



---

**TELECONFERENCE /VIRTUAL MEETING  
COSMETOLOGY EXAMINING BOARD  
Room 121A, 1400 East Washington Avenue, Madison  
Contact: Brittany Lewin (608) 266-2112  
July 14, 2015**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.*

**AGENDA  
9:00 AM**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda**
- B. Administrative Matters**
- C. Legislative and Administrative Rule Matters (3-18)**
  - 1. Review of Final Rules and Legislative Report Regarding COS 1-11 (CR 15-035)
- D. Deliberation on Items Added After Preparation of Agenda:**
  - 1. Introductions, Announcements and Recognition
  - 2. Administrative Updates
  - 3. Education and Examination Matters
  - 4. Credentialing Matters
  - 5. Practice Matters
  - 6. Legislation/Administrative Rule Matters
  - 7. Disciplinary Matters
  - 8. Presentations of Petitions for Summary Suspension
  - 9. Presentation of Proposed Stipulations, Final Decisions and Orders
  - 10. Presentation of Proposed Decisions
  - 11. Presentation of Interim Orders
  - 12. Speaking Engagement(s), Travel, or Public Relation Request(s)
- E. Public Comments**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).**

**F. Continuing Education Provider Application Review**

**G. Deliberation of Items Added After Preparation of the Agenda**

1. Monitoring Matters
2. Administrative Warnings
3. Review of Administrative Warnings
4. Proposed Stipulations, Final Decision(s) and Order(s)
5. Proposed Final Decisions and Orders
6. Orders Fixing Costs/Matters Related to Costs
7. Petitions for Summary Suspension
8. Petitions for Re-hearings
9. Complaints
10. Case Closings
11. Education and Examination Matters
12. Credentialing Matters
13. Application Issues and/or Reviews
14. Appearances from Requests Received or Renewed
15. Motions
16. Citations

**H. Consulting with Legal Counsel**

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

**ADJOURNMENT**

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  Katie Vieira (Paff) Administrative Rules Coordinator		2) Date When Request Submitted:  7/7/2015  Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections:  Cosmetology Examining Board			
4) Meeting Date:  7/14/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  Review of Final Rule and Legislative Report for Cos 1-11 (CR15-035)	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  N/A	
10) Describe the issue and action that should be addressed:  The Board will review and approve the Legislative Report and Final Rule Draft for Clearinghouse Rule 15-035 for submission to the Governor's Office and Legislature.			
11) Authorization			
<b>Katie Vieira (Paff)</b>		<b>7/7/2015</b>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

**STATE OF WISCONSIN  
COSMETOLOGY EXAMINING BOARD**

---

**IN THE MATTER OF RULEMAKING :  
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE  
: CR 15-035  
COSMETOLOGY EXAMINING :  
BOARD :**

---

**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS:**

N/A

**III. FISCAL ESTIMATE AND EIA:**

The Fiscal Estimate and EIA document is attached.

**IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**

The Cosmetology Examining Board undertook a comprehensive review of the rules governing cosmetology practice in Wisconsin. This review was prompted by the passage of 2011 Wisconsin Act 190 which separated the Barbering and Cosmetology Examining Board, leaving the regulation of cosmetology practice to the Cosmetology Examining Board and transferring the regulation of the practice of barbering to the Department of Safety and Professional Services. This proposed rule makes the changes necessitated by the passage of 2011 Wisconsin Act 190 to Wisconsin Administrative Code Chapters 1 to 11, which includes redefining the term manager to cosmetology manager and creating an inactive license classification. Other changes in the proposed rule include identifying the settings that are excluded from providing cosmetology services outside of a licensed cosmetology establishment, eliminating the requirement for a separate establishment license for electrologists, eliminating the training programs and continuing education required to perform delegated medical procedures, and clarifying the late renewal and reinstatement processes.

**V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:**

The Cosmetology Examining Board held a public hearing on June 22, 2015. The following people either testified at the hearing, or submitted written comments:

Laura Thomas, Alexander Academy of Skin Care

The Cosmetology Examining Board summarizes the comments received either by hearing testimony or by written submission as follows:

Ms. Thomas had concerns with individuals providing laser services and other services outside of licensed establishments.

