RULES

AND

REGULATIONS

Rules and Regulations

Index

Page

1. General

101. Authorization and Applicability 29
102. Tenses, Gender and Number 29
103. Definitions 29
104. Communications....30
105. Request for Public Records....30
106. Board Meetings 31
107. Posting Laws, Rules, Notices and Bulletins 31
108. Display of License 31
109. Personnel 32
110. Demonstrator's Permit 32
111. Violations of Law, Rules and Regulations 32
112. Complaints 33
113. Standards Related to Competent Practice....33
114. Oral Proceeding on Proposed Rules.... 34
115. Declaratory Opinions....35

2. Schools; Approval of

201. Procedure for Opening of New School 39
202. Required Space for Schools 41
203. Required Equipment 42
204. Name of School 47
205. School Advertising 47
206. School Change of Ownership, Addition of Partners; Change of Location; Change of Trade Name; Renovation of Existing School 47
207. Satellite Classroom 49
208. Instruction Staff 50
209. Required Display 51
210. Separation of Schools from Other Businesses 52
211. Services for the Public; Restrictions 52
212. Student-School Contracts 52
213. School Inspections 52
214. School Closure....53

3. Schools; Student Enrollment; Curriculum; Records

301. Requirements for Enrollment 53
302. Equipment and Supplies 55
303. Curriculum 57
304. Attendance 65
305. Transfer Students 66
306. Insignia or Badges 67
307. Work Upon Paying Patron 67
308. Records, Forms and Applications 67
309. Licensing Examination Pass/Fail Ratio 69

Page

4. Examinations
401. Examination Eligibility 70
402. Permit to Work 77
403. Examinations 79
404. Examination Fee Forfeiture 80
405. Failure to Qualify 80

5. Continuing Education
501. Definitions 80
502. Continuing Education Requirements 81
503. Categories 82
504. Documentation of Continuing Education....85

6. Licensing
601. Reciprocity 86
602. Fee Receipts 88
603. Duplicate License 89

7. Salons: Approval of
701. Procedure for Opening of New Salon 90
702. Required Equipment 91
703. Salon Change of Ownership; Addition of Partners; Change of Location; Change Trade Name 93
704. Nursing Homes 94

8. Sanitation
801. Enforcement 95
802. Posting Sanitary Rules 95
803. Interior 95
804. Personal Sanitation 96
805. Chairs, Shampoo Boards and Bowls 97
806. Linens 97
807. Bottles and Containers 98
808. Instruments and Supplies 98
809. Disinfecting Work Surfaces, Instruments, Materials and Supplies 99
810. Disinfecting Electric Clippers and Metal Instruments 100
811. Disinfecting Manicure instrument While in Use on a Patron 100
812. Cleaning and Disinfecting Whirlpool Footspas....100
813. Blood Spill Procedures 102
814. Health and Safety Issues 103
815. Creams, Lotions, Powder and Other Cosmetics 103

RULES AND REGULATIONS

1. GENERAL

101. AUTHORIZATION AND APPLICABILITY

I. The following Rules and Regulations are adopted in conformity with Chapter 7, Section 73-7-7, Laws of the State of Mississippi, Code of 1972 Annotated, as amended, pursuant to the authority vested in the Mississippi State Board of Cosmetology.

II. These Rules and Regulations are applicable to all persons licensed or registered in accordance with the provisions of Chapter 7, laws of the State of Mississippi, Code of 1972 Annotated, as amended, and are effective as of July 1, 2000 and will continue pursuant to law.

102. TENSES, GENDER AND NUMBER

For the purpose of these rules and regulations, the present tense includes the past and future tenses, and the future, the present; the masculine gender includes the feminine and the feminine, the masculine; and singular includes the plural, and the plural the singular.

103. DEFINITIONS

As used in this chapter, unless the context otherwise requires:

I "Agent" means a member of the Board or any of its authorized representatives.

II "Board" means the Mississippi State Board of Cosmetology.

III "Cosmetology Law" or "Law" means the Mississippi code of 1972, Annotated, Title 73, Chapter 7, as amended.

IV "Establishment" means cosmetological establishment; school or salon.

V "Practitioner" means an individual who is practicing one of the professions regulated by the Mississippi State Board of Cosmetology, as defined in §73-7-2.

VI. "Salon" means an establishment operated for the purpose of engaging in the practice of cosmetology, or manicuring and pedicuring, or esthetics, or wigology, or all of those.

VII. "School" means an establishment, public or private, operated for the purpose of

teaching cosmetology, or manicuring, or pedicuring, or esthetics, or wigology, or all of those.

VIII. "Student" means any person attending classes in a school licensed by the Board.

IX. "Subject" means instruction and training or study of a theoretical or skill operation.

X. "Applied effort" means the time devoted to the study of theory, attendance at theory classes, and the actual performance or all practical skills.

XI. "Average daily attendance" means the average daily attendance ver a three-month period of the students enrolled in a school.

XII. "Full Time" means not less than 25, nor more than 40 hours per week.

XIII. "Part Time" means anything less than number 11, above.

XIV. "Lead Instructor" means the instructor who is in charge of the teaching program at a licensed school.

104. COMMUNICATIONS

All communications with reference to licensure, rules and regulations or general information should be addressed to the Mississippi State Board of Cosmetology, P.O. Box 55689, Jackson, Mississippi 39296-5689. Issues related to Schools and examinations should be directed to the Department of School Coordination.

105. REQUEST FOR PUBLIC RECORDS.

I. The only information which is made available to the public through a telephone inquiry is whether or not an individual is licensed by the Board, and whether or not the license is current. Any other request for information must be submitted in writing to the Board office and will be released only after a review and determination as to whether the information requested is Public Record as defined by Mississippi Statute, and only after the cost to produce the record has been collected.

II. The board will respond to a public records request within 14 days from the date the request is received.

III. In considering the cost for production of the record, the following will be included: cost of production of copies, expendable printer supplies, cost of record research by a member of the Board staff, and mailing costs. Any other unforeseen costs will be disclosed to the individual requesting the record.

IV. Licensure application files, including, but not limited to examination results are not considered public record, and may be released only with approval of the third party. A request for public record, including a third party release, will be considered only after or at the time the record is actually created. An individual who wants his

or her examination record released to their school may complete and submit a release form at the time of the examination.

106. BOARD MEETINGS:

I. The Board holds its meetings on the last Monday of each month, beginning at 9:00 AM, unless extenuating circumstances exist which preclude same. In the event a Board meeting is scheduled for another time, written notice will be sent to all individuals who make written request that they be so notified.

II. All Board meetings are open to the public, and the public is welcome, however, public members may not participate in business discussion unless invited to do so.

III. The public may write or call the board office at least one week in advance of the scheduled meeting, to be placed on the agenda if they have a specific matter they wish the board to consider.

IV. Any written requests for consideration without personal appearance at the meeting must be received in the Board office no later than five working days proceeding the meeting.

A. Matters involving schools, students, or examinations should be directed to the attention of the School Coordinator.

B. All other matters should be directed to the attention of the Executive Director.

V. The Board may, at its option, set aside a period at the end of the meeting to receive questions and comments from the public.

107. POSTING LAWS, RULES, NOTICES AND BULLETINS

An establishment must post on its premises, in a place conspicuous to the public, copies of laws, rules, notices or bulletins as the Board may from time to time direct.

108. DISPLAY OF LICENSE

I. Every licensee must display his license in a conspicuous place within reading distance of the public. A practitioner's place of business is his or her working area in the establishment.

II Any licensee utilizing or planning to utilize a power drill or electric file in any manicuring procedure must post the required certificate of proficiency at his/her working area in the establishment.

109. PERSONNEL

Receptionists, maids and other unlicenced personnel are prohibited by law from practicing cosmetology, manicuring, esthetics, or wigology in any manner.

110. DEMONSTRATOR'S PERMIT

An establishment must not allow a product demonstrator to demonstrate any product without a permit which has been issued in accordance with law section 73-7-25.

111. VIOLATIONS OF LAW; RULES AND REGULATIONS

I. All establishments licensed by the Mississippi State Board of Cosmetology will be inspected at least once per year to insure compliance with the laws and rules and regulations of the Ms. State Board of Cosmetology.

In any instances of non-compliance with Title 73, Chapter 7 of the Laws of the state of Mississippi (the violation) and any of the Rules and Regulations of the MS State Board of Cosmetology, one of the following forms will be issued:

A. Establishments and individuals licensed by the Board: a citation for violation will be issued.

B. Establishments and individuals not licensed by the Board: a Complaint of Agent of the Ms. State Board of Cosmetology; Unlicensed Practice, will be issued.

C. **Individuals failing to provide identification, when requested, to substantiate that they are the lawful holder of a practitioner's license: A citation for violation will be issued to the owner and/or manager of the salon in which they are working.** Where the owner and manager are the same, only one violation will be issued.

II. A copy will be given to the violator with instructions to immediately complete the reverse side by indicating what has been done to correct the non-compliance item, sign and date the form, and forward to the Board office.

III. A. In most cases , violators will be given the opportunity to resolve first instances of non-compliance. Failure to respond to the citation for violation will be recommended to the Board for Administrative hearing or for referral to the proper city/county authorities.

B. **Salon owners and/or managers who are suspected of allowing unlicensed individuals to practice in their salon, who have refused to provide proof of identification to agents of the board, will not be allowed to resolve the citation for violation; they will be recommended to the Board for Administrative hearing.**

IV. A second offense of the same violation within a three year period will be recommended to the Board for Administrative Hearing or for referral to the proper city/county authorities.

V. If, at the time of issuance, the inspector is not aware that the violation is a repeat, a letter will be sent to the licensee as soon as the repeat record is discovered. The letter will advise the licensee that, because the matter is a repeat, it will be recommended for a hearing, regardless of whether or not a response is received.

112. COMPLAINTS:

I. Any person may file a complaint with the Board of Cosmetology in accordance with §73-7-27, Laws of the State of Mississippi.

II. The complaint must be in writing, on a form prescribed by the board. It must be signed, notarized, and accompanied by a Release Form, and a Consent form that states the complainant agrees to testify to the allegations, and that the complainant understands that the information becomes public record once the investigation is over.

III. When the investigation has been completed, the complaint case will be presented to the Board, at which time the Board may:

A. Dismiss the Complaint

B. Initiate a formal complaint and notice of hearing.

IV. Both the complainant and the accused will be notified of the Board's decision.

113. STANDARDS RELATED TO COMPETENT PRACTICE

I. A practitioner may provide advanced services which are within his or her scope of practice, as defined in §73-7-2, Laws of the State of Mississippi, Code of 1972 Ann., under the following conditions:

A. The practitioner obtains appropriate education relative to the services to be provided;

B. The practitioner demonstrates appropriate knowledge, skills, and abilities to provide the service;

C. The practitioner maintains documentation satisfactory to the Board of meeting the requirements of items A. and B. of this rule;

D. The service does not involve a function or procedure which is prohibited by any other law or rule.

II. A cosmetologist or esthetician providing services involving exfoliation must limit the exfoliation to the stratum corneum cells only. Microdermabrasion equipment must be approved by the Federal Food and Drug Administration (FDA) as a Class I

device intended for use by licensed practitioners. The practitioner must prominently display the manufacturer's certificate of training for each type of equipment used, and must comply with the manufacturers' directions in the use of each product. The use of FDA Class 2 or Class 3 devices is prohibited.

114. ORAL PROCEEDINGS ON PROPOSED RULES

I. This rule applies to all oral proceedings held for the purpose of providing the public with an opportunity to make oral presentations on proposed new rules and amendments to rules before the Board pursuant to §25-43-3.104.

A. The Board will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (1) persons in writing within twenty (20) days after the filing of the notice of the proposed rule.

B. Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches) Requests may be in the form of a letter addressed to the Board and signed by the requestor(s)

C. The date, time and place of al oral proceedings shall be field with the Secretary of State's office and mailed to each requestor. The oral proceedings will be scheduled no earlier than twenty days from the filing of this information with the Secretary of State.

D. The Board President or his designee, who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.

II Public Presentations and Participation

A. At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the proposed rule.

B. Persons wishing to make oral presentations at shall a proceeding shall notify the Board at least one business day prior to the proceeding and indicate the general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate that have not previously contacted the Department.

C. At the proceeding, those who participate shall indicate their name and addresses, identify any persons or organizations they may represent, and provided any other information relating to their participation deemed appropriate by the presiding officer.

D. The presiding office may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.

E. Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.

F. There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the partisan's time where to orderly conduct of the proceeding so requires.

III. Conduct of Oral Proceeding.

A. The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceeding. The presiding officer shall:

1. Call proceeding to order.
2. Give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons provided by the Board for the proposed rule.
3. The presiding officer, where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any prior written submissions make by those participants in that proceeding; but no participant shall be required to answer any question.
4. Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Board and are subject to the Board's public records request procedure.
5. The Board may record oral proceedings by stenographic or electronic means.

115. DECLARATORY OPINIONS

I. These rules set forth the Board of Cosmetology's rules governing the form and content of requests for declaratory opinions, and the Board's procedures regarding

the requests, as required by Mississippi Code §25-43-2.103. These rules are intended to supplement and be read in conjunction with the provisions of the Mississippi Administrative Procedures Law, which may contain additional information regarding the issuance of declaratory opinions. In the event of any conflict between these rules and the Mississippi Administrative Procedures Law, the latter shall govern.

A. Any person with a substantial interest in the subject matter may request a declaratory opinion from the Board by following the specified procedures. "Substantial interest in the subject matter" means: an individual, business, group or other entity that is directly affected by the Board's administration of the laws within its primary jurisdiction. "Primary jurisdiction of the Board means that the board has a constitutional or statutory grant of authority in the subject matter at issue.

B. The Board will issue declaratory opinions regarding the applicability to specified facts of:
   1. A statute administered or enforceable by the Board, or
   2. A rule promulgated by the Board.

   The Board will not issue a declaratory opinion regarding a statute or rule which is outside the primary jurisdiction of the agency.

