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**IDAPA 24
TITLE 04
CHAPTER 01**

24.04.01 - RULES OF THE IDAHO BOARD OF COSMETOLOGY

000. LEGAL AUTHORITY (RULE 0).

These rules are hereby prescribed and established pursuant to the authority vested in the Idaho Board of Cosmetology by the provisions of Section 54-821, Idaho Code. (7-1-97)

001. TITLE AND SCOPE (RULE 1).

These rules shall be cited as IDAPA 24.04.01, "Rules of the Idaho Board of Cosmetology." (7-1-97)

002. WRITTEN INTERPRETATIONS (RULE 2).

The Board may have written statements that pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. (3-8-02)

003. ADMINISTRATIVE APPEALS (RULE 3).

Administrative appeals shall be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (3-8-02)

004. INCORPORATION BY REFERENCE (RULE 4).

These rules do not incorporate by reference any document other than those sections of Idaho Code so referenced. (3-8-02)

005. ADDRESS OF THE IDAHO BOARD OF COSMETOLOGY (RULE 5).

The office of the Board of Cosmetology is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is cos@ibol.idaho.gov. The Board's official web site is at www.ibol.idaho.gov/cos.htm. (3-19-07)

006. PUBLIC RECORDS (RULE 6).

The records associated with the Board of Cosmetology are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (3-8-02)

007. -- 009. (RESERVED).

010. DEFINITIONS (RULE 10).

These rules expressly adopt all definitions set forth in Section 54-802, Idaho Code, in addition to the following: (3-30-01)

01. Gender. Any reference to a gender shall mean both masculine and feminine. (7-1-97)

02. Board. The Idaho Board of Cosmetology as prescribed in Section 54-802, Idaho Code. (7-1-97)

03. Bureau. The Bureau of Occupational Licenses, as prescribed in Section 54-828 and Section 67-2602, Idaho Code. (3-8-02)

04. Chief. The Bureau Chief of the Bureau of Occupational Licenses as established by Section 67-2602, Idaho Code. (7-1-97)

05. Current License. An unexpired license in good standing. (7-1-97)

06. Establishment. A licensed cosmetological establishment. (7-1-97)

07. Record of Instruction. The final documentation of total hours and operations completed by a student that is maintained by a school or, in the case of an apprentice, the instructor. (3-30-01)

08. Certificate of Graduation. A signed, notarized statement from a school or, in the case of an apprentice, the instructor, which indicates that the student has fulfilled all requirements of that school or apprenticeship and is eligible for examination. (7-1-97)

09. Rules. The rules of the Board. (7-1-97)

10. School. A licensed school of cosmetology. (7-1-97)

11. School of Electrology. A licensed school of cosmetology approved to teach electrology. (3-30-01)

12. Endorsement Certification. In accordance with Section 54-812, Idaho Code. (7-1-97)

13. Hospital Grade. Hospital grade means a disinfecting agent registered by the Environmental Protection Agency as an effective germicidal/bactericidal, fungicidal, and virucidal disinfectant or any other equivalent agent that effectively frees instruments from infectious or otherwise harmful microorganisms. Such agents must be used in accordance with the manufacturer's instructions. (3-19-07)

14. First-Aid Kit. First-aid kit means a packaged and identifiable assortment of medical supplies, including adhesive bandages, skin antiseptic, disposable gloves, and gauze, which may be used for cleaning and protecting blood spills and other minor emergency traumas of the human body. (3-30-01)

15. Patron. Patron means any person who receives the services of anyone licensed or otherwise regulated by the provisions of Chapter 8, Title 54, Idaho Code. (3-19-07)

16. Examination. The examination approved by the board is the National Interstate Council of State Boards of Cosmetology examination. The examination shall consist of practical examination, theory examination and jurisprudence examination. (4-2-08)

011. -- 099. (RESERVED).

100. BOARD QUALIFICATIONS -- PROCEDURES -- MEETINGS -- POLICIES. (RULE 100).

01. Board Member Qualifications. (3-19-07)

a. The Cosmetology Board member shall meet the requirements set forth in Section 54-829, Idaho Code. (3-19-07)

b. Cosmetology school representative: To be eligible for appointment to the Cosmetology Board the individual must: (7-1-97)

i. Currently hold a license as a cosmetologist in this state; and (7-1-97)

ii. For the three (3) years immediately preceding appointment meet the following requirements: (7-1-97)

(1) Monetary interest in school ownership; and (7-1-97)

(2) Actively involved in school management. (7-1-97)

c. Electrologist Board member qualification requirements -- the Electrology Board member shall: (3-30-01)

i. Be at least twenty-five (25) years of age; and (7-1-97)

ii. Be a resident of this state for at least five (5) years prior to appointment; and (7-1-97)

iii. Have been engaged in the practice of electrology for at least three (3) years immediately preceding

appointment; and (3-30-01)

iv. Be a licensed electrologist under the provisions of this act. (3-30-01)

02. Board Meetings - Dates - Places. (7-1-97)

a. The Board shall meet at least three (3) times a year in regular session beginning on the first Monday of February, June and October. (7-1-97)

b. Board meetings will be held in Boise, Idaho, at the Bureau. (7-1-97)

c. Dates and places of board meetings may be changed and other meetings scheduled by the action of a majority of the Board. (7-1-97)

101. -- 124. (RESERVED).

