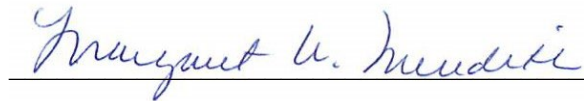


STATEMENT OF EMERGENCY

201 KAR 12:082E

This emergency regulation is being promulgated under KRS 13.190(1)(a)1 to create compliance with SB 113 (R.S. 2022), which was signed into law by the General Assembly and the Governor in April of 2022 and becomes effective July 14, 2022. The implementation of SB 113 is imminent, and a regulatory schematic is necessary for compliance by the Kentucky Board of Cosmetology. This emergency administrative regulation shall be replaced by an identical ordinary administrative regulation.

Andy Beshear, Governor



Margaret Meredith, Board Chair

Kentucky Board of Cosmetology

1 GENERAL GOVERNMENT

2 Kentucky Board of Cosmetology

3 (Emergency Amendment)

4 **201 KAR 12:082E. Education requirements and school administration.**

5 RELATES TO: KRS 317A.020, 317A.050, 317A.090

6 STATUTORY AUTHORITY: KRS 317A.060, 317A.090

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.060(1)(h) requires the
8 board to promulgate administrative regulations governing the hours and courses of
9 instruction at schools of cosmetology, esthetic practices, and nail technology. KRS
10 317A.090 establishes licensing requirements for schools of cosmetology, esthetic
11 practices, and nail technology. This administrative regulation establishes requirements
12 for the hours and courses of instruction, reporting, education requirements, and
13 administrative functions required for students and faculty for schools of cosmetology,
14 esthetic practices, and nail technology.

15 Section 1. Subject Areas. The regular courses of instruction for cosmetology students
16 shall contain courses relating to the subject areas identified in this section.

17 (1) Basics:

18 (a) History and Career Opportunities;

19 (b) Life Skills;

- 1 (c) Professional Image; and
- 2 (d) Communications.
- 3 (2) General Sciences:
- 4 (a) Infection Control: Principles and Practices;
- 5 (b) General Anatomy and Physiology;
- 6 (c) Skin Structure, Growth, and Nutrition;
- 7 (d) Skin Disorders and Diseases;
- 8 (e) Properties of the Hair and Scalp;
- 9 (f) Basic Chemistry; and
- 10 (g) Basics of Electricity.
- 11 (3) Hair Care:
- 12 (a) Principles of Hair Design;
- 13 (b) Scalp Care, Shampooing, and Conditioning;
- 14 (c) Hair Cutting;
- 15 (d) Hair Styling;
- 16 (e) Braiding and Braid Extensions;
- 17 (f) Wig and Hair Additions;
- 18 (g) Chemical Texture Services; and
- 19 (h) Hair Coloring.
- 20 (4) Skin Care:
- 21 (a) Hair Removal;
- 22 (b) Facials;
- 23 (c) Facial Makeup; and

1 (d) Application of Artificial Eyelashes.

2 (5) Nails:

3 (a) Manicuring;

4 (b) Pedicuring;

5 (c) Nail Tips and Wraps;

6 (d) Monomer Liquid and Polymer Powder Nail Enhancements; ~~and~~

7 (e) Light Cured Gels;

8 (f) Nail Structure and Growth; and

9 (g) Nail Diseases and Disorders.

10 (6) Business Skills:

11 (a) Preparation for Licensure and Employment;

12 (b) On the Job Professionalism; and

13 (c) Salon Businesses.

14 Section 2. A school or program of instruction of any practice licensed or permitted in
15 KRS Chapter 317A or 201 KAR Chapter 12 shall teach the students about the various
16 supplies and equipment used in the usual salon practices.

17 Section 3. Instructional Hours.

18 (1) A cosmetology student shall receive not less than 1,500 hours in clinical class work
19 and scientific lectures with a minimum of:

20 (a) 375 lecture hours for science and theory;

21 (b) 1,085 clinic and practice hours; and

22 (c) Forty (40) hours on the subject of applicable Kentucky statutes and administrative
23 regulations.