The Cosmetology Examining Board did not modify its rule-making proposal in response to public comments as the proposed rule does not provide for additional locations where licensees may perform services beyond the current rule.

## VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

### 1. Statutory Authority

**Comment:** In the rule summary, the board should describe its authority to prohibit a person who holds an inactive license under s. 454.06 (8m), Stats., from performing any work in the practice for compensation. Section 454.06 (8m) (d), Stats., permits a person to perform work in the practice for which that person holds an inactive license if that work is minimal, as determined by the ~~department~~ examining board. However, s. Cos 8.03 (1) and (2) appears to only permit activities for which compensation is not received.

**Response:** Section 454.06 (8m) (d), Stats., does not explicitly state that the Board must allow the inactive license holder to perform activities for compensation.

### 5. Clarity, Grammar, Punctuation, and Use of Plain Language

**Comment:** Proposed s. Cos 9.03 (2) states that a licensee may “apply to have the license reinstated in accordance with all of the following:” and then pars. (a) to (c) list types of evidence. It is unclear whether the licensee must submit with the application each type of evidence listed, or if the license is only to be reinstated if the board finds evidence of the factors listed in pars. (a) to (c). Additionally, given the reference to “unmet” disciplinary requirements in the introductory material, under what circumstances would the content of par. (b) not apply?

**Response:** In s. Cos 9.03 (2) the applicant must submit with the application each type of evidence listed, if applicable. Applicants with surrendered or revoked credentials may not have unmet disciplinary requirements.

**Comment:** In s. Cos 11.04 (5) (b), what distinction does the board intend by replacing “working days” with “business days” with regards to its filing deadline?

**Response:** “Business days” is a commonly used term to refer to the days Monday through Friday. A cosmetologist may work any day of the week including Saturdays and Sundays. Replacing “working days” with “business days” is intended clarify for course providers that the provision is referring to the days Monday through Friday.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

**VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:**

N/A

STATE OF WISCONSIN  
COSMETOLOGY EXAMINING BOARD

---

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	COSMETOLOGY EXAMINING
COSMETOLOGY EXAMINING BOARD	:	BOARD
	:	ADOPTING RULES
	:	CLEARINGHOUSE RULE 15-035

---

PROPOSED ORDER

An order of the Cosmetology Examining Board to repeal Cos. 1.01 (11e), 1.01 (17), 2.025 (2) (a) 1. to 5., (2g), and (2r) (h), (i), and (j), 3.02 (3), and 4.01 (3); to amend Cos 1.01 (6m), 2.025 (2) (a) (intro.), 2.04 (2), 2.06 (4) and (5), 2.07, 3.01 (6) and (10), 3.02 (1) and (2) (b), 3.04 (2), 3.05 (1), 4.01 (2), 4.02 (3) and (6) (Note), 4.04 (1), 6.04, 7.03 (2), 7.04, 8.01 (2), 8.02 (intro.), 9.02 (title), 11.01, 11.03 (5) (b) and (c) 2., 3., and 5., 11.04 (4) and (5) (b); to repeal and recreate Cos 9.03; to create Cos 1.01 (3e), 1.01 (3m), 2.405 (1) (Note), 3.01 (10) (Note), 4.01 (3), (3g), and (3r), 8.03, 11.04 (1) (e), relating to cosmetology schooling, licensure, and practice requirements.

Analysis prepared by the Department of Safety and Professional Services.

---

ANALYSIS

**Statutes interpreted:**

Sections 454.06 (8m) (d) and 454.08 (1) (a), Stats.

