

Notice
Of
Rulemaking Hearing

Department of Commerce and Insurance
Tennessee State Board of
Cosmetology

There will be a hearing before the Tennessee State Board of Cosmetology to consider the promulgation of new rules and amendments to rules pursuant to T.C.A. § 62-4-105(e). The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204, and will take place in Room 160 of the Davy Crockett Tower, located at 500 James Robertson Parkway in Nashville, Tennessee at 9:00 a.m. (Central Time) on November 5, 2007.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Commerce and Insurance to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings) to allow time for the Department to determine how it may reasonably provide such aid or service. Initial contact may be made with Don Coleman, the Department's ADA Coordinator, at 500 James Robertson Parkway, 5th Floor, Nashville, Tennessee 37243 at (615) 741-0481.

For a copy of this Notice of Rulemaking Hearing, contact the State Board of Cosmetology, attention Beverly Waller, Tennessee State Board of Cosmetology, 500 James Robertson Parkway, 1st Floor, Nashville, Tennessee 37243 at (615) 741-2515.

Substance of Proposed Rules

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New Rules

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0440-1-.15. Practice by Instructor.

0440-1-.15. Practice by Instructor.

(1) Continuing Education

(a) In order for a licensed instructor to obtain credit for taking a continuing education course in a state other than the State of Tennessee, with the exception of seminars conducted by the Cosmetology Educators of America, the licensed instructor shall obtain the Board's approval before taking the course by submitting a written request for approval to the Board within thirty (30) days before the licensed instructor intends to take the course. Such written request must include a copy of the course's curriculum.

(b) A licensed instructor shall submit a request for an extension of time in which to take his or her continuing education in writing to the Board sixty (60) days prior to the expiration date of the instructor's license.

(2) An instructor may only practice or teach the discipline in which he or she is licensed.

Authority: T.C.A. §62-4-105(e) and 62-4-114(a)(1) and (2)

Substance of Proposed Rules

Chapter 0440-1

Licensing

Amendments

Subparagraph (d) of paragraph (1) of rule 0440-1-.01 Requirements for School License is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

0440-1-.01. Requirements for School License.

(d) a minimum of five (5) working floor-based hooded dryers;

Authority: T.C.A. § 62-4-105(e).

Rule 0440-1-.03 Curriculum is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0440-1-.03. Curriculum.

(1) The fifteen hundred (1,500) clock hours/ 45 credit hours of instruction required of applicants for a license to practice cosmetology shall be apportioned as follows:

- (a) General.....300 clock hours / 9 credit hours
Sterilization, sanitation and bacteriology, anatomy and physiology, shop ethics, personality and salesmanship, state law
- (b) Chemical..... 600 clock hours/ 18 credit hours
Permanent waves, hair relaxer, hair coloring, bleaching and toning, sculptured nails, hair structure and chemistry
- (c) Physical.....600 clock hours/ 18 credit hours
Shampooing and rinses, hair and scalp care, hair shaping, hairdressing and styling, facials, arching, lash and brow tinting, manicures and pedicures

(2) The six hundred (600) clock hours/ 18 credit hours of instruction required of an applicant for a license to practice manicuring shall be apportioned as follows:

- (a) General.....150 clock hours/ 4.5 credit hours
Sterilization, sanitation, bacteriology, anatomy and physiology, state law, salon management, and ethics
- (b) Chemical.....100 clock hours/ 3 credit hours
Product knowledge, ingredients and usage of materials, manicuring and pedicuring, EPA and OSHA requirements

- (c) Physical.....350 clock hours/ 10.5 credit hours
Massage, manicuring, pedicuring, nail care, nail artistry, nail wraps, sculptured nails, nail tips, gel nails, and nail safety
- (3) The seven hundred and fifty (750) clock hours/ 22.5 credit hours of instruction required of an applicant for a license to practice aesthetics shall be apportioned as follows:
 - (a) General.....150 clock hours/ 4.5 credit hours
Sterilization, sanitation and bacteriology, professional ethics, personality, salesmanship, anatomy and physiology, and state law
 - (b) Chemical.....150 clock hours/ 4.5 credit hours
Skin conditions and disorders, nutrition, aging factors, product ingredients and usage, waxing, lash and brow tinting, OSHA and EPA requirements
 - (c) Physical.....450 clock hours/ 13.5 credit hours
Massage movements and manipulations, masks and packs, facial treatments with and without the use of machines, skin analysis and consultation, application of all products and machines, color psychology, make-up and corrective make-up arching
- (4) The three hundred (300) clock hours / 9 credit hours of instruction required of an applicant for a license to practice shampooing shall be apportioned as follows:
 - (a) General.....100 clock hours/ 3 credit hours
Sanitation, sterilization, bacteriology, anatomy, physiology, state law, shampooing and draping, hair and scalp massage
 - (b) Chemical..... 50 clock hours/ 1.5 credit hours
Chemistry and composition of shampoos and conditioners, product knowledge, EPA and OSHA requirements
 - (c) Physical.....150 clock hours/ 4.5 credit hours
Hair and scalp massage, hair and scalp care, shampooing and rinsing foreign material from hair, shop management (answering phone, scheduling appointments, ordering supplies, taking inventory, and selling to clients)
- (5) The three hundred (300) clock hours/ 9 credit hours of instruction required of an applicant for a natural hair stylist license shall be apportioned as follows:
 - (a) General.....120 clock hours/ 3.6 credit hours
Sanitation, sterilization, bacteriology, shampooing, draping, disorders of hair and scalp, state law and salon management
 - (b) Physical.....180 clock hours/ 5.4 credit hours
Twisting, wrapping, weaving, extending, locking, braiding and natural hair styling, by hand or mechanical appliances
- (6) The three hundred (300) clock hours/9 credit hours of instruction required of applicants for an instructor's license shall include no less than a total of one hundred (100) clock hours /3 credit hours in lesson planning and motivation.
- (7) To the extent that the prescribed curricula for courses of instruction are substantially similar, the Board may allow general hours of credit accumulated by a student to be transferred from one course of instruction to another. A student shall be allowed to transfer hours only once.

(8) Any person holding a valid Tennessee barber license will be given credit for seven hundred and fifty (750) clock hours/ 22.5 credit hours toward a Tennessee cosmetology license.

(a) In order to be eligible for the above credit, a barber must be enrolled in a cosmetology school full time, a minimum twenty-five (25) hours per week, not to exceed forty-eight (48) hours per week. After the student has completed the first seven hundred and fifty (750) clock hours/ 22.5 credit hours in a cosmetology school, the Board may apply the second seven hundred and fifty (750) hours/ 22.5 credit hours for the purpose of graduating and being permitted to take the cosmetology examination.

Authority: T.C.A. §62-4-105(e)

Substance of Proposed Rules

Chapter 0440-2 Sanitary Rules

Amendments

Rule 0440-2-.10 Animals is amended by deleting the text "(i.e. guide dogs)" so that, as amended, the rule shall read:

0440-2-.10. Animals.

(1) No animals, birds, or fish shall be permitted in any establishment with the exception of animals used to help disabled persons.

Authority: T.C.A. §62-4-105(e) and 62-4-125(a)

The notice of rulemaking hearing set out herein was properly filed in the Department of State on this the 31st day of August, 2007.)FS 08-24-07; DBID 706-707)