201, MCA
IMP: 37-32-304, MCA

24.132.903 LIGHTING found at ARM page 24-11111.
AUTH: 37-32-201, MCA
IMP: 37-32-201, 37-32-304, MCA

24.132.904 REST ROOM FACILITIES found at ARM page 24-11111.
AUTH: 37-1-131, 37-32-201, MCA
IMP: 37-32-201, 37-32-304, 37-32-306, MCA

24.132.905 HANDWASHING FACILITIES found at ARM page 24-11112.
AUTH: 37-1-131, 37-32-201, 37-32-306, MCA
IMP: 37-32-201, 37-32-304, 37-32-306, MCA

24.132.911 CONSTRUCTION, CLEANING AND SANITIZING TOOLS AND EQUIPMENT found at ARM page 24-11121.
AUTH: 37-1-131, 37-32-201, 37-32-304, MCA
IMP: 37-32-201, 37-32-304, MCA

24.132.912 DISPOSAL OF WASTE found at ARM page 24-11122.
AUTH: 37-1-131, 37-32-201, 37-32-304, 37-32-306, MCA
IMP: 37-32-201, 37-32-304, 37-32-306, MCA

24.132.913 PERSONAL HYGIENE found at ARM page 24-11122.
AUTH: 37-1-131, 37-32-201, 37-32-304, 37-32-306, MCA
IMP: 37-32-201, 37-32-304, 37-32-306, MCA

24.132.914 PREMISES found at ARM page 24-11123.
AUTH: 37-1-131, 37-32-201, MCA
IMP: 37-32-301, 37-32-304, 37-32-306, MCA

24.132.915 DISEASE CONTROL found at ARM page 24-11123.
AUTH: 37-32-201, MCA
IMP: 37-32-304, MCA

24.132.1101 INSPECTION - SCHOOL LAYOUT found at ARM page 24-11161.
AUTH: 37-31-203, 37-31-311, MCA
IMP: 37-31-311, 37-31-312, MCA

24.132.1102 SCHOOL OPERATING STANDARDS found at ARM page 24-11167.
AUTH: 37-1-131, 37-31-203, 37-31-311, MCA
IMP: 37-31-301, 37-31-304, 37-31-311, 37-31-312, MCA

24.132.1103 SUBSTITUTE INSTRUCTOR found at ARM page 24-11170.
AUTH: 37-1-131, 37-31-203, 37-31-322, MCA
IMP: 37-31-311, 37-31-322, MCA