125. FEES (RULE 125).

Fees are established in accord with Section 54-818, Idaho Code, as follows: (7-1-97)

01. Original Permits, Licenses, and Annual Renewals. (3-30-01)

a. Cosmetological establishment, original license - Fifty dollars (\$50). (3-30-01)

b. Cosmetological establishment, annual renewals - Thirty-five dollars (\$35). (3-18-99)

c. Retail cosmetics Dealer, original license - Fifty dollars (\$50). (3-30-01)

d. Retail cosmetics dealer, annual renewals - Thirty-five dollars (\$35). (3-18-99)

e. Makeover or glamour photography business, original license - Fifty dollars (\$50). (3-30-01)

f. Makeover or glamour photography business, annual renewals - Thirty-five dollars (\$35). (3-18-99)

g. Domestic school of cosmetology, original license - Five hundred dollars (\$500). (3-30-01)

h. Domestic school of cosmetology, annual renewals - One hundred fifty dollars (\$150). (7-1-97)

i. Registered cosmetologist, original license/annual renewals - Twenty dollars (\$20). (4-9-09)

j. Nail technician, original license/annual renewals - Twenty dollars (\$20). (4-9-09)

k. Apprentice, original license (no renewal fees required) - Twenty dollars (\$20). (7-1-97)

l. Instructor, original license/annual renewals - Twenty-five dollars (\$25). (4-9-09)

m. Electrologist, original license/annual renewals - Twenty dollars (\$20). (4-9-09)

n. Esthetician, original license/annual renewals - Twenty dollars (\$20). (4-9-09)

o. Haircutter, original license/annual renewals - Twenty dollars (\$20). (4-9-09)

p. Endorsement fee - One hundred dollars (\$100). (3-30-01)

q. Temporary permit to demonstrate and teach - Ten dollars (\$10). (3-30-01)

02. Examination Fees. An examination fee of seventy-five dollars (\$75) shall be required for each examination administered by the Board. The fee for those examinations administered by a third party administrator

shall be that fee determined by the administrator and shall be paid directly to the administrator by the applicant. (3-19-07)

03. Fees Shall Not Be Prorated or Returnable. Fees shall not be prorated or returnable. (7-1-97)

126. -- 149. (RESERVED).

150. REQUIREMENTS FOR LICENSURE BY ENDORSEMENT (RULE 150).

01. Filing Application. Applicants for license by endorsement under the provisions of Section 54-812, Idaho Code, shall file an application on forms provided by the Board; and (7-1-97)

a. Furnish proof of current license in another state, territory, possession or country, having requirements equal to the requirements of Idaho; or (7-1-97)

b. Document by sworn affidavit attesting to having worked in a cosmetology establishment for three (3) years of practical experience under licensure within the five (5) years immediately preceding application. (3-30-01)

02. Certification of Licensure. Certification of licensure must be completed and submitted directly to the Board by the licensing agency of the other state, territory, possession or country, and filed in the office of the Board with the application for license and required fee. (3-8-02)

03. Application Must Be Accompanied by Proof of Meeting Educational Requirements. Application for license by endorsement must be accompanied by proof of the applicant having met the educational requirements as set forth in Section 54-805, Idaho Code. (3-30-01)

04. Submit Proof of Birth. Endorsement applicants must furnish a copy of their birth certificate or other acceptable proof of birth. (7-1-97)

05. Application Must Be Accompanied by Endorsement Fee and Original License Fee. Applications for license by endorsement must be accompanied by the endorsement fee and the original license fee. If the Board finds that the applicant is ineligible for license by endorsement, but is eligible for license by examination, the endorsement fee shall be utilized as the examination fee, and the applicant permitted to take the examination. (3-30-01)

151. -- 175. (RESERVED).

176. APPLICATION AND FEE FOR PERMIT TO DEMONSTRATE OR TEACH COSMETOLOGY. (RULE 176).

Application and fee for permit to demonstrate or teach cosmetology shall be made by the sponsoring agent on forms furnished by the Board and must be received in that office at least seven (7) days prior to the date of demonstration or instruction. The applicant shall include the name, address, license number, and the state, territory, possession, or country of licensure, and a ten dollar (\$10) fee for each person who shall demonstrate or instruct. The permit fee shall not be required for those persons holding a current personal Idaho license issued by the Board. Said demonstration or instruction shall not commence until the permit is received by the applicant. The permit shall be available for inspection by the Board or its agent at the location of said demonstration or instruction. The applicant shall be required to inform each person of the sanitary rules for shops and schools prior to said demonstration, or instruction. (3-8-02)

177. -- 199. (RESERVED).

200. APPLICATIONS (RULE 200).

01. Application for License by Examination. Application for license by examination shall be made on forms furnished by the Board. (3-8-02)

a. Applicant. Each applicant for licensure by examination shall be required to submit to the Board an application, the required fees and submit or facilitate the submission of the following; (7-1-08)T

b. Records. (7-1-08)T

i. The official record of instruction; (7-1-08)T

ii. A signed and notarized certificate of graduation; (3-8-02)

iii. Proof of the required high school education (pursuant to Section 54-805, Idaho Code) or equivalent; (7-1-08)T

iv. Acceptable verification of applicants age; and (7-1-08)T

v. Examination scores. (7-1-08)T

02. Applications Must Be Complete to Be Accepted. Applications shall not be considered complete and accepted until all required information, documents, and fees are received by the Board. (3-8-02)

03. Examination. Proof of successful passage of a practical and written examination as approved by the Board. (4-2-08)

04. Out of State Applicants. (3-8-02)

a. Applicants not completing their instruction in Idaho and currently licensed in another state, territory, possession or country, must also document their other licensure and provide verification of practical experience, in addition to the required application and fees. (3-8-02)

b. Applicants not currently licensed in another state, territory, possession or country must provide certified documentation of all instruction received. Records of instruction must be received by the Board directly from the applicable regulatory agency or the facility that provided the instruction. (3-8-02)

05. Lack of Activity. Applications on file with the Board where an applicant has failed to respond to a Board request or where the applications have lacked activity for five (5) consecutive years shall be deemed denied and shall be terminated upon thirty (30) days written notice unless good cause is established to the Board. (7-1-08)T

201. -- 249. (RESERVED).

250. ESTABLISHING EQUIVALENCY IN LIEU OF THE REQUIRED HIGH SCHOOL EDUCATION (RULE 250).

The Board will accept the following tests and degrees as being equivalent in lieu of the required high school education (pursuant to Section 54-805, Idaho Code). (5-2-08)

01. GED Test. The General Educational Development (G.E.D.) Tests approved by the Department of Education, when an applicant receives an average cutting score of not less than forty-five (45), with no category below a cutting score of forty (40). (3-30-01)

02. Equivalent Test. Any test approved by the Department of Education to establish education equivalency shall be approved by the Board when an applicant receives a score approved by the Department of Education as meeting the equivalency requirement. (5-3-03)

03. Degrees. An associates, bachelors, or graduate degree from an accredited college or university. (4-2-08)

251. -- 299. (RESERVED).

