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Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXXI. Cosmetologists

Chapter 1. General Provisions

§101. Definitions

A. As used in this Part, the following words shall have the meaning herein ascribed to each, unless the context clearly indicates otherwise.

Alternative Hair any hair which is not a person's own hair including synthetic hair, wiggery, braids, postich or any applied hair.

Alternative Hair Design the practice of styling hair by twisting, wrapping weaving, extending, locking or braiding the hair by either the use of hands or mechanical devices or appliances. The practice of alternative hair design shall include the application of antiseptics, powders, oils, clays, lotions or tonics to the alternative hair but shall not include the application of dyes, reactive chemicals or other preparations to alter the structure or style of the natural hair.

Client a person who receives a cosmetology, esthetics or manicuring service.

Dermis underlying or inner layer of the skin; the layer below the epidermis; the corium or true skin, including papillary layer, capillaries, tactile corpuscles, melanin (pigment), subcutaneous tissue, adipose or subcutis, arteries and lymphatics.

Disposable an item which cannot be sanitized. All disposable items shall be discarded after a single use. The following items shall be considered disposable: facial tissues, sponges, cloths, extraction tissue, lancets, gloves, wax strips and sticks, tissues, cotton pads and emery boards.

Epidermis the outermost layer of the skin; the outer epithetical portion of the skin including stratum corneous, stratum lucidum, stratum granulosum, stratum spinosum (prickle cell layer), stratum mucosum, and stratum germinativum.

Exfoliate or Exfoliation the process of sloughing off, removing or peeling dead skin cells of the epidermis using chemicals or devices.

Natural Hair any hair which is a person's own which has grown on the person's body and has not been separated from the person's body.

Sanitize or Sanitization the process of using heat, steam or chemicals to destroy microbial life, including highly resistant bacterial endospores. Sanitization shall be performed using EPA registered hospital grade disinfectant or a sterilization device which uses heat or steam in accordance with the manufacturer s instructions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:325 (March 2003).

Chapter 3. Schools and Students

§301. Cosmetology Course Requirements

A. Curriculum. The cosmetology curriculum shall consist of at least 1500 hours of instruction which shall include but not be limited to the following.

1. Scientific Concepts
   a. Infection Control
   b. OSHA Requirements
   c. Human Physiology
   d. Chemical Principles
   e. Hair and Scalp
   f. Nails
2. Physical Services
   a. Shampoo
   b. Draping
   c. Rinses and Conditioners
   d. Scalp
   e. Facials
   f. Makeup
   g. Manicuring
3. Chemical Services
   a. Hair Coloring
   b. Hair Lightening
   c. Chemical Waving
   d. Chemical Relaxing
4. Hair Designing
   a. Hair Shaping
   b. Hair Cutting
5. Louisiana Cosmetology Act and Rules and Regulations

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(7).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:326 (March 2003).

§303. Esthetics Course Requirements

A. Curriculum. The esthetics curriculum shall consist of at least 750 hours of instruction which shall include but not be limited to the following.

1. Scientific Concepts

a. Sanitation and Sterilization

b. Human Physiology and Anatomy

c. Skin Histology

d. Skin Diseases and Disorders

e. Nutrition

f. General Chemistry

2. Services

a. Skin Analysis

b. Draping

c. Product Selections

d. Cleansing Procedure

e. Selecting and Employing Massage

f. Selecting and Employing Mask Therapy

g. Electricity and Various Electrical Apparatus

h. Hair Removal

i. Hazards to Skin

j. Aromatherapy

k. Spa

l. Makeup

3. Louisiana Cosmetology Act and Rules and Regulations

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(7).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:326 (March 2003).

§305. Manicuring Course Requirements

A. Curriculum. The manicuring curriculum shall consist of at least 500 hours which shall include but not be limited to the following.

1. Scientific Concepts

a. Basic Human Physiology

b. Nail Composition

c. Chemistry

d. Sanitizing and Sterilizing

2. Procedures

a. Supplies and Implements

b. Artificial and Natural Nail Technology

c. Manicure

d. Pedicure

e. Basic Massage

3. Application and Repair of Artificial and Natural Nails

4. Safety and Infection Control

5. Louisiana Cosmetology Act and Rules and Regulations

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(7).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:326 (March 2003).

§307. Instructor Course Requirements

A. Curriculum. The curriculum for cosmetology instructors, esthetics instructors and manicuring instructors shall consist of at least 500 hours and shall include but not be limited to the following.

1. Teaching Methods

a. Classroom Preparation

b. Teaching Methods

c. Speech

2. Effectiveness of Instruction

a. Purpose and Types of Tests

b. Selection of Appropriate Testing Methods

c. Validity and Reliability of Teaching Methods via Tests

3. Instructor Qualities

a. Proper Conduct of Instruction

b. Classroom Supervision and Control

4. Learning Environment

a. Classroom Conditions

b. Keeping Record

c. Motivation

d. Assessing Students' Needs

e. Utilization of Safety Procedures

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(7).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:326 (March 2003).

§309. Examination of Applicants

A. Eligibility. The following persons shall be eligible to take the written and practical examinations after receiving a clearance from the school last attended and a clearance from the board:

1. cosmetology students who have completed 1500 hours and 36 weeks of the cosmetology curriculum; however, cosmetology students who have completed 1000 hours of the cosmetology curriculum may take the written examination;

2. esthetics students who have completed 750 hours of the esthetics curriculum;

3. manicuring students who have completed 500 hours of the manicuring curriculum;

4. instructor students who have completed 500 hours of the instructor curriculum;

5. persons holding a cosmetology, esthetics, manicuring or instructor license issued by another state; and

6. persons holding a cosmetology, esthetics, manicuring or instructor license issued by another country who have received board approval.

B. Applications. Applications for examinations must be accompanied by a student registration certificate, a photograph of the student, and the $25 initial license fee.

C. Fees. All fees contractually owed by an applicant to a cosmetology school from which they graduated must be paid before applying for an examination, for a certificate of registration or for a license.

D. Cancellation. Any student who fails to appear for their scheduled examination without proper notification will be required upon reapplication to submit a $25 administrative fee. Proper notification shall be made by contacting the board office seven days prior to the scheduled examination or in the case of an emergency 24 hours prior to the scheduled examination.

E. Examination. Students must bring a mannequin with the head styled for comb-out to the examination. Students will be required to perform further practical work on the mannequin during the examination.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(4) and R.S. 37:586.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:327 (March 2003).

§311. Reporting Student Hours

A. Registration. Schools shall register students with the board within 60 days after the students start school. The maximum number of hours which will be accepted by the board at the time of registration is the number of hours earned within 60 days preceding registration.

B. Hours. Schools must register each student's hours with the board in the following manner:

1. at the completion of 1,000 hours (2/3 of curriculum) and completion of the curriculum for cosmetology students;

2. at the completion of the curriculum for esthetics students;

3. at the completion of the curriculum for manicuring students; and

4. at the completion of the curriculum for instructor students.

C. Attendance. School owners must certify the student's attendance for hours reported to the board. No overtime or double time shall be permitted. Only hours devoted to the prescribed curriculum shall be included. Students shall not earn more than 48 hours of training in any calendar week.

D. Reports. The hour report submitted by the school to the board shall be signed by the senior instructor, or in the absence of the senior instructor, the report shall be signed by the person in charge, who shall designate his capacity as acting senior instructor. The report shall include a list of the current instructors.

E. Dropped Students. Schools are required to provide to the board the names of the students who drop from their rolls within 30 days and to provide the number of hours earned during the student's attendance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:598.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:327 (March 2003).

§313. Transfer Students

A. Out-of-State. The board will accept student hours certified by an out-of-state school provided that the hours are transferred to a Louisiana school. The Louisiana school shall evaluate the student's transcript and determine how many hours of the curriculum have been completed by the student. The school shall submit to the board a verification of the number of transferable hours which shall include supporting data, a certificate from the out-of-state school and a certificate from the state board which supervises the school.

B. In-State. When enrolling a transfer student from another school within Louisiana, the school owner must provide the board with the following:

1. student enrollment application indicating on the application that it is a re-registration;

2. certification of payment of contractual fees owed to the former school; and

3. if the student has transferred schools more than once, a re-registration fee of $10 must accompany the application.

C. Notice of Termination. Any students transferring hours from one school to another is required to submit a Notice of Termination Form within 30 days of student's drop-out date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:598(A)(4).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:327 (March 2003).

§315. Responsibilities of Schools

A. Enrollment. Upon enrollment of a student, the school must provide the following to the board:

1. student enrollment application;

2. the student's birth certificate, birth card or driver's license;

3. proof of completion of education equal to the tenth grade;

4. a photograph of the student; and

5. the student registration fee.

B. Reports. Schools must maintain hour reports for a minimum of three years.

C. Mannequin. Schools must furnish to each student, at a nominal fee, a mannequin upon which the student may practice and may use for the practical examination.

D. Professional Department. Schools shall not have professional departments within the school, nor shall any school owner own or operate a beauty shop or salon in connection with a school. School staff members shall not practice in an adjoining beauty shop or salon, while school is in session. There shall be no unsealed connecting doors between a beauty shop or salon under the same roof.