C. The Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:
   1. lack of clarity concerning the question presented;
   2. there is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;
   3. the statute or rule on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;
   4. the facts presented in the request are sufficient to answer the question presented;
   5. the request fails to contain information required by the rules or the requestor failed to follow the procedure set forth in these rules;
   6. the request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the statue or rule on which a declaratory opinion is sought;

7. no controversy exists concerning the issue as the requestor is not faced with existing fact or those certain to arise which raise a question concerning the application of the statute or rule;
8. the question presented by the request concern the legal validity of a statue or rule;
9. the request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct;
10. no clear answer is determinable;
11. the question presented by the request involved the application of a criminal statute or an set of facts which may constitute a crime;
12. the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;
13. the question is currently the subject of an Attorney General's opinion request or has been answered by an Attorney General's opinion;
14. a similar request is pending before this board or any other agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law.
15. where issuance of a declaratory opinion may adversely affect the interest of the State, the Board of any of their officers or employees in any litigations which is pending or may reasonable be expected to arise;
16. the question involves eligibility for a license, permit, certificate or other approval by the Board or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate or other approval would be determined.

D. Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-12 inches by 11 inches). Request must be in the form of a letter addressed to the Board.

E. All requests must be mailed, delivered or transmitted via facsimile to the Board. The request shall clearly state that it is a request for a declaratory opinion. No oral, telephone request or e-mail requests will be accepted for official opinions.

F. Each request must include the full name, telephone number and mailing address of the requestor. All request shall be signed by the person filing the request, who shall attest that the request complies with the requirements set forth in these rules, including by not limited to a full, complete and accurate statement of relevant facts and that there are no related proceedings pending before any other administrative or judicial tribunal.

G. Each request shall contain the following:

1. a clear and concise statement of all facts on which the opinion is requested;
2. a citation to the statue or rule at issue;
3. the question(s) sought to be answered in the opinion, stated clearly;
4. a suggested proposed opinion from the requestor, state the answers desired by petitioner and a summary of the reasons in support of those answers;
5. the identify of all other known persons involved in or impacted by the desired factual situation, including their relationship to the facts, name, mailing address and telephone number; and
6. a statement to show that the person seeking the opinion has a substantial interest in the subject matter.

H. Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Board shall in writing:

1. issue a declaratory opinion regarding the specified statute or rule as applied to the specified circumstances;
2. Decline to issue a declaratory opinion, stating the reasons for its action; or
3. Agree to issue a declaratory opinion by a specified time bu not later than ninety (90) days after receipt of the written request;

The forty-five (45) days period shall begin running on the first State of Mississippi business day on or after the request is received by the Board, whichever is sooner.

I. A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the Board may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a

determination that the request failed to meet the requirements of these rules and that the opinion issued contains a legal or factual error.

II. The Board may give notice to any person, agency or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments and opinions from other persons, agencies or other entities other than the requestor.

III. Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Public Records Act and the Board's public records request procedure. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement shall remain confidential.

IV. The Board will not pursue any civil, criminal or administrative action against a person who is issued a declaratory opinion from the Board and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the Board shall be binding only on the Board and the person to whom the opinion is issued. No declaratory opinion will be used a precedent for any other transaction or occurrence beyond that set forth by the requesting person.

2. SCHOOLS: APPROVAL OF

201. PROCEDURE FOR OPENING OF NEW SCHOOL

I. Procedure for filing an application for initial school approval.

A. Any person contemplating owning or operating a school must make an appointment with the board to discuss in detail the operation and conduct of a school.

B. Interested persons must complete a Personal Survey Form and return to State Board of Cosmetology prior to initial meeting with the Board.

II. An application for a license to conduct a school must be submitted on an application form prescribed and provided by the Board, accompanied by such

evidence, statements or documents as required, and filed with the Board at its office in Jackson, Ms.

A. The following information must be provided **with** the application:

1. Required Fee.
2. A floor plan of the proposed school, indicating measurements for each area, and equipment layout.
3. A detailed financial statement which indicates financial solvency.
4. The name, address and telephone number of the manager/supervisor, and the name, address, and registration number of the teacher(s) of the proposed school.
5. A copy of the contract form to be used between the school and the student.
6. A copy of proposed brochures, catalogs and advertisements

B. An incomplete application will be returned to the applicant within thirty (30) days after received by the Board, with the cause for the return.

III. The Initial Inspection

Upon receipt and approval of Application for Approval and Personal Survey, the Board may conduct an initial inspection.

A. The inspection will be performed by two or more agents of the Board for the purpose of determining:

1. Suitability of:
   (a) The proposed location.
   (b) Proposed rooms, including adequacy of floor space, plumbing, ventilation, lighting, etc., in accordance with the floor plan.
   (c) Proposed items of equipment and material.
2. Satisfactory evidence of proper provisions for duly licensed teachers and properly qualified manager/supervisor.

B. The findings of the initial inspection will be submitted to the Board for its approval at its next regular meeting. The applicant will be notified in writing of the decision of the Board within 30 days.

C. If the Board determines that the applicant is knowledgeable regarding requirements for licensure and operation of a school of cosmetology, the Board may waive the initial inspection, if it so desires.

IV. Final Inspection and Approval of Proposed Schools.

A. If the inspection is found to be in order and the results of the initial inspection approved, a final inspection will be made by two (2) agents of the Board, at least one of which will be a Board Member.

B. The final inspection will be conducted in order to determine that:

1. All requirements, as indicated in the application have been strictly adhered to by owners of the proposed school.
2. School has met building or fire code requirements as evidenced by copy of inspection report by local authorities.

C. No School will be approved until the Board has had ample opportunity to verify sworn statements as to the actual ownership, and all other claims and representations set forth in the "Personal Survey Form", the "Application for Approval", the "Initial Inspection Report", and the Final Inspection Report.

D. If all requirements and qualification are met, the Board will cause written approval to be issued. No school will be considered approved, nor will classes be allowed to begin, until said approval has been executed.

E. The Board reserves the right to deny school approval to any applicant who fails to meet the requirements for conducting a school and/or who fails to present satisfactory evidence of his or her business, professional and personal integrity and experience.

V. Miscellaneous Information:

A. *Enrollments.* Students may be registered, but not admitted to class until such time as the school has received its final approval.

B. *Instructor.* Each school must have on its staff at least one full-time instructor who is charged with the responsibility of the teaching program, and who is considered the lead instructor. This person must hold an active current license in the state at the time of application for school approval.

C. The board may revoke or suspend the approval of any school for any violation of any of the conditions set forth for licensing, or if further investigation reveals misrepresentation on the part of the applicant.

202. REQUIRED SPACE FOR SCHOOLS

I. Schools must have a minimum square feet of floor space, according to the courses which they propose to teach which includes, at a minimum, skill and theory classrooms, reception area, office, two (2) restrooms, reference library, dispensary/stock room, facial area, and locker area. This floor space is to accommodate a maximum number of students and for every student thereafter, 25 square feet of floor space per student must be added:

Cosmetology Schools - 2500 square feet, up to 40 students
Manicuring Schools - 1800 square feet, up to 28 students
Esthetics Schools - 1800 square feet, up to 28 students

II. All walls, partitions or other obstructions between classrooms other than the lecture room in schools of cosmetology must be so constructed as to provided for continuous and uninterrupted supervision.

203. REQUIRED EQUIPMENT

I. All Schools

A. Each school must have an adequate supply of disinfectant and safety equipment to insure that the school complies with sanitation Rules 801 - 814, including: wet disinfectant containers, dry sanitizers, closed cabinets for clean towels, covered soiled towel receptacles, large covered trash can, and first aid kit.

B. Each school must have adequate resource materials to aid in the teaching of both skill and theory subjects, including charts and visual aids, chalk board, bulletin board, reference library, and time clock or time sheets.

C. The minimum equipment requirement must remain in full force and effect so long as the school remains in operation.

D. All equipment must be maintained in a sanitary, safe operating order at all times.

II. Cosmetology Schools:

A. The minimum amount for a school of Cosmetology is as follows:

1. Mannequin……7
(In addition to this number of practice mannequins, the school must furnish, upon enrollment, to every student, a mannequin in good condition for his use throughout the period of training.)

2. Time Clock or Time Sheet.....(See Rule 308.C. and D.)

3. Shampoo Bowls and chairs.....5
(When the average daily attendance exceed 30 students, additional shampoo bowls must be added at the ratio of one for each five students in average daily attendance in excess of 20.)

4. Dryers……12
(When the average daily attendance exceeds 30 students, additional dryers must be added at the ratio of 1 for each 5 students in average daily attendance in excess of 20.)

5. Facial Chairs, complete with footrest, headrest, magnifying lamp, and practitioner stool.....1

(When the average daily attendance exceeds 30 students, additional facial chairs must be added at the ratio of 1 for each 10 students in average daily attendance in excess of 20.)

6. Manicure Tables……3
(When the average daily attendance exceeds 30 students, additional facial chairs must be added at the ratio of 1 for each 10 students in average daily attendance in excess of 20.)
7. Cold Wave Equipment: Sets of four doz. assorted rods.....10
8. Thinning Shears(Pair)..... 1
9. Chemical Hair Straighteners with the following ingredients:
Thiogylocate (bottle or package).....1
Sodium Hydroxide (bottle or package).....1
10. Thermal Hair Straighteners:
Combs……8
Stove (not required if comb electric).....8
Curling iron (no larger than size "G").....8
11. Containers for antiseptic solution, per manicure table.....1
12. Work station with chair and mirror.....20
Station chairs must be so constructed that they may be elevated and lowered either mechanically [hydraulic pump] or manually [swivel]).
(When the average daily attendance exceed 30 senior students, one additional station per student must be added).
13. Work table(s) for Junior Students.....adequate.
14. Classroom chairs with desk rest.....20

III. Esthetics Schools:

A. The minimum equipment for a school in which a course of training in which esthetics only is taught is as follows:

1. Facial treatment chair, treatment table, or hydraulic treatment chair 3
(When the average daily attendance exceeds 6 students, additional facial chairs must be added at the ratio of one per every 2 students in average daily attendance in excess of 3)
2. Esthetician's stool 3
(When the average daily attendance exceeds 6 students, additional esthetician's stools must be added at the ratio of one per every 2 students in average daily attendance in excess of 3)

3. Facial Vaporizer 3
(When the average daily attendance exceeds 6 students, additional vaporizers must be added at the ratio of one per every 2 students in average daily attendance in excess of 3)
4. Pulverizer Spray (Mister) 3
(When the average daily attendance exceeds 6 students, additional Pulverizer Sprays must be added at the ratio of one per every 2 students in average daily attendance in excess of 3)
5. Galvanic Current Apparatus or Faradic & Sinusoidal Apparatus 1
6. High Frequency Apparatus 3
(When the average daily attendance exceeds 6 students, additional high frequency apparatus must be added at the ratio of one per every 2 students in average daily attendance in excess of 3)
7. Heating Mask or hot towels.....3
(When the average daily attendance exceeds 6 students, additional heating masks must be added at the ratio of one per every 2 students in average daily attendance in excess of 3)
8. Heating Mitts or paraffin with mitts.....3 pair
(When the average daily attendance exceeds 6 students, additional pairs of heating mitts must be added at the ratio of one per every 2 students in average daily attendance in excess of 3)
9. Infra-red lamp.....3
(When the average daily attendance exceeds 6 students, additional infra-red lamps must be added at the ratio of one per every 2 students in average daily attendance in excess of 3)
10. Ultra-violet lamp 3
(When the average daily attendance exceeds 6 students, additional Ultra-violet lamps must be added at the ratio of one per every 2 students in average daily attendance in excess of 3)
11. Woods lamp 1
12. Magnifying lamp (Loupe).....3
(When the average daily attendance exceeds 6 students, additional Magnifying lamps must be added at the ratio of one per every 2 students in average daily attendance in excess of 3)
13. Electric wax heater 1
14. Utilities Tables 3

(When the average daily attendance exceeds 6 students, additional utility tables must be added at the ratio of one per every 2 students in average daily attendance in excess of 3)
(In lieu of utility tables, one continuous counter top may be utilized)

15. Table for Machines .....1 per machine
16. Cabinet for records cards 1
17. Lavatory with hot and cold running water in the treatment area.....1

IV. Departments of Esthetics:

B. The minimum equipment requirement for a school of cosmetology desiring to include a department of esthetics in its training program, must be at least one (1) of each item specified for a school of esthetics.

C. When the average daily attendance exceeds two (2), the minimum equipment must be increased at the rate of one (1) per every two (2) students.

V. Schools of Manicuring/Pedicuring:

A. The minimum equipment for a school in which a course of training in manicuring/pedicuring is taught is as follows:

1. Manicure table fitted with adjustable lamp, client chair and operators stool or chair..... 10
(When the average daily attendance exceeds 10 students, additional manicure tables, lamps and stools must be added at the ratio of one per every 1 students in average daily attendance in excess of 10)
2. Covered containers for waste material..... 10
(When the average daily attendance exceeds 10 students, additional covered waste containers must be added at the ratio of one per every 1 students in average daily attendance in excess of 10)
3. Cushion (8" x 12") covered with a washable slip or sanitized towel on which clients rest arm.....10
(When the average daily attendance exceeds 10 students, additional arm rests must be added at the ratio of one per every 1 students in average daily attendance in excess of 10)
4. Supply tray for holding cosmetics.....10
(When the average daily attendance exceeds 10 students, additional cosmetic trays must be added at the ratio of one per every 1 students in average daily attendance in excess of 10)
5. Finger bowl (plastic, china or glass with removal paper cups) for holding warm water and cleanser.....10

(When the average daily attendance exceeds 10 students, additional finger bowls must be added at the ratio of one per every 1 students in average daily attendance in excess of 10)

6. Cotton containers.....10
(When the average daily attendance exceeds 10 students, Additional cotton containers must be added at the ratio of one per every 1 students in average daily attendance in excess of 10)

7. Electric heaters - for heating oil/lotion when providing a heat manicure.....10
(When the average daily attendance exceeds 10 students, additional electric heaters must be added at the ratio of one per every 1 students in average daily attendance in excess of 10)

8. Disinfection containers for immersion of manicuring implements during procedure.....10
(When the average daily attendance exceeds 10 students, additional disinfection containers must be added at the ratio of one per every 1 students in average daily attendance in excess of 10)

9. Basins for Pedicure Cleanser.....5
(When the average daily attendance exceeds 10 students, additional cleanser basins must be added at the ratio of one per every 2 students in average daily attendance in excess of 10)

10. Basins for pedicure rinse water.....5
(When the average daily attendance exceeds 10 students, additional rinse water basins must be added at the ratio of one per every 2 students in average daily attendance in excess of 10)

11. Electric nail files 2

12. Hand form with stand; demonstrational purposes.....5
(When the average daily attendance exceeds 10 students, additional hand forms must be added at the ratio of one per every 2 students in average daily attendance in excess of 10).

