

To: Regulatory Review Task Force

From: The All Industry Council

Date: August 15, 2013

Subject: Response to LLR Director Holly Pisarik's report to the Regulatory Review Task Force

To Whom It May Concern:

This letter is being submitted as a response to LLR Director Holly Pisarik's report to the Regulatory Review Task Force. Upon inspection of the report, we have found that the Task Force has been misinformed regarding many of the issues.

The response to the report was created based upon the input from representatives from the All Industry Council (this council represents all industry related associations in South Carolina), the Professional Beauty Association, the Association of Cosmetology Salon Professionals, the Palmetto State Barbers Association, the Association for Cosmetology Excellence, as well as licensed professionals and post-secondary school administrators. We feel that it is our duty to speak on the behalf of the over 40,000 licensed professionals in our state as well as the future licensed professionals.

This response will include the Department of LLR's issue, recommendation, and justification. After each justification of the issue, there will be a response by the representatives mentioned above.

The legislature has the authority to pass all laws in South Carolina. There must have been a good reason why the previous Legislators have passed what is now our current statutes and regulations. Please consider these reasons before recommending changes to them.

Respectfully,

Pat Adams – President of All Industry Council, Past Board of Cosmetology Chair, Lic. Cosmetologist

Doug Robinson – President of Association of Cosmetology Salon Professionals (ACSP), Lic. Cosmetologist

Mark Goodman – Representative of Professional Beauty Association (PBA), Past ACSP Pres., Lic. Cosmetologist

Anthony Gibson – President of the Palmetto State Barbers Association, Lic. Barber & Instructor, School Owner

Rosanne Kinley – Licensed Esthetician and Nail Technician, Past Board of Cosmetology Chair

Angela Morrison – President of S.C. Association of Cosmetology Schools, Lic. Instructor, School Owner

Steven Dawson – Association for Cosmetology Excellence, Inc., School Representative

Garrett Shuler – Executive Director for Kenneth Shuler's School of Cosmetology, Inc.

ISSUE 1: Barber and Cosmetology Boards Merger

Recommendation: The Agency recommends the combination of the State Board of Cosmetology and the State Board of Barber Examiners.

Justification: Combining the two Boards will reduce the complexity of the licensing scheme for licensees and the redundancy in having separate boards.

The scope of practice of the two professions is similar. A cosmetologist's practice is broader than a barber's in only three respects: (1) the application of chemicals to the hair; (2) the application of facials; and (3) work on parts of the body other than the face and neck, to include legs, feet, arms, and hands. The Barber Practice Act, however, includes the licensure of a master hair care specialist, who may apply chemicals and perform manicures. See S.C. Code §§ 40-7-20 and 40-7-260. A barber assistant may give shampoos and manicures. See S.C. Code § 40-7-280.

Because of the overlap in practices, the two Boards should be combined, the licensing structure condensed, and the two practice acts simplified. Twelve other states have combined the two practices: Alabama, Delaware, Hawaii, California, Maine, Missouri, New Hampshire, New Mexico, New York, Oregon, Vermont, and Virginia.

RESPONSE:

We believe that the Board of Cosmetology and the Barbering Board should not be combined. The regulations and requirements maintained by both Boards are very different. The combining of the two Boards will be very costly and time consuming to the state. New statutes and new regulations would have to be promulgated due to the combining of the Boards. The representation on the combined Board would have to be changed. There would be confusion within the licensing process which would slow down how long it would take for an individual to become licensed. This places the hardship back on the licensee. Turmoil from this could take years to clear up. For example, the state of Minnesota decided to combine their Cosmetology and Barbering boards back in 2005. The differences between the two Boards kept them from working together cohesively. Therefore, in 2009, the state separated the two Boards.

Based upon the justification given by LLR above, we should also use the same justification on combining the S.C. House of Representatives and the S.C. Senate. Both bodies have the scope of representing the people of our state as well as the ability to vote on bills.

ISSUE 2: Hours for Licensure

Recommendation: The Agency recommends amendment of S.C. Code § 14-13-230 to reduce the number of hours required for licensure for cosmetologists, estheticians, and nail technicians.

Justification: Reducing the hours to obtain a cosmetologist, esthetician, or nail technician license will make it easier financially for those interested in the profession to gain the skill necessary to enter the job market. In addition, it will reduce the amount of student debt for new cosmetologists. For licensure, a cosmetologist must obtain 1,500 hours, estheticians must obtain 450 hours, and nail technicians must obtain 300 hours, all at a Board-approved school.