**Statutory authority:**

Sections 15.08 (5) (b), 227.11 (2) (a), 454.06 (8m) (d), 454.08 (1) (a), Stats., 2011 Wisconsin Act 190

**Explanation of agency authority:**

Pursuant to ss. 15.08 (5) (b) and 227.11 (2) (a), Stats., the Cosmetology Examining Board (Board) is generally empowered by the legislature to promulgate rules that will provide guidance within the profession and to interpret the statutes it administers. Section 454.06 (8m) (d), Stats., requires the Board to establish, by rule, the limits of minimal cosmetology work for inactive licensees. Section 454.08 (1) (a), Stats., authorizes the Board to promulgate rules providing for cosmetology services outside of licensed cosmetology establishments. The passage of 2011 Wisconsin Act 190 prompted the Board to review all of the regulations concerning cosmetology and undertake a comprehensive update of the rules making them consistent with the new legislation as well as contemporary industry practices.

**Related statute or rule:**

Wis. Admin. Code Cos. chs. 1 to 11

**Plain language analysis:**

The Cosmetology Examining Board undertook a comprehensive review of the rules governing cosmetology practice in Wisconsin. This review was prompted by the passage of 2011 Wisconsin Act 190 which separated the Barbering and Cosmetology Examining Board, leaving the regulation of cosmetology practice to the Cosmetology Examining Board and transferring the regulation of the practice of barbering to the Department of Safety and Professional Services. This proposed rule makes the changes necessitated by the passage of 2011 Wisconsin Act 190 to Wisconsin Administrative Code Chapters 1 to 11, which includes redefining the term manager to cosmetology manager and creating an inactive license classification. Other changes in the proposed rule include identifying the settings that are excluded from providing cosmetology services outside of a licensed cosmetology establishment, eliminating the requirement for a separate establishment license for electrologists, eliminating the training programs and continuing education required to perform delegated medical procedures, and clarifying the late renewal and reinstatement processes.

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

None.

**Comparison with rules in adjacent states:**

**Illinois:** Cosmetology managers are not licensed in Illinois. Licensed cosmetologists, cosmetology teachers, or cosmetology clinic teachers may elect to place their license on inactive status. 225 ILCS410/3-7.1. Once a cosmetologist, cosmetology teacher or cosmetology clinic teacher's license is in an inactive status, the licensee may not practice in Illinois. Unlike the Wisconsin provision which allows a licensee to work if the work is minimal. Wis. Stats. § 454.06 (8m) (d).

**Iowa:** Iowa does not license cosmetology managers but there are provisions regarding inactive license classification. "A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice cosmetology arts and sciences in Iowa until the license is reactivated." 645 IAC 60.8 (6).

**Michigan:** Michigan does not issue a license for cosmetology managers and does not have an inactive licensure classification.

**Minnesota:** Similar to Wisconsin, Minnesota regulates salon managers. Minn. Stat. §155A.23. Minnesota also allows for an inactive license for applicants who have ceased all practice of cosmetology. An inactive license does not allow a licensee to engage in the practice of cosmetology. Minn. R. 2105.0200

**Summary of factual data and analytical methodologies:**

The methodologies used in drafting the proposed rule was reviewing 2011 Wisconsin Act 190, reviewing neighboring states statutes and rules, and receiving input from the Cosmetology Examining Board.

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

The rule was posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals, for a period of 14 days. No comments were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis document is attached.

**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 Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Kathleen Vieira (Paff), Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4472; email at Kathleen.Paff@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Kathleen Vieira (Paff), Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Kathleen.Vieira@wisconsin.gov. Comments must be received on or before the public hearing to be held on June 22, 2015 to be included in the record of rule-making proceedings.

-----  
TEXT OF RULE

SECTION 1. Cos 1.01 (3e) and (3m) are created to read:

**Cos 1.01 (3e)** “Cosmetologist” has the meaning given in s. 454.01 (7e), Stats.

**(3m)** “Cosmetology manager” has the meaning given in s. 454.01 (7s), Stats.

SECTION 2. Cos 1.01 (11e) is repealed.

SECTION 3. Cos 1.01 (6m) is amended to read:

**Cos. 1.01 (6m)** “Division” means the division of ~~enforcement~~ legal services and compliance in the department of safety and professional services.

SECTION 4. Cos 1.01 (17) is repealed.