B. The clinic floor in a manicure school must be ventilated to the outside air.

204. NAME OF SCHOOL

A school of Cosmetology must be designated as such by a sign large enough to be clearly legible.

205. SCHOOL ADVERTISING

I. Advertising of a proposed school is to be limited to the procurance of students.

II. A licensed school is allowed to advertise the prices of clinical services outside the premises as long as the following conditions are met:

A. The advertisement will clearly state, in bold print that **"all work is performed by students".**

B. No comparison of prices is made to any other school or to licensed salons.

206. SCHOOL CHANGE OF OWNERSHIP; ADDITION OF PARTNERS; CHANGE OF LOCATION; CHANGE OF TRADE NAME; RENOVATION OF EXISTING SCHOOL. No license is transferable from one owner to another or from one location to another.

I. Change of Ownership

A. School owners who contemplate selling or transferring the ownership of a school must notify the board, in writing, prior to sell or transfer.

B. An application for Initial School Approval must be submitted to the board by the prospective owners, in accordance with Rules 201 through 203.

C. The sale or transfer must not be completed until the application of the new owner has been approved.

II. Addition of Partners:

A. School owners who contemplate the addition of a partner, must notify the board, in writing, of their intent to so do.

B. At any time the original applicant is no longer a partner in the school, an Application for Initial School Approval will be required, in accordance with Rules 201 through 205.

III. Change of location:

A. School owners who contemplate a relocation of a school must submit an application for relocation on a form prescribed and provided by the board. The approved application requires the submission of, at least:

1. A floor plan of the proposed school, indicating room measurements, placing of equipment, partitions, entrances and exists, and plumbing.
2. Copies of brochures, catalogs, or any advertising materials in use or proposed to be used.
3. Certificate or letter indicating that the facility has met building or fire code requirements of local authorities.
4. Schedule of teachers, indicating full time/part time.

5. Detailed Financial Statement indicating individual or corporate solvency.
6. Required fee.

B. Relocation of a Cosmetology School within a radius of 15 miles from the existing school may not require submission of:
   1. Copies of brochures, catalogs, or advertising materials, *unless* there have been substantial changes made.
   2. Schedule of Teachers, *unless* there has been a change in those schedules from that which is on file at the board.

C. Upon receipt and approval of Application for School Approval, the board may conduct an Initial Inspection. The inspection will be performed by two or more agents of the Board of Cosmetology for purposes of determining:
   1. Suitability of:
      (a) the proposed location
      (b) Proposed rooms, including adequacy of floor space, plumbing, lighting, etc, in accordance with floor plan.
      (c) Proposed items of equipment and material.
   2. Satisfactory evidence of proper provisions for duly licensed teachers and Manager/Supervisor.
   3. The findings of this initial inspection will be submitted to the board for its approval at its next regular meeting, and the applicant will be notified in writing, of the decision of the board, within 30 days.
   4. If the Board determines that the applicant is knowledgeable regarding requirements for licensure and operating of a school of cosmetology, the Board may waive the initial inspection if it so desires.

D. If application is found to be in order and the results of the initial inspection is approved, a final inspection will be made by two (2) agents of the Board, at least one of which will be a board member.
   1. The final inspection will be conducted in order to determine that all requirements as indicated in the application, have been strictly adhered to by the owners.
   2. School has met building or fire code requirements as evidenced by inspection report of local authorities
   3. If all requirements and qualifications are met, written approval will be issued. No school will be considered approved for licensure until same has been executed.

E. The Cosmetology Board reserves the right to deny school approval to any applicant who fails to meet the requirements for conducting a school and/or who fails to present satisfactory evidence of his or her business, professional and personal integrity.

IV. Change of Trade Name:

A school must not change its trade name without having first notified the Board in writing of its intent to do so.

V. Renovation:

Before any major alteration or renovation of school is made, the plan of such alteration or renovation must first be submitted to the Board in writing and written approval must be received.

207. SATELLITE CLASSROOM:

I. Definition: A satellite classroom is a supplemental training space located near the main school for the purpose of training an overflow of students who cannot be accommodated at the main school.

A. A satellite classroom must be close enough to the main school to assure immediate supervision by the main school. The satellite classroom may be no further than five miles from the main school.

B. A clinic may not be operated at a satellite classroom location.

C. A school is responsible and accountable to the Board for its satellite classroom location.

1. If ownership of the separate facility changes from that of the main school, board approval does not continue for the satellite facility.

2. The separate classroom must bear the same name as the main school, and must be identified as such by an outside sign.

II. Application Procedure:

A. An application for a Separate Classroom Location must be submitted on an application form prescribed and provided by the Board, accompanied by such evidence, statements, or documents as therein required and filed with the Board at its office in Jackson, Mississippi.

B. The following is to be submitted with the application:

1. A fee of $50.00), which covers the cost of the inspection of the facility, and $10.00 for a duplicate of the main school license.

2. An area map noting the location of the satellite school in respect to the main school. The map must include an appropriate scale.
3. A Floor plan, indicating total square feet in the satellite classroom, and square feet of each section of the classroom, if it should consist of more than one section.
4. A description of the outside sign.

III. Approval Procedure:

A. Upon receipt and approval of an Application for Satellite Classroom approval, the Board will conduct an inspection to determine:

1. The suitability of:
   (a) the proposed location
   (b) proposed classroom, including adequacy of floor space, plumbing, ventilation, lighting, etc., in accordance with floor plan.
   (c) Proposed items of equipment and material.
2. Satisfactory evidence of proper provision for duly licensed teacher(s).
3. If all requirements and qualifications are met, written approval will be issued. No satellite classroom will be considered approved, nor will classes be allowed to begin in the satellite classroom until this approval has been executed.

208. INSTRUCTION STAFF

I. There must be on the staff at least one full time instructor at all times, who holds a current, active license as an instructor in this state.

II. Immediately upon employment, the school must submit on a form approved by the Board, a Certification of Instructor employment which indicates full or part-time employment.

III. The Board must be notified in writing, within ten (10) days of any changes in instructor staff of a school of cosmetology.

IV. When the enrollment exceeds 20 students there must be added to the staff an additional full-time instructor for every 20 students thereafter, Each student, including student instructor, cosmetologist, manicurist, esthetician, and part time is counted as full time enrollment.

V. For each full-time instructor there can be no more than three student instructors.

VI. Absence from the classroom of the instructor must be reported to the Board of Cosmetology, Department of School Coordination. Arrangement must be made for an instructor replacement during vacations, prolonged illness, etc. When the

instructor is absent for one day or less, a student instructor or senior student may be left in charge. No chemical work is permitted when the school is left in the charge of a senior student.

VII. An instructor/student instructor is strictly prohibited from practicing on paying patrons except in a classroom situation where such practice is for demonstration only.

VIII. All practice work by student is to be supervised and checked by an instructor licensed by this Board.

IX. All student instructors must at all times, be under the direct supervision of an instructor who holds a current, active license issued by the Board, except as provided by Rule 208.VI..

X. Any instructor teaching or planning to teach the use of the power drill or electric file in any manicuring procedure must first present Board approved certification that they are proficient in the use of the instrument. All individuals seeking licensure after January 1, 1998, must present this certification prior to seeking licensure.

209. REQUIRED DISPLAY

All schools must display the following in a location conspicuous to the public:

I. Main School Facilities:

A. The current school license

B. The current license of any instructors teaching in the school

C. The current cosmetology license of any student instructors.

D. The Sanitation Rules and Regulations of the Board.

E. A notice, in letters large enough to be read across the length of the room, that states: *"All services in this school are performed by students who are in training; all work must be inspected by an instructor."*

F. The manicuring power drill/electric file certification of proficiency for any instructor teaching the use of same.

II. Satellite Classroom Facilities:

A. Duplicate school license.

B. A sign, which states, *"Satellite classroom only. No clinic work performed in this facility."*

210. SEPARATION OF SCHOOLS FROM OTHER BUSINESSES:

I. A school cannot be conducted with any other business, including a salon. A school and another business must be separated by walls of permanent construction, and must not have doors or openings between them.

A. Any school which was licensed prior to the effective date of these rules, and which was approved for licensure contrary to this rule, is exempted from same.

II. Schools may offer cosmetology products and related articles for retail sale.

211. SERVICES FOR THE PUBLIC; RESTRICTIONS

I. Students may render services to the public only under the direct supervision of a licensed instructor.

II A student in a school cannot receive a salary or commission from the school for any cosmetology, manicuring, pedicuring, wigology, or esthetic services while he is enrolled in the school as a student.

212. STUDENT-SCHOOL CONTRACTS:

A school is required to execute in duplicate, a contract between itself and a student. A contract between a school and a student must bear the signature of a school official and the student or parent or guardian, if the student is under eighteen years of age. A fully executed copy of the contract must be given to the student; and one copy must remain at all times in the school's student file.

213. SCHOOL INSPECTIONS

I. The board, or its authorized agents, may inspect schools on a regular basis as it deems necessary. The intent and purpose of the inspection is to be determination of compliance with the laws, rules, and regulations of the board.

II. In order to insure that operators of a newly licensed school understands and fully complies with records keeping requirements as set out in Rule Section 3., a special on-site audit may be performed.

A. The audit may take place at the conclusion of the first 90 days of a new school's operations.

B. The audit includes, at a minimum:

1. A review of the student academic files to insure that enrollment forms are properly prepared and on hand, and that proof of secondary education requirements are on hand.
2. A review of all documentation supporting and substantiating student credit hours, including sign in sheets or time cards, and daily reports.
3. An audit of student credit hours which shall encompass at least 10% of the school's reported and verified enrollment at that time.

4. A review of the school's procedures and records which deal with students who are no longer in attendance at the school.

214. SCHOOL CLOSURE:

1. Immediately after a school ceases operations, it must notify the board of the closure by Certified Mail.
2. Within ten (10) days after a school ceases operation, it must forward student records to the board. These records must consist of, but not be limited to: enrollment information which has not been previously submitted to the Board, records of academic progress, a Final Report which accurately reflects credit hours earned, through the last date of attendance, proof of secondary education which has not previously been submitted to the Board, a report which certifies any financial obligation of the student to the school, along with proof of that financial obligation. Files and documentation relating to federal tuition assistance funding should not be forwarded to the Board of Cosmetology.
3. In the event a school ceases operations for a period of more than thirty (30) days, that school is considered by the Board to be officially closed, and new license is required in accordance with the Laws of the State of Ms., Section 73-7-16, and Rule 201, prior to operations resuming, either under original ownership or new ownership, except by notice for vacation or break, or acts of God.

3. SCHOOLS; STUDENT ENROLLMENT; CURRICULUM; RECORDS

301. REQUIREMENTS FOR ENROLLMENT

I. Cosmetologist, manicurist, Esthetician and Wigologist must:

A. Have at least a tenth (10th) grade education or its equivalent.

1. Applicants who do not have a high school diploma may submit transcript or report card as proof of their educational qualifications. Proof of educational qualification must be submitted to the board not later than 30 days after date of enrollment. After this time period, no hours can be granted until the proof of educational qualification has been received in the board office.
2. At least 7 credits are required in order to be considered as completion of a tenth grade education.

3. Any student who enrolls with a 10th grade education must sign a statement indicating that they understand that they are not eligible to sit for the licensing examination until they have completed the 12th grade or its equivalent.
4. When a student does not meet the educational requirement, such student may take a GED. Results of such test must be filed not later than 90 days after date of enrollment. After this time period, no hours can be granted until the proof of educational qualification has been received in the board office.

B. Be no less than 16 years of age. An enrollee who is less than the minimum licensing age of 17 must submit a copy of his/her Birth Certificate along with other enrollment documents.

C. Be able to read, write and speak English.

II. Student Instructor must:

A. Have a current Mississippi license to practice in the field in which he/she is enrolling as a student instructor.
   1. The registration number must be file with the enrolling school and the board at the time of enrollment.
   2. The license of the student instructor must be posted at the school, in a location conspicuous to the public, and must be available for inspection by the board, or its authorized agent(s) during regular business hours.

B. Be no less than 20 years of age.

C. Have a high school education or its equivalent.

D. Be a graduate of a licensed beauty school in this or any other state.

E. Be required to have proof of two (2) years active practical experience as a licensed cosmetologist, manicurist, or esthetician, as the case may be, when enrolling in the 750 hour course for cosmetology instructor training or the 600 hour course for esthetics or manicuring instructor training

F. If the student instructor lacks the required experience, then the course of training must be:
   1. Cosmetology - 2000 hours
   2. Esthetics - 1000 hours
   3. Manicuring - 1000 hours

G. Be able to read, write and speak English

302. EQUIPMENT AND SUPPLIES

I. The following equipment and supplies must be issued by the school, to each student, upon enrollment, according to their course of training:

A. Cosmetologist:

1. Approved textbook
2. Ms. State Board of Cosmetology Law; Rules and Regulations book
3. Mannequin
4. A kit which contains the following minimum equipment and supplies:

Rollers, Assorted.....4 dozen
Brushes.....4
Combs 4
Afro Rake.....1
Large, heavy comb, for comb out/color.....1
Scissors, straight .....1 pair
Razor & blades (box) 1
Curling Iron (size no larger than a quarter) 1
Clippies, Box 1
Shampoo cape 1
Tweezers 1
Tint brush or applicator bottle 1
Manicuring Equipment:
Pusher 1
Orange wood stick 1
File or emery board 1
Cuticle nippers 1
Nail brush 1

B. Manicuring:

1. Approved Text book
2. Ms. State Board of Cosmetology Law, Rules and Regulations Book.
3. Hand form and holder
4. Wet Sanitizer
5. A kit which contains the following minimum equipment and supplies:

Finger Bowl.....1
Nail Brush.....1
Nail tips, various sizes.....1 package
Student sculpture kit, with powder, odorless liquid, brush, forms, and dauber.....1

Emery board, regular.....1
Emery board, wide.....1
Buffer disks, fine & medium.....3 each
Cuticle nippers (or scissors) .....1 pair
Metal pusher 1
Orange wood stick 1
Tweezers 1
Nail base coat/top coat 1
Ridge filler 1
Cuticle oil 1
Nail glue 1

(Note: nail polish, quick dry and remover [both acetone and non-acetone] should be dispensary items.)

