

Notice of Hearing

The Cosmetology Examining Board announces that it will hold a public hearing on a permanent and emergency rule to revise ch. Cos 5 related to course of instruction, at the time and place shown below.

Hearing Information

Date: April 6, 2015

Time: 9:45 AM

Location: 1400 East Washington Avenue
Room 121A
Madison, Wisconsin

Appearances at the Hearing and Submittal of Written Comments

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing April 6, 2015 to be included in the record of rule-making proceedings

The rule may be reviewed and comments made at <http://dsps.wi.gov/Boards-Councils/Rulemaking/Public-Hearing-Comments/> no later than April 6, 2015.

Initial Regulatory Flexibility Analysis

The proposed rule will not have an effect on small businesses, as defined under s. 227.114 (1).

Agency Small Business Regulatory Coordinator

The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

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
	:	

PROPOSED 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.

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 Eric.Esser@wisconsin.gov, or by calling (608) 266-8608.

Fiscal Estimate:

The Fiscal Estimate and Economic Impact Analysis are 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) 266-8608.

Agency contact person:

Kathleen 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 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.Paff@wisconsin.gov. Comments must be received on or before April 6, 2015 to be included in the record of rule-making proceedings.

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	20	20

	and sanitation.		
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 chemistry. Tools, equipment and implements (identification and usage).	185	392
V.	Shaving, beard and mustache shaping, trimming, superfluous hair removal, waxing, facials, facial massages,	35	60

	facial makeup, eyelashes, light therapy, basic principles of electricity, and introduction to electrology. Tools, equipment and implements (identification and usage).		
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, professional ethics and history of cosmetology	18	0
X.	Individual student needs, industry trends and electives (e.g. recordkeeping, mathematics, communications, human relations, public	40	75

	relations, first aid, etc.) (Hours may include structured visits conducted by the school outside of the classroom at one or more cosmetology establishments.).		
	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)

Dated _____ Agency _____
 Chairperson
 Cosmetology Examining Board

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

Cos 5

3. Subject

Course of Instruction

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165 (1) (g)

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

2013 Wisconsin Act 356 amended the course of instruction for cosmetology practitioners by decreasing the number of training hours from 1,800 to 1,150. The Act also required the Cosmetology Examining Board to identify in rule the accrediting agencies it approve to accredit schools. The proposed rule seeks to update the current syllabus in Wis. Admin. Code s. Cos 5.01 to be consistent with Act 356.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, associations representing businesses, local governmental units and individuals that may be affected by the rule. No comments were received.

11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units participated in the development of this EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed rule will have minimal or no economic impact on specific businesses, business sectors, public utility rate payers, local government units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefits of implementing this proposed rule includes implementing the statutory goal of 2013 Wisconsin Act 356 and giving clear guidance to cosmetology schools and practitioners on the correct course of instruction required for cosmetologists.

14. Long Range Implications of Implementing the Rule

Long range implications of implementing the rule include consistency in the course of instruction taught at cosmetology schools and consistency amongst neighboring states as to course of instruction requirements.

15. Compare With Approaches Being Used by Federal Government

None.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

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

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

Iowa: Iowa requires 2,100 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.

17. Contact Name

Shawn Leatherwood

18. Contact Phone Number

608-261-4438

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