300. LICENSURE AND OPERATION OF PRIMARY AND CONTIGUOUS ESTABLISHMENTS (RULE 300.)

01. Applications. Application for establishment license shall be made on forms furnished by the Board. The fully completed application form, with the required fees, must be submitted to the Board and a license issued prior to the opening or operation of any cosmetological establishment. (7-1-97)

02. Primary Establishment License. A primary establishment license may be issued and annually renewed only under the following condition: (7-1-97)

a. Compliance with Subsection 300.01; and (7-1-97)

b. There is a clearly defined and designated working floor space of adequate dimension to allow the safe and sanitary practice of any one (1) or combination of defined practices of cosmetology for all individual stations that may be in operation in addition to any restroom and access areas; and (5-3-03)

c. There is an approved hot and cold running water source and drainage system that is available to any contiguous cosmetology establishment or barber shop that may exist; and must be within the perimeters of the licensed establishment and separate from the toilet facilities. (7-1-97)

d. The licensed area does not overlap any portion of a contiguous or other primary establishment designated area; and (7-1-97)

e. There is access to restroom facilities from within the building in which the primary establishment is located and which shall be accessible from the primary area and to all contiguous establishments. Said restroom facilities shall contain an approved hot and cold running water source and approved drainage system. Said water source shall be in addition to the work area facilities. (7-1-97)

f. All primary areas shall be connected by an access area not less than three (3) feet wide and said access shall not be part of any contiguous establishment's designated area. (7-1-97)

03. Contiguous Establishment License. A contiguous establishment license may be issued and annually renewed only under the following condition: (7-1-97)

a. Compliance with Subsection 300.01; and (7-1-97)

b. The licensed area is contiguous to an area licensed as a primary cosmetology establishment or barber shop and which is accessible from the primary area by not less than a three (3) foot wide access area; and (7-1-97)

c. The licensed area does not overlap any portion of a primary or other contiguous establishments' designated area. "Overlap" will not include the cooperative or joint use of "common areas" such as shampoo bowls, restrooms, entrance or reception areas or the like, which are physically located within the designated licensed area of the primary shop but which are not within the designated licensed area of any contiguous shop. As these common areas are within the designated area licensed by the primary establishment, the holder of the primary license will be responsible for any violations which occur there; and (7-1-97)

d. The licensed contiguous shop area shall provide adequate dimension to allow the safe and sanitary practice of any one (1) or combination of the defined practices of cosmetology for all individual stations that may be in operation; and (5-3-03)

e. There is access to restrooms from within the building. (7-1-97)

04. Businesses Other Than Cosmetological Establishments or Barber Shops. Businesses other than cosmetological establishments or barber shops, and living quarters shall be separate and apart. Home establishments must provide a separate outside entrance directly into the establishment and substantial partitions or walls shall extend from the floor to not less than seven (7) feet high, separating the establishment from adjoining rooms used for

business or domestic purposes. All doors to an establishment from adjacent rooms shall be closed. (7-1-97)

05. Adequate Toilet Facilities. Adequate toilet facilities shall be conveniently located and accessible from within the building where the establishment is located. (7-1-97)

06. Conditions for Issuance. No cosmetological establishment license may be issued which includes or overlaps all or any portion of an existing establishment license. (7-1-97)

301. COSMETOLOGICAL ESTABLISHMENT CHANGES IN - OWNERSHIP - LOCATION - LICENSURE REQUIREMENTS (RULE 301).

01. Change of Ownership or Location. Whenever a change of ownership or fixed location of an establishment occurs, an original license fee must be paid and compliance with all rules concerning a new establishment must be met, before a new license will be issued. In the event of the relocation of a contiguous establishment within the same primary establishment, an original license fee shall not be required provided the contiguous establishment is currently licensed at the time of the relocation. LICENSES ARE NOT TRANSFERABLE. (5-3-03)

02. Board Must Be Informed of All Changes. The Board must be informed in writing of any and all changes of ownership and location of establishments. (5-3-03)

03. Deletion of an Owner. Deletion of an owner in a multiple ownership may be effected by filing a written statement with the Board signed by the person withdrawing and/or the remaining owner(s). (7-1-97)

04. Transfer of Owner. If the transfer involves change of corporate structure or deleting one (1) or more owners, a written notarized statement signed by all former owners as registered with the Board shall be accepted. If the existing establishment license has expired, the procedure as set forth in Subsection 300.01 shall be followed. (7-1-97)

05. Addition of an Owner. Addition of an owner to multiple ownership constitutes a change in ownership and the requirements for a new establishment apply. (7-1-97)

06. Supervision in an Establishment. A properly licensed establishment must operate under proper supervision, refer to Section 54-803, Idaho Code. (7-1-97)

07. Out of Business. Whenever any shop ceases operation at the licensed location, the owner(s) or authorized agent of the shop shall notify the Board by submitting either: (5-3-03)

a. A signed letter advising that the shop is out of business; or (5-3-03)

b. The establishment license bearing the signature of the owner(s) or authorized agent and marked out-of-business. (5-3-03)

08. License Status. A new primary or contiguous establishment license will not be issued for any location that is currently licensed as an establishment at the time of application. (5-3-03)

302. -- 399. (RESERVED).

400. REQUIREMENTS FOR LICENSURE BY EXAMINATION - GENERAL. (RULE 400).

01. Requirements. Applicants for license by examination must complete an application (Refer to Rule 200) and file it with the Board, along with proof of successfully passing the approved examination with a score of at least seventy-five percent (75%) and a completed certificate of graduation submitted to the Board by the school. (4-2-08)

02. If Applicant Is From Another State. If applicant is from another state, territory, possession, or country, and is ineligible for license by endorsement, proof of having a current license in good standing and

instruction equivalent to the foregoing requirements must be submitted to the Board (Refer to Rule 200). (3-30-01)

401. COSMETOLOGY REQUIREMENTS FOR LICENSURE BY EXAMINATION. (RULE 401).

01. Filing of Record of Instruction. Applicant must file Record of Instruction covering: two thousand (2,000) hours of instruction as a student, or four thousand (4,000) hours of instruction as an apprentice. (3-30-01)

