

## **RULE NO. 1**

### **COSMETOLOGY SECTION**

#### **(1.1) Authority**

The following Rules and Regulations for Cosmetology in Arkansas were duly promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas in ARK code ann. §17-26-101 et seq. and other applicable laws of the state.

#### **(1.2) Purpose**

These Rules and Regulations are prepared for the purpose of establishing standards to regulate the vocation of cosmetology and its related occupations, to provide for the licensing of persons to carry on and to teach such vocation, to regulate the conduct and sanitation of cosmetological establishments and schools so as to prevent the spreading of communicable diseases and, to provide penalties for violation thereof.

#### **(1.3) Investigations, Hearings, or Inspections**

(A) The Department of Health shall conduct investigations and inspections as promulgated by rule. Initial, routine and complaint inspections are conducted to ensure compliance with the licensing law and rules. Any inspector shall have the authority to enter into and inspect any cosmetological establishment at any time during business hours. An inspector is a person with five (5) years of experience in the licensed practice of cosmetology. Cosmetological establishments are routinely inspected between 2-4 times a year to ensure compliance with the licensing law and rules promulgated by the Board unless complaints are received by the Department. The inspectors examine licenses; inspect buildings and equipment; check accumulated hours and number of students in cosmetology schools; report violations of the law or rules; investigate complaints; rate inspections; and perform yearly initial inspections of new cosmetological establishments.

(B) After final Department action is taken, in the event a licensee should wish to appeal final Department action to the Cosmetology Technical Advisory Committee, this appeal must be made in writing to the Department, and must be made within thirty (30) days of receipt of final Department action.

(1) Hearings conducted by the Cosmetology Technical Advisory Committee may be held bimonthly for review of cases for which disciplinary action may be required.

(2) Except as provided in subdivision B.2.a. of this rule, a hearing attended by two (2) or more members of the committee is a meeting.

(a) A final order shall not be imposed by fewer than three (3) members.

(b) A final order imposed by the committee may be appealed to the state Board of Health within thirty (30) days of its receipt.

#### **(1.4) Location**

The office of the Cosmetology Section is located at 4815 West Markham, Little Rock, Arkansas 72205. All matters related to cosmetology licensing should be directed to the Section of Cosmetology office by calling 501-661-2000 or by emailing the Section at [Cosmo@arkansas.gov](mailto:Cosmo@arkansas.gov). Information may also be obtained by accessing the Department's Website at [www.healthyarkansas.com](http://www.healthyarkansas.com).

#### **(1.5) Fees**

The Department shall collect fees in accordance with the following fee schedule as authorized through A.C.A. 17-26-209(a):

- |   |         |
|---|---------|
| a. Enrollment into a cosmetology school | \$20.00 |
|---|---------|

b. Examination for licensing	
1) First-time candidate	
i. Practical - \$65.00	
ii. Written - \$60.00	
2) Retest candidate	
i. Practical - \$65.00	
ii. Written - \$60.00	
3) Reciprocity candidate that has taken a national written and practical exam	
i. State Law - \$60.00	
4) Reciprocity candidate that has not taken a national written and practical exam	
i. Practical - \$65.00	
ii. Written - \$60.00	
c. Renewal of a cosmetology, manicure, aesthetics, electrology or instructor license	<del>\$100.00</del> <u>\$50.00</u>
	biennially
d. Reciprocity for a cosmetology, manicure, aesthetics, electrology or instructor license when the licensee is duly registered in another state	\$150.00 one-time fee
e. New establishment, including new and relocated	\$150.00 one-time fee
f. Renewal of an establishment	\$100.00 annually
g. New school	\$1500.00
h. Renewal of a school	\$250.00 annually;
i. Change of name and/or ownership of a school	\$500.
j. Name and/or ownership change of an establishment	\$75.00 each
k. Duplicate license	\$25.00 per license
l. Certification of Department records	\$50.00 per license
m. Reinstatement fee for a practitioner license will apply for licenses not renewed within thirty (30) days following the birthday of the licensee	50% of renewal
n. Reinstatement fee for a salon license will apply for licenses not renewed by January 31 of the following year, or within thirty (30) days following the birthday of the licensee, whichever renewal cycle is chosen by the owner	50% of renewal
o. Reinstatement fee for a school license will apply for licenses not renewed by January 31 of the following year, or within thirty (30) days following the birthday of the licensee, whichever renewal cycle is chosen by the owner	50% of renewal
p. Lifetime license for a currently licensed practitioner that is 65 years or older and has been actively engaged in the practice or teaching of cosmetology for thirty (30) years or more. Note: Practitioners with an inactive license that otherwise qualifies for the lifetime license will be issued a certificate at no cost to them.	\$50.00 for first license; requests for subsequent copy must pay the duplicate license fee of \$25 per license
q. Hot check fee	\$25 service charge, plus all applicable bank fees, for each returned check
r. Demonstrator permit fee	\$50.00 annually



