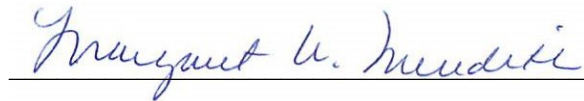


STATEMENT OF EMERGENCY

201 KAR 12:230E

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 12:230E. Code of ethics.

5 RELATES TO: KRS 317A.060

6 STATUTORY AUTHORITY: KRS 317A.060

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.060 requires the board to
8 establish a code of ethics for all persons and entities issued a license or permit by the
9 board. This administrative regulation establishes the required code of ethics.

10 Section 1. Code of Ethics. A licensee or permittee shall:

11 (1) Provide competent professional services to the consumer;

12 (2) Provide a clear explanation of the services offered and the cost of those services;

13 (3) Follow appropriate disinfection and sanitation requirements as established in KRS
14 Chapter 317A and 201 KAR 12:100;

15 (4) Follow proper health profile procedures before application of the product;

16 (5) Perform a thorough service evaluation and consultation for each client to determine
17 if the procedure or product is appropriate before application;

18 (6) Discuss and outline realistic expectations with the client after the evaluation; and

19 (7) Provide all services. [~~Treat all clients~~] with courtesy and respect.

201 KAR 12:230E. Code of ethics.

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, at 2:00, at Kentucky Board of Cosmetology. 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 11:59 p.m. on 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 12:230E

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 sets forth the code of ethics to be maintained by all licensees.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide the required code of ethics mandated by KRS Chapter 317A

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation is being amended to remove statutory reference to a repealed chapter of KRS.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will update language for compliance of code of ethics to include all practices not just client relationships.

(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: The amendment will clarify a necessary statement.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to amend the statutory authority and clean up language.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment provides guidelines for the code of ethics to be maintained by all licensees as required in current statutory requirements in KRS 317A.

(d) How the amendment will assist in the effective administration of the statutes: Compliance of the statutory mandate in Chapter 317A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There will be no impact to licensees, businesses, organizations, or state or local governments.

(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: This amendment does not impose any requirements on regulated entities.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no anticipated cost to licensees because of this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): higher ethical standards in the industry.

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

(a) Initially: No additional funds are necessary initially to implement this administrative regulation.

(b) On a continuing basis: No additional funds are necessary on an ongoing basis to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current funding will not change.

(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 changes or increases in fees is required by this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are created or increased directly or indirectly by this regulation.

(9) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation does not impose any requirements on current or prospective licensees.

FISCAL NOTE

201 KAR 12:230E

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 is the only agency affected. No other areas of state or local government are affected by this regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 317A is the only statute that authorizes this action.

(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 are no expenditures needed or required by other agencies.

(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? There is a possibility of local occupational or income taxes to be collected as more individuals are placed in the workforce with these permits.

(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? There is a possibility of income taxes to be collected as more individuals are placed in the workforce with these permits

(c) How much will it cost to administer this program for the first year? It will not cost any additional revenue for state or local governments.

(d) How much will it cost to administer this program for subsequent years? It will not cost any additional revenue for state or local governments.

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. There will be a balanced cost to expenditures to the regulating agency to oversee the items in this regulation at this time.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? There will be a balanced cost to expenditures to the regulating agency to oversee the items in this regulation at this time.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

(c) How much will it cost the regulated entities for the first year? There will be a balanced cost to expenditures to the regulating agency to oversee the items in this regulation at this time.

(d) How much will it cost the regulated entities for subsequent years? There will be a balanced cost to expenditures to the regulating agency to oversee the items in this regulation at this time.

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 will not be any major economic impact for any entities.