1 (2) A cosmetology student shall not perform chemical services on the public until the
2 student has completed a minimum of 250 hours of instruction.

3 Section 4. Training Period for Cosmetology Students, Nail Technician Students,
4 Esthetician Students, and Apprentice Instructors.

5 (1) A training period for a student shall be no more than eight (8) hours per day, forty
6 (40) hours per week.

7 (2) A student shall be allowed thirty (30) minutes per eight (8) hour day or longer for
8 meals or a rest break. This thirty (30) minute period shall not be credited toward a
9 student's instructional hours requirement.

10 Section 5. Laws and Regulations.

11 (1) At least one (1) hour per week shall be devoted to the teaching and explanation of
12 the Kentucky law as set forth in KRS Chapter 317A and 201 KAR Chapter 12.

13 (2) Schools or programs of instruction of any practice licensed or permitted in KRS
14 Chapter 317A or 201 KAR Chapter 12 shall provide a copy of KRS Chapter 317A and
15 201 KAR Chapter 12 to each student upon enrollment.

16 Section 6. Nail Technician Curriculum. The nail technician course of instruction shall
17 include the following:

18 (1) Basics:

19 (a) History and Opportunities;

20 (b) Life Skills;

21 (c) Professional Image; and

22 (d) Communications.

- 1 (2) General Sciences:
- 2 (a) Infection Control: Principles and Practices;
- 3 (b) General Anatomy and Physiology;
- 4 (c) Skin Structure and Growth;
- 5 (d) Nail Structure and Growth;
- 6 (e) Nail Diseases and Disorders;
- 7 (f) Basics of Chemistry;
- 8 (g) Nail Product Chemistry; and
- 9 (h) Basics of Electricity.
- 10 (3) Nail Care:
- 11 (a) Manicuring;
- 12 (b) Pedicuring;
- 13 (c) Electric Filing;
- 14 (d) Nail Tips and Wraps;
- 15 (e) Monomer Liquid and Polymer Powder Nail Enhancements;
- 16 (f) UV and LED Gels; and
- 17 (g) Creative Touch.
- 18 (4) Business Skills:
- 19 (a) Seeking Employment;
- 20 (b) On the Job Professionalism; and
- 21 (c) Salon Businesses.
- 22 Section 7. Nail Technology Hours Required.

1 (1) A nail technician student shall receive no less than 450 hours in clinical and theory
2 class work with a minimum of:

3 (a) 150 lecture hours for science and theory;

4 (b) Twenty-five (25) hours on the subject of applicable Kentucky statutes and
5 administrative regulations; and

6 (c) 275 clinic and practice hours.

7 (2) A nail technician student shall have completed sixty (60) hours before providing
8 services to the general public. Clinical practice shall be performed on other students or
9 mannequins during the first sixty (60) hours.

10 Section 8. Apprentice Instructor Curriculum. The course of instruction for an apprentice
11 instructor of any practice licensed or permitted in KRS Chapter 317A or 201 KAR
12 Chapter 12 shall include no less than 750 hours, 425 hours of which shall be in direct
13 contact with students. 325 hours of the required theory instruction may be taken in
14 person or online, in the following areas:

15 (1) Orientation;

16 (2) Psychology of student training;

17 (3) Introduction to teaching;

18 (4) Good grooming and professional development;

19 (5) Course outlining and development;

20 (6) Lesson planning;

21 (7) Teaching techniques (methods);

22 (8) Teaching aids, audio-visual techniques;

23 (9) Demonstration techniques;

- 1 (10) Examinations and analysis;
- 2 (11) Classroom management;
- 3 (12) Recordkeeping;
- 4 (13) Teaching observation;
- 5 (14) Teacher assistant; and
- 6 (15) Pupil teaching (practice teaching).