E. Faculty. All schools must maintain a faculty of at least one instructor per every 20 students enrolled. Each faculty shall include a senior instructor who shall have at least 18 months teaching experience in an accredited school of cosmetology. The senior instructor shall supervise all other faculty members.

F. Senior Instructor. In the event that the senior instructor resigns or takes a leave of absence, the school shall advise the board monthly of their efforts to employ a new senior instructor.

G. School Closing. Any school owner which intends to close any school shall notify the board in writing as soon as practicable. Copies of documents relative to closure must be provided to the board office, including, but not limited to, teach-out plans and teach-out agreements. The board shall be the custodian of records for any school which closes.

H. Student Work. Schools shall post a legible sign not smaller than 6 inches by 10 inches, at the entrance of each school reading: "Student Work Only."

I. Compensation. Schools shall not pay commissions or any other compensation, discount or fee to a cosmetology, esthetics or manicuring student for work in training done by them.

J. Registrations. All student registrations must be posted in a conspicuous place.

K. Text Books. Schools must provide a textbook to each student upon registration.

L. Library. Schools must maintain a library which shall be available to all students.

M. Hours. Schools must post a monthly summary of hours earned by each student.

N. Cosmetology Services. No employee or owner of a school shall knowingly permit students to perform any professional cosmetology work for which they do not possess a license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:595.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:327 (March 2003).

§317. Equipment Required in Cosmetology Schools

A. Equipment. Every cosmetology school must have a practical work room and working equipment including:

1. six shampoo bowls;

2. six hair dryers;

3. three manicuring tables;

4. cold wave equipment sufficient for six permanents;

5. sufficient trays for supplies;

6. covered waste containers sufficient to maintain sanitation in the school;

7. one wet and dry sanitizer for each occupied station;

8. six mannequins;

9. twenty working stations;

10. covered containers for soiled towels; and

11. locker space for each student.

B. Classroom. Every cosmetology school must have a classroom with a minimum of 400 square feet, entirely separate from the practical work room, equipped with the following;

1. modern anatomy charts;

2. marker or chalk board, minimum 4 feet by 6 feet; and

3. sufficient seating with facilities for classroom work, such as taking notes.

C. Use of Rooms. The area designated for classrooms or practical work rooms shall not be used for any other purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:595(A)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:328 (March 2003).

§319. Field Trips; Seminars; Workshops; Shows and Community Service

A. Schools are permitted but not required to offer to their students an opportunity to earn credit hours for cosmetology related field trips, seminars, workshops, shows and community service as follows:

1. up to 40 hours for cosmetology students;
2. up to 15 hours for manicuring students;
3. up to 20 hours for esthetics students; and
4. up to 20 hours for instructor students.

B. Documentation. In order for students to receive credit for cosmetology related field trips, seminars, workshops, shows or community service, the school must annotate the course outlines to reflect the maximum hours which may be earned. Example: Cosmetology Course Outline-40 hours during the length of the course are assigned to cosmetology-related field trips, seminars, workshops and community service.

C. Participation. Participation in field trips, seminars, workshops, shows or community service by students is voluntary. Students who choose not to participate must be given other related assignments.

D. Monitoring. An instructor must accompany students on any field trip. Attendance shall be monitored at the beginning, midpoint and close of the function and documented by the instructor. Travel time shall not be included in the hours credited for the field trip.

E. Documentation. Schools must retain documentation of field trips, seminars, workshops, shows and community service hours.

F. Compensation. No school or student shall accept any compensation for cosmetology related field trips, seminars, workshops, shows or community service. All money collected for community service must be paid to the charity for which the function was sponsored.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:328 (March 2003).

§321. Responsibilities of Students

A. Students. Students shall not be allowed to perform any professional cosmetology work for which the student does not posses a license, prior to completion of the curriculum passing the examination administered by the board and receipt of an initial license. Any student found to be in violation of this rule will forfeit all hours completed in beauty school and any school knowingly permitting a serious violation of this Section shall be subject to suspension or revocation of its license.

B. Services. Students attending beauty school shall not provide cosmetology services whether for a fee or not in any licensed beauty salon or shop or in any premises which is not licensed unless the student posses a license to perform such services. This regulation applies even though the student's immediate family or the student themselves has an ownership interest in the beauty shop/salon in question, or jeopardy of the student losing a portion of or all their hours.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(2).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board Cosmetology, LR 29:329 (March 2003).

Chapter 5. Licensees

§501. Booth Renters (Formerly LAC 46:XXXI.1103)

A. Agreement. A copy of the executed agreement between the salon owner and the cosmetologist shall be submitted to the board at the time of application for a booth rental permit.

B. Form. The board will furnish a contractual agreement form for a nominal fee. In the event an agreement is not on the form supplied by the board, the agreement shall contain the following information:

1. a statement indicating that both parties agree that the cosmetologist is not an employee of the salon;
2. a statement indicating the salon owner has no right to control the methodology used by the cosmetologist to produce a given result; and
3. a statement indicating the basis of the cosmetologist's compensation.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:592.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:329 (March 2003).

§503. School Licenses Issued to Legal Entities

A. School License. Any corporation, association, partnership or other legal entity applying for a license to operate a school shall provide the following to the board:

1. the name and address of each place of business maintained by the entity in the state of Louisiana;
2. a financial statement;
3. the articles of incorporation, articles of organization, partnership agreement or other organizational documentation;
4. the names, addresses and percentage interest of each partner, member or stockholder, for the purpose of this Subsection a landlord or lessor of equipment paid a percentage exceeding 20 percent shall be considered an owner or partner; and
5. the name and address of individual managing officer or partner.

B. Ownership Change. A change of ownership of 35 percent or greater shall require submission of all information required by Subsection A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:329 (March 2003).

§505. Master Cosmetology Instructors

A. Gold Stamp. Any instructor who completes 16 hours of approved continuing education each year shall receive a gold stamp on his or her license.

B. Master Instructors. All instructors with a minimum of five years teaching experience and who attend 16 hours of approved continuing education each year will receive a master instructor license with an official title, MCI.

C. Reinstatements. In order to maintain the master instructor license the instructor must attend a minimum of 16 hours of approved continuing education each year. If a master instructor does not attend the 16 hours during one year, the master instructor license will be reinstated after two consecutive years of completing 16 hours of approved continuing education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:329 (March 2003).

Chapter 7. Safety and Sanitation Requirements

§701. Sanitation Requirements for Cosmetology Salons and Cosmetology Schools

A. Sanitation. Beauty shops, salons and cosmetology schools are declared to be businesses affecting the public health, safety and welfare; therefore, sanitation procedures must be followed. Every beauty shop, salon and cosmetology school shall be adequately lighted, well ventilated, and kept in a clean and sanitary condition at all times.

B. Equipment. All beauty shops and salons and cosmetology schools shall have available sterilizers or sanitizers which shall be used in accordance with the manufacturer's instructions. All instruments, including disposable equipment shall be kept clean and sanitized.

C. Combs and Brushes. Combs and brushes must be thoroughly cleaned with soap and water after each patron has been served and then immersed in a solution of one part water to 10 parts of sodium hypochlorite (bleach), EPA hospital grade disinfectant or some equally efficient disinfectant used in accordance with the manufacturer's instructions.

D. Shampoo Boards. Shampoo boards and bowls must be kept clean at all times.

E. Towels. Towels used for patrons shall be clean and freshly laundered and kept in a closed cabinet designated for clean towels only.

F. Soiled Towels. Soiled towels should be kept in a container.

G. Hand Washing. Cosmetologists shall wash their hands with soap and fresh water immediately before serving each patron.

H. Fluids and Powders. Fluids and powders shall be applied to a patron from a shaker type dispenser so as to prevent the bottle or shaker from contacting the client.

I. Structure. Floor, walls and fixtures must be kept in a clean and sanitary condition at all times.

J. Flooring. Carpet or floor cloth shall not be used in any work area.

K. Animals. No facility licensed by the board shall permit any live animal to be present on the premises except for an animal certified to assist a disabled person.

L. Water. All facilities shall have an adequate supply of both hot and cold running water and a sufficient number of wash basins on the facility premises.

M. Clippings. Hair clippings on the floor must be swept up after each client and shall be disposed of in a covered container.

N. Tools and Implements. All tools and implements which come in direct contact with a client and shall be sterilized, sanitized or disposed of after each use.

O. Storage. New and/or sanitized and cleaned tools and implements shall be stored separately from all others.

P. Work Stations. Storage cabinets, work stations and vanities shall be cleaned after each client.

Q. Blood Spill Kits. Blood spill kits must be available in every salon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:329 (March 2003).

§703. Salons Located in Buildings Housing Other Facilities

A. Separate Room. No salon shall be established or maintained in a home or in connection with a business where food is handled unless a separate room is provided therefore.

B. Home Salon. Any salon in a home or in connection with a place where food is handled shall be separated from the living quarters or place where food is handled by walls or other permanent structures. There shall be separate outside entrances leading to the salon and to the living quarters or any place where food is handled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:330 (March 2003).

§705. Equipment Required in Salons Offering Hair Dressing Services

A. Equipment. Hair dressing shall not be performed in any beauty shop or salon unless the following items are available for use:

1. shampoo bowl for shop purpose only;

2. utility chair;

3. dryer;

4. covered wasted container;

5. cabinet for accessories;

6. cabinet for clean linens;

7. container for soiled linens; and

8. wet and dry sterilizer for each occupied station or electric sterilizer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:330 (March 2003).