C. Esthetics:

1. Approved textbook
2. Ms. State Board of Cosmetology Law; Rules and Regulations Book
3. A kit which contains the following minimum equipment and supplies:

Skin Cleanser .....4 oz.
Skin Freshener .....4 oz.
Moisturizer 1
Foundation: light, medium and dark .....1 ea.
Concealer: light, medium and dark.....1 ea.
Blusher: light, medium and dark .....1 ea.
Eye liner pencil .....1 ea.
Liquid or cream mascara .....1 ea.
Wedge sponges .....1 pk.
Powder brush 1
Contour brush 1
Applicators .....1 pk.
Plastic spatulas .....1 doz.

D. Wigology:

1. Approved textbook
2. Ms. State Board of Cosmetology Law; Rules and Regulations Book
3. A kit which contains the following minimum equipment and supplies:

Head Form.....1
Wigs.....3
Brushes.....4

Combs.....4
Afro Rake or Pick.....1
Large Heavy Comb.....1
Scissors, Straight.....1 pair
Razor & Blades.....1 box
Texturizing Shears.....1 pair
Curling Iron.....1
Clips or Clamps.....1 Pk.
Glue.....1
Glue Applicator.....1
Glue Remover.....1
Hair for Extensions.....Variety
Hair Wefts.....2
T Pins.....1 Pk.
Water Bottle.....1
Clippies.....1 Box
Rollers, Assorted.....4 Dozen

II. A student is not to be required to pay for supplies used in assigned practice work or in clinic floor patron services.

303. CURRICULUM

I. Cosmetologist: The curriculum for students enrolled in a course of 1500 hours of training extended over a period of not less than nine months is as follows:

A. Theory requirements: 230 hours in the following subjects:

Sanitation and Disinfection
Personal Hygiene
Professional Ethics & Salesmanship
Anatomy
Trichology
Onychology
Chemistry
Safety Precautions
State Cosmetology Law, Rule and Regulations
Skill Demonstration
Any other related theory subjects

1. Theory class is to be conducted in a separate classroom by a licensed instructor on the basis of 4 hours minimum per week throughout the entire course of instruction.
2. Students are not to be permitted to leave a theory class to work on patrons.

B. Skill Requirements: 1200 hours in the following subjects:

Shampoos and Rinses
Scalp and Hair Treatments
Hair Shaping; Scissors and Razor
Hair Styling, including Pin Curls and Finger Waves
Care and Styling of Wigs
Manicure and Pedicure
Permanent Waving
Hair Coloring and Lightening
Chemical Hair Relaxing
Facials and Makeup
Thermal Pressing
Croquignole Curling
Safety Precautions
Salon Management
Any other related skill subjects

Skill training and clinic work will be assigned and supervised by a licensed instructor

C. Unassigned: 70 hours, theory or skill, used at instructor's discretion as need of student dictates.

II. Manicurist: The curriculum for student enrolled in a course of 350 hours of training extended over a period of not less than nine weeks is as follows:

A. Theory Requirements: 85 hours in the following subjects:

Personality and Professional Conduct
Bacteriology
Sanitation and Disinfection
Manicuring
Pedicuring
Disease and Disorders of the Nail
Anatomy and Physiology of the Hand, Arm, Foot and Leg
Salon Management & Business Practices
State Cosmetology Law, Rules and Regulations

Safety Precautions
Skill Demonstration
Any other related theory subjects

1. Theory class is to be conducted in a separate classroom by a licensed instructor on the basis of 7 hours minimum per week throughout the entire period of instruction.
2. Students are not to be permitted to leave a theory class to work on patrons.

B. Skill Requirements: 265 hours in the following subjects:

Manicure: Plain and Specialty
Pedicure: Plain and Specialty
Sculptured Nails
Nail Tips
Nail Overlays
Nail Mends
Fill-ins
Electric Nail File
Sanitation and Disinfection
Safety Precautions
Salon Management
Any other related skill subjects

Skill training and clinic work is to be assigned and supervised by a licensed instructor

III. Esthetician: The curriculum for student enrolled in a course of 600 hour of training extended over a period of not less than 15 weeks is as follows:

A. Theory Requirements: 100 hours in the following subjects:

Sanitation and Disinfection
Personal; Hygiene
Professional Ethics and Salesmanship
Anatomy and Physiology of Skin
Chemistry
Hair Removal
Use and Maintenance of Electrical Implements and Machines
Safety Precautions
Cosmetology Law and Rules and Regulations
Skill Demonstration
Any other related theory subjects

1. Theory class is to be conducted in a separate classroom by a licensed instructor on the basis of 5 hours minimum per week throughout the entire period of instruction.
2. Students are not permitted to leave a theory class to work on patrons.

B. Skill Requirements: 500 hours in the following subjects:

Skin Conditions and Treatments
Client Consultations
Sanitation and Disinfection
Skin Care: Manual
Skin Care: Machine
Professional Makeup
Hair Removal
Beautification of Eyes
Salesmanship
Salon Management
Safety Precautions
Any other related skill subjects

Skill training and clinic work is to be assigned and supervised by a licensed instructor.

IV. Wig Specialist: The curriculum for student enrolled in a course of 300 hours of training extended over a period of not less than 8 weeks is as follows:

A. Theory Requirements: 75 hours in the following subjects:

Sanitation and Disinfection
Personal Hygiene
Professional Ethics and Salesmanship
Bacteriology
Wig Care
Wig Shaping
Wig Coloring
Wig Fitting and Adjusting
Extensions, Braiding, and Weaving
Safety Precautions
State Cosmetology Law and Rules and Regulations
Skill Demonstration Classes
Any other related theory subject

1. Theory class is to be conducted in a separate classroom by a licensed instructor on the basis of 7 hours minimum per week throughout the entire period of instruction.
2. Students are not permitted to leave a theory class to work on patrons.

B. Skill Requirements: 225 hours in the following subjects:

Wig Shampooing and Conditioning
Wig Shaping: Scissors and Razor
Wig Care and Styling
Wig Coloring
Extensions, Braiding and Weaving: Blocking and Sewing
Wig Measuring: Blocking and Fitting
Safety Precautions
Salon Management
Any other related skill subjects

Skill training and clinic work is to be assigned and supervised by a licensed instructor.

V. Student Instructor:

A. The curriculum for a student enrolled in a school for a cosmetology instructor training course consists of:

1. 750 hours for those applicants with two or more years active experience.
2. 2,000 hours for those applicants with less than two years active experience.
3. The subject matter and hours for each are:

750 hour Course		2000 Hour Course
12 hours	Theory Observation	32 hours
68 hours	Skill Observation	181 hours
(*The observation hours must be acquired prior to practice teaching)*		
164 hours	The Professional Teacher Including: Teacher Personality Technical Knowledge Teacher Characteristics Teachers as Professionals Preparation for Teaching; Planning the Course	437 hours

	Lesson Plans	
	Steps of Teaching	
99 hours	Student Motivation and Learning	264 hours
	Including:	
	Laws Governing Learning Process	
	Student Motivation	
	Student Participation	
	Student Personalities	
	Slow Learner Vs. Gifted Learner	
332 hours	Methods, Management & Materials	885 hours
	Including:	
	Methods, Procedures & Techniques of Teaching	
	Classroom Management	
	Teaching Materials	
65 hours	Testing and Evaluation	174 hours
10 hours	Cosmetology Law, Rules and Regulations	27 hours

4. Of the designated hours for each category, an adjustment may be made, up to 10% as student needs may require.

B. The curriculum for a student enrolled in a school for an esthetician instructor training course and a manicurist instructor training course consists of:

1. 600 hours for those applicants with two or more years active experience.
2. 1,000 hours for those applicants with less than two years active experience.
3. The subject matter and hours for each are:

600 hour Course		1000 Hour Course
10 hours	Theory Observation	16 hours
54 hours	Skill Observation	90 hours

(*The observation hours must be acquired prior to practice teaching)*

131 hours	The Professional Teacher	223 hours
	Including:	
	Teacher Personality	
	Technical Knowledge	
	Teacher Characteristics	

	Teachers as Professionals	
	Preparation for Teaching;	
	Planning the Course	
	Lesson Plans	
	Steps of Teaching	
79 hours	Student Motivation and Learning	132 hours
	Including:	
	Laws Governing Learning Process	
	Student Motivation	
	Student Participation	
	Student Personalities	
	Slow Learner Vs. Gifted Learner	
264 hours	Methods, Management & Materials	436 hours
	Including:	
	Methods, Procedures & Techniques of Teaching	
	Classroom Management	
	Teaching Materials	
54 hours	Testing and Evaluation	90 hours
8 hours	Cosmetology Law, Rules and Regulations	13 hours

4. Of the designated hours for each category, an adjustment may be made, up to 10% as student needs may require.

C. Prior to application for examination, a student instructor is required to have completed twelve semester hours in college courses approved by the board. It is strongly recommended that the student seek approval of subject matter from the board prior to actual enrollment in the courses.

1. At least one three-hour course must be acquired within a classroom setting; all others may be acquired through self study or correspondence courses.
2. Three of the required twelve hours must be acquired in one of the following subjects:

   Introduction & Philosophy of Vocational Education
   Development & Use of Instructional Materials
   Vocational Curriculum Development
   Methods of Instruction

Communications
Testing & Evaluation
Business Law
English
Business Administration
Any other Methodology course, with Board approval

3. The additional hours may be acquired in any combination of the following elective subjects:

Psychology
Sociology
Mathematics
Trade & Job Analysis and Course Construction
Methods of Teaching Trade Subjects
Shop Organization & Management
Computer
Principles of High School Teaching
Adult Learner
Disadvantaged & Handicapped Student
Industrial Human Relations
Safety & First Aid (must include CPR
Problems of the Family
Any other related courses, with Board Approval

4. Proof of the acquisition of the course must be submitted to the Board in the form of an original transcript from the college or university from which the courses are acquired. The transcript must bear the seal of the school and the signature of the Registrar. Copies are not acceptable.

D. Prior to application for examination, a student instructor must attend one Board "methods of teaching" seminar.

VI. Cross Over Barbers: The curriculum for a licensed barber enrolled in a 500 hour course, as provided for in §73-7-13, extended over a period of not less than 12 ½ weeks is as follows:

A. Theory Requirements: 65 hours

1. Theory class is to be conducted in a separate classroom by a licensed instructor on the basis of 5 hours minimum per week throughout the entire period of instruction.

2. Students are not permitted to leave a theory class to work on patrons.

B. Skill Requirements: 435 hours:
Skill training and clinic work is to be assigned and supervised by a licensed instructor.

VII. Credit hours may be granted to a student in any course of training for demonstrations and for product knowledge being taught by suppliers, provided:

A. A licensed instructor is in attendance at all times.

B. The demonstrator holds a current permit issued by the board for this purpose.

C. If the demonstration/product knowledge is acquired off-campus, a sign-in sheet must be maintain by the school authority, and a copy sent to the board with the next regular monthly report.

304. ATTENDANCE:

I. Full-time students may be credited with no more than 40 hours weekly. Hours acquired in excess of 40 hours per week maximum may be applied as make-up hours, provided they are used for that purpose within the month in which they were acquired.

II. A high school student wishing to enroll part-time must acquire no less than two (2) months training as a full-time student before being allowed part-time status.

III. Student Instructor:

A. Cosmetology instructor training extends over a period of not less than nineteen (19) weeks, provided however, that not more than 40 hours weekly are credited.

B. Esthetics and manicuring instructor training extends over a period of not less than fifteen (15) week, provided however, that not more than 40 hours weekly are credited.

C. When the required number of hours has been acquired, the individual can no longer function as a “student instructor”. In order to function in an instructional capacity at any school, the student must make application for examination, as stipulated in §73-7-15(4) of the Laws of the State of Ms., Ann., Amend.,

IV. Break in Attendance/Failure to apply for examination:

A. Where there is a break in attendance of at least three (3) years, but no more than five (5) years, students will be credited with two-thirds of the original hours acquired. Where such break in attendance exceed five (5)

years, but less than ten (10), students are credited with one-half of the original hours acquired. After a break in attendance of ten (10) or more years, no hours are credited.

B. Where a portion of the hours for the completion of a course of training was acquired out-of-state, but the student did not complete the course in that state, the break in attendance rule applies to the student who enrolls in a school in Mississippi for the completion of his/her training.

C. Where an individual has completed a course of training in this state, or any other state, and licensure is not obtained within 365 days after completion of said course, "brush up" hours of training are required before the individual is eligible for examination. The following rates of credit apply:

1. 366 days to three years:
   10% of the total prescribed hours for the course of training which was completed.
2. Over three years to seven years:
   25% of the total prescribed hours for the course of training which was completed.
3. Over seven years:
   50% of the total prescribed hours for the course of training which was completed.

If there is reason to believe that the individual cannot be **licensed** prior to the end of the first year after graduation, the Board cannot accept an application for examination. There must be an adequate span of time in which the application can be approved, the individual scheduled for examination, and examination grades received and recorded.

D. This provision does not apply to a person whose break in attendance, or failure to acquire licensure is due to a service in armed forces during period of war.

V. Any hours acquired toward a cosmetology course may be applied toward either a manicuring, esthetics, or wig specialist course, provided the hours acquired during the cosmetology training are applicable to the course of training to which the hours are to be applied.

305. TRANSFER STUDENTS

I. Hours acquired are transferable from one licensed school to another.

II. No consideration is given by the board for transfer until all financial obligations to the attendant school have been met.