7 Section 9. Supervision. (1) An apprentice instructor shall be under the immediate
8 supervision and instruction of a licensed instructor while providing any instruction for
9 students. [~~during the school day.~~] “Immediate supervision” in this instance means a
10 licensed instructor is physically present in the same room and overseeing the activities
11 of the apprentice instructor at all times.

12 (2) An apprentice instructor shall not assume the duties and responsibilities of a
13 licensed supervising instructor.

14 (3) An apprentice instructor shall not teach any practices defined in KRS Chapter 317A
15 or 201 KAR Chapter 12 outside of the board licensed school in which the individual is
16 enrolled.

17 Section 10. Instructors Online Theory Course. All online theory instruction completed to
18 comply with Section 8 of this administrative regulation shall be administered from an
19 approved digital platform at a licensed Kentucky school of cosmetology, esthetic
20 practices, or nail technology.

1 Section 11. Additional Coursework. Apprentice Esthetics and Nail Technology
2 Instructors shall also complete an additional fifty (50) hours of advanced course work in
3 that field within a two (2) year period prior to the instructor examination.

4 Section 12. Schools may enroll persons for a special supplemental course in any
5 subject.

6 Section 13. Esthetician Curriculum. The regular course of instruction for esthetician
7 students shall consist of courses relating to the subject areas identified in this section.

8 (1) Basics:

9 (a) History and Career Opportunities;

10 (b) Professional Image; and

11 (c) Communication.

12 (2) General Sciences:

13 (a) Infection Control: Principles and Practices;

14 (b) General Anatomy and Physiology;

15 (c) Basics of Chemistry;

16 (d) Basics of Electricity; and

17 (e) Basics of Nutrition.

18 (3) Skin Sciences:

19 (a) Physiology and Histology of the Skin;

20 (b) Disorders and Diseases of the Skin;

21 (c) Skin Analysis; and

22 (d) Skin Care Products: Chemistry, Ingredients, and Selection.

23 (4) Esthetics:

- 1 (a) Treatment Room;
- 2 (b) Basic Facials;
- 3 (c) Facial Massage ;
- 4 (d) Facial Machines;
- 5 (e) Hair Removal;
- 6 (f) Advanced Topics and Treatments;
- 7 (g) Application of Artificial Eyelashes; and
- 8 (h) Makeup.

9 (5) Business Skills:

- 10 (a) Career Planning;
- 11 (b) The Skin Care Business; and
- 12 (c) Selling Products and Services.

13 Section 14. Esthetician Hours Required.

14 (1) An esthetician student shall receive no less than 750 hours in clinical and theory
15 class work with a minimum of:

- 16 (a) 250 lecture hours for science and theory;
- 17 (b) Thirty-five (35) hours on the subject of applicable Kentucky statutes and
18 administrative regulations; and
- 19 (c) 465 clinic and practice hours.

20 (2) An esthetician student shall have completed 115 hours before providing services to
21 the general public. Clinical practice shall be performed on other students or
22 mannequins during the first 115 hours.

1 Section 15. Shampoo Styling [~~Blow Drying Services~~] License Subject Areas. The
2 regular courses of instruction for blow drying services license students shall contain
3 courses relating to the subject areas identified in this section.

4 (1) Basics:

5 (a) History and Career Opportunities;

6 (b) Life Skills;

7 (c) Professional Image; and

8 (d) Communications.

9 (2) General Sciences:

10 (a) Infection Control: Principles and Practices;

11 (b) General Anatomy and Physiology of head, neck, and scalp;

12 (c) Skin Disorders and Diseases of head, neck, and scalp;

13 (d) Properties of the Hair and Scalp; and

14 (e) Basics of Electricity.

15 (3) Hair Care:

16 (a) Principles of Hair Design;

17 (b) Scalp Care, Shampooing, and Conditioning;

18 (c) Hair Styling;

19 (d) Blow drying;

20 (e) Roller Placement;

21 (f) Finger waves or pin curls;

22 (g) Thermal curling;

23 (h) Flat iron styling;

- 1 (i) Wig and Hair Additions; and
- 2 (j) Long hair styling.
- 3 (4) Business Skills:
- 4 (a) Preparation for Licensure and Employment;
- 5 (b) On the Job Professionalism; and
- 6 (c) Salon Businesses.