According to testimony by industry representatives before the Senate LCI Subcommittee, each student must spend \$16,000 to \$20,000 in order to obtain the necessary education. Cosmetologists will say they learn not

only the “art of hair, skin, and nails” but take classes in “client safety, sanitation/infection control procedures, physiology, myology, anatomy, and countless other sciences.” However, most people style their own hair every day and commercial hair dyes are sold to the public for home use at beauty supply stores. Nail technicians essentially paint finger and toenails and apply artificial nails. Estheticians practice skin care. These are functions that many people perform at home without any training.

The cosmetology lobby has been successful nationally, and in South Carolina, championing the need for a high number of educational hours, but the hour requirements are excessive when compared to other professions. For example, according to the South Carolina Department of Health and Environmental Control, an Emergency Medical Technician (EMT) can be licensed with 200 hours of education. An EMT is authorized to work on airways, ventilation, and oxygenation, perform CPR and defibrillation, immobilize for spinal injuries, administer medications, maintain non-medicated IVs, assist with childbirth, and monitor blood glucose and blood pressure, in addition to other things. However, one is required to take 300 hours to acquire the necessary skill to perform manicures and pedicures under the current regulatory scheme.

Further, a paramedic can be licensed with 1,000 hours of education. A licensed paramedic may do all the same things as an EMT, as well as perform intubation, cardiac monitoring, venous blood sampling, and blood chemistry analysis. Yet, it takes 1,500 hours to learn how to style and dye hair.

Although South Carolina’s requirements are in line with some other states, the Agency still believes they are excessive. There are other states that require fewer hours. Florida and New Jersey, for example, require 1,200 hours for licensure as a cosmetologist. Florida requires 240 hours to become a licensed nail technician and 260 hours for an esthetician. Pennsylvania requires 1,250 hours for cosmetology, 200 hours for nail technicians, and 300 hours for estheticians. Virginia requires 1,500 hours for cosmetology, but only 150 hours for nail technicians.

In addition, as will be discussed in the next section, some states permit licensure through apprenticeship for applicants, with no formal coursework required.

RESPONSE:

We believe that the hours for licensure should not be changed.

It is important to note that students can take the cosmetology program in High School. This education is paid for by the state. Also note that students can take the cosmetology program in a state-funded post-secondary technical college where they can utilize state scholarships towards their education. Lastly, an individual can take the cosmetology program in a private post-secondary institution as was referenced during the LCI sub-committee meeting. Therefore, a student may incur \$0.00 in debt. Also be advised that a lot of private post-secondary institutions are accredited and provide financial aid to those students who qualify. This includes Pell Grants which do not have to be paid back to the Federal Government. The amounts provided at the sub-committee meeting are for the average cost of tuition nationwide. Those numbers do not reflect the actual debt of students in S.C.!

Based upon current information from across the nation, there are 24 states with the same number of hours for cosmetology (25 if you include Washington D.C.), 20 states with more hours for cosmetology, and 6 states that require fewer hours for cosmetology. If our state reduces the number of hours, then our licensed professionals may not have their license endorsed in 88% of the states if they move!

The justification provided by LLR contradicts itself. It states that the education received will help them “gain the skill necessary to enter the job market.” At the same time, it also states that “people perform at

home without any training.” There is a major difference between what a licensed professional knows about the industry and what a layman would know about this industry. The products purchased, referencing hair color, over the counter are not the same as the hair color and other chemicals used in a salon. The over the counter products are caustic. This shows a lack of understanding of our industry and what licensed professionals learn through their education.

The old saying of, “You have to compare apples to apples” holds true! It does not make sense to compare the education requirements of an EMT to a Nail Technician. Both are from completely different fields and education requirements. For example, an EMT is required to have a High School Diploma or GED while our state only requires a 10th grade education for cosmetologists, nail technicians, and estheticians. It is true that an EMT has to obtain 200 hours for their initial education. What was not mentioned was the fact that an EMT also must obtain 36 Continuing Education Units within 3 years. Continuing Education Units are typically defined by: “CEUs are issued in whole and half hour increments and are quantified as the number of actual contact hours divided by ten.” This means that an EMT must take approximately 360 contact hours every 3 years to maintain their EMT status. Therefore, the hours of education taken by an EMT are more than a licensed Nail Technician.