306. INSIGNIA OR BADGES

Each student and instructor engaged in a course of training must wear a badge signifying his/her status:

Freshman	insignia worn by cosmetology students who have less than 240 hours
Junior	insignia worn by cosmetology students with 240 to 749 hours
Senior	insignia worn by cosmetology students with 750 to 1500 hours
Instructor	insignia worn by all licensed instructors
Student Instructor	insignia worn by all students engaged in instructor training
Manicurist	insignia worn by all students engaged in a manicurist course
Esthetician	insignia worn by all students engaged in a special esthetics course
Wig Specialist	insignia worn by all students engaged in wigology training
Special Trainee	insignia worn by all students engaged in advanced and brush up training

307. WORK UPON PAYING PATRON

I. A student enrolled in a school for a course of training can be assigned work upon a patron for services only after he/she has completed the following hours of training and instruction:

Cosmetologist	240 hours
Manicurist	40 hours
Esthetician	96 hours
Wig Specialist	48 hours

II. Students are not permitted to accept pay or remuneration of any kind during the course of training except cosmetic sale commissions or tips.

III. An instructor or student instructor can not work upon a patron paying for services unless he/she is doing so in a teaching situation.

308. RECORDS, FORMS AND APPLICATIONS

I. All records must be made available to the board or any of its agents at any time during business hours

II. Each student must make application for enrollment on forms approved by the Board.

A. The original of the enrollment form must be filed with the board office no later than 30 days after the date of enrollment. After this time, no hours are granted until the enrollment form has been received in the board office.

B. The following must be submitted with the enrollment form:

1. Proof of at least a tenth (10th) grade education, or its equivalent (See Rule 301.A.1.)
2. A statement certifying that the student has received the following:
    a. Copy of student/school contract
    b. Copy of school rules and regulations
    c. Copy of the Mississippi Cosmetology Law, and Rules and Regulations book.
    d. Approved text book
    e. Mannequin or hand form, as the case may be
    f. Student kit adherent to the rules and regulations of the board.

III. Each student must record on the time clock, or time sheet, as approved by the board, when starting or completing daily instruction or training, when leaving and returning to school premises, and the commencement and termination of lunch period.

IV. Credit for attendance is granted to a student only on time registered and hours of applied effort. No credit attendance is allowed unless a time card or time sheet verifying attendance is on file.

A. Unless the school utilizes a time clock, the board approved "Student Daily Sign-in and Out Sheet" must be used.

B. All student clock hours must be derived from either a time card or the approved form; no other is accepted by the board to substantiate the students' acquired hours.

C. If a student fails to sign/clock in or out, or if another person signs/clocks in or out for a student, hours are not granted for that time period.

D. Should an error occur, changes may be made only by the supervising instructor and must bear the signature of the instructor and the student at the point of change. Failure to do so results in non-credit of hours for that time period.

V. A daily report, approved by the Board, must be utilized by each student, which lists all subjects taught in the course of training and provided in the curriculum.

A. The daily report must recapitulate the student's work for the day, and must support the time card/sign-in sheet for that day.

B. The daily report must be maintained at the student's work station and must be initialed by both the instructor and the student daily.

VI. On or before the 10th of each month following enrollment, a monthly summary report of hours acquired on each student must be submitted to the office of the board, and one copy must be posted on the bulletin board in the school.

VII. In the event a student withdraws from classes before completing the course, a final transcript of his/her hours and grades, certified by the school, must be filed with the Board within 30 days. A copy of the final transcript must be transmitted to the student by the school at no cost to the student.

VIII. Any student who wishes to re-enroll after an absence of 30 days, and is approved by the school for re-enrollment, must complete a re-enrollment form as approved by the board.

IX. Upon completion of training, a final transcript of student hours and grades, certified by the school, must be filed with the Board within 30 days. A copy of the final transcript must be transmitted to the student by the school at no cost to the student.

X. All records must be retained by the school for a period of five years, and until such time as the student has been licensed.

XI. The Board reserves the right to verify student records of hours acquired, at any time it deems necessary during business hours.

309. LICENSING EXAMINATION PASS/FAIL RATIO:

I. The Board of Cosmetology maintains records of the results of each student's licensing examination, by school. If, at any time, it is determined that the average grades of graduates of a school, fall below 70 (passing) on either the written examination or any segment of the practical examination for a minimum period of six months, the Board will take the following action:

A. The owner and instructional staff of the school will be invited to meet with the Board to discuss the problem.

B. Within 30 days from the date of the meeting with the Board, the school will submit a course of action or "compliance plan" which will indicate their awareness of the problem and which will set forth in sufficient detail what steps they plan to take in an attempt to improve the pass/fail ratio.

C. The school will be allowed a minimum period of six months in which to improve the average grades to a passing average. If the school can demonstrate that an insufficient number of students have graduated or qualified for examination to allow a fair review of the examination average, the board may, at its discretion, allow a compliance plan to be in effect for longer than six months.

II. At the conclusion of the agreed upon compliance plan period, if the average examination grades of the school have not improved, the Board may take the necessary action to suspend or revoke the school license.

4. EXAMINATIONS

401. EXAMINATION ELIGIBILITY

I. Eligibility Requirements

A. Cosmetologists, manicurists, estheticians, and wig specialists must:

1. Be at least 17 years of age.
2. Be able to read, write and speak English.
3. Have at least a twelfth (12th) grade education or its equivalent.
   a. Proof of completion of high school education may be submitted in the form of a diploma, or certified transcript which reflects graduation data. If the education was acquired by GED, an original GED transcript must be submitted to the Board.
   b. Where the secondary education was obtained outside of the United States, the applicant must present a copy of the proof of completion, along with an original translation which has been prepared by an approved translation or credentialing service, and which certifies that the document is considered to be proof of the equivalent of a 12th grade education.
   c. A high school education received from a distance learning entity will only be accepted if that entity is accredited by an accrediting agency recognized by the U.S. Department of Education.
   d. Any other document and/or affidavit which constitutes reliable proof of completion of high school education may be required by the Board.

B. An application for examination must be submitted on a form prescribed by the Board and accompanied by the following:

1. Required fee.
2. Two recent head photographs of the applicant, taken within 90 days prior to application.
3. Certified transcript of completion of a course of training for which application for licensure is being made, as stipulated in Rule 303., and reflecting a grade average of no less than 85%.

C. The Board will make reasonable accommodations for candidates having a physical or mental impairment that limits one or more major life activities, as defined by the Americans with Disabilities Act. An "Accommodation Request Form" should be submitted with the application for examination. Additional information regarding qualifying for special accommodation should be addressed to the Board, attention of the School Coordinator's Department.

II. Out-Dated License:

A. Any person who has been licensed in this sate, and whose license has expired for a period of three (3) or more years, must make application for examination.

B. The application for examination must be submitted on a form prescribed by the Board and must be accompanied by:

1. The required fee.
2. Two recent head photographs of the applicant, taken within 90 days prior to application.
3. Record of last renewal, including registration number, and date of expiration.

III. Out of State Applicant:

A. Any person who is licensed by a state with whom Mississippi does not have provision for reciprocity licensure, or any student who is at least seventeen years of age, can read, write, and speak English, and has successfully completed a course of training in another state which meets this state's minimum requirements, but is not licensed in that state, may be eligible for licensure by examination.

B. Prior to making application for examination, the applicant must:

1. Complete an Application of Intent. The Board approved form, Out of State Applicant's Application of Intent to Apply for Examination must

be completed in its entirety and submitted to the Mississippi State Board of Cosmetology.

2. a. Provide information related to the completion of a course of training which meets this state's minimum requirements:

Cosmetologist	1500 hours
Manicurist	350 hours
Esthetician	600 hours
Wigologist	300 hours

The applicant must cause an affidavit or certification to be issued by the board in which the training was acquired or the license is held. If the state in which the applicant is currently licensed is also the state in which the training was acquired, then only one affidavit is required; otherwise, the applicant must obtain two affidavits as applicable.

b. The affidavit/certification of training must:
   (1) be mailed directly to the Mississippi State Board by the licensing authority.
   (2) bear the seal-impress of the licensing authority.
   (3) bear at least one signature of an official of the licensing authority.

c. The affidavit/certification of training should contain, at a minimum:
   (1) applicant's name and address
   (2) applicant's Registration Number or license identification number (if applicable)
   (3) the course in which applicant was enrolled
   (4) total credit hours earned
   (5) date of completion or last attendance (Non licensed individuals only)
   (6) Information regarding current license (if applicable), including expiration date and whether the licensee is in good standing.

d. In the event the information cannot be provided by the licensing authority, it may be obtained from the attendant school, however it must be submitted to the Mississippi State Board of Cosmetology directly from the school, or in a sealed envelope bearing the school "letterhead", must bear the seal-

impress of the school, and be certified by an agent of the school. The Mississippi State Board of Cosmetology reserves the right to deny Certification of Training submitted by a school if it is determined that the information can be provided by the appropriate licensing authority.

3. Appear for an Application Eligibility Interview
   a. Upon receipt of a completed Application of Intent and Affidavit/Certification of Training, which meets the examination requirements of the state of Mississippi, the applicant is scheduled for an interview, and notified of the date and time.
   b. The applicant must present the following documents at the time of the interview:
      (1) Photographic identification.
         (a) Applicant must present two (2) current photographs to be attached to his or her application for examination. A full face photo is required; profiles are not acceptable. The photograph must be recognizable as the person who is making application for examination.
         (b) Applicant must present a government-issued photographic identification card which contains the applicant's signature and date of birth. In the event of a name change, legal proof of the change must be presented.
      (2) Two additional forms of identification must be presented by the applicant. In the event of a name change, legal proof of the change must be presented .
      (3) Any applicant who uses or proposes to use an electric file in any manicuring procedure must present an acceptable certification attesting to proper training in the use of the instrument.
   c. The applicant will be interviewed to determine his or her eligibility to apply for examination:
      (1) to determine that the applicant is at least 17 years of age.
      (2) To determine that the applicant is able to read, write and speak English.

(3) To determine that the applicant has a 12th grade education or its equivalent. The applicant must present, at the time of the interview, acceptable documentation evidencing completion of the 12th grade, or its equivalent. Where the secondary education was obtained outside of the United States, the applicant must present a copy of the proof of completion, along with an original translation which has been prepared by an approved translation or credentialing service, and which certifies that the document is considered to be the equivalent of a 12th grade education.

Additional information may be required if it has been determined, or there is reason to believe that a candidate for examination has completed high school under one or more of the following circumstances:

(a) The institution is not accredited by the Department of Education in the relevant state

(b) The institution is not accredited by a recognized proprietary school accrediting association

(c) The candidate may have completed a self-study course.

(4) The candidate will not be considered to have a 12th grade education or its equivalent if it is determined that one or more of the following circumstances exist:

(a) The institution from which the diploma or transcript was acquired is not sanctioned or accredited by a state supported educational credentialing entity, or

(b) The candidate completed a self study program in which progress examinations and final examinations were not physically supervised by one or more staff members of the institution or a recognized examination administration/proctor service.

C. If the applicant fails to present evidence satisfactory, of meeting all requirements for examination, he or she will be advised that the application

cannot be accepted, and the reason for same. The applicant will be advised, in writing, of the right to an Administrative Hearing before the Board.

D. If the applicant is deemed to meet all examination eligibility requirements, he or she will be required to:

1. Complete an Application for Examination. The Board approved form, Out of State Applicants/Application for Examination, must be completed in its entirety.
2. Pay the required fee. The prevailing fee is that which has been established by Law, Section 73-7-29, and may be submitted by personal check, cashier's check, money order, or cash.
3. Take the practical examination, the National written examination, and the State written examination.

IV. Instructor — In-State:

A. Examination eligibility requirements:

1. Must be at least 21 years of age.
1. Must be able to read, write and speak English
2. Must possess a high school education or its equivalency
3. Must possess a current Mississippi practitioner's license.
4. Must have completed twelve (12) semester hours in college courses approved by the Board.
5. Must have successfully completed a course of training for which application for licensure is being made.
6. Must have attended at least one mandatory Board "methods of teaching" seminar earning a minimum of 5.0 continuing education hours.

B. Application must be accompanied by:

1. Required fee
2. Two (2) recent head photographs, taken within 90 days prior to application.
3. Certified transcript of completion of the course of training for which application for examination is being made.
4. Certified original transcript evidencing successful completion of twelve (12) semester hours in college courses approved by the Board.
5. Copy of current practitioner's license.

V. Out of State Instructor:

A. Examination eligibility requirements:
   1. Must be at least 21 years of age.
   2. Must be able to read, write and speak English
   3. Must possess a high school education or its equivalency
   4. Must possess a current Mississippi practitioner's license.
   5. Must have completed twelve (12) semester hours in college courses approved by the Board.
   6. Must have successfully completed a course of training for which application for licensure is being made.
   7. Must have attended one mandatory Board" methods of teaching" seminar.

B. The application must be submitted on a form prescribed by the Board and must be accompanied by:
   1. Required fee
   2. Two (2) recent head photographs, taken within 90 days prior to application.
   3. Proof of completion of high school education or its equivalent.
   4. An affidavit, on a form approved by the Board, completed and signed by the board official in the state from which the current license is held, attesting to education and licensure status.
   6. Certified original transcript evidencing successful completion of twelve (12) semester hours in college courses approved by the Board.
   7. Copy of Current Mississippi practitioner's license.

VI. Out of Country Applicant:

A. Any person who is licensed or registered to practice by a county other than the United States, or any person who has successfully completed a course of training in a country other than the United States, which meets this state's minimum requirements, may submit an application for examination.

B. The application must be submitted on a form prescribed by the Board and must be accompanied by:
   1. The required fee.
   2. Two recent head photographs taken within 90 days prior to application.
   3. A copy of current out-of-country license or certificates.
   4. Proof of at least a 12th grade education or its equivalent.

5. Certification from the registering agency or the school in which the training was acquired, reflecting the number of training hours earned, and the curriculum subjects.

VII. Grade Average

A. All students enrolled in a school as an instructor trainee, cosmetologist, manicurist, esthetician, or wig specialist, must maintain an average grade of not less than 85% in both the theory and practical segments of the course in order to be eligible to apply for examination for licensure.