**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS**  
**WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

**DEPARTMENT/AGENCY** Arkansas Department of Health  
**DIVISION** Health Systems Licensing and Regulation  
**DIVISION DIRECTOR** Renee Mallory  
**CONTACT PERSON** Robert Brech  
**ADDRESS** 4815 West Markham St. # 8 Little Rock, AR 72205  
**PHONE NO.** 501-661-2297 **FAX NO.** 501-682-2357 **E-MAIL** robert.brech@arkansas.gov  
**NAME OF PRESENTER AT COMMITTEE MEETING** Renee Mallory  
**PRESENTER E-MAIL** renee.mallory@arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.  
B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.  
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.  
D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201

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1. What is the short title of this rule? Rules and Regulations for Cosmetology in Arkansas
2. What is the subject of the proposed rule? Fee Decrease for Cosmetology Practitioners License
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒  
If yes, please provide the federal rule, regulation, and/or statute citation.
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4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes ☐ No ☒  
If yes, what is the effective date of the emergency rule? \_\_\_\_\_  
  
When does the emergency rule expire? \_\_\_\_\_  
  
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes ☐ No ☐

5. Is this a new rule? Yes ☐ No ☒

If yes, please provide a brief summary explaining the regulation.

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- Does this repeal an existing rule? Yes ☐ No ☒

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

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- Is this an amendment to an existing rule? Yes ☒ No ☐

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

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6. Cite the state law that grants the authority for this proposed rule?

If codified, please give Arkansas Code citation.

Ark. Code Ann. §17-26-101 et seq.

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7. What is the purpose of this proposed rule? Why is it necessary?

Decrease cosmetology practitioner's license fee from \$100 biennially to \$50 biennially

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8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

[www.healthy.arkansas.gov](http://www.healthy.arkansas.gov) "Rules and Regs" link; [www.sos.arkansas.gov](http://www.sos.arkansas.gov) "Administrative Rules" link

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9. Will a public hearing be held on this proposed rule? Yes ☒ No ☐

If yes, please complete the following:

Date: March 8, 2012

Time: 10:00 p.m.

Place: Freeway Medical Tower, 5800 W. 10th St., Room 906 Little Rock, Ar 72204

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10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

March 8, 2012

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

July 1, 2012

12. Do you expect this rule to be controversial? Yes ☐ No ☒

If yes, please explain. \_\_\_\_\_

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13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

Individual licensees affected by the revision will support

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## FINANCIAL IMPACT STATEMENT

### PLEASE ANSWER ALL QUESTIONS COMPLETELY

**DEPARTMENT** Arkansas Department of Health  
**DIVISION** Health Systems Licensing and Regulation  
**PERSON COMPLETING THIS STATEMENT** Kelli Kersey  
**TELEPHONE NO.** 501-682-2171 **FAX NO.** 501-682-5640 **EMAIL:** Kelli.kersey@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** Rules and Regulations for Cosmetology in Arkansas

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☒ No ☐  
2. Does this proposed, amended, or repealed rule affect small businesses? Yes ☐ No ☒  
If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

No administrative cost to agency. Total funding from fees will be reduced.

4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

#### Current Fiscal Year

General Revenue	<u>\$ 0</u>
Federal Funds	<u>\$ 0</u>
Cash Funds	<u>\$ 0</u>
Special Revenue	<u>\$ 0</u>
Other (Identify)	<u>\$ 0</u>
Total	<u>\$ 0</u>

#### Next Fiscal Year

General Revenue	<u>\$ 0</u>
Federal Funds	<u>\$ 0</u>
Cash Funds	<u>\$ 0</u>
Special Revenue	<u>\$ 0</u>
Other (Identify)	<u>\$ 0</u>
Total	<u>\$ 0</u>

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

#### Current Fiscal Year

\$ 0

#### Next Fiscal Year

\$50 decrease  
for individual  
licensees  
with renewal  
\$ due FY 13

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

#### Current Fiscal Year

\$ 0

#### Next Fiscal Year

\$ -400,000

No administrative cost for implementation. Revision will decrease funding for Cosmetology licensing program.