

STATE OF WISCONSIN
COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	COSMETOLOGY EXAMINING
COSMETOLOGY EXAMINING BOARD	:	BOARD
	:	ADOPTING EMERGENCY RULES

The statement of scope for this rule, SS 083-14, was approved by the Governor on August 25, 2014, published in Register 705 on September 14, 2014, and approved by Cosmetology Examining Board on September 25, 2014. This emergency rule was approved by the Governor on December 22, 2014.

ORDER

An order of the Cosmetology Examining Board to amend Cos 5.01 and to repeal and recreate 5.02 relating to course of instruction.

Analysis prepared by the Department of Safety and Professional Services.

FINDING OF EMERGENCY

The Cosmetology Examining Board finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

2013 Wisconsin Act 356 amended ss.440.62 (3) (ar) 2. and 454.06 (2) (b), Stats., by decreasing the number of training hours which must be fulfilled by cosmetology practitioners as outlined in Wis. Admin. Code ch. Cos 5.02. Currently, cosmetology students are being enrolled in courses on a continuous basis notwithstanding the fact that the curriculum and corresponding training hours as they appear in Wis. Admin. Code s. Cos. 5.02 are no longer in effect due to 2013 Wisconsin Act 356. Emergency rules are needed to give clear guidance to students and instructors regarding the change in required training hours and the corresponding syllabus for cosmetology practitioners.

ANALYSIS

Statutes interpreted:

Section 454.06 (2) (b), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), Stats. and 2013 Wisconsin Act 356

Explanation of agency authority:

Pursuant to ss. 15.08 (5) (b) and 227.11 (2) (a), Stats., the Cosmetology Examining Board is generally empowered by the legislature to promulgate rules that will provide guidance within the profession and interpret the statutes it administers. 2013 Wisconsin Act 356 required the reduction of the number of training hours for course of instruction in cosmetology. This change impacted the qualifications for cosmetology licensure. The proposed rule seeks to carry out the mandate of this new legislation by amending Wis. Admin Code. ch. Cos 5.

Related statute or rule:

None.

Plain language analysis:

2013 Wisconsin Act 356 changed the licensure requirements for cosmetologist by reducing the number of training hours required to successfully complete a cosmetology course of instruction from 1,800 to 1,550 and by adding the requirement that a school of cosmetology be accredited by an accrediting agency approved by the board. This reduction in training hours puts Wisconsin on par with course of instruction requirements in neighboring states such as Illinois and Michigan. The reduction in training hours will also relieve the burden on in-state applicants seeking a cosmetology practitioner license in neighboring states and will ease the transition of out-of-state applicants seeking to become licensed as a cosmetologist in Wisconsin.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois: Illinois requires cosmetology schools to provide 1,500 hours of instruction in cosmetology. 68 Ill. Adm. Code 117.530.

Iowa: Iowa requires 2,1000 hours in cosmetology curriculum. 645 IAC 61.14.

Michigan: Michigan cosmetology curriculum consists of 1,500 of theory and practical instruction and 1,160 hours in minimum practical application. Mich. Admin. Code R.338.2161.

Minnesota: The cosmetology training curriculum consists of 1,550 hours in Minnesota. Minn. R. 2110.0510.

Summary of factual data and analytical methodologies:

The methodologies used in developing this rule include reviewing administrative rules from neighboring states and comparing 2013 Wisconsin Act 356 with Wis. Admin. Code ch. Cos 5.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Fiscal Estimate:

This proposed rule will have minimal or no fiscal impact.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

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TEXT OF RULE

SECTION 1. Cos 5.01 is amended to read:

Cos. 5.01 Courses. Schools which provide instruction to students for cosmetology practitioner or cosmetology manager licenses or specialty schools which provide instruction to students for aesthetician, electrologist, or manicurist licenses shall develop curricula for instruction which are based on the applicable syllabus approved by the board. A school or specialty school shall not deviate from the hours listed for subjects in the appropriate syllabus included in this section. Schools shall be accredited by any of the following board approved accrediting agencies including the National Accrediting Commission of Career Arts & Sciences (NACCAS), the Accrediting Commission of Career Schools and Colleges (ACCSC), the Council on Occupational Education (COE), the National Interstate Council of State Boards of Cosmetology (NIC) and any other accrediting agency relating to cosmetology that is recognized by the U.S. Department of Education.

SECTION 2. Cos 5.02 (intro.) and Figure 5.02 are repealed and recreated to read:

Cos. 5.02 Cosmetology practitioner license syllabus. A syllabus for the practitioner license is shown below in Table 5.02:

Table 5.02

	SUBJECTS	THEORY HOURS	PRACTICAL HOURS
I.	Hygiene, grooming and personal development.	10	0
II.	Bacteriology, sterilization and sanitation.	20	20
III.	Haircutting, hair tapering (clipper-cuts), razor cutting, hairstyling, curling, thermal waving, finger-waving, roller setting, pincurl placement, blow-drying, shampoos, scalp and hair treatments, conditioning, reconditioning, hair analysis, and care of hairpieces, wigs and wefts. Tools, equipment and implements (identification and usage).	140	440
IV.	Hair straightening, hair relaxing, thermal hair straightening, blow-outs, permanents, hair coloring, tinting, bleaching and	185	392

	chemistry. Tools, equipment and implements (identification and usage).		
V.	Shaving, beard and mustache shaping, trimming, superfluous hair removal, waxing, facials, facial massages, facial makeup, eyelashes, light therapy, basic principles of electricity, and introduction to electrology. Tools, equipment and implements (identification and usage).	35	60
VI.	Manicuring, including nail Enhancement. Tools, equipment and implements (identification and usage).	10	25
VII.	Anatomy and physiology of the hair, skin and nails and disorders of the hair, skin, scalp and nails	50	0
VIII.	Product knowledge, product use and sales, preparing and consulting with customer for services	30	0
IX.	Laws, rules,	18	0

	professional ethics and history of cosmetology		
X.	Individual student needs, industry trends and electives (e.g. recordkeeping, mathematics, communications, human relations, public relations, first aid, etc.) (Hours may include structured visits conducted by the school outside of the classroom at one or more cosmetology establishments.).	40	75
	TOTAL HOURS	538	1012

SECTION 2. Pursuant to s. 227.24 (1) (c), Stats., this emergency rule shall take effect upon publication in the official state newspaper.

 (END OF TEXT OF RULE)