§707. Equipment Required in Salons Offering Esthetics Services

A. Equipment. Esthetics shall not be performed in any salon unless the following items are available for use:

1. flexible treatment bed or chair, capable of multi-positions for customer and skin care therapist;

2. stool for therapist;

3. trolleys or utility table, large enough to support cosmetic preparations and bowls;

4. small sterilizer for implements (i.e., tweezers, extractors, small equipment);

5. magnifying lamp for skin analysis (five dioptic recommended);

6. closed storage cabinet with a wash basin or sink for hand washing and towel storage;

7. facial steamer;

8. the following basic implements:

a. two stainless steel bowls;

b. covered waste bin;

c. non-sterile cotton pads, cloths, or disposable sponges;

d. towels, clinic gowns, head bands, washable blanket;

e. tissue, cotton tipped swabs, spatulas, gauze;

f. containers with lids for storage of disposable items;

g. tweezers;

h. sheets;

i. mask brushes;

j. cleansers, astringents, treatment creams; and

k. lancets, leak and puncture proof container for disposal of lancets, and gloves (disposable PVC).

B. Waxing. If waxing is offered, the following items shall be available for use:

1. wax pot and wax;

2. disposable applicators;

3. wax remover for skin and ointment;

4. cleanser for skin;

5. wax equipment cleanser; and

6. comb and scissors for trimming.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:330 (March 2003).

§709. Equipment Required in Salons Offering Manicuring Services

A. Manicuring Equipment. Manicuring shall not be performed in any salon unless the following items are available for use:

1. manicuring sterilizer;

2. covered waste containers;

3. cabinet for accessories;

4. cabinet for clean linens;

5. container for soiled linens;

6. manicuring table; and

7. lavatory with hot and cold running water.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:330 (March 2003).

§711. Procedures for Esthetics Services

A. Exfoliation. Cosmetologists, estheticians and persons authorized to perform microdermabrasion shall not exfoliate or perform any procedure which will affect the dermis or skin below the epidermis. Cosmetologists, estheticians and persons authorized to perform microdermabrasion shall only exfoliate or perform services which affect the epidermis.

B. Procedures. Cosmetologists performing esthetics services, estheticians and persons authorized to perform microdermabrasion shall:

1. wash his or her hands using an antimicrobial skin wash prior to coming into contact with any client;

2. wash all implements with anitmicrobial wash prior to sanitization or sterilization;

3. wash all towels and linens in disinfecting detergent; and

4. place all used disposable items in a closed, bagged, trash container.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:331 (March 2003).

§713. Procedures for Manicuring Services

A. All manicurists and cosmetologists performing manicuring services shall:

1. wash his or her hands using antimicrobial wash prior to performing any manicuring service;

2. require the customer to wash area on which service is to be performed with an antimicrobial wash prior to any service being performed;

3. wash all implements with antimicrobial wash prior to sterilization;

4. wash all towels and linens in disinfecting detergent; and

5. place all used disposable items in a closed, bagged, trash container.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:331 (March 2003).

§715. Disposable Equipment

A. The following items shall be considered disposable:

1. facial tissues;

2. sponges;

3. cloths;

4. extraction tissue;

5. lancets;

6. gloves;

7. wax strips and sticks;

8. tissues;

9. cotton pads; and

10. emery boards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:331 (March 2003).

Chapter 9. Inspections

§901. Access of Inspectors

A. Access. Inspectors and employees of the board are entitled to enter any premises licensed by the board, to interview any person present at the facility and to examine all work records pertaining to the cosmetology profession during the regular business hours of the facility.

B. Information. Any information gained by an inspector or employee of the board during an inspection shall remain confidential unless the information is to be offered as evidence in an administrative hearing or court proceeding concerning a license issued by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(10).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:331 (March 2003).

§903. Violations

A. Citations. Inspectors may issue citations for violations and impose and collect fines for any violation of the Cosmetology Act or any rule or regulation adopted by the board provided that the licensee waives his or her right to a formal hearing before the board.

B. Violation Notice. Inspectors must present the licensee with the a duplicate copy of the violation notice.

C. Evidence. Any licensee who disputes the contents of an inspector's report may submit contrary evidence in writing to the board or present evidence to the board at the assigned hearing date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(5).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:331 (March 2003).

Chapter 11. Special and Temporary Permits

§1101. Special Permits

A. Special Permits. The board shall issue the following special permits to any person who meets the requirements set forth in the board's rules:

1. alternative hair design;

2. microdermabrasion;

3. shampoo assistants; and

4. make-up artists.

B. All special permits issued by the board shall be valid for a period of one year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:331 (March 2003).

§1103. Special Permit for Microdermabrasion

A. Microdermabrasion. Beginning April 1, 2003 a special permit authorizing the performance of microdermabrasion using a nonprescriptive device shall be issued to:

1. a licensed esthetician; or

2. a licensed cosmetologist or electrologist who presents satisfactory evidence of completion of at least 200 hours of study in esthetics or evidence of practicing esthetics for a period of at least one year.

B. Training. In addition to the requirements set forth in Subsection A, the applicant must present satisfactory evidence of completion of a training course on the operation of the microdermabrasion equipment to be used.

C. Proof Required. For the purpose of this Section, evidence of practicing esthetics shall be demonstrated by presenting the following:

1. copies of W-2's or 1099's and a sworn statement by the issuer indicating that the individual worked the equivalent of 25 hours per week for at least 48 weeks during a period of one year; or

2. copies of income tax returns, if self-employed, and sworn statements from at least five clients indicating that esthetics services were performed by the applicant.

D. Permit Required. No cosmetologist or esthetician may perform microdermabrasion without a current special permit authorizing the performance of microdermabrasion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:331 (March 2003).

§1105. Special Permit for Alternative Hair Design

A. Alternative Hair Design. Beginning April 1, 2003, a special permit authorizing the practice of alternative hair design shall be issued to any person who presents evidence to the board of completion of the alternative hair design curriculum and successfully passes the exam administered by the board.

B. Grandfathering. Notwithstanding the provisions of Subsection A, any person who applies for a special permit to practice alternative hair design on or before June 30, 2003 who satisfactorily demonstrates two years of experience in the practice of alternative hair design shall be issued a permit without the necessity of taking the alternative hair exam.

C. For the purpose of this Section experience shall be demonstrated by any of the following:

1. copies of W-2's or 1099's and a sworn statement by the issuer indicating that the individual worked the equivalent of 25 hours per week for at least 48 weeks per year during a two year period in the practice of alternative hair design;

2. copies of income tax returns, if self-employed, and sworn statements from at least five clients indicating that alternative hair design services were performed by the applicant;

3. certification from a school indicating that the applicant has received at least 400 hours of instruction in alternative hair design which were completed prior to October 1, 2002; or

4. documentation indicating that the applicant has been a member of a trade association which has as its stated purpose the education of individuals in a field which includes alternative hair design for at least two years prior to January 1, 2003.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:332 (March 2003).

§1107. Alternative Hair Design Curriculum

A. Curriculum. The alternative hair design curriculum shall consist of at least 1000 hours of instruction which shall include but not be limited to the following.

1. History Overview

   a. Ancient Origins of Braiding

   b. Traditional Multi-Cultural Braid Styles

   c. The Multi-Cultural American Hair Experience

2. Bacteriology and Sanitation

   a. Types of Bacteria

   b. Growth and Reproduction of Bacteria

   c. Prevention of Infection and Infection Control

   d. Use of Antiseptics, Disinfectants and Detergents

3. Client Consultation

4. Hair Types and Hair Structure

5. Scalp Diseases and Disorders

6. Shampoos, Conditioners, Herbal Treatments and Rinses for Synthetic Hair Only

7. Braiding and Sculpting

8. Louisiana Cosmetology Act and Rules and Regulations

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:332 (March 2003).

§1109. Special Permit for Shampoo Assistants

A. Shampoo Assistants. Beginning January 1, 2003, a special permit authorizing the performance of shampooing shall be issued to any person who:

1. applies on or before June 30, 2003 and presents evidence to the board of six months of continuous employment as an assistant to a licensed cosmetologist prior to January 1, 2003; or

2. has successfully completed at least 40 hours of training in shampooing, draping and rinsing and passed the test administered by the board.

B. Grandfathering. For the purpose of this Section continuous employment shall be demonstrated by copies of W-2's or 1099's and a sworn statement by the issuer indicating that the individual worked the equivalent of 25 hours per week for at least 24-weeks per year during a 6-month period as a shampoo assistant under the supervision of a licensed cosmetologist.

C. Cosmetologist. No person holding current cosmetology license shall be required to obtain a special permit to shampoo.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(2).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:332 (March 2003).

§1111. Special Permit for Make-Up Application

A. Make-Up Application. Beginning April 1, 2003, a special permit authorizing the practice of application of cosmetic preparations or make-up shall be issued to any person who presents evidence to the board of completion of 40 hours of training in the application of cosmetic preparations or make-up.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(2).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:332 (March 2003).

