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Sequence Number: 11-01-14
 Notice ID(s): 2255
 File Date: 11-03-14

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	State Board of Cosmetology and Barber Examiners
Division:	Division of Regulatory Boards, Department of Commerce and Insurance
Contact Person:	Robert E. Herndon, Assistant General Counsel
Address:	500 James Robertson Parkway; Nashville, TN 37243
Phone:	(615) 741-3072
Email:	Robert.Herndon@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Don Coleman
Address:	500 James Robertson Parkway; Nashville, TN 37243
Phone:	(615) 741-6500
Email:	Don.Coleman@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	500 James Robertson Parkway		
Address 2:	1 st Floor, Conference Room 1-A		
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	01/05/15		
Hearing Time:	9:00 A.M.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0200-01	Rules of the Barber Board
Rule Number	Rule Title
0200-01-.01	Requirements for School License
0200-01-.06	Expiration of Certificates of Registration
0200-01-.07	Equipment and Location Requirements for Barber Shops

0200-01-.10	Original License Fee

Chapter 0200-01
Rules of Barber Board

Amendments

Rule 0200-01-.01 (Requirements for School License) is amended by adding new subparagraphs (4)(d) and (4)(e) to read as follows:

- (d) the school must have at least fifteen (15) students enrolled (part-time or full-time) and that the school must provide proof of same to the Board in the form of signed student enrollment agreements prior to being granted a barber school license.
- (e) full-time barber school students must attend school for at least twenty-five (25) hours per week and part-time barber school students must attend school for at least fifteen (15) hours per week.

Authority: T.C.A. §§ 62-3-122, 62-3-123, and 62-3-128(a).

Rule 0200-01-.06 (Expiration of Certificates of Registration) is amended by amending paragraphs (1), (2), (3), and (4) to read as follows, and by adding new paragraphs (5)-(8) as follows:

- (1) All certificates of registration for master barbers and barber instructors shall expire biennially on the anniversary date of the original date of licensure.
- (2) All certificates of registration for barber shops shall expire biennially on the anniversary date of the original date of licensure.
- (3) All certificates of registration for technicians shall expire biennially on the anniversary date of the original date of licensure.
- (4) All certificates of registration for barber schools or colleges shall expire annually on the last date of the month of the original date of licensure. If a barber school or barber college license is not renewed within one (1) year from the date of expiration of the license, a new barber school or barber college license application will be required.
- (5) A master barber or barber instructor may place his or her license into inactive status by completing a form as proscribed by the Board and by submitting that form to the Board prior to the expiration of his or her license. A master barber or barber instructor whose license is in inactive status may not engage in any conduct for which a license is required while his or her license is in inactive status.
- (6) When a master barber or barber instructor places his or her license into inactive status, such license may only remain in inactive status until the end of the current renewal period. The Board may, at its discretion, waive this requirement for good cause shown and may attach any lawful conditions it deems appropriate to such a waiver.
- (7) A master barber or barber instructor whose license is in inactive status may reactivate his or her license to active status by completing a form as proscribed by the Board and demonstrating compliance with all applicable requirements for license reinstatement.
- (8) An applicant for licensure meeting the requirements of T.C.A. § 4-3-1304(d)(1) may:
 - (a) Be issued a license under this chapter upon application and payment of all fees required for issuance of a regular license of the same type if, in the opinion of the Board, the requirements for certification or licensure of such other state are substantially equivalent to that required in Tennessee; or
 - (b) Be issued a temporary permit as described herein if the Board determines that the applicant's license does not meet the requirements for substantial equivalency, but that the applicant could perform additional acts, including - but not limited to - education, training, or experience, in order to meet the requirements for the license to be

substantially equivalent. The Board may issue a temporary permit upon application and payment of all fees required for issuance of a regular license of the same type, which shall allow such person to perform services as if fully licensed for a set period of time that is determined to be sufficient for the applicant to complete such requirements.