7 Section 16. Shampoo Styling [~~Blow-Drying Services~~] License Hours Required.

8 (1) A shampoo styling [~~blow-drying~~] services license student shall receive no less than
9 300 [~~400~~] hours in clinical and theory class work with a minimum of:

- 10 (a) 100 [~~150~~] lecture hours for science and theory;
- 11 (b) Twenty-five (25) hours on the subject of applicable Kentucky statutes and
12 administrative regulations; and
- 13 (c) 175 [~~275~~] clinic and practice hours.

14 (2) A shampoo styling [~~blow-drying~~] services license student shall have completed
15 sixty (60) hours before providing services to the general public. Clinical practice shall
16 be performed on other students or mannequins during the first sixty (60) hours.

17 Section 17. Extracurricular Events. Each cosmetology, nail technician, and esthetician
18 student shall be allowed up to sixteen (16) hours for field trip activities pertaining to the
19 profession of study, sixteen (16) hours for attending educational programs, and sixteen
20 (16) hours for charitable activities relating to the field of study, totaling not more than
21 forty-eight (48) hours and not to exceed eight (8) hours per day. Attendance or
22 participation shall be reported to the board within ten (10) business days of the field trip,

1 education show, or charitable event on the Certification of Student Extracurricular Event
2 Hours form.

3 Section 18. Student Records. Each school shall:

4 (1) Maintain a legible and accurate daily attendance record used only for the
5 verification and tracking of the required contact hours for education for all full-time
6 students, part-time students, and apprentice instructors with records that shall be
7 recorded using a digital biometric time keeping program as follows:

8 (a) All beginning, end, break, and lunch times shall be recorded; and

9 (b) All instructors shall comply with the biometric time keeping system.

10 (2) Keep a record of each student's practical work and work performed on clinic
11 patrons;

12 (3) Maintain a detailed record of all student enrollments, withdrawals, and dismissals
13 for a period of five (5) years; and

14 (4) Make records required by this section available to the board and its employees
15 upon request.

16 Section 19. Certification of Hours.

17 (1) Schools shall forward to the board digital certification of a student's hours
18 completed within ten (10) business days of a student's withdrawal, dismissal,
19 completion, or the closure of the school.

20 (2) No later than the 10th day of each month, a licensed school shall submit to the
21 board via electronic delivery a certification of each student's or apprentice instructor's
22 total hours obtained for the previous month and the total accumulated hours to date for
23 all individuals [~~students~~] enrolled. Amended reports shall not be accepted by the board

1 without satisfactory proof of error. Satisfactory proof of error shall require, at a
2 minimum, a statement signed by the school manager certifying the error and the
3 corrected report.

4 Section 20. No Additional Fees. Schools shall not charge the enrolled individual
5 ~~[students]~~ additional fees beyond the agreed upon contracted amount.

6 Section 21. Instructor Licensing and Responsibilities.

7 (1) A person employed by a school or program for the purpose of teaching or
8 instruction shall be licensed by the board as an instructor and shall post his or her
9 license as required by 201 KAR 12:060.

10 (2) A licensed instructor or apprentice instructor shall supervise all students during a
11 class or practical student work.

12 (3) An instructor or apprentice instructor shall render services only incidental to and for
13 the purpose of instruction.

14 (4) Licensed schools shall not permit an instructor or apprentice instructor to perform
15 services in the school for compensation [~~during school hours~~].

16 (5) An instructor shall not permit students to instruct or teach other students in the
17 instructor's absence.

18 (6) Except as provided in subsection (7) of this section, schools may not permit a
19 demonstrator to teach in a licensed school.

20 (7) A properly qualified, licensed individual may demonstrate a new process,
21 preparation, or appliance in a licensed school if a licensed instructor is present.