02. Credit for Instruction. Credit for instruction as a student or apprentice will be given for each year of practical experience under licensure in another state, territory, possession, or country as follows: (3-30-01)

a. Two hundred (200) hours as a student, or four hundred (400) hours as an apprentice. (3-30-01)

b. Credit will be allowed only on six (6) month experience increments. (7-1-97)

03. Hours Credit Toward Licensure. (7-1-97)

a. A licensed nail technician shall be given credit of two hundred fifty (250) hours toward the required two thousand (2000) hours for a cosmetology course or five hundred (500) hours toward the required four thousand (4,000) hours as a cosmetology apprentice. (7-1-97)

b. A licensed esthetician shall be given credit of two hundred fifty (250) hours toward the required two thousand (2000) hours for a cosmetology course. (7-1-97)

c. A licensed haircutter shall be given credit of two hundred fifty (250) hours toward the required two thousand (2000) hours for a cosmetology course. (3-19-07)

d. A nail technician student (not licensed) may receive eighty percent (80%) of accumulated hours, but no more than two hundred fifty (250) hours, as credit toward a student cosmetology course. (7-1-97)

e. An esthetician student (not licensed) may receive eighty percent (80%) of accumulated hours, but no more than two hundred fifty (250) hours as credit toward a student cosmetology course. (7-1-97)

f. A haircutter student (not licensed) may receive eighty percent (80%) of accumulated hours, but no more than two hundred fifty (250) hours, as credit toward a student cosmetology course. (3-19-07)

402. -- 406. (RESERVED).

407. ELECTROLOGY REQUIREMENTS FOR LICENSURE BY EXAMINATION (RULE 407).

01. Filing of Record of Instruction. Applicant must file Record of Instruction covering eight hundred (800) hours as a student, or one thousand six hundred (1,600) hours as an apprentice. (3-30-01)

02. Credit Given for Instruction. Credit given for instruction will be eighty (80) hours as a student, or one hundred sixty (160) hours as an apprentice, for each year of practical experience under licensure in another state, territory, possession, or country. (3-30-01)

03. Credit for Experience. Credit for experience will be allowed only in full six (6) month increments. (7-1-99)

408. -- 412. (RESERVED).

413. ESTHETICS REQUIREMENTS FOR LICENSURE BY EXAMINATION (RULE 413).

01. Filing of Record of Instruction. Applicant must file Record of Instruction covering six hundred (600) hours as a student, or one thousand two hundred (1,200) hours as an apprentice. (3-8-02)

02. Credit Given for Instruction. Credit given for instruction as a student will be sixty (60) hours as a

student, or one hundred twenty (120) hours as an apprentice, for each year of practical experience under licensure in another state, territory, possession, or country. (3-8-02)

03. Six Month Allowance for Credit. Credit for experience will be allowed only in full six (6) month increments. (7-1-99)

414. -- 418. (RESERVED).

419. NAIL TECHNOLOGY REQUIREMENTS FOR LICENSURE BY EXAMINATION (RULE 419).

01. Filing of Record of Instruction. Applicant must file Record of Instruction covering four hundred (400) hours as a student, or eight hundred (800) as an apprentice. (3-8-02)

02. Credit Given for Instruction. Credit given for instruction as a student will be forty (40) hours as a student, or eighty (80) hours as an apprentice, for each year of practical experience under licensure in another state, territory, possession or country. (3-8-02)

03. Six Month Allowance for Credit. Credit will be allowed only on six (6) month experience increments. (7-1-97)

04. Hours Credit Toward Licensure. One seventh (1/7) of cosmetology student training hours may be credited toward nail technology instruction requirements. (3-30-01)

420. -- 424. (RESERVED).

425. HAIRCUTTER REQUIREMENTS FOR LICENSURE BY EXAMINATION (RULE 425).

01. Filing of Record of Instruction. Applicant must file Record of Instruction covering nine hundred (900) hours as a student. (3-19-07)

02. Credit Given for Instruction. Credit given for instruction as a student will be ninety (90) hours as a student for each year of practical experience under licensure in another state, territory, possession or country. (3-19-07)

03. Six Month Allowance for Credit. Credit will be allowed only on six (6) month experience increments. (3-19-07)

04. Hours Credit Toward Licensure. One-seventh (1/7) of cosmetology student training hours may be credited toward haircutter instruction requirements. (3-19-07)

426. -- 449. (RESERVED).

450. EXAMINATIONS - GENERAL (RULE 450).

Examination for licensure shall consist of both a practical and written examination for each of those disciplines included in Chapter 8, Title 54, Idaho Code. (5-3-03)

01. Written Examination. The written examination will be the national examination provided by the National Interstate Council of State Boards of Cosmetology (NIC). (7-1-08)T

02. The Practical Examination. The practical examination will be the NIC examination specific to the discipline for which licensure is sought. (5-3-03)

451. -- 499. (RESERVED).

500. RULES OF SCHOOLS OF COSMETOLOGY (RULE 500).

Section 54-808, Idaho Code, provides for the rules of schools of cosmetology. Supplementing this section, the Board adopts the following rules: (7-1-97)

01. Application Before Opening and Operating a School. No school of cosmetology will be opened and/or operated until the Board has issued its approval and a valid license has been received by the school. See Section 54-806, Idaho Code. Application for a school license shall be made on forms furnished by the Board. The fully completed application to operate a school, with the required fee, shall be submitted to the Board. (3-30-01)

a. As soon as practicable, upon receipt of said application, the Board or its designated agent, will cause the school to be inspected. Based on this inspection, a recommendation for the issuance or rejection of a license will be made and a decision entered, within a reasonable time not to exceed thirty (30) days, after said application has been received. (7-1-97)

b. All new schools applying for license must have one thousand eight hundred (1,800) square feet of space. Schools approved to teach electrology refer to Rule 550. (7-1-99)

c. All new schools must be separated completely from establishments and have no connecting entrances. (3-30-01)

02. Adequate Space. Schools provide adequate space for the number of students to be trained in said schools. An additional forty (40) square feet of floor space shall be provided in excess of the minimum one thousand eight hundred (1800) square feet required for each student enrolled over twenty (20) students. (7-1-97)

03. Annual Review of Curriculum and Catalog. Schools must provide a curriculum and catalog to the Board. Schools must provide a curriculum and catalog to the Board for review on an annual basis. Curricula must be submitted at the time of license renewal. If there are no changes in the curriculum or catalog during the previous year, the school may submit a letter of explanation to the Board. (7-1-97)