B. Any student with a final transcript indicating that there is less than the 85% average in either or both segments, must first return to school and successfully pass any testing or meet whatever criteria that the school may set forth to bring the average to the required 85%, prior to being accepted for examination.

402. PERMIT TO WORK

I. Student, or Student Instructor:

A. Any student or student instructor who has completed the total number of prescribed hours in a course of training may be issued a permit to work in that capacity, upon request, provided the following requirements have been met:

1. An application for examination has been made, and approved by the board.
2. An application for a permit to work has been submitted on a form approved by the Board, which includes the following information:
   a. Name and address of the establishment in which application is to be employed.
   b. Establishment registration number, current license number and expiration date of license.
   c. Name of supervising licensee. (Supervisor)
   d. Supervisor registration number, current license number, and expiration date of license.

B. Permit to work is not processed unless all information is complete or if either the establishment or supervisor licenses are expired, or if false information is reflected on the application.

1. The supervising licensee must be employed on a full-time basis by the establishment in which the student has made application for a permit. If it is necessary for the supervisor to be out of the salon on

occasion, another licensed practitioner must be designated to oversee the work of the student.

2. A student instructor who has been issued a permit to work is not required to be under the constant supervision of a licensed instructor.

C. An approved permit to work will be sent, in the applicant's name, directly to the employing establishment.

1. Any student found to be working in any establishment before receipt of a temporary permit to work will be sent home by the state board agent.
2. Any establishment owner found to be employing a student without a temporary work permit will be cited for employing non-licensed personnel, and such case could be cause for establishment license suspension.

D. If any student has received a temporary permit to work and fails any portion of the practical or written examination, that student is no longer be eligible to work.

1. The student and the employing establishment will be notified of the student's ineligibility to work.
2. The employing establishment will be notified to return the permit immediately. Failure to do so, or for the student to continue working, could be considered just cause for suspension of the establishment license and denial of the student's licensure.

E. Failure to appear for examination when called, results in cancellation of permit to work, except in the case of documented illness or death in the immediate family.

1. The student and the employing establishment will be notified of the student's ineligibility to work.
2. The employing establishment will be notified to return the permit immediately. Failure to do so or for the student to continue working, could be considered just cause for suspension of the establishment license, and denial of the student's licensure.

F. No student under the authority of the Mississippi State Board of Cosmetology may work as a practitioner in a salon while in the process of acquiring their training.

II. Out-dated Applicant

A. Any applicant who has been previously licensed in this state and who has failed to renew their license within a three year period, may be issued a Permit to Work, under the following conditions.

Application for examination is made within three years of the out-dated status, that is, up to six years from the date of license expiration. After this time has passed, no Permit to Work will be issued.

403. EXAMINATIONS

I. An examination for any practitioner or instructor license is both written and practical.

A. The applicant must demonstrate by practical examination, minimal skills and knowledge necessary for the license sought.

B. The applicant must successfully complete a written examination demonstrating knowledge of professional, health and safety methods, and procedures and knowledge of Mississippi Statutes and rules pertinent to the practice of cosmetology at the level of the license sought.

II. Grades necessary to pass examination:

A. Basic Examinations (Practitioner): A person taking the Board of Cosmetology examination will be granted a license to practice if such person makes an examination grade of not less than 70 on each portion of the practical examination, and not less than 70 on both the state and national written examination.

B. Instructor Examinee: A person taking the Board of Cosmetology Instructor examination will be granted a license to practice if such person makes an examination grade of not less than 75 on each portion of the practical examination, and not less than 75 on both the state and national written examination.

III. Oral Examinations: If a person has failed to make a passing grade in the written segment of the basic examination, an oral examination may be considered upon the written request of the school in which his/her course of training was acquired. No oral examination will be considered on the first attempt, except in those cases where the individual has a disability as defined by the Americans with Disabilities Act, and required special accommodation which could be satisfied with the administration of an oral examination.

IV. The board will make and keep an accurate record of each examination.

404. EXAMINATION FEE FORFEITURE

The fee received for application for examination and licensure is forfeited if:

I. Licensure fee: An applicant fails to appear for examination within 90 days of receipt of application, provided however, in no case will a forfeiture occur because of failure of the board to schedule an approved applicant for examination.

II. Examination Fee: Applicant fails to appear for examination when scheduled except in the case of documented illness or death in immediate family.

405. FAILURE TO QUALIFY

I. Any applicant failing to pass the required examination after three attempts is not eligible for re-examination until he or she has returned to a school for additional training and met whatever criteria is deemed necessary by the school to prepare applicant for successful examination.

II. A candidate for licensure who has been unsuccessful in passing the examination, is required to retake only the portion of the examination which was failed, up to a period of three years. After three years, the grades are no longer valid and the candidate is required to take the entire examination, both written and practical.

5. CONTINUING EDUCATION

501. DEFINITIONS

As used in this rule section, unless the context otherwise requires:

I. “Biennial” means every two years (24 months)

II. “Category” means any one of seven areas in which continuing education hours may be acquired.

III. “CEIT” means Continuing Education in Instructor Training.

IV. “MC” means Master Cosmetologist

V. “MCSA” means Mississippi Cosmetology School Association.

VI. “MIBA” means Mississippi Independent Beautician’s Association.

VII. “MSBC” means Mississippi State Board of Cosmetology.

VIII. “MCA” means Mississippi Cosmetology Association

IX. “Provider” means an individual, association or a company which makes a request to present a continuing education event.

X. "SOTA" means School Owner's and Teacher's Association.

XI. "T & T" means Mississippi State Department of Education, Vocational-Technical Bureau, Trade and Technical Division.

502. CONTINUING EDUCATION REQUIREMENTS:

I. Instructor and Master Cosmetologist:

A. In order to renew an instructor's license in an active status, proof of acquisition of twenty-four (24) CEIT hours must be on record with the board.

1. The biennial period is twenty-four month intervals from the date of qualification for licensure as an instructor, and each twenty-four month period thereafter.
2. Licensed instructors must attend at least one mandatory Board sanctioned methods of teaching seminar earning a minimum of 5.0 continuing education hours per biennial period in order to renew the instructor's license in an active status.
3. At the time of renewal of an instructor's license, his/her record is reviewed for compliance at the end of the most recent biennial period.
4. An instructor who fails to acquire 24 hours CEIT during their biennial period will be issued an inactive license upon renewal, and must obtain an additional 24 hours CEIT before the license can be made active, i.e., hours may not be carried forward for the purpose of making an inactive license active.

B. A Master Cosmetologist license may be issued to any individual who makes application for same, on a form prescribed by the board provided:

1. He/she has been licensed as a cosmetologist in this state for at least twelve (12) months.
2. Proof of having acquired sixteen (16) hours of continuing education approved by the board during the licensing period prior to application, is on record with the board.

C. In order to renew a Master Cosmetologist license, proof of acquisition of eight (8) hours of continuing education must be on record with the board.

503. Credit is given for CEIT/MC hours in the following CATEGORIES, providing all requirements set forth by the board have been met:

I. Category One: Organized course work or activities in cosmetology or cosmetology related subject matter. Included are seminars, short courses, workshops, and on-

line continuing education, as well as technical sessions of MSBC meetings or conferences.

A. Credit accrues at the rate of one hour for each hour of contact, rounded off to the nearest quarter hours.
   1. An individual must actually be in attendance for each contact hour claimed. No credit is given for missed sessions, social hours, breaks and related activities, or business meetings.

B. In order for an activity to be approved for CEIT/MC hours in this category, the following criteria must be met:
   1. The activity must have significant intellectual or practical content and its primary objective must be to increase the participant's professional competency as an instructor or master cosmetologist.
   2. The activity must be offered by a provider having substantial, recent experience in offering CEIT/MC courses. Demonstrated ability arising partly from the extent to which individuals with training or educational experience are involved in the planning, instruction, and supervision of the activity.
      a. The following providers are recognized by the board as having met the criteria set forth above:
         1) Mississippi Cosmetology School Association
         2) Mississippi Independent Beauticians Association
         3) Mississippi State Board of Cosmetology
         4) Mississippi State Department of Education, T & T Division
         5) Mississippi Cosmetology Association
         6) School Owners and Teachers Association
         7) Out of State Continuing education certified by that State's board, commission, or department of registration & licensure.
      b. Other providers may be approved as their identities and programs are confirmed by the board.
      c. The board may, at any time, re-evaluate a program and revoke approval of the provider.
   3. The activity itself must be conducted by an individual or group qualified by practical or academic experience. The program, including the named advertised participant, must be conducted

substantially, as planned, subject to emergency withdrawals and alterations.

4. Thorough, high quality, readable, and carefully prepared written materials must be made available to all participants at or before the time the course is presented, unless the absence of such materials is recognized as reasonable and approved by the board; mere outline without citations or explanatory notations are not sufficient.
5. The activity must be conducted in a physical setting conducive to learning.
6. At a minimum, the activity must consist of not less than four hours of actual instruction.
7. Activities that cross academic lines, such as a financial aid seminars, may be considered for approval.
8. The costs of the program to the participant, apart from optional meals, lodging, travel, etc., should be reasonable, considering subject matter, instructional level, etc.

C. Any provider or licensee desiring approval of a course, program, or other activity, must apply to the board on a form approved by the board by submitting all supporting documentation no less than forty-five days prior to the date for which the course or program is scheduled.

1. The board will advise the applicant in writing within thirty (30) days of the receipt of the completed application whether the activity is approved or disapproved. Applicants denied approval of a program or activity may appeal such decision by submitting a letter of appeal to the board within fifteen (15) days of the receipt of the notice of the approval.
2. The provider of an approved CEIT/MC activity may advertise in informational brochures and programs provided by the provider, as follows:

   "This course has been approved by the Mississippi State Board of Cosmetology for a maximum of _____ hours credit in continuing education for instructor or master cosmetologist."
3. The Board approves only those activities in which the board or its employees can verify that the subjects being presented conform to the board's policies. The board has the right to freely enter and observe all or appropriate portions of such activities.

4. The board may at any time re-evaluate and revoke approval of a particular activity.

II. Category Two: Successful completion of organized course work or activities which bestow college credit not specifically cosmetology or cosmetology related, but which are professionally enriching or directly benefitting the individual in his/her present position.

Credit accrues at the rate of twelve (12) CEIT/MC hours for each three (3) semester hours.

III. Category Three: Development, preparation, and presentation of an activity, such as described in Category One, which requires effort beyond the general scope of the individual's normal duties or job description.

Credit accrues at the rate of two (2) contact hours for each hours of presentation.

IV. Category Four: Teaching an approved CEIT activity, provided that presentations are accompanied by through, high quality, readable, and carefully prepared materials. (Generated by the presenter).

A. Credit accrues at the rate of:

1. Four (4) hours credit for each instructional hour of presentation, if all criteria are met.
2. Two hours credit for each instructional hour of presentation if presentation accompanied by one or two page outlines, or not accompanied by written materials.
3. Repeat presentations accrue at one half the credit applicable to the initial presentation.

V. Category Five: Preparation, writing and publication of cosmetology or cosmetology related subject matter which requires effort beyond the general scope of the individual's duties or job description.

A. Credit accrues at the rate of:

1. 15 hours for each publication requiring technical review.
2. 5 hours for an article or series of articles of a substantial nature in magazines, newspapers, or similar publications.

VI. Category Six: Self-improvement in cosmetology or cosmetology related subjects. Included is participation in or attendance at meetings such as those conducted by the State Board of Cosmetology or professional associations, and observation of the board administered practical examination.

The activity must deal primarily with matters related to the enhancement of the participants knowledge (MC) or to the teaching of cosmetology, manicuring,

wigology, esthetics, professional responsibility or ethical obligations of master cosmetologists or instructors, or any related field of expertise.

A. In order to receive any credit in this category, an individual claiming hours for professional meetings, etc., should make certain that proof exists of their participation, such as inclusion on registration lists, etc. The burden of furnishing proof of compliance rests with the licensee.

B. Credit accrues at the rate of ½ contact hour for each hour of activity.

C. No more than three (3) hours credit are allowed in this category.

VII. Category Seven: Holding an elected or appointed office or active committee assignment in the MSBC or allied professional organizations.

A. Credit accrues at the rate of:

1. Five (5) hours per year for holding office or chairing an assignment.
2. Two (2) hours per year for active committee membership.

504. DOCUMENTATION OF CONTINUED EDUCATION HOURS

I. Instructors: On or before the renewal of a license after the close of the most current biennial period, an instructor should submit documentation of any CEIT hours earned in any category other than categories One, Three or Four. The documentation must be applicable proof of participation in activities for any category in which credit is claimed. The documentation, combined with hours earned in Categories One, Three and Four, must verify completion of the required twenty-four (24) hours of continuing education, in order to renew a license in an active status.

II. Master Cosmetologist:

A. In order to receive a license as a master cosmetologist, an applicant must submit documentation of any continuing education hours earned in any category other than categories One, Three or Four. The documentation must be applicable proof of participation in activities for any category in which credit is claimed. The documentation, combined with hours earned in Categories One, Three and Four, must verify completion of the required sixteen (16) hours of continuing education.

B. In order to renew a license as a master cosmetologist, an applicant must submit documentation of any continuing education hours earned in any category other than categories One, Three or Four. The documentation must be applicable proof of participation in activities for any category in which credit is claimed. The documentation, combined with hours earned in

Categories One, Three and Four, must verify completion of the required eight (8) hours of continuing education.

III. The Board reserves the right to require additional documentation and proof for reported activities. When asked for additional documentation, the burden of furnishing proof of compliance rests with the licensee.

6. LICENSING

601. RECIPROCITY:

I. An individual who holds a current license from another state with whom Mississippi is reciprocal may be eligible for licensure in accordance with Law, Section 73-7-23. The Mississippi State Board of Cosmetology maintains a list of states with whom Mississippi is reciprocal.

II. Prior to making application for reciprocity, the applicant must:

A. Complete an Application of Intent. The Board approved form, Out of State Applicant's Application of Intent to Apply for Reciprocity must be completed in its entirety and submitted to the Mississippi State Board of Cosmetology.

B. 1. The applicant must cause an affidavit or certification to be issued by the board in which the training was acquired or the license is held. If the state in which the applicant is currently licensed is also the state in which the training was acquired, then only one affidavit is required. Where the current license is held in one state and original license or education was obtained in a different state, and the state of current licensure will not attest to the applicant's training, an affidavit is also required from the state of origin.