22 (8) Licensed schools or programs of instruction in any practice licensed or permitted in
23 KRS Chapter 317A or 201 KAR Chapter 12 shall, at all times, maintain a minimum

1 faculty to student ratio of one (1) instructor for every twenty (20) students enrolled and
2 supervised.

3 (9) Licensed schools or programs of instruction in any practice licensed or permitted in
4 KRS Chapter 317A or 201 KAR Chapter 12 shall, at all times, maintain a minimum
5 ratio of one (1) instructor for every two (2) apprentice instructors enrolled and
6 supervised.

7 (10) Within ten (10) business days of the termination, employment, and other change
8 in school faculty personnel, a licensed school shall notify the board of the change.

9 (11) All instructors on staff within a licensed school shall be designated as full time,
10 part time, or substitute instructors to the board when reporting employment.

11 Section 22. School Patrons.

12 (1) All services rendered in a licensed school to the public shall be performed by
13 students. Instructors may teach and aid the students in performing the various
14 services.

15 (2) A licensed school shall not guarantee a student's work.

16 (3) A licensed school shall display in the reception room, clinic room, or any other area
17 in which the public receives services a sign to read: "Work Done by Students Only."

18 The letters shall be a minimum of one (1) inch in height.

19 Section 23. Enrollment.

20 (1) Any person enrolling in a school or program for instruction in any practice licensed
21 or permitted in KRS Chapter 317A or 201 KAR Chapter 12 shall furnish proof that the
22 applicant has:

23 (a) A high school diploma,

1 (b) A General Educational Development (GED) diploma; or

2 (c) Results from the Test for Adult Basic Education indicating a score equivalent to
3 the successful completion of the twelfth grade of high school.

4 (d) Apprentice Instructors shall provide proof of individual licensure issued at
5 minimum one (1) year prior to enrollment date to demonstrate compliance with the
6 applicable requirements set forth in KRS 317A.050.

7 (2) The applicant shall provide with the enrollment a passport photograph taken within
8 thirty (30) days of submission of the application.

9 (3) A student or apprentice instructor enrolling in a licensed school who desires to
10 transfer hours from an out of state school shall, prior to enrollment, provide to the
11 board certification of the hours to be transferred from the state agency that governs
12 the out of state school.

13 (4) If the applicant is enrolled in a board approved program at an approved Kentucky
14 high school, the diploma, GED, or equivalency requirement of this section is not
15 necessary until examination.

16 (5) All enrollments shall be accompanied by the proper fee as defined in 201 KAR
17 12:260.

18 Section 24. Certificate of Enrollment.

19 (1) Schools shall submit to the board ~~[the student's]~~ a digital enrollment, accompanied
20 by the applicant's proof of education and proof of licensure if enrolling as an apprentice
21 instructor, as established in Section 23 of this administrative regulation, within ten (10)
22 business days of enrollment.

1 (2) All ~~[student]~~ identification information submitted on the school's digital enrollment
2 shall exactly match a state or federal government-issued identification card to take the
3 examination. If corrections shall be made, the school shall submit the Enrollment
4 Correction Application digitally and the enrollment correction fee in 201 KAR 12:260
5 within ten (10) days of the erroneous submission. Students with incorrect enrollment
6 information shall not be registered for an examination.

7 Section 25. Student Compensation.

8 (1) Schools shall not pay a student a salary or commission while the student is
9 enrolled at the school.

10 (2) Licensed schools shall not guarantee future employment to students.

11 (3) Licensed schools shall not use deceptive statements and false promises to induce
12 student enrollment.

13 (4) An apprentice instructor may receive compensation as a teaching assistant.

14 Section 26. Hours of Operation. All schools shall report hours of operation to the board.

15 Any change of hours or closures shall be reported no less than ten (10) business days
16 in advance of change or closure.

17 Section 27 ~~[26]~~. Transfers. [A] an individual ~~[A student]~~ desiring to transfer to another
18 licensed school shall:

19 (1) Within ten (10) days, notify ~~[Notify]~~ the school in which the individual ~~[student]~~ is
20 presently enrolled of the ~~[student's]~~ withdrawal in writing; and

21 (2) Complete a digital enrollment as required for the new school.