04. Minimum Hours of Instruction. Students shall not be permitted to render any clinical service to patrons until students have completed at least five percent (5%) of the required hours of instruction. (3-19-07)

05. Records Required. Records required of schools of cosmetology: (7-1-97)

a. Schools shall maintain records for each student as established by schools' policy and procedures which will show daily attendance and academic grades of instructional progress. (3-30-01)

b. Progress records shall be signed and dated by the student and school official. A copy of the signed and dated monthly record shall be provided to the student. The school shall maintain the records for a period of five (5) years following completion or termination of the student instruction. These records are subject to inspection by the Board at any time. (7-1-08)T

c. When a student's course of instruction at a school has been completed or terminated, the completed operations, and number of hours of instruction are to be recorded by the school on the Record of Instruction Form. This form is to be maintained by the school for a period of five (5) years from completion or termination date. (7-1-08)T

d. Schools shall maintain on the premises proof of student meeting education requirements. Schools must maintain proof of student having satisfactorily completed two (2) years of high school (tenth grade) or having equivalent education. If student is a high school graduate, schools may accept a photostatic copy of the high school diploma or transcript. A letter written on high school stationary, signed by an officer of the high school, may be accepted to verify student's satisfactory completion of the tenth grade and eligibility to commence the eleventh grade. (7-1-97)

e. Proof of age must be submitted. Schools must maintain on their premises proof of students compliance with minimum age requirement. Acceptable proof of birth date will be a copy of the student's birth certificate, a passport, military identification, drivers license or other similar form of documentation. (7-1-97)

f. Schools shall have a written (published) attendance policy. (7-1-08)T

06. Record of Instruction. A record of the operations completed by each student shall be maintained and include the following: (3-30-01)

- a.** Creative hair styling which shall include hair styles, wet sets/styling, thermal styles, fingerwaving, braiding/free styling; (3-30-01)
- b.** Scalp Treatments; (3-30-01)
- c.** Permanent Waves (All Methods); (3-30-01)
- d.** Haircutting/shaping which shall include scissor and razor/clipper; (3-30-01)
- e.** Bleaching; (3-30-01)
- f.** Tinting; (3-30-01)
- g.** Semi Permanent/Temporary Color; (3-30-01)
- h.** Frosting/Highlights; (7-1-08)T
- i.** Facials which shall include plain, makeup and arches; (3-30-01)
- j.** Manicures which shall include plain and oil; (3-30-01)
- k.** Pedicures; and (3-30-01)
- l.** Artificial Nails. (3-30-01)

07. Discontinuance of School. If a school discontinues to operate as a school, records of instruction covering all students attending said school at the time of discontinuance or prior thereto, must be provided to the student(s). (7-1-08)T

08. Out-of-State Applicants. Applicants who have received instruction in out-of-state schools and who wish to complete instruction in an Idaho school are required to file with the Board prior to applying for examination a copy of the record of instruction from the out of state school(s). For purposes of this section, the record of instruction will be a statement which gives detailed information regarding operations and hours of instruction, and which is to be verified by the licensing agency or school(s) in the state in which the instruction was obtained. (3-30-01)

09. Outside School Activities. Schools may allow a student credit for no more than thirty (30) hours per course for outside activities during the course of their instruction. These hours must be approved by the instructor. (7-1-08)T

501. -- 539. (RESERVED).

540. COSMETOLOGICAL SCHOOL CHANGES IN - OWNERSHIP - LOCATION - LICENSURE REQUIREMENTS (RULE 540).

01. Change of Ownership or Location. Whenever a change of ownership or location of a school occurs, an original registration fee must be paid and compliance with all rules concerning a new school met, before a new license will be issued. LICENSE IS NOT TRANSFERABLE. (7-1-97)

02. Board Must Be Informed of All Changes. The Board must be informed in writing of any and all changes of ownership of schools. (7-1-97)

03. Deletion of an Owner. Deletion of an owner in a multiple ownership may be effected by filing a statement with the Board signed by the person withdrawing and the remaining owner(s). This does not constitute a

change in ownership of the school. (7-1-97)

04. Addition of an Owner. Addition of an owner to multiple ownership constitutes a change in ownership and the requirements for a new school apply. (7-1-97)

541. -- 549. (RESERVED).

550. RULES FOR COSMETOLOGY SCHOOLS APPROVED TO TEACH ELECTROLOGY (RULE 550).

Section 54-808, Idaho Code, provides for the teaching of electrology in cosmetology schools. (3-20-04)

01. Board Approval. The Board may approve a school to teach electrology who makes application on forms provided by the Board and who meets all the requirements set forth in the cosmetology law and these rules. Approval of curriculum must be submitted on a separate application. Approval may be suspended or terminated by the Board for the school's failure to meet any one or more of the minimum requirements set forth in the cosmetology law and rules to teach electrology. (7-1-99)

02. Minimum Square Footage. Schools provide a minimum of three hundred (300) square feet of designated floor space per six (6) students. (7-1-97)

03. Required Equipment. Each school shall have the following equipment, which is considered the minimum equipment necessary for the proper instruction of students. This amount of equipment is based on six (6) students. (7-1-97)

- a. Work stations equal to seventy-five percent (75%) of total enrollment. (7-1-97)
- b. Two (2) brands of machines (one (1) with three (3) method capability) Galvanic, Thermolysis, and Blend. (7-1-97)
- c. Two (2) treatment tables and adjustable technician chairs. (7-1-97)
- d. Two (2) swing arm lamps with magnifying lens. (7-1-97)
- e. Two (2) magnifying glasses. (7-1-97)
- f. Tweezers. (7-1-97)
- g. One (1) basin with approved water source. (7-1-97)
- h. Necessary sanitation equipment for implements. (7-1-97)
- i. Closed storage cabinet. (7-1-97)

04. Kit. Each student to be issued a basic kit containing: two (2) tweezers, disposable probes, eye shields, disposable gloves, before treatment solution, after treatment lotion, hair pins or clippies, one (1) sharps container. (7-1-99)

05. Electrologist Instructor/Student Ratio. Schools have at least one (1) licensed electrologist instructor for every six (6) students or portion thereof, being trained therein. (7-1-99)