§1113. Temporary Permits

A. Permits. The board shall issue permits to persons who wish to participate in hair shows, beauty pageants or demonstrations who are licensed to practice cosmetology, esthetics or manicuring in another state.

B. Applications. Applications for temporary permits shall be submitted to the board for review not less than 30 days prior to the requested period of the permit.

C. The 40-hour curriculum for make-up artists shall include a minimum of:

1. two hours of study if composition of facial cosmetics;

2. two hours of study and two hours of practical work in recognition of facial shapes;

3. two hours of study make-up cosmetics and purpose;

4. three hours of study and 12 hours of practical work in make-up application;

5. three hours of study and 10 hours of practical work in procedure for corrective make-up;

6. one hour of study and two hours of practical work in procedure for evening make-up;

7. one hour of study in safety and sanitation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(1).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:332 (March 2003).

§1115. Special Permits

A. Transfer. Hours of study used to obtain any special permit authorized by this Chapter shall not be counted toward the number of hours necessary to receive any other license issued by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(1).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:333 (March 2003).

Chapter 13. Disciplinary Proceedings

§1301. Informal Proceedings

A. Notice. If the board receives information indicating that a licensee has violated the Cosmetology Practice Act or the rules and regulations adopted by the board, the executive director shall provide the licensee with a written informal notice.

B. Conference. The licensee shall respond in writing to the board s informal notice within 10 days of receipt by providing the board with a written statement containing any information related to the allegations of the informal notice which would show compliance with all requirements for retention of his or her license. In lieu of providing a written statement, the licensee may request an informal conference with the executive director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(1).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:333 (March 2003).

§1303. Formal Proceedings

A. Complaint. In the event that the matter is not resolved during the informal hearing, the executive director shall file a formal complaint which shall be forwarded to the licensee at the address on file with the board.

B. Hearing. No hearing shall be conducted prior to 20 business days following the filing of the formal complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:333 (March 2003).

§1305. Procedures

A. Hearings. All hearings conducted before the board shall be in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:333 (March 2003).

Chapter 15. Declaratory Orders

§1501. Declaratory Orders

A. Application. Any person desiring an interpretation of the Cosmetology Act or the rules promulgated in accordance with the Cosmetology Act shall make application to the board on a form provided by the board.

B. Hearing. An application for a declaratory order shall be heard within 60 days of receipt.

C. Ruling. The board shall issue a ruling on an application for declaratory order within 30 days of the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:962.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:333 (March 2003).

Chapter 17. Miscellaneous Provisions

§1701. Public Comments at Board Meetings

A. Comments. A public comment period shall be held at or near the beginning of each board meeting. Persons desiring to present public comments shall notify the chairman or the executive director no later than the beginning of the meeting. To assure that an opportunity is afforded all persons who desire to make public comments, the chairman shall inquire at the beginning of the meeting if there are additional persons who wish to comment. The chairman shall allot the time available for the public comments in an equitable manner among those persons desiring to comment, limiting each person to a maximum of three minutes, with the total comment period not to exceed 30 minutes. Each person making public comments shall identify himself and the group, organization or company he represents, if any.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:5(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:333 (March 2003).

§1703. Services Performed at the Residence of a Disabled Person

A. Services. A cosmetologist, esthetician or manicurist may perform services at the residence of a client who is chronically ill or disabled.

B. Requirements. A client shall be considered chronically ill or disabled if:

1. the client provides the cosmetologist, esthetician or manicurist with a physician's certificate indicating that the client is chronically ill or disabled;

2. the client provides the cosmetologist, esthetician or manicurist with evidence that the client has been awarded Social Security Disability or Supplemental Security Income Disability Benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(15).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:333 (March 2003).

§1705. Destruction of Premises

A. Inspection. When any school or salon made unusable by virtue of storm, fire, flood or any other act of God or by virtue of expropriation proceedings and the premised selected to permanently replace such facility will be inspected without an inspection fee, provided that such facility is replaced within six months of its destruction.

B. Reconstruction. Any school or salon which is repaired or replaced in its exact location will be acceptable provided that it is reconstructed in no less size that existed prior to its destruction.

C. Temporary Premises. When temporary premises are necessary for the continuance of operation during the repair, the board member for the area involved may approve such premises provided such premises are temporary with a specific termination date set forth for their use and further provided that such premises are sanitary and sufficient for use during the stated time period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:334 (March 2003).

§1707. Remodeling

A. Application. When any school or salon desires to remodel its premises, application shall be made to the board.

B. Temporary Premises. If remodeling requires the use of temporary premises for the continuance of operation during remodeling, the board member for the area may approve such premises as are adequate provided such premises are sanitary and sufficient for use during the stated time period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:334 (March 2003).

§1709. Picture Identification

A. All licensee and permitees shall have in their possession a picture identification at any time at which a service is being performed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:334 (March 2003).

§1711. NSF Checks

A. Late Fee. If a check is received for the renewal of license, which is returned to the board by the bank due to non-sufficient funds and is not validated by the licensee or permittee by the expiration date, will be responsible for payment of a late fee in addition to any bank charge imposed on the board.

B. Restoration. If a check is received for restoration of a license which is returned to the board by the bank due to non-sufficient funds, the applicant s license shall be subject to revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:334 (March 2003).

§1713. Cheating on Examinations

A. Eligibility. Any person who cheats on an examination administered by the board shall be disqualified from taking any examination administered by the board for a period of at least three months. Any person who cheats on a subsequent examination shall be ineligible to register for any examination administered by the board without board approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:334 (March 2003).

REVISED STATUTES

Title 37

PROFESSIONS AND OCCUPATIONS

CHAPTER 6-A. LOUISIANA COSMETOLOGY ACT

Editor's Note: Chapter 6-A is being published as provided by the Board of Cosmetology.

Part I. General Provisions

§561. Title

This Chapter shall be known and cited as the "Louisiana Cosmetology Act".

Acts 2001, No. 907, §2, eff. June 26, 2001.

§562. Legislative Findings; Purpose; Intent

A. The legislature finds that the practice of cosmetology by qualified individuals is necessary to protect the public health, safety, and welfare of the citizens of the state of Louisiana. The legislature further finds it to be a matter of public interest and concern that only qualified persons be permitted to engage in the practice of cosmetology.

B. The legislature hereby declares the purpose of this Chapter is to promote, preserve, and protect the public health, safety, and welfare by and through the effective control and regulation of the practice of cosmetology.

C. The licensure of all persons who perform cosmetology, the licensure of all facilities where cosmetology is taught within the state, the licensure of all facilities where cosmetology services are offered within the state, and the licensure of all persons who supervise individuals performing cosmetology within the state are declared to be necessary to ensure that only qualified persons be permitted to engage in the practice of cosmetology at facilities meeting appropriate standards.

D. This Chapter and the rules and regulations adopted pursuant to authority granted by this Chapter shall be liberally construed to carry out these objectives and purposes.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§563. Definitions

As used in this Chapter, the following words shall have the meaning herein ascribed to them, unless the content clearly otherwise indicates:

(1). "Beauty shop" or "salon" means any premises upon or within which cosmetology is practiced for a fee. These terms shall not include the premises wherein any of the persons exempted in R.S. 37:581 practice or do business.

(2). "Board" means the Louisiana State Board of Cosmetology. The board shall constitute a professional association within the meaning of Article VII, Section 9 of the Constitution of Louisiana.

(3). "Cosmetologist" means any person, who is not exempted from the provisions of this Chapter pursuant to R.S. 37:581, who engages in the practice of cosmetology for compensation, directly or indirectly, including tips.

(4). "Cosmetology" means the practice of using one's hands, mechanical or electrical apparatuses, or appliances or using cosmetic preparations, antiseptics, soaps, detergents, tonics, lotions, or creams in any one or any combination of the practices of esthetics, hair dressing, and manicuring for compensation, direct or indirect, including tips.

(5). "Esthetician" means a person who practices esthetics.

(6). "Esthetics" means engaging in any one or a combination of the following practices: massaging the face or neck of a person, trimming eyebrows, dying eyelashes or eyebrows, or waxing, stimulating, cleansing, or beautifying the face, neck, arms, bust, upper body, legs, or feet of a person by any method with the aid of the hands or of any mechanical or electrical apparatus, including micro-dermabrasion, epidermabrasion, or particle exfoliation using equipment and methodology approved by the board or by the use of a cosmetic preparation. However, esthetics shall not include the diagnosis, treatment, or therapy of any dermatological condition, or the process of removing hair known as "electrolysis".

(7). "Hairdressing" means massaging, cleansing, washing, stimulating, manipulating, exercising, beautifying, or doing similar work upon the scalp of any person, including arranging, singeing, cutting or shaping, curling or waving, cleansing, shampooing, styling, bleaching, coloring, or similar work upon the hair of another person.

(8). "Manicuring" means trimming, filing, decorating, shaping, sculpting, or in any way caring for the nails and skin of another person's hands or feet together with massaging the hands, arms, legs, and feet.

(9). "Manicurist" means a person who practices manicuring.

(10). "Manager" means any person who supervises any person engaged in the practice of cosmetology in a beauty shop or salon.