SECTION 5. Cos 2.025 (2) (a) (intro.) is amended to read:

**Cos 2.025 (2) (a)** Laser hair removal services. ~~Prior to providing any laser hair removal procedures, a licensee shall complete advanced training in the use of laser devices in a training program of not less than 6 hours. If the training program is provided in a setting other than a licensed school of cosmetology, the program shall incorporate all of the following:~~

SECTION 6. Cos 2.025 (2) (a) 1. to 5., (2g), and (2r) (h), (i), and (j) are repealed.

SECTION 7. Cos 2.04 (2) is amended to read:

**Cos 2.04 (2)** Licensees shall report to the board unauthorized or unlicensed practice or other violations of ch. 454, Stats., and chs. ~~Cos 1 to 9~~ Cos 1 to 11.

SECTION 8. Cos 2.045 (1) (Note) is created to read

**Cos 2.045 (1) (Note)** Examples of settings in which personal care services may not take place include on-site wedding parties, adult day care centers, or assisted living facilities.

SECTION 9. Cos 2.06 (4) and (5) are amended to read:

**Cos 2.06 (4)** Maintain and provide appropriate records for apprentices, temporary permit holders, training permit holders, and practitioners, including employment records, to enable apprentices or practitioners to meet the requirements of s. 454.06 (3) (b), 440.63 (3) (a) 1. or 454.10 (2), Stats., for credentialing as a practitioner, manager or instructor. Owners shall maintain these records for a minimum of 5 years.

**(5)** In the case of an owner of a cosmetology establishment, employ a cosmetology manager who shall have direct authority over the operations of the establishment. If the cosmetology manager of an establishment leaves employment or becomes otherwise unavailable, an owner may continue to operate the establishment for no more than 90 days without a cosmetology manager. The owner shall notify the board that the cosmetology manager is no longer employed or has become otherwise unavailable within 10 days following the cosmetology manager's last day of employment.

SECTION 10. Cos 2.07 is amended to read:

**Cos 2.07 Responsibilities of the cosmetology manager.** (1) The licensed cosmetology manager of a cosmetology establishment shall be responsible for the daily operations of an establishment and ensure that the establishment is in compliance with ch. 454, Stats., and chs. Cos 3 and 4. The cosmetology manager shall maintain supplies and equipment necessary to ensure safe and sanitary establishment conditions.

(1g) A cosmetology manager shall train and supervise any apprentices in accordance with s. Cos 6.04 (1) and shall supervise any temporary permit holders and training permit holders.

(1r) The cosmetology manager shall, for a minimum of 5 years, maintain and provide appropriate records for apprentices, temporary permit holders, training permit holders, and practitioners, including employment records, to enable apprentices or practitioners to meet the requirements of s. 454.06 (3) (b), 440.63 (3) (a) 2., or 454.10 (2), Stats., for credentialing as a practitioner, cosmetology manager or instructor.

(2) The cosmetology manager shall post all required licenses, permits and notices.

SECTION 11. Cos 3.01 (6) and (10) are amended to read:

**Cos 3.01 (6)** Establishments shall provide safe and secure areas for storing, cleaning and disinfecting equipment. Poisonous substances stored in public areas shall be locked in a cabinet or closet, with the exception of over-the-counter products used for room deodorizing. These products shall be kept in an elevated location out of the reach of children.

(10) ~~Pets~~ Animals shall not be ~~kept~~ in an establishment during business hours, except for service animals.

SECTION 12. Cos 3.01 (10) (Note) is created to read:

**Note:** Section 106.52 (1) (fm), Stats., reads as follows: “ ‘Service animal’ means a guide dog, signal dog, or other animal that is individually trained or is being trained to do work or perform tasks for the benefit of a person with a disability, including the work or task of guiding a person with impaired vision, alerting a person with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.”

SECTION 13. Cos 3.02 (1) and (2) (b) are amended to read:

**Cos. 3.02 Other establishment requirements.** (1) COSMETOLOGY MANAGER REQUIRED. The owner of a cosmetology establishment shall not operate the establishment unless a licensed cosmetology manager has been employed for the establishment, subject to the exception for temporary unavailability of a cosmetology manager in s. Cos 2.06 (5). The cosmetology manager shall be responsible for supervising and managing the operation of the establishment. The owner and the cosmetology manager shall ensure that the establishment operates in compliance with ch. 454, Stats., and rules of the board as follows:

(a) The owner of more than one establishment shall employ a sufficient number of cosmetology managers to satisfy the requirement that a cosmetology manager be present full time in each establishment as defined in s. Cos 1.01 (7).