06. Records Required. Records required of cosmetology schools approved to teach electrology shall be maintained in accordance with the records required for schools of cosmetology. (3-30-01)

07. Record of Instruction. A record of all operations completed by each student shall be maintained and include the following: (3-30-01)

- a. Permanent Removal of Hair (Electrology). (7-1-97)

- i. Bacteriology, sanitation and sterilization, safety precautions, anatomy, and physiology. (3-30-01)
- ii. Electricity which shall include the nature of electrical current, principles of operating electrical devices and the various safety precautions used when operating electrical equipment. (3-30-01)
- iii. Electrolysis which shall include the use and study of galvanic current. (3-30-01)
- iv. Thermolysis which shall include the use and study of high frequency current automatic and manual. (3-30-01)
- v. A combination of high frequency and galvanic currents. (3-30-01)
- vi. The study and cause of hypertrichosis. (3-30-01)
- b. Students may not render any clinical services to patrons until completing at least five percent (5%) of the required hours of instruction in electrology. (4-2-08)

551. -- 559. (RESERVED).

560. RULES FOR COSMETOLOGY SCHOOLS TEACHING ESTHETICS (RULE 560).

Section 54-808, Idaho Code, provides for the teaching of esthetics in cosmetology schools. (3-20-04)

01. Board Approval. The Board may approve a school to teach esthetics who makes application on forms provided by the Board and who meets all the requirements set forth in the cosmetology law and these rules. Approval of curriculum must be submitted on a separate application. Approval may be suspended or terminated by the Board for the school's failure to meet any one or more of the minimum requirements set forth in the cosmetology law and rules to teach esthetics. (7-1-97)

02. Records Required. Records required of schools teaching esthetics shall be maintained in accordance with the records required for schools of cosmetology. (3-30-01)

a. Students may not render any clinical services to patrons until completing at least five percent (5%) of the required hours of instruction in esthetics. (4-2-08)

b. The recorded operations completed by each student shall be maintained and include the following: (3-30-01)

- i. Massage and Manipulation application of lotions, creams, etc. (3-30-01)
- ii. Cosmetics. (3-30-01)
- iii. Machine Application: use of mechanical or electrical equipment. (3-30-01)
- iv. Bacteriology, Sanitation and sterilization, safety precautions, anatomy and physiology. (3-30-01)
- v. Eyebrow arch and hair removal. (3-30-01)

561. -- 569. (RESERVED).

570. RULES FOR COSMETOLOGY SCHOOLS TEACHING NAIL TECHNOLOGY (RULE 570).

Section 54-808, Idaho Code, provides for the teaching of nail technology in cosmetology schools. (3-20-04)

01. Board Approval. The Board may approve a school to teach nail technology who makes application on forms provided by the Board and who meets all the requirements set forth in the cosmetology law and these rules. Approval of curriculum must be submitted on a separate application. Approval may be suspended or terminated by the Board for the school's failure to meet any one or more of the minimum requirements set forth in the

cosmetology law and rules to teach nail technology. (7-1-97)

02. Records Required. (7-1-97)

a. Records required of schools teaching nail technology shall be maintained in accordance with the records required for schools of cosmetology. (3-30-01)

b. Students may not render any clinical services to patrons until the student has completed at least five percent (5%) of the required hours of instruction. All work done on patrons must be completed by students and supervised by instructors. (4-2-08)

03. Record of Training. A record of operations completed by each student shall be maintained of the following: (3-30-01)

a. Form nails; (3-30-01)

b. Finished tips; (3-30-01)

c. Wraps and mends; and (3-30-01)

d. Basic manicures and pedicures. (3-30-01)

571. -- 574. (RESERVED).

575. RULES FOR COSMETOLOGY SCHOOLS TEACHING HAIRCUTTING (RULE 575).
Section 54-808, Idaho Code, provides for the teaching of haircutting in cosmetology schools. (3-19-07)

01. Board Approval. The Board may approve a school to teach haircutting who makes application on forms provided by the Board and who meets all the requirements set forth in the cosmetology law and these rules. Approval of curriculum must be submitted on a separate application. Approval may be suspended or terminated by the Board for the school's failure to meet any one or more of the minimum requirements set forth in the cosmetology law and rules to teach haircutting. (3-19-07)

02. Records Required. (3-19-07)

a. Records required of schools teaching haircutting shall be maintained in accordance with the records required for schools of cosmetology. (3-19-07)

b. Students may not render any services to patrons until the student has completed at least five (5%) of the required hours of instruction. All work done on patrons must be completed by students and supervised by instructors. (3-19-07)

03. Record of Training. A record of operations completed by each student shall be maintained of the following: (3-19-07)

a. Haircutting and Hair shaping; (3-19-07)

b. Creative hair styling which shall include hair styles, wet sets/styling, thermal styles, fingerwaving, braiding/free styling; (3-19-07)

c. Use of cutting implements; (3-19-07)

d. Basic shampooing and conditioning. (3-19-07)

e. Sanitation (3-19-07)

576. -- 599. (RESERVED).

600. INSTRUCTOR RULES (RULE 600).

01. Requirements for Instructor License. (7-1-97)

a. Application for an instructor license shall be made on forms furnished by the Board and accompanied with the required fees. (7-1-97)

b. Section 54-805(2), Idaho Code, provides for twelve (12) semester college credit hours or equivalent, as approved by the Board, or successful completion of the examination required by Board rules. Credit hours must be obtained from the Education Department, Speech Communications Department or from the Psychology/Sociology Department and other credit at the discretion of the Board. (7-1-08)T

c. Equivalent: (7-1-97)

i. Teaching seminars directed to cosmetology, nail technology, esthetics, or electrology must be approved by the Board. Fourteen (14) clock hours is equivalent to one (1) semester college credit hour in an approved seminar. Verification of satisfactory completion must be submitted to the Board for their approval. (3-30-01)

ii. Verified satisfactory teaching as a qualified instructor from another state three (3) of the previous five (5) years immediately prior to application. (7-1-97)

d. Experience Requirements for Instructor Applicant (Reference Section 54-805(2)(8), Idaho Code). Five (5) years experience is deemed "immediately preceding" if obtained during the seven (7) year period immediately preceding application for licensure. (7-1-97)

e. An electrologist with fewer than five (5) years' experience as a licensed electrologist must complete three (3) months, five hundred (500) hours of teacher's instruction in a cosmetology school approved to teach electrology as set forth in Subsection 550.08. (3-30-01)

f. Six (6) months of student teaching is considered to be one thousand (1,000) hours of instruction. Three (3) months of student teaching is considered to be five hundred (500) hours of instruction. (7-1-08)T