(11). "Satellite classroom" means a separate classroom location used as supplemental training space located under the same roof of the main school building or on the same

campus as the administrative center and at least within three hundred feet of the main school building for the purpose of training an overflow of students who cannot be accommodated at the main school.

(12). "School" means any premises wherein cosmetology is taught.

(13). "Student" means a person registered in a school authorized by the board to teach cosmetology.

(14). "Teacher" or "instructor" means a person who teaches cosmetology for direct or indirect compensation, within a school.

Acts 2001, No. 907, §2, eff. June 26, 2001.

Part II. Louisiana Board of Cosmetology

§571. Louisiana Board of Cosmetology; Creation; Domicile; Membership

A. The Louisiana Board of Cosmetology is hereby created and shall be domiciled in East Baton Rouge Parish.

B. The board shall be composed of eight members appointed by the governor, who shall serve at the pleasure of the governor. At least one member shall be appointed from each congressional district.

C. Each appointment by the governor shall be subject to Senate confirmation.

D. All vacancies on the board shall be filled by the governor within thirty days of receipt of notice of the vacancy.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§572. Qualifications of Board Members; Recusal from Certain Transactions

A. Each member of the board shall be a duly qualified registered voter of this state and shall have been domiciled in the state for at least twelve consecutive months prior to appointment.

B. Each member shall be a registered cosmetologist who has been actively engaged, for at least five years prior to his appointment, in the practice of cosmetology or as a teacher or instructor of cosmetology in this state.

C. The board members shall not all be graduates of the same school.

D. No more than two board members shall be connected directly or indirectly with the ownership of a school of cosmetology.

E. Any board member, who in the discharge of a duty or responsibility of his office or position would be required to vote on a matter which would cause him to be in violation of the Code of Governmental Ethics, shall recuse himself from voting.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§573. Compensation and Expenses of Board Members

A. All board members shall be reimbursed for necessary travel and other incidental expenses incurred in the discharge of their duties within this state, provided that all such expenses shall be evidenced by an itemized statement to which receipts and appropriate vouchers are attached and paid in accordance with state travel regulations.

B. Each board member shall receive compensation for attendance at meetings, hearings, or any other duties of the board in the form of a per diem in the amount established in R.S. 37:599. No board member shall receive a per diem for more than eight days per month; however, the chairman shall appoint an executive committee consisting of no more than three members of the board, who shall receive a per diem for no more than fifteen days per month.

C. In addition, the board may designate and pay the expenses of attendance of three members each year at the conference of the National Interstate Council of State Boards of Cosmetology, Inc. However, all such expenses shall be evidenced by an itemized statement to which receipts and appropriate vouchers are attached and paid in accordance with state travel regulations.

D. The statement of expenses for which reimbursement may be paid shall be transmitted to the board not later than the next official meeting of the board after the expenses have been incurred.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§574. Organization of Board; Meetings; Quorum

A. The governor shall designate one member of the board to serve as chairman, and the chairman shall designate one member of the board to serve as vice chairman.

B. A majority of the members of the board physically present at a board meeting shall constitute a quorum for the transaction of business. In case of a tie vote, the absent members shall be polled by witnessed telephone communication.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§575. Powers and Duties of the Board

A. The board shall be responsible for the control and regulation of the practice of cosmetology and shall do all of the following:

(1). Maintain a permanent testing center to be located in East Baton Rouge Parish. The center shall be equipped to accommodate both practical and theory examinations and shall provide office space for board members and a conference room.

(2). Make necessary rules and regulations to carry out the purposes and enforce the provisions of this Chapter and furnish copies of such rules and regulations upon request.

(3). Hold meetings at least once a month and at other times when necessary for the transaction of business that may legally come before it.

(4). Administer examinations as deemed necessary.

(5). Issue and renew licenses, permits, certificates of registration, and any other designations deemed necessary to engage in the practice of cosmetology.

(6). Establish and enforce compliance with professional standards and rules of conduct of cosmetology.

(7). Determine and issue standards for recognition and approval of educational programs of schools whose graduates shall be eligible for licensure in this state. The board shall also specify and enforce requirements for training in such schools.

(8). Enforce those provisions of this Chapter related to conduct and competence, including but not limited to revocation, summary suspension, suspension, probation, reprimand, warnings, or fines.

(9). Establish minimum specifications for the physical facilities, technical equipment, environment, supplies, personnel, and procedures for salons and schools.

(10). Inspect during hours of operation any licensed, permitted, certified, or registered facility or school, including but not limited to pertinent records, for the purpose of determining if any provisions of law governing the practice of cosmetology are being violated.

(11). Except as otherwise provided in this Chapter, exercise all of its duties, powers, and authority in accordance with the Administrative Procedure Act.

(12). Make, keep, and preserve all books, registers, and records.

(13). Receive and receipt all fees collected.

(14). Make disbursements by check, voucher, or any other reasonable means deemed appropriate by the board and authorized by the chairman.

(15). Adopt rules to enable a person licensed pursuant to this Chapter to practice the art for which he is licensed at the residence or domicile of a customer who is chronically ill or disabled.

(16). Refer any observed violations of the criminal laws of the state to the proper law enforcement officials.

B. The board may do the following:

(1). Issue certificates of temporary registration to out-of-state licensees or registrants in accordance with rules and regulations adopted by the board.

(2). Issue special permits in accordance with rules and regulations adopted by the board.

(3). Join such professional organizations or associations organized to promote the improvement of the standards of the practice of cosmetology, esthetics, or manicuring for the protection of the health, safety, and welfare of the public or whose activities assist and facilitate the board or its staff in carrying out the work of the board.

(4). Receive and expend funds, in addition to its annual or biennial appropriation, from parties other than the state, provided that all of the following conditions are met:

(a). Such funds are awarded for the pursuit of a specific objective which the board is authorized to accomplish by this Chapter or for which the board is qualified to accomplish by reason of its jurisdiction or professional expertise.

(b). Such funds are expended for the pursuit of the objective for which they are awarded.

(c). Activities connected with or occasioned by the expenditures of such funds do not interfere with the performance of the board's duties and responsibilities and do not conflict with the exercise of the board's powers as specified by this Chapter.

(d). Such funds are kept in a separate, special account.

(e). Periodic reports are made concerning the board's receipt and expenditure of such funds.

(5). Conduct any investigation, inquiry, or hearing as is necessary to supervise the regulatory provisions of this Chapter.

(6). Collect professional demographic data.

(7). Employ or contract for inspectors, clerical help, legal assistance, and other personnel necessary for the proper operation of the board office and for any other purpose under this Chapter. No inspector shall own, operate, or be employed by a beauty shop, salon, or school while employed by the board or under contract to perform inspections.

(8). Prepare and distribute a newsletter for distribution to persons subject to regulation by the board.

(9). Perform any other duties as are necessary and proper to carry out the purposes set forth in this Chapter.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§576. Executive Director

A. The board shall be authorized to employ an executive director, who shall be an unclassified employee of the state and whose duties shall include the following:

(1). The supervision of all inspectors and the examination team.

(2). The employment and supervision of all employees of the board.

(3). The performance of all administrative duties of the board.

(4). The preparation and submission of monthly detailed reports of activities to the board for review.

(5). The maintenance of a record of all proceedings of the board. Records relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration shall contain the name, place of business, and residence of each cosmetologist and the date and number of his certificate of registration.

(6). The performance of inspections when necessary.

(7). The performance of such other duties as prescribed by the board or as necessary for the proper administration of this Chapter.

B. The annual salary of the executive director shall be set by the board and shall not exceed fifty thousand dollars. The executive director may be reimbursed for necessary expenses incurred in carrying out his duties, with approval of the board and in accordance with state travel regulations.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§577. Information not to be Divulged

No member of the board nor any officer, agent, or employee thereof shall divulge to any person the contents of any document, paper, or record examined by him in the performance of his duties under this Chapter or any information obtained by him in the course of his investigations except when necessary to carry out the purposes of this Chapter.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§578. Cosmetologists' Board Fund

At least monthly, all monies received by the board shall be turned over to the state treasurer. Such monies shall be deposited in a separate account within the state treasury to be known as the "Cosmetologists' Board Fund". The monies in said fund shall be used for no other purpose except to pay the expenses and salaries of the board.

Acts 2001, No. 907, §2, eff. June 26, 2001.

Part III. Certificates of Registration and Fees

§581. Unlawful Practice; Exemptions

A. No person shall engage in the practice of cosmetology without obtaining a current certificate of registration for the appropriate area of practice under the provisions of this Chapter.

B. The following persons are exempt from the provisions of this Chapter while in the proper discharge of their professional duties in a facility not licensed by the board:

(1). Persons authorized by law to practice medicine or surgery.

(2). Commissioned medical or surgical officers in the armed forces of the United States or within the Veterans Administration.

(3). Persons licensed by the Louisiana Board of Barber Examiners.

(4). Employees of hospitals, nursing homes, or other health care facilities engaged in the exercise of their professions in a facility not licensed by the board.

(5). Persons who perform the practice of cosmetology for any member of their immediate household.

C. Facilities licensed by the Louisiana Board of Barber Examiners shall be exempt from the provisions of this Chapter.

D.(1). Nothing in this Chapter shall prohibit a barber licensed by the Louisiana Board of Barber Examiners from performing any work authorized by Chapter 5 of this Title, or any rules or regulations adopted pursuant thereto, in a beauty shop or salon as long as he is working in the appropriate designated area.