2. The affidavit/certification of training must:

a. be mailed directly to the Mississippi State Board by the licensing authority.

b. bear the seal-impress of the licensing authority.

c. bear at least one signature of an official of the licensing authority.

3. The affidavit/certification of training should contain, at a minimum:
   a. applicant's name and address
   b. applicant's Registration Number or license identification number
   c. the course in which applicant was enrolled
   d. total credit hours earned
   e. Information regarding current license, including expiration date and whether the licensee is in good standing.

C. Appear for an Application Eligibility Interview
   1. Upon receipt of a completed Application of Intent and Affidavit/Certification of Training, which meets the reciprocity requirements of the state of Mississippi, the applicant is scheduled for an interview, and notified of the date and time.
   2. The applicant must present the following documents at the time of the interview:
      a. Photographic identification.
         (1) Applicant must present a current photograph to be attached to his or her application for reciprocity. A full face photo is required; profiles are not acceptable. The photograph must be recognizable as the person who is making application for reciprocity.
         (2) Applicant must present a government-issued photographic identification card which contains the applicant's signature and date of birth. In the event of a name change, legal proof of the change must be presented.
      b. Two additional forms of identification must be presented by the applicant. In the event of a name change, legal proof of the change must be presented .
      c. A current, valid out of state license. The license will be reviewed to determine that all information contained in it including name, registration number, social security number, etc., matches the information which was provide in the affidavit.
      d. Any applicant who uses or proposes to use an electric file in any manicuring procedure must present an acceptable

certification attesting to proper training in the use of the instrument

3. The applicant will be interviewed to determine his or her eligibility to be licensed by reciprocity:
   a. to determine that the applicant is at least 17 years of age.
   b. To determine that the applicant is able to read, write and speak English.

III. If the applicant fails to present evidence satisfactory, of meeting all requirements for reciprocity, he or she will be advised that the application cannot be accepted, and the reason for same. The applicant will be advised, in writing, of the right to an Administrative Hearing before the Board.

IV. If the applicant is deemed to meet all reciprocity eligibility requirements, he or she is required to:
   A. Complete an Application for Reciprocity. The Board approved form, Application for Licensure by Reciprocity, must be completed in its entirety.
   B. Pay the required fee. The prevailing fee is that which has been established by Law, Section 73-7-29, and may be submitted by personal check, cashier's check, money order, or cash.

602. FEE RECEIPTS:

I. Renewal Fees:
   A. School License Renewal: A school owner who fails to renew his school license within one (1) year from date of expiration must make a new application for licensure as prescribed in Section 73-7-16, and Rule 201.
   B. Salon License Renewal: A salon owner who fails to renew his salon license within one (1) year from date of expiration must make a new application for licensure as prescribed in Section 73-7-17, and Rule 701.
   C. All Licensees:
      1. The postmark date on the transmittal envelope of the renewal application and fee is determinative in ascertaining whether receipt was prior to the expiration of the grace period.
      2. Application for renewal of licenses which are not accompanied by the provided renewal form are assessed a fee for lost renewal form.
      3. When an applicant for new or renewed license has not submitted required documentation or proper fee, applicant will be notified of same by mail, and license processing is placed on "hold" for a maximum of ninety (90) days, during which time no additional fees or

charges will be assessed. If however, a period of 90 days has passed without submittal of required information or balance due, credited fees are *forfeited;* refunds cannot be granted.

II. Refunds of fees.

A. Application for a new license. An applicant may make a written request to withdraw the application, under the following conditions:

1. The application cannot, or has not been approved, for any reason
2. The applicant has not been scheduled for examination
3. In the case of an application for reciprocity, the license issuance process has not begun.
4. In the case of an application for a new salon, an inspection has not occurred.

B. Balance due on application fees. An applicant may submit a written request for a refund of application fees, either new or renewal, where there is a balance due, and the applicant does not wish to submit the additional fee.

603. DUPLICATE LICENSE

I. For the benefit of licensees who may be employed in more than one location, a request for a duplicate license may be made at the time of license renewal, provided the proper fee is submitted. **If more than one duplicate is requested during a licensing period, the licensee must provide a certified statement of the reason for the request. In the case of working in more than one salon, the individual and the salon owner must provide proof of same.**

II. In order to insure that a request for the issuance of a duplicate license, which is made at any time other than at renewal, is indeed received from and for the benefit of the licensee to whom it is entitled, such requests must be accompanied by two forms of identification. Acceptable forms of identification may be: drivers license, government issued ID card, Social Security card, school ID card with photograph, voter registration card, U.S. Military card, Native American tribal document, birth certificate, passport, certificate of U.S. citizenship, certificate of naturalization, valid (unexpired) temporary resident card or employment authorization card.

III. **Any individual who has a duplicate license posted, will be required to provide proof of identity to any agent of the board who is performing an inspection of the establishment in which they are working. Failure to do so will result in the issuance of a citation for violation.**

IV. When a new or renewed license has been issued and mailed by the Board, but has not been received by the licensee, a duplicate license may be issued, at no charge to the licensee, under the following conditions:

A. The license has not been returned to the Board office.

B. A correct mailing address was provided to the Board.

C. The Board is notified of non-receipt of the license within four months of the receipt date of the proper renewal fee, or in the case of a new license, within four months of the actual license issue date.

7. SALONS: APPROVAL OF

1. PROCEDURE FOR OPENING OF NEW SALON:

I. An application for a license to operate a salon must be submitted on a form prescribed and provided by the board, accompanied by such evidence, statements or documents as therein required and filed with the board at its office in Jackson, Mississippi.

A. The following information is required on the application:

1. The name of the proposed salon.
2. The address, location and the phone number of the proposed salon.
3. The names and address of the proposed owners. If a partnership or corporation, the name and addressed of all principals must be provided.
4. Owner's Social Security Number
5. If the proposed owner is not a licensed practitioner, the name and registration number of an individual licensed by this board, who will manage salon.
6. Any applicant for a salon license desiring to limit the practice to manicuring or esthetics or wigology only, must so state on the application, and any licensed issued to the establishment, authorizes only the practice, as applied for.

B. In addition to the above, the following information must be submitted with the application:

1. Required fee
2. A list of the equipment the salon proposes to have on hand.

C. An incomplete application will be returned to the applicant within thirty (30) days after receipt by the board, with the cause of return.

D. Where an application has been submitted and is not ready for inspection within 90 days after receipt, the application will be canceled and the fee will be forfeited.

II. Inspection and Approval for Licensure:

A. If the application is found to be in order, the board will conduct an inspection of the premises to determine if all requirements, as indicated in the law, including minimum equipment requirements, have been strictly adhered to by the owner(s) of the proposed salon. If the requirements are not met, and the inspector cannot approve the salon, there will be an additional fee for each inspection made before licensing the salon.

B. Temporary Verbal Permission: After receipt of application, and verification of data, a proposed salon may receive temporary verbal permission to operate pending final inspection and approval, however, if the physical inspection reveals that any licensing requirements are deficient, final approval cannot be recommended and the verbal permission will be immediately withdrawn.

1. Applicant should allow at least three working days after mailing salon application in order to insure receipt of application in the board offices. After this period of time, applicant may call the board office and request "Temporary Verbal Permission to operate."
2. In order to receive temporary verbal permission, the salon should be ready for operation by meeting all minimum equipment requirements as set forth in Rule 702 below.
3. Temporary verbal permission does not constitute final approval of the salon, which may only be grated by physical inspection as set forth above.

702. REQUIRED EQUIPMENT:

I. A cosmetology salon must have the following minimum equipment in order to be approved for licensure:

Outside sign.

One (1) dresser or work station with mirror for each practitioner

One (1) shampoo bowl and chair

One (1) dryer per two work stations. (For purposes of this rule, a dryer is defined as "a chair or standing hair dryer with a hood, either stationary or portable.")

Twelve (12) combs and twelve (12) brushes per practitioner.

One (1) covered towel container for soiled towels.
Closed cabinet for clean towels.
One (1) wet sterilizer per practitioner.
One (1) dry sanitizer. (Any clean, closed container is considered adequate)
Covered trash can.
Sufficient equipment for giving complete beauty service.

II. Salons in which manicuring only is practice must have the following minimum equipment:

Outside sign
One (1) manicure table with lamp per manicurist.
One (1) patron chair and manicure stool per manicurist.
One (1) wet sanitizer (cotton and alcohol) per manicurist.
one (1) finger bowl per manicurist
One (1) dry sanitizer for clean implements. (Any clean, closed container is considered adequate)
Closed cabinet for supplies.
Covered trash can.
Sufficient equipment for giving complete manicuring/pedicuring services.

III. Salons in which esthetics only is practiced must have the following minimum equipment:

Outside sign
Treatment area(s) located so as to insure the privacy of the patron.
One (1) treatment bed, table or chair, and one (1) practitioner stool per practitioner.
One (1) lavatory for each treatment area.
One (1) covered contained for soiled linens.
One (1) closed cabinet for clean lines.
One (1) closed cabinet for supplies
One (1) free standing magnifying light per two (2) practitioners.
One (1) woods lamp per two (2) practitioners.
One (1) wet sterilizer per practitioner.
One (1) dry sterilizer.
Adequate supply of client drapes and lines (towels, sheets, and pillow covers.
Covered trash can.
Sufficient equipment for giving complete esthetics services.

IV. Salons in which wigology only is practiced must have the following minimum equipment:

Outside sign.
One (1) shampoo bowl or lavatory
Twelve (12) combs and twelve (12) brushes.
One (1) covered towel container for soiled towels.
One (1) closed cabinet for clean towels.
One (1) wet and dry sanitizer
One (1) dresser with mirror
Covered trash can
One (1) dryer
Sufficient equipment for giving complete services for wigs.

V. All cosmetological establishment must have an outside entrance except salons in department stores or buildings with a main entrance.

VI. In addition to the above rules, a home establishment must meet the following criteria:

A. The wall between the salon and home must be of ceiling height
B. If a door exists between the beauty salon and the remainder of the house, said door must be kept closed during business hours.
C. Bathroom facilities must be separate from home facilities

VII. A licensed establishment must not be used for living purposes or other residential use.

703. SALON CHANGE OF OWNERSHIP; ADDITION OF PARTNERS; CHANGE OF LOCATION; CHANGE OF TRADE NAME

I. Change of Ownership

A. Salon owners who contemplate selling or transferring the ownership of a salon must notify the board in writing prior to the sale or transfer.
B. Where a sale or transfer of ownership occurs, the prospective owners must make application for a new salon in accordance with Rules 701 - 702, and must pay the required fee.

II. Addition or Change of partners

A. Where a partnership is added, or changed, and at least one partner or original owner remains, then a new salon application is not required.
B. Written notification of the change in partnership should be made to the board within (30) days of such change.

C. When the original applicant(s) is no longer a partner in the salon, an Application of Approval of a New Salon must be made in accordance with Rules 701 - 703, and the required fee must be paid.

III. A salon owner who contemplates relocation of the salon must make application for a new salon in accordance with Rules 701 - 703, and must pay the required fee.

A. A change of location includes moving an existing establishment:

1. From one address to another
2. From one building, or area within a building, to another, even when a "change of address" does not occur.

B. An application for a new salon not required when:

1. A portable building is moved from one specific site on a lot to another site on the same lot, and there is no change in equipment.
2. Where an establishment has been destroyed by fire or act of God, and is rebuilt in the same location.

IV. Change of Trade Name

A salon will not change its trade name without having first notified the board in writing of its intent to do so.

704. NURSING HOME SALONS

§73-7-35, MS. Code 1972, Ann., Amended, provides that cosmetological services may be provided outside the physical confines of a licensed salon, to "...any person who may be confined to his or her home, a hospital, or other place as a result of illness."

I. Nursing home salons are considered patient care facilities and do not require a salon license under the following conditions:

A. Services are restricted to patients only and are not provided for employees of the nursing home, nor family or friends of the patients.

B. A retirement home or community where the residents are not confined due to illness is not considered a nursing home. Any salon operated as a part of a retirement home or community must be licensed by the Board.

II. If a nursing home facility requests to be licensed as a salon and meets all requirements of the Board, then it will be granted.

8. SANITATION

801. ENFORCEMENT

I. The holder or holders of an establishment license, or the person in charge of any such establishment is liable for the implementation and maintenance of the sanitary conditions of the establishment.

II. Any student, licensed practitioner, or licensed instructor is held individually liable for the implementation and maintenance of the sanitary conditions of his/her station and equipment.

802. POSTING SANITARY RULES

A copy of the Rules and Regulations governing sanitation must be posted in a place conspicuous to the public.

803. INTERIOR

I. Each establishment must be kept clean and in good repair. Fixtures, including shampoo bowls, must be free from scale, rust, hair or product buildup.

II. Floors in any area where services are performed must be covered with a non-porous material, readily cleanable.

III. All solid waste and refuse must be kept in containers with tight fitting lids, so constructed that it may be thoroughly cleaned and must be maintained in a clean condition. Waste and refuse must be removed from the premises as frequently as necessary to prevent a nuisance and unsightliness.

IV. Hair and nail clippings must be removed from the floor and surface areas immediately after each client.

V. Dogs (except for the blind), cats, birds, and other pets are not permitted in an establishment.

VI. Water Supply

A. Each establishment must be provided with an adequate supply of potable running water, under pressure, from an approved source. The potable water system must be installed to preclude the possibility of backflow, with no cross connections through which the portable water might become contaminated.

B. Adequate hot and cold water under pressure must be provided in all work booths or work rooms.

C. Adequate drinking water facilities must be conveniently located in each establishment. Either individual paper cups or an approved type slanting spray drinking fountain must be provided.

D. All drinking fountains must be maintained in a sanitary manner and the stream of water from the fountain head must be properly regulated.

E. The use of a common cup, glass or other receptacle for drinking purposes is expressly prohibited.

VII. TOILET FACILITIES

A. Every establishment must be provided with adequate and conveniently located toilet facilities.

B. At least two toilet facilities must be provided in each school for the students and patrons. At least one toilet facility should be provided for employees in other establishments.