02. Records Required. Records required of schools teaching student instructors shall be maintained in accordance with the records required for schools of cosmetology. (3-30-01)

03. Record of Instruction. Records of the operations completed by each student shall be maintained of the following: (3-30-01)

a. Lesson Planning. (3-30-01)

b. Audio Visual Aid Preparation. (3-30-01)

c. Theory Class. (3-30-01)

d. Practical Demonstrations. (3-30-01)

e. Testing and Evaluation Theory. (3-30-01)

f. Testing and Evaluation. (3-30-01)

g. Clinic Floor Supervision. (3-30-01)

601. -- 699. (RESERVED).

700. COSMETOLOGY -- ELECTROLOGY, ESTHETICS, AND NAIL TECHNOLOGY APPRENTICE INSTRUCTION (RULE 700).

Sections 54-805(6)(c) and 54-807, Idaho Code, provide for the practice of apprentices. (3-30-01)

01. Cosmetology Apprentices. There must be at least one (1) licensed cosmetology instructor and one (1) licensed cosmetologist in any cosmetological establishment at all times for each apprentice who is being trained therein. (7-1-99)

a. One (1) instructor shall train no more than three (3) currently registered apprentices. (3-8-02)

b. Each apprentice must also be supervised by a separate licensed cosmetologist. (3-8-02)

02. Electrology Apprentices. Apprentice instruction must be obtained under the direct personal supervision of an electrologist instructor. An electrologist instructor may train no more than one (1) apprentice at a time. (3-30-01)

03. Esthetics Apprentices. There must be at least one (1) licensed cosmetology instructor or esthetics instructor and one (1) licensed cosmetologist or licensed esthetician in any cosmetological establishment at all times for each apprentice who is being instructed therein. (3-8-02)

04. Nail Technology Apprentices. There must be at least one (1) licensed cosmetology instructor or nail technology instructor and one (1) licensed cosmetologist or nail technician in any cosmetological establishment at all times for each apprentice who is being instructed therein. (3-8-02)

05. Filing Application. Application for permit as an apprentice must be made on forms furnished by the Board. (3-30-01)

06. Application for Apprentice. The application submitted for an apprentice permit must list the names and license numbers of the licensed cosmetologists, electrologists, estheticians, and nail technicians employed in the establishment in which an apprentice will serve apprenticeship. (3-30-01)

07. Prior to Beginning Instruction. Prior to beginning of instruction, the instructor for any apprenticeship must submit and have Board approval of a curriculum for the entire apprenticeship instruction. (3-30-01)

08. Application Must Be Accompanied by Proof of Meeting Educational Requirements. Applications must be accompanied by proof of having satisfactorily completed two (2) years of high school (tenth grade) or having equivalent education. If applicant is a high school graduate, a photostatic copy of the high school diploma may be submitted. A letter written on high school stationery, signed by an officer of the high school, may be forwarded with the application. Such letter shall indicate that the applicant has satisfactorily completed the tenth grade and is eligible to commence the eleventh grade. Do not send original high school diploma to the Board. (7-1-97)

09. Submit Proof of Birth. Apprentices must furnish a copy of their birth certificate or other acceptable proof of birth with application. (7-1-97)

10. Apprentice Permit. An apprentice permit must be obtained from the Board before instruction as an apprentice begins. An original apprentice permit shall be dated and valid until such time as said apprentice is no longer enrolled as an apprentice in said establishment. (3-30-01)

11. Records Required. Establishments instruction apprentices must maintain records as set forth: (3-30-01)

a. For cosmetology apprentice in Subsection 500.05. (7-1-99)

b. For electrology apprentice in Subsection 550.06.a.i. (7-1-99)

c. For esthetics apprentice in Subsection 560.02. (7-1-99)

- d.** For nail technology apprentice in Subsection 570.02. (7-1-99)
 - e.** Apprentices shall not be permitted to render any clinical service to patrons until said apprentice has completed at least five percent (5%) of the required hours of instruction. (4-2-08)
 - 12. Record of Instruction.** Records of the operations completed by each student shall be maintained of the following: (3-8-02)

 - a.** For cosmetology apprentice in Subsection 500.06. (7-1-97)
 - b.** For electrology apprentice in Subsection 550.07. (3-30-01)
 - c.** For esthetics apprentice in Subsection 560.02.c. (7-1-99)
 - d.** For nail technology apprentice in Subsection 570.03. (7-1-99)
 - 13. Discontinuance of a Course.** When an apprentice discontinues a course of study, the salon is to complete a Record of Instruction Form with the credited hours completed by the apprentice. This form is to be submitted to the Board. If an apprentice discontinues a course of instruction and does not transfer to another salon within sixty (60) days, the apprentice permit is automatically canceled and is to be submitted to the Board along with the Record of Instruction. (3-30-01)
 - 14. Before Resuming Instruction.** Before resuming instruction, after having discontinued a course, an apprentice must file a new application and pay an additional fee. The apprentice must receive a permit before resuming instruction. (3-30-01)
 - 15. Discontinuance of Establishment Instruction Apprentices.** If a licensed establishment where apprentices are being trained discontinues to operate as a salon, records of instruction covering all apprentices obtaining instruction at the time of discontinuance or prior thereto, must be filed in the office of the Board. (3-30-01)
 - 16. Out of State Apprenticeship.** Prior to commencing a course of study in an Idaho approved establishment, an apprentice applicant is required to file with the Board a copy of the record of instruction from the out of state apprenticeship. For purposes of this section, the record of instruction will be a statement which gives detailed information regarding operations and hours of instruction, and which is to be verified by the licensing agency or instructor(s) in the state in which the instruction was obtained. (3-30-01)
- 701. -- 799. (RESERVED).**
- 800. INSPECTION AND SANITARY RULES. (RULE 800).**
Each cosmetological establishment and school of cosmetology and barber shop and school of barbering is subject to inspection by the Board or its designated agents in accordance with the following rules (reference Section 54-824, and 54-524, Idaho Code). Maximum possible score is indicated by number. (7-1-97)
- 01. Premises.** All shops and schools shall be open to inspection during business hours to authorized agents of the Cosmetology/Barber Boards. Shops and schools must be separated from living areas by substantial walls and/or closable doors. All shops and schools must be maintained in an orderly manner and shall be heated, lighted, and ventilated so as to be safe and comfortable to the operators and patrons. Score - five (5) (7-1-97)
 - 02. Floors, Walls, and Ceilings.** Floors, walls, ceilings, furniture, and all other fixtures shall be kept clean and in good repair at all times. Score - five (5) (7-1-97)
 - 03. Instrument Cleaning.** All instruments used by operators shall be thoroughly cleaned after each use and prior to storage and/or sanitation. Score - fifteen (15) (7-1-97)
 - 04. Instrument Sanitation.** All instruments used by operators shall be sanitized after cleaning and prior to use on each patron, with a sanitizing agent registered by the Environmental Protection Agency as Hospital Grade or better. Every precaution shall be taken to prevent the transfer of disease-causing pathogens from person to