(2). Nothing in this Chapter shall prohibit a certified cosmetologist from working in a facility licensed by the Louisiana Board of Barber Examiners, provided that he is in compliance with the provisions of this Chapter, and any rules and regulations adopted pursuant thereto.

E. Barber apprentices, except those persons enrolled in the barber apprenticeship program prior to June 1, 2001, shall be prohibited from engaging in the practice of barbering in facilities licensed by both the Louisiana Board of Barber Examiners and the Louisiana State Board of Cosmetology or facilities licensed by the Louisiana State Board of Cosmetology.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§582. Qualifications for Certificate as a Registered Cosmetologist, Esthetician, or Manicurist; Out-of-State Licensees

A. In order to receive a certificate of registration as a registered cosmetologist, esthetician, or manicurist, a person shall, in addition to the requirements set forth in Subsection B of this Section, meet all of the following requirements:

(1). Be at least sixteen years of age.

(2). Have, at the time of completion of the required schooling, the equivalent training as would be contemplated in the satisfactory completion of the tenth grade from an approved high school.

(3). Have satisfactorily passed an examination conducted by the board to determine his fitness to receive a certificate of registration.

(4). Have paid the appropriate fee set forth in R.S. 37:599.

B. In addition to the requirements set forth in Subsection A of this Section, a person shall also meet the following requirements in order to obtain his certificate of registration as a registered cosmetologist, esthetician, or manicurist:

(1). To obtain a certificate as a registered cosmetologist, a person shall have completed and passed a course at a registered or licensed school of cosmetology approved by the board.

(2). To obtain a certificate as a registered esthetician, a person shall have completed and passed an esthetics course at a registered or licensed school of cosmetology approved by the board.

(3). To obtain a certificate as a registered manicurist, a person shall have completed and passed a manicuring course at a registered or licensed school of cosmetology approved by the board.

C. The board shall issue the appropriate certificate of registration to any person who possesses a license or certificate of registration to practice as a cosmetologist, esthetician, or manicurist from another state or from a foreign country and who also meets the following requirements:

(1). Has completed and passed the appropriate course of study at a school which is licensed in the state or country which issued the license.

(2). Has satisfactorily passed the appropriate examination conducted by the board to determine his fitness to receive the certificate of registration.

(3). Has paid the appropriate fee set forth in R.S. 37:599.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§583. Qualifications for Certificate as a Registered Teacher; Continuing Education

A. No person shall teach cosmetology, esthetics, or manicuring without a certificate of registration issued by the board.

B. In order to receive a certificate of registration as a registered teacher of cosmetology, esthetics, or manicuring, a person shall, in addition to the requirements of Subsection C of this Section, meet all of the following requirements:

(1). Possess a high school diploma or its equivalent as determined by the Board of Elementary and Secondary Education.

(2). Have completed and passed the curriculum for the teacher's training course under the supervision of a licensed teacher for a minimum study of five hundred hours in not less than three months.

C. In addition to the requirements set forth in Subsection B of this Section, a person shall also meet the following requirements in order to obtain a certificate of registration as a registered teacher of cosmetology, esthetics, or manicuring:

(1). To obtain a certificate as a registered teacher of cosmetology, a person shall possess a cosmetology certificate and have successfully passed the examination prescribed by the board for certification as a teacher of cosmetology.

(2). To obtain a certificate as a registered teacher of esthetics, a person shall possess an esthetics or cosmetology certificate and have successfully passed the examination prescribed by the board for certification as a teacher of esthetics.

(3). To obtain a certificate as a registered teacher of manicuring, a person shall possess a manicuring or cosmetology certificate and have successfully passed the examination prescribed by the board for certification as a teacher of manicuring.

D. Any person holding a certificate of registration as a registered teacher shall, every two years, attend a seminar for continuing education, as approved by the board, consisting of at least sixteen hours of training in the discipline for which the person is certified to teach.

E. The provisions of this Section shall not apply to persons teaching in facilities licensed by the Louisiana Board of Barber Examiners.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§584. Certificates of Temporary Registration; Special Permits

A. The board may adopt rules and regulations for the issuance of certificates of temporary registration to any person licensed or certified in another state, territory, or country which shall permit the person to practice cosmetology within the state of Louisiana for a period not to exceed thirty days.

B. No person shall be issued more than four temporary certificates within one calendar year.

C. The board may adopt rules and regulations for the issuance of special permits to allow limited and specific powers within the practice of cosmetology.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§585. Examination Team

A. The board shall employ an examination team to conduct the examinations of applicants required under the provisions of this Chapter.

B. The examination team shall be composed of no more than six registered cosmetologists who fulfill the following requirements:

(1). Are registered voters of the state and who have been domiciled in the state for at least twelve consecutive months prior to employment as examination team members.

(2). Were actively engaged in the practice of cosmetology in the state for a minimum of five consecutive years.

(3). Are not connected either directly or indirectly with ownership of a registered school in the state.

(4). Are not employed by a licensed school in the state.

C. Each examination team member shall receive compensation in the form of a per diem in the amount set forth in R.S. 37:599 and may be reimbursed for necessary expenses incurred in the discharge of his duties, as approved by the board, and paid in accordance with state travel regulations.

D. A board member who has no ownership interest in any school may serve as an examination team member in the absence of any examination team member. Any board member who serves on an examination team shall be reimbursed the per diem for board members set forth in R.S. 37:599.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§586. Examination of Applicants

A.(1). The examination team shall conduct examinations of applicants for certificates as registered cosmetologists, estheticians, manicurists, and teachers at such times and places as deemed appropriate by the board.

(2). Practical cosmetologist, Louisiana state theory, and national theory examinations shall be conducted at least twice monthly.

(3). Esthetician, manicurist, and teacher examinations shall be conducted at least four times per calendar year.

(4). Examinations for special permits shall be given at least twice per year.

(5). The date and time of all scheduled examinations shall be fixed by the board annually at a meeting duly called to cover a period of twelve calendar months thereafter.

B. The examinations shall include practical demonstrations and written and oral tests which shall reflect the subjects normally taught in approved schools in the course required for the appropriate certificate of registration.

C. Examinations and results of examinations given by the board shall be confidential and not subject to discovery or disclosure.

D. Each applicant for examination shall submit an application containing proof of his qualifications, which shall be certified by the applicant under oath and shall be accompanied by the required fee set forth in R.S. 37:599.

E. All fees contractually owed by an applicant to a school of cosmetology from which he graduated shall be paid before an applicant may apply for an examination for a certificate of registration required by this Chapter.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§588. Inactive Certificate of Registration; Reactivation of Certificate

A. A person who holds a residence outside of Louisiana and who wishes to retain a certificate of registration as a cosmetologist, esthetician, manicurist, or teacher in this state may apply to the board for an inactive certificate and pay the appropriate fee set forth in R.S. 37:599 for each year the certificate is inactive. The inactive certificate shall be issued for a period of time not to exceed three years.

B. Persons with an inactive certificate shall not be required to provide evidence of completion of required continuing education courses for any year in which the certificate is inactive.

C. A teacher holding an inactive certificate may activate his certificate by providing evidence of completion of the required continuing education courses for that year.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§589. Certificates of Registration for Managers

A shop owner who is absent from his respective shop more than two working days per week shall employ a manager, who shall be a registered cosmetologist and who shall obtain a certificate of registration as a manager. However, a registered manicurist may manage a manicuring salon, and a registered esthetician may manage an esthetics salon.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§590. Renewal of Certificates of Registration

A.(1). Every beauty shop owner, booth renter, manager of a beauty shop, and school shall, on or before January thirty-first of each calendar year, renew his or its certificate of registration. Every certificate of registration which has not been timely renewed shall expire on the following first day of March, at which time the holder of such certificate of registration may have his certificate renewed only upon fulfilling the requirements provided for by this Chapter and paying the restoration fee provided in R.S. 37:599.

(2). Every registered cosmetologist, esthetician, manicurist, or teacher who continues to actively practice his licensed profession shall renew his certificate of registration on or before such individual's date of birth, and such certificate shall expire thirty days following the date of birth if not renewed.

B. Any holder of a certificate of registration who retires from his authorized practice for more than three years may resume his practice and renew his certificate of registration upon satisfactory proof that he is qualified to resume, which shall be provided by a short form examination conducted by the examination team. Such renewals may be facilitated by attending a "brush up" course conducted by an approved school and paying the appropriate fee set forth in R.S. 37:599.

C. Persons registered in Louisiana who maintain a license or registration to practice outside of the state shall be considered as having maintained an active practice during the term covered by such foreign certificate.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§591. Requirements for Certification as a Beauty Shop or Salon

A. No person or entity shall operate a beauty shop or salon in the state of Louisiana without a certificate of registration issued by the board.

B. In order to obtain a certificate of registration as a beauty shop or salon, the owner of such business shall do the following:

(1). Certify that all persons employed at such facility are appropriately licensed by their respective licensing board.

(2). Demonstrate that the required physical, sanitary, and administrative facilities have been established.

(3). Submit an initial application for a new shop location along with the appropriate fee specified in R.S. 37:599.