24.132.1104 CURRICULUM - COSMETOLOGY, MANICURING AND ESTHETICS STUDENTS found at ARM page 24-11171.
AUTH: 37-31-203, MCA

IMP: 37-31-304, 37-31-311, MCA

24.132.1105 STUDENT REGISTRATION found at ARM page 24-11175.

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA

IMP: 37-31-304, 37-31-311, 37-31-312, 37-31-323, MCA

24.132.1111 TRANSFER POLICIES - RECRUITMENT - FIELD TRIPS found at ARM page 24-11191.

AUTH: 37-31-203, MCA

IMP: 37-31-311, 37-31-312, MCA

24.132.1112 INSTRUCTIONAL SPACE AND FACILITIES found at ARM page 24-11191.

AUTH: 37-31-203, MCA

IMP: 37-31-311, 37-31-312, MCA

24.132.1113 TRANSFER STUDENTS - OUT-OF-STATE - COSMETOLOGY, MANICURING, ESTHETICS found at ARM page 24-11192.

AUTH: 37-31-203, MCA

IMP: 37-31-311, MCA

24.132.1114 FIVE-YEAR COMPLETION REQUIREMENT found at ARM page 24-11192.

AUTH: 37-31-203, MCA

IMP: 37-31-304, 37-31-305, 37-31-311, MCA

24.132.1115 EDUCATION EXCEPTION found at ARM page 24-11193.

AUTH: 37-31-203, MCA

IMP: 37-31-304, MCA

24.132.1301 APPLICATIONS FOR AUTHORITY TO OFFER TEACHER-TRAINING COURSES found at ARM page 24-11221.

AUTH: 37-31-203, MCA

IMP: 37-31-305, 37-31-311, MCA

24.132.1302 INSTRUCTOR REQUIREMENTS - TEACHER-TRAINING PROGRAMS found at ARM page 24-11221.

AUTH: 37-31-203, MCA

IMP: 37-31-305, 37-31-311, 37-31-312, MCA

24.132.1303 TEACHER TRAINING EQUIPMENT found at ARM page 24-11222.

AUTH: 37-31-203, MCA

IMP: 37-31-305, 37-31-311, 37-31-312, MCA

24.132.1304 CURRICULUM - TEACHER-TRAINING UNITS found at ARM page 24-11223.

AUTH: 37-31-203, MCA

IMP: 37-31-305, 37-31-311, MCA

24.132.1501 SALONS/BOOTH RENTAL - COSMETOLOGY, MANICURING OR ESTHETICS found at ARM page 24-11241.

AUTH: 37-1-131, 37-31-203, MCA
IMP: 37-31-301, 37-31-302, 37-31-312, MCA

24.132.1502 BOOTH RENTAL LICENSES - APPLICATIONS found at
ARM page 24-11243.

AUTH: 37-1-131, 37-31-203, MCA
IMP: 37-31-203, 37-31-301, 37-31-302, MCA

24.132.1503 RESPONSIBILITY OF SALON OWNER found at ARM
page 24-11244.

AUTH: 37-1-131, 37-31-203, MCA
IMP: 37-31-203, 37-31-302, MCA

24.132.1701 SANITATION FOR FACILITIES found at ARM page
24-11261.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA
IMP: 37-31-204, 37-31-331, MCA

24.132.1702 LIGHTING found at ARM page 24-11261.

AUTH: 37-1-131, 37-31-203, MCA
IMP: 37-31-204, 37-31-331, MCA

24.132.1703 RESTROOM FACILITIES found at ARM page 24-
11262.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA
IMP: 37-31-204, 37-31-331, MCA

24.132.1704 WATER SUPPLY found at ARM page 24-11262.

AUTH: 37-1-131, 37-31-203, MCA
IMP: 37-31-204, 37-31-331, MCA

24.132.1705 HANDWASHING FACILITIES found at ARM page 24-
11263.

AUTH: 37-1-131, 37-31-203, MCA
IMP: 37-31-204, 37-31-331, MCA

24.132.1706 IMPLEMENTS, TOOLS, INSTRUMENTS, SUPPLIES AND
EQUIPMENT found at ARM page 24-11263.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA
IMP: 37-31-204, 37-31-331, MCA

24.132.1716 CLEANING AND SANITIZING TOOLS AND EQUIPMENT
found at ARM page 24-11291.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA
IMP: 37-31-204, 37-31-331, MCA

24.132.1717 SANITIZING AGENTS found at ARM page 24-11292.

AUTH: 37-31-203, MCA
IMP: 37-31-204, 37-31-331, MCA

24.132.1718 STORAGE AND HANDLING OF TOOLS AND EQUIPMENT
found at ARM page 24-11293.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA
IMP: 37-31-204, 37-31-331, MCA

24.132.1719 STORAGE AND HANDLING OF SALON PREPARATIONS
found at ARM page 24-11294.

AUTH: 37-31-203, MCA
IMP: 37-31-204, 37-31-331, MCA

24.132.1720 DISPOSAL OF WASTE - SEWAGE found at ARM page
24-11295.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA
IMP: 37-31-204, 37-31-331, MCA

24.132.1721 PERSONAL HYGIENE OF PERSONNEL found at ARM
page 24-11296.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA
IMP: 37-31-204, 37-31-331, MCA

24.132.1722 DISEASE CONTROL found at ARM page 24-11297.

AUTH: 37-31-203, MCA
IMP: 37-31-204, 37-31-331, 37-31-332, MCA

24.132.2101 CONTINUING EDUCATION - INSTRUCTORS/INACTIVE
INSTRUCTORS found at ARM page 24-11321.

AUTH: 37-1-131, 37-1-306, 37-1-319, 37-31-203, MCA
IMP: 37-1-306, 37-31-322, MCA

24.132.2301 UNPROFESSIONAL CONDUCT found at ARM page 24-
11331.

AUTH: 37-1-136, 37-1-137, MCA
IMP: 37-1-136, 37-1-137, MCA

24.132.2302 AIDING AND ABETTING UNLICENSED PRACTICE found
at ARM page 24-11333.

AUTH: 37-1-131, 37-31-203, MCA
IMP: 37-1-316, MCA

6. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2335, or by e-mail to dlibsdcos@state.mt.us and must be received no later than 5:00 p.m., September 8, 2004.

7. An electronic copy of this Notice of Public Hearing is available through the Department and Board's site on the World Wide Web at <http://www.discoveringmontana.com/dli/cos>, in the Rules Notices section. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all

times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

8. The Board of Barbers and Cosmetologists maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Barbers and Cosmetologists administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2323, e-mailed to dlibsdcos@state.mt.us or made by completing a request form at any rules hearing held by the Department.

9. Darcee Moe, attorney, has been designated to preside over and conduct this hearing.

10. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

BOARD OF BARBERS AND
COSMETOLOGISTS
WENDELL PETERSEN, CHAIR

/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

Certified to the Secretary of State July 26, 2004