person. Score - fifteen (15) (7-1-97)

05. Towels. Clean towels shall be used for each patron. A clean paper or cloth neckband shall be used to provide a sanitary barrier which shall be maintained between each patron's neck and all multi-use capes. Paper towels and paper neckstrips shall be disposed of after one (1) use. Score - five (5) (7-1-97)

06. Storage of Equipment. All instruments, towels, and linens shall be stored in clean, closed cabinets, drawers, and/or containers after they are cleaned and sanitized. Score - five (5) (7-1-97)

07. Dispensers. All solutions and/or compounds shall be clearly labeled, maintained, and dispensed in a sanitary manner. All single-use applicators shall be disposed of after one (1) use. Paraffins, waxes and all other solutions and/or compounds shall be maintained free of any foreign contaminants. Score - five (5) (7-1-97)

08. Uniforms. All clothing worn by operators shall be clean and washable. Score - five (5) (7-1-97)

09. Water Supply. Water supplies shall be from an approved source. Sufficient basins with hot and cold running water, approved drainage systems, soap and single-use towels shall be conveniently located within the work area. Every operator and/or student shall wash their hands prior to providing service to any patron. Score - ten (10) (7-1-97)

10. Toilet Facilities. Clean, adequate and convenient toilet facilities, located and accessible from within the building where the shop or school is located, shall be available for use by operators and patrons. A basin with hot and cold running water, approved drainage systems, soap and single-use towels shall be provided within said facilities. Score - ten (10) (7-1-97)

11. Safety. Each shop and school shall have a clearly identifiable first-aid kit readily accessible on the premises. No animals are allowed in shops or schools except those animals trained to provide service to the physically impaired. Score - five (5) (7-1-97)

12. Licenses and Certificates. All shops and schools must be licensed prior to their operation and must be under the direct supervision of a licensed operator. A current shop and/or school license, valid operator license(s) or permit(s), a copy of these rules, and a valid classification card shall be conspicuously displayed in the work area of each shop and/or school for the information of operators, Board agents, and the public in general. Score - fifteen (15) (7-1-97)

13. Classification of Shops and Schools. Following an inspection, each shop and school will receive classification as follows: 100% - 90% = "A"; 89% - 80% = "B"; 79% and below = "C." The "C" classification denotes an unacceptable rating and improvements are required within thirty (30) days for continued operation. (7-1-97)

801. -- 814. (RESERVED).

815. DISCIPLINE (RULE 815).

01. Proposed Fines.

VIOLATION	MAXIMUM FINE (each violation)
Operating An Unlicensed Establishment/School. Includes: Failure to obtain original license (includes change of ownership or location); Failure to renew license;	\$ 500 \$ 250

VIOLATION	MAXIMUM FINE (each violation)
Unlicensed Practice. Includes: Failure to renew license; Practice beyond the scope of license/permit; Practice with an altered license/permit.	\$ 250 \$ 250 \$1,000
Allowing Unlicensed Practice. Includes: Owners, Employees, Renters/Leasees, Partners, Family Members, Others.	\$1,000
Practice In An Unlicensed Establishment. Includes: Owners, Employees, Renters/Leasees, Partners, Family Members, Others.	\$ 250
Failing To Allow The Inspection Of An Establishment. Includes: Failure to admit investigator during business hours; Obstructing/hindering the inspection process; Threatening or exerting physical harm to investigators; Allowing acts of obstruction or harm to occur.	\$1,000
Failing To Correct Unacceptable Conditions Within 30 Days. Includes: Failure to separate other business/living areas; Failure to maintain floors, walls, ceilings in good repair; Failure to adequately clean instruments; Failure to adequately sanitize instruments; Failure to use clean towels; Failure to maintain sanitary barrier with multi-use capes; Failure to appropriately store instruments/equipment; Failure to appropriately maintain/dispense products; Failure to wear clean washable clothing; Failure to maintain approved water supply; Failure to maintain approved toilet facilities; Failure to wash hands prior to service; Failure to provide first aid kits; Failure to keep pets or birds out of establishment; Failure to prevent fire or safety hazard; Failure to conspicuously display required certificates; Failure to conspicuously display required licenses.	\$ 250

(7-1-99)

02. Fine in Addition to Other Discipline. For any one (1) or combination of those violations noted under Section 54-816 or 54-819, Idaho Code, the Board may impose a fine of up to one thousand dollars (\$1000) in addition to any refusal to issue, revocation, or suspension of any certificate or license. (7-1-99)

03. Costs and Fees in Disciplinary Proceeding. The Board may order all licensed practitioners to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Section 54-816, Idaho Code. (7-1-99)

816. -- 825. (RESERVED).

826. RULE MAKING HISTORY PRIOR TO JULY 1, 1993. (RULE 826).
 RULES AS ADOPTED April 21, 1992, EFFECTIVE May 11, 1992, REISSUED July 1, 1993. (7-1-97)

827. -- 999. (RESERVED).

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