(4). Include the words "beauty shop" or "salon" in any sign or advertisement for cosmetology services.

(5). Designate, by placing a sign containing at least four-inch lettering, areas of his beauty shop or salon as areas where only cosmetology shall be practiced and areas where only barbering shall be practiced.

(6). Require all apprentices working in his beauty shop or salon to possess identification indicating that such persons are apprentices.

C. No person shall accept employment or continue employment in a beauty shop, salon, or other facility unless the facility possesses a certificate of registration issued by the appropriate licensing board.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§592. Employment of Cosmetologists; Independent Contractors

A. No person licensed by the board shall permit any person in his employ or under his supervision or control to practice cosmetology or barbering who does not possess the appropriate certificate or certificates of registration issued by the appropriate licensing board.

B. A registered cosmetologist shall be deemed an employee of a salon, unless the following applies:

(1). A written agreement exists between the cosmetologist and the salon specifying the following:

(a). That the cosmetologist is an independent contractor.

(b). That the salon has no right to control the methodology used by the cosmetologist to produce a given result.

(c). The amount of rent to be paid by the cosmetologist to the salon, whether calculated at a fixed percentage of the cosmetologist's gross receipts or a flat fee.

(2). The cosmetologist possesses a booth rental permit issued by the board.

(3). The cosmetologist has paid a booth rental permit fee to the board.

C. The salon shall maintain complete records of all rental payments to the salon and all distributions to the cosmetologist.

D. No cosmetologist who has been issued a booth rental permit pursuant to R.S. 37:593 shall be recognized as an employee of a salon by the Louisiana Department of Revenue or Department of Labor.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§593. Booth Rental Permits

The board shall issue a booth rental permit to a cosmetologist upon application and compliance with the following:

(1). Submission of a copy of the written agreement required by R.S. 37:592(B).

(2). Payment of the booth rental permit fee set forth in R.S. 37:599.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§594. Application for School Certificate of Registration; Change of Location; Change of Ownership

A. No school of cosmetology shall operate within this state without a certificate of registration.

B. Any person desiring to operate a cosmetology school shall:

(1). Notify the board in writing of his intent to open a new school and identify the maximum number of students to be enrolled at any time and the proposed location of the school. The applicant shall provide a description of any proposed improvements to be made to the site, including the approximate square footage.

(2). Pay the fee for the initial school premises inspection set forth in R.S. 37:599.

(3). Receive an inspection report from the board indicating that the floor space is adequate.

(4). Receive approval of the location by the board.

(5). Submit a detailed floor plan drawn to scale, including the arrangement of classrooms, placement of equipment, electrical outlets, ventilation equipment, plumbing and lighting, the locations of all outside entrances and exits, and the square footage for each area.

(6). Submit a copy of the lease, if the space is to be leased.

(7). Submit approval from the local fire safety inspector indicating that fire safety requirements have been met.

(8). Submit a copy of the proposed curriculum and a daily schedule for the course of study.

(9). Submit a notarized statement from each registered teacher to be employed, verifying his agreement to teach if the school receives its certificate of registration.

(10). For all schools which charge tuition, submit proof of financial responsibility to such extent as may be determined by the board or a surety bond executed by a company authorized to do business in Louisiana in the amount of five thousand dollars in favor of the state of Louisiana. Such bond shall be used for the benefit of any students who cannot complete the curriculum due to the closure of the school, to the extent of the amount of the tuition paid. The board may, at any time during the operation of a registered school, require additional data to be submitted in order to satisfy the board of the school's financial responsibility.

(11). Submit a new school application, properly executed, together with the fee set forth in R.S. 37:599.

(12). Submit a final inspection fee as set forth in R.S. 37:599.

C. Any licensed school shall notify the board in writing of the intent to relocate the school and give the proposed location and a description of any proposed improvements to be made to the site, including the approximate square footage. Upon approval of the location, the school shall comply with the requirements set forth in Paragraphs (2) through (7) of Subsection B of this Section and submit a change of address notice fee in accordance with R.S. 37:599.

D. Any licensed school shall notify the board in writing of the intent to transfer ownership by lease or otherwise and shall comply with the requirements set forth in Paragraphs (8) through (10) of Subsection B of this Section and submit a change of ownership notice fee in accordance with R.S. 37:599.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§595. Requirements for Schools

A. All schools registered by the board shall do the following:

(1). Possess apparatus and equipment sufficient for the ready and full teaching of its entire curriculum.

(2). Have a total floor space of not less than thirty-five hundred square feet with a minimum of four hundred square feet of floor space for each classroom.

(3). Be supervised by a registered teacher of cosmetology in active practice, with at least eighteen months of teaching experience in an accredited school of cosmetology approved by the board.

(4). Employ as instructors persons who are teachers registered by the board, at least one of whom shall have been a registered teacher and in active practice for at least eighteen months.

(5). Maintain a record of the attendance of each student and a record of the progress of each student in achieving the required proficiency.

(6). Establish a grading system and require passage of examinations for issuance of diplomas.

(7). Maintain facilities as required by the board.

B. All registered cosmetology schools shall do the following:

(1). Offer a course of practical training and technical instruction extending over a period of not less than nine consecutive months and including not less than fifteen hundred hours for the basic course of cosmetology. The course of study shall include lectures, discussion, instructions, and mechanical application.

(2). Offer a course of practical training and technical instruction extending over a period of not less than three consecutive months and including not less than seven hundred fifty hours for the basic course of esthetics. This course of study shall include lectures, discussion, instructions, and mechanical application and shall include not less than three hundred hours of practical application and lecture and not less than two hundred hours of library study or research. The remaining hours may be made up of any combination of the above.

(3). Provide for a period of continuing study in esthetics, including a course of not less than six weeks duration and containing not less than two hundred hours of study.

(4). Offer a course of practical training and technical instruction extending over a period of not less than three consecutive months and including not less than five hundred hours for the basic course of manicuring. This course of study shall include lectures, discussion, instructions, and mechanical application and shall include not less than three hundred hours of practical application and lecture and not less than two hundred hours of library study or research.

(5). Provide for a period of continuing study in manicuring, including a course of not less than six weeks duration and containing not less than two hundred hours of study.

C. Any registered cosmetology school may offer a "brush up" course, which shall last not less than six weeks and contain not less than two hundred hours of study.

D. A student who has studied at a school licensed or registered by another state, territory, foreign country, or province, or another registered school within the state of Louisiana may transfer hours carried within the preceding three years, if approved by the enrolling school.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§596. Satellite Classrooms; School of Cosmetology; Guidelines

A. Any topic relating to the practice of cosmetology may be taught at a satellite classroom provided that the following conditions exist:

(1). No clinic shall be operated at a satellite classroom.

(2). No beauty service or cosmetology skills learned by a student shall be performed for the public or on paying clients at the satellite classroom.

(3). No student shall attend class at a satellite classroom facility unless a registered instructor is on the premises.

B. The satellite classroom facility shall:

(1). Bear the same name as the main school.

(2). Operate under the same license obtained by the main school.

(3). Not be located within three hundred feet of any other registered school of cosmetology.

(4). Have at least four hundred square feet of floor space.

C. Equipment located in the satellite classroom shall be limited to practical or theory instruction only. This instruction shall require a minimum amount of equipment and electrical outlets and an adequate ventilation system as determined by the board.

D. The following information shall be supplied to the board prior to opening a satellite classroom:

(1). A detailed floor plan of the proposed classroom, drawn to scale.

(2). Approval from the local fire safety inspector indicating that fire safety requirements have been met.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§597. Display of Certificate of Registration

Every holder of a certificate of registration issued by the board shall display it in a conspicuous place in his principal place of business or employment. Additionally, any facility licensed by the board shall display any other documents required to be displayed by the board's rules.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§598. Records

A. The board may require the licensee to keep the following records:

(1). A record of all cosmetic therapy, beauty culture, hairdressing, and esthetics work performed and the price thereof.

(2). A record of all the expenses incident to the operation of a beauty culture and hair dressing establishment.

(3). A record of the net profits of any such establishment from month to month.

(4). Any other records and information which the board finds necessary for the proper enforcement of this Part.

B. The board may require any owner or operator of any beauty school to keep the following records:

(1). A record of all beauty work performed and the price thereof.

(2). A record of all expenses incident to the operation of any beauty school.

(3). A record of the net profits of any beauty school from month to month.

(4). A record of tuition charged and received by any beauty school.

(5). Any other records and information necessary for the proper enforcement of this Part.

C. The owners or operators of schools covered by the provisions of this Chapter may not approve the transfer of any student or student records of earned hours unless all contractual fees owed by the student to any such school have been paid.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§599. Fees

A. The following fees shall be assessed by the board:

(1). For each examination given by the examination team to an applicant:

(a). Theory examination	$25.00
(b). Practical examination	$25.00
(c). Re-take of any examination	$25.00

(2). For each initial certificate of registration and each annual renewal of such certificate:

(a). Cosmetologist General	
(i). Resident	$25.00
(ii). Nonresident	$50.00
(b). Esthetician	
(i). Resident	$25.00
(ii). Nonresident	$50.00
(c). Manicurist	
(i). Resident	$25.00
(ii). Nonresident	$50.00
(d). Teacher	
(i). Resident	$25.00
(ii). Nonresident	$50.00
(e). Manager	$25.00
(f). Beauty shop or salon	
(i). Resident	$30.00
(ii). Nonresident	$65.00
(iii). Home care	$30.00
(iv). Initial inspection fee	$25.00
(g). Booth rental permit	$25.00
(h). Special permit	$25.00
(i). Temporary permit	$25.00

(3). If a registrant wishes to restore an expired certificate listed in Paragraph (2) of this Subsection within three years from the date of expiration, he shall be assessed a fee equal to twice the applicable fee for each year the certificate was expired, not to exceed three hundred dollars.