(b) The owner of a cosmetology establishment may satisfy the requirement in this section by employing a cosmetology manager who also works at an establishment owned by a different person, provided the cosmetology manager works full time as defined in s. Cos 1.01 (7) at each establishment where he or she is employed as a cosmetology manager.

(c) A cosmetology manager is required to be present in an establishment full time, as defined in s. Cos 1.01 (7), but if an establishment is open for more than 30 hours per week, the cosmetology manager is not required to be present in the establishment at all times when the establishment is open for business, and the cosmetology manager may be absent for reasonable brief periods during a day.

**(2)** (b) The lessee of a chair or booth shall be responsible for ensuring that the leased chair or booth operates in compliance with ch. 454, Stats., and the rules of the board, and the lessee shall hold a cosmetology manager's and an establishment license. ~~Lessees of chairs or booths leased prior to the effective date of this paragraph shall come into compliance with this paragraph by October 1, 2004.~~

SECTION 14. Cos 3.02 (3) is repealed.

SECTION 15. Cos 3.04 (2) is amended to read:

**Cos 3.04 (2)** The board shall require identification of the owner, business address, cosmetology manager, type of business, and a copy of the floor plan showing dimensions and required equipment, in addition to other information which may be needed to approve the issuance of a license.

SECTION 16. Cos 3.05 (1) is amended to read:

**Cos 3.05 Inspections. (1)** Inspections by field representatives or agents of the board may be conducted to assure compliance with ch. 454, Stats., and chs. ~~Cos 1 to 6~~ Cos 1 to 11.

SECTION 17. Cos 4.01 (2) is amended to read:

**Cos 4.01 (2)** Licensees shall wash their hands thoroughly with soap and running water prior to serving each patron and following removal of gloves. Waterless hand washing agents with alcohol as an active ingredient with a concentration of at least ~~70%~~ 60% are an acceptable substitute for washing hands that are not visibly soiled with soap and running water.

SECTION 18. Cos 4.01 (3) is repealed.

SECTION 19. Cos 4.01 (3), (3g), and (3r) are created to read:

**Cos 4.01 (3)** All tools, implements and items that come in direct contact with a client shall be cleaned and disinfected or disposed of after use on each client.

**(3g)** All non-disposable manicure tools and implements shall be cleaned and disinfected with a disinfectant as defined in s. Cos 1.01 (6), after use on each client.

**(3r)** All items designed to be disposed of after a single use including orangewood sticks, cotton, gauze, neck strips, nail wipes, tissues, sponges, paper towels, wooden applicators and spatulas, emery boards or porous nail files, buffer blocks, pumice stones, sanding bands or sleeves, and disposable nail bits shall be disposed of after each use.

SECTION 20. Cos 4.02 (3) and (6) (Note) are amended to read:

**Cos 4.02 (3)** Disinfection for combs, lifts, brushes, rollers and any other contact equipment shall consist of cleaning with soap and water to remove all organic material, ~~spraying with a tuberculocidal~~ treating with a disinfectant as defined in s. Cos 1.01, and air-drying.

**(6) (Note)** Chlorine bleach and Lysol® (brown bottle) are germicidal compounds.

SECTION 21. Cos 4.04 (1) is amended to read:

**Cos 4.04 (1m)** All ~~work stations shall be supplied~~ establishments shall supply each licensee with at least one of the antiseptics listed in s. Cos 4.05 ~~for use by licensees in case of injury.~~

SECTION 22. Cos 6.04 is amended to read:

**Cos 6.04 Practical training for apprentices. (1)** (a) The establishment owner with whom an apprentice contracts shall employ a cosmetology manager, whose cosmetology manager's license is not an inactive license, to train and supervise the apprentice, except as provided in pars. (b) and (c). An apprentice shall only work under the supervision of a cosmetology manager, except as provided in pars. (b) and (c).