1 Section 28 [27]. Refund Policy. A school shall include the school's refund policy in all
2 enrollment [school-student] contracts.

3 Section 29 [28]. Student Complaints. A student or apprentice instructor may file a
4 complaint with the board concerning the school in which the individual [student] is
5 enrolled, by following the procedures outlined in 201 KAR 12:190.

6 Section 30 [29]. Student Leave of Absence. The school shall report an individual's
7 [~~student's~~] leave of absence to the board within ten (10) business days. The leave shall
8 be reported:

9 (1) In writing from the individual [student] to the school; and

10 (2) Clearly denote the beginning and end dates for the leave of absence.

11 Section 31 [30]. [~~Student~~] Withdrawal. Within ten (10) business days from a student or
12 apprentice instructor's [~~student's~~] withdrawal, a licensed school shall report the name of
13 the withdrawing individual [student] to the board.

14 Section 32 [34]. Credit for Hours Completed. The board shall credit hours previously
15 completed in a licensed school as follows:

16 (1) Full credit (hour for hour) for hours completed within five (5) years of the date of
17 school enrollment; and

18 (2) No credit for hours completed five (5) or more years from the date of school
19 enrollment.

20 Section 33 [32]. Program Transfer Hours. An individual transferring valid hours between
21 board licensed schools or [If] a current licensee choosing [~~chooses~~] to enroll [~~enter~~] into

1 a licensed school to learn the practice of cosmetology, esthetics, shampoo styling or
2 nail technology [they] shall complete and submit the Program Hour Transfer Request
3 form. With exceptions as listed in subsection 1 through 4 of this section an individual
4 shall not transfer hours from one discipline to another. Upon receiving a completed
5 Program Hour Transfer Request form, the board shall treat the transferred valid hours
6 or license as earned credit hours in a cosmetology program subject to the following:

7 (1) Transfer of a current esthetics license shall credit the transferee no more than 400
8 hours in a cosmetology program;

9 (2) Transfer of a current nail technologist license shall credit the transferee no more
10 than 200 hours in a cosmetology program;

11 (3) Transfer of a current shampoo styling [~~blow-drying services~~] license shall credit the
12 transferee no more than 300 hours in a cosmetology program; or

13 (4) Transfer of a current barber license shall credit the transferee no more than 750
14 hours in a cosmetology program.

15 (5) Credit hours transferred pursuant to this section shall only take effect upon the
16 transferee's completion of the remaining hours necessary to complete a cosmetology
17 program.

18 Section 34 [~~33~~]. Emergency Alternative Education. Digital theory content may be
19 administered by a licensed school if forced long-term or intermittent emergency closure
20 or closures are due to a world health concern or crisis as cited by national or state
21 authority. The board may determine when emergency alternative education shall begin
22 and end based on the effect of the state of emergency on education standards and shall

1 make determinations in compliance with state and national declarations of emergency.

2 The necessary compliance steps for implementation are:

3 (1) Full auditable attendance records shall be kept showing actual contact time spent
4 by a student in the instruction module.

5 (2) Milady or Pivot Point supported digital curriculum platforms or recorded video
6 conference participation shall be used.

7 (3) Schools shall submit an outline to the board within ten (10) days prior to the
8 occurrence of the alternative education defining the content scope to be taught or
9 completed, and a plan for a transition into a digital training environment. Plans may be
10 submitted for approval by the board to be kept for future use if emergency alternative
11 education is allowable.

12 (4) Completion certificates showing final scoring on digital modules shall be
13 maintained in student records.

14 (5) Schools and students shall comply with Section 4 of this administrative regulation
15 on accessible hours.

16 (6) No student shall accrue more than the total required theory instruction hours
17 outlined in the instructional sections in emergency alternative education time as
18 established in Sections 3(1)(a), 7(1)(a), 14(1)(a) and 16(1)(a) of this administrative
19 regulation.