C. All toilet rooms must be kept clean and in good repair.

D. All toilet rooms must be well lighted and ventilated to the outside air.

E. Home salons must have toilet facilities within the salon premises.

F. All establishments located on a street or alley where a system of sanitary sewers is available must have a properly constructed sewer connection to the sewer system into which human excreta and other liquid waste is disposed. Where no sanitary sewer system is available, all human excreta and other liquid waste must be disposed of in a sewage disposal system meeting all the requirements of the Mississippi State Department of Health and/or the Mississippi Department of Natural Resources.

G. Adequate and convenient hand-washing facilities, including lavatory, hot and cold running water under pressure, soap or an adequately supplied soap dispenser, and individual towels must be provided in or adjacent to every toilet room.

H. Waste and Refuse: All solid waste and refuse must be kept in containers with tight fitting lids and must be removed from the premises as frequently as necessary to prevent a nuisance and unsightliness. All solid waste and refuse must be disposed of in an approved manner.

804. PERSONAL SANITATION

I. Hand Washing Practices: Every practitioner and student in a establishment must thoroughly wash and scrub his or her hands with an antibacterial skin cleanser before starting work, before each client, or after using the toilet.

A. In the service of manicuring, both the client and the licensed individual must wash their hands with an antibacterial skin cleanser or wipe with alcohol prior to the service.

B. Prior to a pedicure, the client's feet must be cleansed with an antibacterial skin cleanser.

II. Infectious Disease

A. Persons with a communicable disease or parasitic infection that is medically recognized to be transmittable by the type of contact that practitioners have with clients, are not to be permitted to practice in an establishment until their condition is no longer communicable under those circumstances.

B. Likewise, clients who have a communicable disease or parasitic infection that is transmittable to other clients or to a practitioner through the type of contact the client would have with the practitioner, or other clients, should not be accommodated in an establishment.

805. CHAIRS, SHAMPOO BOARDS AND BOWLS

I. The head-rest chair must be provided with a clean towel or paper sheet for each patron.

II. Shampoo boards and bowls must be cleaned with soap and water or other detergent after each shampoo, kept in good repair and in a sanitary condition at all times.

806. LINENS

I. Only freshly laundered or new disposable linens can be used on each client.

II. After linens have once been used, they must be deposited in a closed receptacle, and cannot be used again until properly laundered and sanitized.

III. Used linens must be laundered either by regular commercial laundering or by a non-commercial laundering process which includes the following treatment:

Immersion in water at 160E F. for not less than five minutes at some time during the wash or rinsing operation. All linens are to be disinfected during the wash cycle using detergent and bleach.

IV. All clean towels are to be stored in a closed cabinet.

V. A sanitary neck strip or towel must be used to keep all protective covering from coming in direct contact with a patron.

807. BOTTLES AND CONTAINERS

I. All bottles and containers must be distinctly and correctly labeled to disclose their contents. When not in use all bottles and containers must remain closed. All bottles containing poisonous substances must be so designated and stored in a separate cabinet away from cosmetics and other substances.

II. There shall be no more than two (2) gallons of acetone stored or in use in a salon at any one time. Acetone shall be properly labeled and stored in a separate cabinet from cosmetics, in accordance with manufacturer's directions.

808. INSTRUMENTS AND SUPPLIES

I. All instruments and supplies which have been used in direct contact upon a patron, or which have become soiled in any manner whatever, must be removed from work stands or utility trays, placed in a properly labeled receptacle provided for the purpose, and cannot be used on another patron until they have been properly clean and sanitized.

II. All supplies such as cotton, ear pads, neck strips and protectors which cannot be sanitized by one of the procedures covered by Rule 809 must be discarded immediately after use.

III. Carrying instruments in or on garments or uniforms is prohibited. No practitioner in an establishment may carry any instruments or supplies in or on a garment or uniform.

IV. Use of brush-type neck dusters is prohibited.

V. Electric nail file:

A. Any individual utilizing or planning to utilize a power drill or electric file in any manicuring procedure must first present Board approved certification that they are proficient in the use of the instrument.

B. The power drill/electric file certification of proficiency must be posted at the practitioner's work station at all times.

C. Any instructor teaching or planning to teach the use of the power drill or electric file in any manicuring procedure must first present Board approved certification that they are proficient in the use of the instrument.

D. The instructor's power drill/electric file certification of proficiency must be posted in a conspicuous place in the school at all times.

E. Any power drill or electric file utilized in any manicuring procedure must be specifically designed for use on the human nail. The individual utilizing the instrument must be able to provide that documentation upon demand.

809. DISINFECTING WORK SURFACES, INSTRUMENTS, MATERIALS AND SUPPLIES:

I. Work surfaces must be cleaned with a detergent and disinfected after each client.

II. All instruments, materials and supplies used in direct contact upon a patron, except those which come in contact with blood or body fluids, require the following treatment:

A. Thorough cleansing of the instruments, materials and supplies with soap and water or other detergent immediately after each use, and prior to disinfection, so as to remove all foreign material which might harbor bacteria.

B. Each establishment will have and use for disinfection at all times during business hours, a Wet Disinfectant Container made of glass, stainless steel, or the type recommended by the manufacturer of the product it contains.

1. The disinfectant used must be an EPA registered, hospital grade, bactericidal, virucidal and fungicidal disinfectant.
2. The solution will be mixed and used according to manufacturer's instructions for dilution and immersion time.
3. The container will be large enough for total immersion of the open implement and will contain the appropriate amount of solution for the number of items to be disinfected.
4. The container will have a cover in place at all times, labeled as to its contents, and be easily accessible to all practitioners.
5. Implements are to be removed from the disinfectant in such a manner as not to contaminate the disinfectant solution (using tongs, baskets, and such), and placed on a clean dry towel for air drying.
6. Ultraviolet ray cabinets may be used, but are not acceptable as approved disinfecting devises. Glass bead sterilizers are not an acceptable disinfectant.

C. Storage of Disinfected Implements:

1. Disinfected combs, brushes, instruments and accessories will be kept in a clean, sanitized, closed receptacle or cabinet when not in use.

III. Body treatment, pedicure and manicure equipment that holds water shall be cleaned after each client by scrubbing with *surfactant* soap and water to remove all visible residue, then disinfected with an EPA registered bactericide, fungicide, and virucidal disinfectant with surface contact according to manufacturer's directions

IV All tools and implements which have come in contact with blood or body fluids must be disinfected in the manner stipulated in Rule 809.II., except that the

disinfectant must be an EPA registered, hospital grade, *tuberculocidal* that is mixed and used according to the manufacturer's direction. Disposable items must be discarded immediately, following the Blood Spill Procedures as stipulated in Rule 813.

810. DISINFECTING ELECTRIC CLIPPERS AND METAL INSTRUMENTS

Instruments which cannot be sanitized by the procedures set forth in Rule 809 will be disinfected by:

I. Thorough cleansing of the working parts of the instruments with soap and water or other detergent immediately after each use, and prior to disinfection, so as to remove all foreign material which might harbor bacteria.

II. Immersion of the working parts of the instruments in a solution of 70% alcohol for not less than five minutes. Contact points of non-immersible equipment will be wiped or sprayed with an EPA registered, hospital grade, bactericidal, virucidal and fungicidal disinfectant.

811. DISINFECTING MANICURE INSTRUMENTS WHILE IN USE ON A PATRON

I. A solution of 70% alcohol will be readily available during the manicure. The instruments used on a individual patron will be placed in the alcohol solution when not actually being employed during the process of giving a manicure.

II. After use on a patron, the entire set of instruments will be removed from the work station and cannot be used again until disinfected in accordance with the procedures set forth in Rule 810 or Rule 809 if instruments come in contact with blood or body fluids.

812. CLEANING AND DISINFECTING WHIRLPOOL FOOTSPAS.

I. As used in this section, "whirlpool footspa" or "spa" is defined as any basin using circulating water.

II Hair Removal and waxing services may not be performed on the legs or feet before any pedicure service

III. Each whirlpool footspa shall be cleaned and disinfected in the following manner:

A. Before use upon each patron,

1. All water shall be drained and all debris shall be removed from the spa basin.

2. The spa basin must be cleaned with a brush and *surfactan*t soap and water.

3. The spa basin must be disinfected with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity which must be used according to manufacturer's instructions.
4. The spa basin must be wiped dry with a clean towel.

B. At the end of each day,
1. The screen shall be removed, all debris trapped behind the screen shall be removed, and the screen and the inlet shall be cleaned with a brush and *surfactant* soap and water.
2. Before replacing the screen, one of the following procedures shall be performed:
   a. The screen shall be washed with a chlorine bleach solution of 1 teaspoon of 5% chlorine bleach to 1 gallon of water, or
   b. The screen shall be totally immersed in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity which must be used according to the manufacturer's instructions.
3. The spa system shall be flushed with low sudsing soap and warm water for at least 10 minutes, after which the spa shall be rinsed and drained.

C. Every other week (bi-weekly), after cleaning and disinfecting as provided in Section B. above, each whirlpool footspa shall be cleaned and disinfected in the following manner:
1. The spa basin shall be filled completely with water and 1 teaspoon of 5% bleach for each 1 gallon of water.
2. The spa system shall be flushed with the bleach and water solution for 5 to 10 minutes and allowed to sit for 6 to 10 hours.
3. The spa system shall be drained and flushed with water before use upon a patron.

D. A record shall be made of the date and time of each cleaning and disinfecting as required by Sections B. And C., and will indicate whether the cleaning was a daily or bi-weekly cleaning. This record shall be made at or near the time of cleaning and disinfecting. Cleaning and disinfecting records shall be made available upon request by either a patron or a board representative.

E. A violation of this section may result in an administrative fine and/or disciplinary action. Each footspa not in compliance with this section may result in a separate violation.

813. BLOOD SPILL PROCEDURES

I. Practitioner injury. While risk expected with these practices is minimal, practitioners are cautioned to always use disposable plastic gloves prior to contacting blood or bodily fluids. If a practitioner sustains a cut, or other blood spill injury, the client service must be immediately stopped, and the following procedure employed:

A .Clean injured area with soap and water. Apply antiseptic and/or liquid styptic or spray styptic as necessary. The use of styptic pencil is prohibited. Containers, brushes or nozzles of liquid styptic are not allowed to touch the skin or contact the wound. An applicator, such as a sanitized piece of gauze or cotton must be used.

B. Cover injury with an adhesive dressing or band aid.

C. Put on properly sized disposable plastic gloves.

D. Any tissue or cotton used to collect blood, or clean injury must be disposed of in a sealed plastic bag. This plastic bag must be put into another plastic bag (double bagged) and discarded.

E. Clean and disinfect work area and remove or disinfect any contaminated implements as provided in Rule 809.

F. Discard plastic gloves. Wash and scrub hands with soap and water. Follow with an antibacterial scrub on hands. Replace adhesive dressing or band aid as needed. If the wound is on a hand, put on properly sized, disposable plastic glove on the injured hand.

G. If necessary, clean client with soap and water.

H. In the event of a blood to blood contact, consult with a private physician.

II. Client injury: If a client sustains a cut, or other blood spill injury, the client service must be immediately stopped, and the following procedure employed:

A. Put on properly sized, disposable plastic gloves.

B. Clean injured area with soap and water. Apply antiseptic and/or liquid styptic or spray styptic as necessary. The use of styptic pencil is prohibited. Containers, brushes or nozzles of liquid styptic are not allowed to touch the skin or contact the wound. An applicator, such as a sanitized piece of gauze or cotton must be used.

C. If necessary, Cover injury with an adhesive dressing or band aid.

D. Any tissue or cotton used to collect blood, or clean injury must be disposed of in a sealed plastic bag. This plastic bag must be put into another plastic bag (double bagged) and discarded.

E. Clean and disinfect work area and remove or disinfect any contaminated implements as provided in Rule 809.

F. Discard plastic gloves. Wash and scrub hands with soap and water. Follow with an antibacterial scrub on hands.

G. In the event of a blood to blood contact, consult with private physician.

814. HEALTH AND SAFETY ISSUES:

I. No instructor, or practitioner, will remove moles or other blemishes by radiation, electronic, or other methods of tissue destruction.

II. No practitioner or instructor will massage any person upon a surface of the skin or scalp where such skin is inflamed or where a skin infection or eruption is present.

III. No product containing the ingredient methyl methacrylate (MMA) can be used in any manicuring or pedicuring procedure. All products must be correctly labeled, and manufacturer's data sheets for any nail product must be readily available for review by any agent of the Board of Cosmetology.

IV. Hair removal and waxing services may not be performed on the legs or feebefore any pedicure service.

815. CREAMS, LOTIONS, POWDER AND OTHER COSMETICS

I. All creams, lotions, and other cosmetics used on patrons must be kept in clean and closed containers.

II. All powder used on patrons must be kept in a clean shaker or may be applied by means of cotton or other sanitized applicator. Applicators must be sanitized after each patron. Disposable applicators must be discarded immediately after use.

III. Creams and other semi-solid substances must be removed from the container with a sanitized spatula or other article. The use of fingers for removing creams, etc., is prohibited.

IV. Lotions or fluids must be poured into a sanitized glass or other container and must be applied to the patron by means of cotton or sanitized applicator. Any excess remaining after application can neither be returned to the original container nor applied to another patron, but must be discarded immediately.

V. Creams, lotions, powder and other cosmetics must be removed by means of cotton, gauze, pledgets, soft absorbent paper, or other sanitized material.

VI. Wax:

A. Depilatory wax can be used only once and discarded. It cannot be returned to the wax heater. Applicators cannot be re-dipped.

B. Wax used for other than a depilatory requires that:

1. The skin must be thoroughly cleansed with an antibacterial skin cleanser.
2. The skin must be completely dried with a clean towel prior to immersion.
3. Wax must be discarded when cloudy or when it contains debris.
4. The product removed from the body must be discarded.

VII. Eyebrow pencils must be sharpened after being used on a patron.

VIII. No product containing the ingredient methyl methacrylate (MMA) can be used in any manicuring or pedicuring procedure. All products must be correctly labeled, and manufacturer's data sheets for any nail product must be readily available for review by any agent of the Board of Cosmetology.