(b) A cosmetology manager may delegate their supervisory duty to a practitioner who has completed at least 2,000 hours of licensed practice.

(c) A cosmetology manager may delegate their supervisory duty to a barber licensed under ch. 454, Stats., who has completed at least 2,000 hours of licensed practice, but only if the apprentice is a barbering apprentice as referenced in s. 454.22 (1) (c), Stats., and if the apprentice engages only in barbering.

SECTION 23. Cos 7.03 (2) is amended to read:

**Cos 7.03 (2)** COSMETOLOGY MANAGER. An applicant for licensure as a cosmetology manager shall complete a written examination.

SECTION 24. Cos 7.04 is amended to read:

**Cos 7.04 Passing scores.** The passing score of the examinations for licensure as a cosmetologist, aesthetician, manicurist, electrologist, or cosmetology manager, shall be based on the board's determination of the level of examination performance required for minimum competence in the profession.

SECTION 25. Cos 8.01 (2) is amended to read:

**Cos 8.01 (2)** An applicant for licensure as a cosmetology manager shall satisfy the requirements in s. 454.06 (1) and (3), Stats.

SECTION 26. Cos 8.02 (intro.) is amended to read:

**Cos 8.02 Licensing requirement without examination.** The board may grant a license to practice cosmetology, aesthetics, electrology, ~~or~~ manicuring, or to practice as a cosmetology manager without examination to a licensee of another state provided that the following conditions are met:

SECTION 27. Cos 8.03 is created to read:

**Cos 8.03 Inactive license.** Any person who has been granted an inactive license, under s. 454.06 (8m), Stats., may not receive compensation for directly performing cosmetology services as defined under s. 454.01 (7m), Stats., and may not perform cosmetology services as defined under s. 454.01 (7m), Stats., in a licensed establishment.

(Note) Activities permitted by an inactive license holder include purchasing supplies or cutting hair outside of an establishment, without compensation, such as for a resident in a nursing home.

SECTION 28. Cos 9.02 (title) is amended to read:

**Cos 9.02 Late renewal before 5 years.**

SECTION 29. Cos 9.03 is repealed and recreated to read:

**Cos 9.03 Late renewal after 5 years and reinstatement. (1) LATE RENEWAL AFTER 5 YEARS.** If the application for renewal is 5 years or more after the expiration of the applicant's last license, the board in its discretion may require as a condition of renewal that the applicant successfully pass the examination required in s. Cos 7.03.

**(2) REINSTATEMENT.** An applicant who has a license with unmet disciplinary requirements which has not been renewed within five years of the renewal date or whose license has been surrendered or revoked may apply to have the license reinstated in accordance with all of the following:

(a) Evidence of completion of the requirements in sub. 1, if the credential has not been renewed within the last 5 years.

(b) Evidence of completion of disciplinary requirements, if applicable.

(c) Evidence of rehabilitation or change in circumstances warranting reinstatement of the credential.

(Note) A person may not practice as a cosmetologist, aesthetician, electrologist, manicurist or cosmetology manager prior to being granted reinstatement of their respective license.

SECTION 30. Cos 11.01 is amended to read:

**Cos 11.01 Authority and purpose.** The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2), and 454.12, Stats., and govern biennial continuing education for aesthetics and cosmetology practitioner and cosmetology manager, electrology and manicuring licenses.

SECTION 31. Cos 11.03 (5) (b) and (c) 2., 3. and 5. are amended to read:

**Cos 11.03 (5) (b) Teaching a continuing education program.** A person who teaches may only receive credit for the initial offering or presentation of a course or program during a biennium. Fifty minutes of actual instruction is equivalent to one continuing education credit hour. A maximum of  $3\frac{4}{5}$  credit hours may be obtained by teaching in any biennial reporting period. Full-time faculty may not claim continuing education credits for teaching done as part of their regular duties.