20 (7) The board may determine eligibility for accruals based on duration of the crisis and
21 applicable time limits for alternative emergency education availability.

22 Section 35 [34]. Incorporation by Reference. The following material is incorporated by
23 reference:

1 (1)

2 (a) "Certification of Student Extracurricular Event Hours", July 2022 [~~October 2018~~];

3 (b) "Enrollment Correction Application", July 2022 [~~October 2018~~]; and

4 (c) "Program Hour Transfer Request Form", July 2022 [~~April 2020~~].

5 (2) This material may be inspected, copied, or obtained, subject to applicable copyright

6 law, at the Kentucky Board of Cosmetology, 1049 US Hwy 127 S, Annex #2 [~~111 St.~~

7 ~~James Court, Suite A,~~] Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to

8 4:30 p.m. This material is also available on the board's Web site at kbc.ky.gov.

201 KAR 12:082E. Education requirements and school administration.

Margaret M. Meredith

Margaret Meredith, Board Chair
Kentucky Board of Cosmetology

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on August 22, 2022, at 10:30 am, at the Kentucky Board of Cosmetology office. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Julie M. Campbell, Executive Director, 1049 US Hwy 127 S. Annex #2, Frankfort, KY, 40601, (502) 564-4262, julie.campbell@ky.gov .

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 12:082E

Contact Person: Julie M. Campbell

Phone: (502) 564-4262

Email: julie.campbell@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for the hours and courses of instruction, reporting, education requirements, and administrative functions for licensed schools of cosmetology, esthetics, and nail technology in Kentucky.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure standardized education that complies with state statutes.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to all aspects of KRS 317A.050 and 317A.090.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation outlines and defines education standards and the quantity of course hours required for licensed schools and students seeking Kentucky licensure by the board.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Amendment provides adjusted hours requirements for a license and clarifies registration process for apprentice instructors per SB 113.

(b) The necessity of the amendment to this administrative regulation: Amendment is necessary to conform to SB 113.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment provides additional education options for currently licensed schools.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will provide an updated regulatory scheme for licensed schools that complies with the governing statute as adjusted in SB113.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are 58 licensed cosmetology schools and this will only affect those facilities and any individuals planning on opening a school.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will

have to take to comply with this administrative regulation or amendment: Adjustment in process for apprentice instructor enrollment and a reduction in hours for shampoo styling licenses.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No changes or increases in fees are anticipated as a result of this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): A more rapid turnover of students will happen with the hours reduction in shampoo styling and an easier path for apprentice instructor's enrollment.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: no costs for initial adjustments

(b) On a continuing basis: no additional costs necessary for adjustments

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There are no additional funding requirements for this adjustment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional fees will be needed to implement the adjustments in this regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish any fees.

(9) TIERING: Is tiering applied? **There is no tiering for this regulation as there are no additional oversights or funding outside of agency restricted funds.**

FISCAL NOTE

201 KAR 12:082E

Contact Person: Julie M. Campbell

Phone: (502) 564-4262

Email: julie.campbell@ky.gov

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Cosmetology.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 317A.050 and KRS 317A.060.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There is no anticipated effect on state or local government agency revenue as a result of this amendment.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No additional revenue is anticipated as a result of this amendment.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No additional revenue is anticipated as a result of this amendment.

(c) How much will it cost to administer this program for the first year? No additional cost will be needed for this regulation.

(d) How much will it cost to administer this program for subsequent years? No additional costs are need to administer this program.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? There will not be a cost savings for the regulated entities for the first year.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? There will not be a cost savings for subsequent years for the regulated entities.

(c) How much will it cost the regulated entities for the first year? It will not create an additional cost to regulate for the first year.

(d) How much will it cost the regulated entities for subsequent years? It will not create additional cost for the regulated entities in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. *"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]. There is not major economic impact for this regulation adjustment.*

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

All forms have been updated with the agency's new address and have a July 2022 revision date as such.