(4). Student registration including one "in-state" transfer

(a). Resident	$10.00 upon entering the course
(b). Nonresident	$10.00 upon entering the course

(5). Initial certificate of registration for a school

(a). Resident	$315.00
(b). Nonresident	$615.00

(6). Renewal of certificate of registration for a school

(a). Resident	$165.00
(b). Nonresident	$465.00
(c). Failure to timely renew	$150.00

(7). If a registrant wishes to restore an expired certificate listed in Paragraph (5) of this Subsection within three years from the date of expiration, he shall be assessed a fee equal to twice the applicable fee for each year the certificate was expired, not to exceed three hundred dollars.

(8). Other school fees:

(a). Initial inspection	$100.00
(b). Final inspection	$300.00
(c). Change of ownership notice	$ 50.00
(d). Change of address notice	$100.00

B. The following fees shall be paid by the board:

(1). Board member per diem	$ 75.00
(2). Examination team member per diem	$100.00

Acts 2001, No. 907, §2, eff. June 26, 2001.

Part IV. Discipline

§600. Grounds for Denial, Suspension, Summary Suspension, or Revocation of a Certificate of Registration

A. The board may deny the issuance of, suspend, revoke, or refuse to renew any certificate of registration or place on probation any registrant, after notice and opportunity for hearing pursuant to the Administrative Procedure Act, upon proof of any of the following:

(1). Obtaining or attempting to obtain a certificate of registration by means of fraud, misrepresentation, or concealment of material facts, including making false statements on an application or other document required by the board.

(2). Selling, bartering, or offering to sell or barter a certificate of registration.

(3). Engaging in unprofessional conduct that is likely to endanger the health, safety, or welfare of the public.

(4). Continued practice by a person knowingly having an infectious or contagious condition or disease or mental illness which interferes with the person's ability to practice as certified by a physician licensed to practice in the state of Louisiana.

(5). False or deceptive advertising in connection with the practice of or instruction of cosmetology.

(6). Advertising, practicing, or attempting to practice under a name other than the name on the certificate.

(7). Habitual drunkenness or habitual addiction to the illegal use of controlled dangerous substances on the premises of any licensed facility.

(8). Conviction of a felony, shown by a certified copy of the records.

(9). Failure to pay any fee set forth in R.S. 37:599.

(10). Failure to furnish the board, its investigators, or representatives with any legally requested information.

(11). Failure to report all business receipts and income to the appropriate state and federal government agencies, including but not limited to the United States Internal Revenue Service, the Louisiana Department of Revenue, and the Louisiana Department of Labor.

(12). Violation of any provision of this Chapter.

B. The board may immediately suspend the certificate of registration whenever the cause upon which a hearing is held involves either or both of the following:

(1). Conviction of a felony, shown by a certified copy of the records.

(2). Continued practice by a person having an infectious or contagious condition or disease or mental illness which interferes with the person's ability to practice, as certified by a physician licensed to practice in the state of Louisiana.

C. In addition to or instead of the administrative actions that may be taken by the board pursuant to Subsection A of this Section, the board may also issue a reprimand or a warning against a registrant for whom there is proof that he engaged in any of the activities provided for in this Section. Such reprimand or warning shall be issued after notice and an opportunity for hearing in accordance with the Administrative Procedure Act.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§601. Fines

An inspector may issue a citation and collect a fine of twenty-five dollars per violation of any provision of this Chapter, up to a maximum of three hundred dollars per week, from any person, school, or facility, provided that the registrant waives his rights to a hearing in writing. Each day a violation exists shall be considered a separate violation.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§602. Investigation; Notice and Hearing

Upon the filing of a written complaint with the board charging any registrant with violation of any of the provisions of this Chapter, the executive director of the board shall fix a time and place for hearing and shall send a copy, by certified mail or hand delivery, of the charges together with a notice of the time and place for hearing to the individual at least twenty calendar days prior to the date set for the hearing. The notice shall be sent to the last known address of the individual, as it appears in the records of the board, or to the address of the facility where the violation is alleged to have occurred.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§603. Subpoenas; Witnesses; Production of Records

A. The board may compel the attendance and testimony of witnesses and the production of any evidence or documentation that relates to any matter properly under investigation or in question before the board.

B. Each witness who appears before the board pursuant to subpoena shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of this state.

C. No subpoena shall be issued at the request of a party other than the board, unless the fees and mileage provided for in Subsection B of this Section are deposited with the board in advance.

D. In case a person or entity refuses to obey a subpoena or subpoena duces tecum issued by the board, the board may apply to the district court within the jurisdiction where the inquiry is conducted or within the jurisdiction where such person is domiciled, resides, or transacts business, or the Nineteenth Judicial District Court to issue to such person or entity an order requiring him to appear before the board, its members, agent or agency, in order to produce evidence, if ordered, or to give testimony concerning the matter under investigation.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§604. Violations; Penalties

A. Upon proof of a violation of the provisions of this Chapter, the board may order the payment of up to two hundred dollars per violation, not to exceed a total of five thousand dollars.

B. Each day on which a violation occurs is a separate violation for the purposes of this Chapter.

C. In addition to the disciplinary action or fine assessed by the board, the board may also assess all costs incurred in connection with the proceedings, including but not limited to the costs of an investigator, stenographer, and attorney.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§605. Injunction; Penalty; Attorney Fees; Costs

A. The board may institute any action in a court of competent jurisdiction necessary to enforce compliance with any provision of this Chapter or with any regulation, subpoena, or order of the board made pursuant to the provisions of this Chapter, including a writ of injunction enjoining any person practicing or assisting in the practice of cosmetology, esthetics, or manicuring until such person obtains the necessary certificate of registration under the provisions of this Chapter. Any injunction issued pursuant to this Chapter shall not be subject to being released upon bond.

B. In the suit for an injunction, the board may demand of the defendant a penalty of not more than five thousand dollars, as well as reasonable attorney fees and court costs. This judgment for penalty, attorney fees, and costs may be rendered in the same judgment as the injunction.

C. Barbers or facilities licensed by the Louisiana Board of Barber Examiners shall not be prohibited from performing any work authorized by Chapter 5 of this Title, or any rules or regulations adopted pursuant thereto.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§606. Unlicensed Persons; Cease and Desist Orders; Injunctive Relief

A. The board shall have jurisdiction over all uncertified and unpermitted persons and facilities relative to the enforcement of the provisions of this Chapter.

B. In addition to the administrative penalties provided for in this Chapter, the board acting through its executive director may issue an order to any person or facility engaged in any activity, conduct, or practice constituting cosmetology directing such person or facility to cease and desist from such activity, conduct, or practice.

C. If the person or entity to whom the board directs a cease and desist order does not cease and desist the prohibited activity, conduct, or practice within two days of receipt of such order by certified mail or hand delivery, the executive director may seek a writ of injunction in any court of competent jurisdiction and proper venue enjoining such person from engaging in the activity, conduct, or practice. The injunction shall not be subject to being released upon bond.

D. In the suit for an injunction, the board may demand of the defendant a penalty of not more than five thousand dollars, as well as reasonable attorney fees and court costs. The judgment for penalty, attorney fees, and costs may be rendered in the same judgment as the injunction.

E. Barbers or facilities licensed by the Louisiana Board of Barber Examiners shall not be prohibited from performing any work authorized by Chapter 5 of this Title, or any rules or regulations adopted pursuant thereto.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§607. Review of Board Orders

A. Any person to whom the board has refused to issue a certificate of registration, permit, or any other designation deemed necessary to engage in the practice of cosmetology, esthetics, manicuring, or teaching, or any person whose registration, permit, or any other designation deemed necessary to engage in the practice of cosmetology, esthetics, manicuring, or teaching has been suspended, revoked, or has been refused to be renewed by the board, may appeal the decision and order of the board to the Nineteenth Judicial District Court.

B. Absent agreement of counsel for all parties, no stay of enforcement of a decision issued by the board during pendency of an appeal pursuant to the provisions of this Section shall be granted unless the district court finds that the applicant has established that the issuance of the stay does not do either of the following:

(1). Threaten harm to persons for whom the applicant may render services.

(2). Constitute a threat to the health and welfare of the citizens of the state.

C. No stay shall be granted ex parte. The court shall schedule a hearing on the request for a stay order within ten days from filing of the request. The court shall render a decision within five days of the conclusion of the hearing.

Acts 2001, No. 907, §2, eff. June 26, 2001.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXXI. Cosmetologists
and
Revised Statutes
Title 37
PROFESSIONS AND OCCUPATIONS
Chapter 6-A. Louisiana Cosmetology Act
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