(c) 2. The course or program requires assignments that are completed and prepared by the licensee and submitted to the provider for correction, grading, or both. The assignment must be graded or corrected by the continuing education provider and returned to the licensee before the licensee is allowed to take the course examination. The continuing education provider may not provide a licensee with the assignment answers before the licensee has submitted their completed assignment.

(c) 3. The course or program includes a written examination designed to ensure that the licensee actively participated in the presentation of the material and derived a measurable benefit from participation. A score of 75 percent or higher shall be considered a passing examination score. The continuing education provider may not provide a licensee access to the examination answers before the licensee has taken the exam.

(c) 5. The course or program contains a minimum of 50 minutes of actual instruction for each credit hour offered. For purposes of calculating actual instruction time, the time spent for testing and assessment purposes shall not be included. All continuing education courses made available online, including booklets and text based courses, must include a timer that cannot be fast-forwarded by the licensee unless they have already completed that section of the course and are reviewing the material again. The timer shall ensure that there is a minimum of 50 minutes of actual instruction for each credit hour offered. Text based courses

that require licensees to read a substantial amount of course material must include a minimum of 5,000 words per continuing education hour of educational material.

SECTION 32. Cos 11.04 (1) (e) is created to read:

**Cos 11.04 (1) (e)** Refrain from using promotional materials that give the impression that a course they offer was created or delivered by the cosmetology examining board, the department of safety and professional services, or any other state entity if the course is being offered by a private continuing education provider. The prohibition against such representations includes all promotional material regarding provider name, course or business name, websites, advertisements, e-mails or mailings. This does not prohibit continuing education providers from disclosing relevant state approvals, licensures, or appointments in promotional materials.

SECTION 33. Cos 11.04 (4) and (5) (b) are amended to read:

**Cos 11.04 (4)** Each biennium, the board shall approve ~~a curriculum~~ courses for the continuing education credit hours required under s. Cos 11.03 (2) (a) regarding the laws governing the cosmetology professions and establishments. All providers except those approved under s. Cos 11.04 (2) (a) and (b), shall submit the content of their s. Cos 11.03 (2) (a) courses for review and approval by the board or its designee.

**(5) (b)** Be completed as prescribed by the board or its designee and filed with the board no later than 45 ~~working~~ business days prior to the program or course date.

SECTION 34. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

-----  
(END OF TEXT OF RULE)  
-----

This Proposed Order of the Cosmetology Examining Board is approved for submission to the Governor and Legislature.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson  
Cosmetology Examining Board



## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

The benefit is to bring the administrative code in line with the statutory changes in 2011 WI Act 190 and to provide greater clarity for applicants and credential holders.

---

14. Long Range Implications of Implementing the Rule

The benefit is to bring the administrative code in line with the statutory changes in 2011 WI Act 190 and to provide greater clarity for applicants and credential holders.

---

15. Compare With Approaches Being Used by Federal Government

None

---

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: Cosmetology managers are not licensed in Illinois. Licensed cosmetologists, cosmetology teachers, or cosmetology clinic teachers may elect to place their license on inactive status. 225 ILCS410/3-7.1. Once a cosmetologist, cosmetology teacher or cosmetology clinic teacher's license is in an inactive status, the licensee may not practice in Illinois. Unlike the Wisconsin provision which allows a licensee to work if the work is minimal. Wis. Stats. § 454.06 (8m) (d).

Iowa: Iowa does not license cosmetology managers but there are provisions regarding inactive license classification. "A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice cosmetology arts and sciences in Iowa until the license is reactivated." 645 IAC 60.8(6).

Michigan: Michigan does not issue a license for cosmetology managers and does not have an inactive licensure classification.

Minnesota: Similar to Wisconsin, Minnesota regulates salon managers. Minn. Stat. §155A.23. Minnesota also allows for an inactive license for applicants who have ceased all practice of cosmetology. An inactive license does not allow a licensee to engage in the practice of cosmetology. Minn. R. 2105.0200

---

17. Contact Name

Katie Paff

---

18. Contact Phone Number

608-261-4472

---

This document can be made available in alternate formats to individuals with disabilities upon request.