1. After completing those additional requirements and providing the Board with sufficient proof thereof as may be required, a full license shall be issued to the applicant with an issuance date of the date of the original issuance of the temporary permit and an expiration date as if the full license had been issued at that time.
 2. A temporary permit shall be issued for a period of less than the length of a renewal cycle for a full license.
 3. A temporary permit shall expire upon the date set by the Board and shall not be subject to renewal except through the completion of the requirements for substantial equivalency as required by the Board or by an extension of time granted for good cause by the Board.
 4. Should an extension to a temporary permit cause the permit to be in effect longer than the renewal cycle of a full license, the holder of the temporary permit shall file a renewal application with such documentation and fees, including completion of continuing education, as are required by the Board for all other renewals of a full license of the same type.
- (9) Military education, training, or experience completed by a person described at T.C.A. § 4-3-1304(d)(1)(B)(ii)(a)-(c) shall be accepted toward the qualifications, in whole or in part, to receive any license issued by the Board if such military education, training, or experience is determined by the Board to be substantially equivalent to the education, training, or experience required for the issuance of such license.
- (10) Any licensee who is a member of the National Guard or a reserve component of the armed forces of the United States called to active duty whose license expires during the period of activation shall be eligible for renewal upon the licensee being released from active duty without:
- (a) Payment of late fees or other penalties;
 - (b) Obtaining continuing education credits when:
 1. Circumstances associated with the person's military duty prevented the obtaining of continuing education credits and a waiver request has been submitted to the Board; or
 2. The person performs the licensed or certified occupation as part of such person's military duties and provides documentation sufficient to demonstrate such to the Board, or;
 - (c) Performing any other similar act typically required for the renewal of a license or certification.
- (11) The license, certification, or permit shall be eligible for renewal pursuant to paragraph (10) for six (6) months from the person's release from active duty.
- (12) Any person renewing under paragraph (10) shall provide the Board such supporting documentation evidencing activation as may be required by the Board prior to renewal of any license pursuant to that paragraph.

Authority: T.C.A. §§ 56-1-302(b), 62-3-128, and 62-3-129.

Rule 0200-01-.07 (Equipment and Location Requirements for Barber Shops) is amended by amending subparagraph (1)(d) to read as follows:

(1) Every barber shop shall be equipped with at least:

(d) One (1) dry sterilizer or sanitary compartment per station;

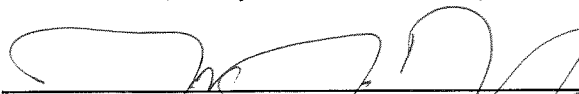
Authority: T.C.A. §§ 62-3-109, 62-3-128, and 62-3-128(a).

Rule 0200-01-.10 (Original License Fee) is amended by adding new paragraph (2) to read as follows:

(2) Barber shop and barber school applications shall expire within ninety (90) days of the date the application is submitted to the Board if the applicant fails to provide all necessary application documentation and information to the Board. The Board may, in its sole discretion and for good cause shown, waive this requirement upon written request by the applicant.

Authority: T.C.A. §§ 62-3-113, 62-3-128, and 62-3-129.

Pursuant to Tenn. Code Ann. § 62-3-128(a), the proposed amendments to Chapter 0440—02 [SANITARY REQUIREMENTS] of the rules of the Tennessee State Board of Cosmetology are approved by the Tennessee Department of Health as representing the best interest of the health, safety and welfare of the public.


John J. Dreyzehner, MD, MPH (or duly appointed designee)
Commissioner
Tennessee Department of Health

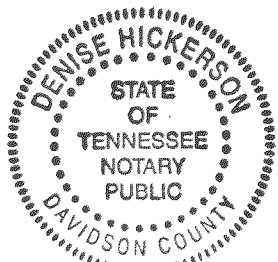
I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: OCTOBER 31, 2014

Signature: 

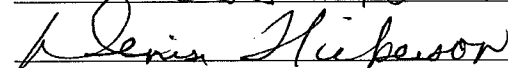
Name of Officer: Robert Herndon

Title of Officer: Assistant General Counsel



My Commission Expires SEPT. 11, 2017

Subscribed and sworn to before me on: October 31, 2014

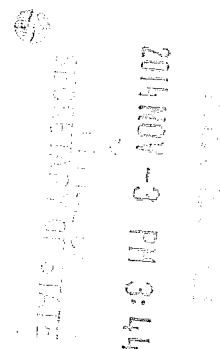
Notary Public Signature: 

My commission expires on: 9-11-2015

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Filed with the Department of State on: 11-03-14


Tre Hargett
Secretary of State


SECRETARY OF STATE
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