Also note that, as was referenced by LLR in the first paragraph, the education hours prepare individuals for the job market. Other items taught to Nail Technicians, Estheticians, and Cosmetologists include business training, marketing strategies, customer service, prevention of infectious diseases, and safety and sanitation.

It is the recommendation of our representatives for the Board of Cosmetology to offer a 1200 hour Hair Stylist license. This license would provide all of the education received by a 1500 hour Cosmetologist except for the removal of nail care and skin care. These individuals would not be required to attend school as long and would not acquire the “debt” as referred to by LLR. Georgia, Ohio, and Nevada are just a few of the states that already offer licensure for a similar program.

ISSUE 3: Apprenticeship Track

Recommendation: The Agency recommends amendment of the Cosmetology Practice Act to allow apprenticeship as an alternative avenue to licensure.

Justification: Other professions in South Carolina, such as barbers and auctioneers, permit licensure through an apprenticeship. Additionally, other states, including Maryland, Georgia, Michigan and California, allow apprenticeships for cosmetology. An apprenticeship allows the interested person to gain on-the-job training and skill, without requiring the person to pay as much as \$20,000 to attend cosmetology school.

RESPONSE:

We believe that there should not be an apprenticeship track.

There is a difference between an apprenticeship and on-the-job training (OJT). In an apprenticeship, there is an educator and/or master craftsman who works side-by-side with his/her apprentice on a particular trade. Their role is to train the apprentice to be successful in their particular field. OJT is where an individual learns a trade by practicing it themselves with little guidance. For example, the Barbers in our state can go through OJT. During this process, the OJT individual will practice cutting hair with little to no supervision. They “learn as they go” as opposed to being trained by an individual in an apprenticeship. OJT allows the responsible Barber to continue to service clients and make money while allowing a student, with a temporary

permit, to practice on clients. The term used in regulation is “supervise.” Also note that it takes 1920 hours for OJT licensure for Barbering in our state. The representative from the Palmetto State Barbers Association commented that it is very difficult, for the majority of individuals who go through OJT, to pass the licensing exam in our state.

There are states that allow apprenticeships. However, the majority of hours needed for licensure are double that of the hours needed to attend a school. Most apprentices are low paid employees who must self-study to pass licensure exams. Those individuals who want to move to other states would likely not receive a license in that state if the person’s education was earned through apprenticeship.

ISSUE 4: Inspections

Recommendation: The Agency recommends that S.C. Code § 40-13-290 and part of S.C. Code Reg. § 35-20(A) (2)-(3), which permit salon inspections, be repealed.

Justification: Eliminating the requirement for salon inspections will reduce the time and expense associated with unannounced inspections. In addition, there is little evidence that inspections protect the health or welfare of the citizens of South Carolina.

Last year, the Agency spent \$419,449 to conduct 8,751 inspections of salons and cosmetology schools. Most of the salon inspections yielded a high percentage of unlicensed practice in the nail technician industry. In addition, although some salons were found to be out of compliance with the lengthy sanitation regulations, none of the issues found resulted in any verified public harm. Of the 8,751 inspections, 23 cases involved sanitation, 41 cases involved unlicensed practice, and 74 cases arose against salons and salon managers for allowing unlicensed persons to practice. Ultimately, it seems that the Agency primarily inspects for unlicensed practice.

Although LLR licenses physicians, dentists, optometrists, physical therapists, nurses and other healthcare professionals, neither the Agency nor any other State agency is statutorily authorized to randomly inspect the private practices of these professionals to ensure sanitary conditions for patients. Thus, in South Carolina, we spend more than \$400,000 a year inspecting salons and schools, but not a penny to inspect dental or medical practices for general sanitation conditions.

Surely, if the Legislature has decided inspections of medical and dental offices are unnecessary where teeth are cleaned, cavities are filled, gynecological exams are performed, children are examined, and shots are administered, inspections of cosmetology salons are equally unnecessary.

The Agency does want to make a note regarding school inspections. In order for students to have access to federal loans for funding, the U.S. Department of Education requires State oversight of schools. If the State is going to require formal training to become a licensed cosmetologist, nail technician or esthetician, the Agency recommends keeping school inspections.

RESPONSE:

We believe that inspections should continue for both salons and schools and the inspectors should be properly trained.

The same argument applies in the first paragraph of the justification that there is little evidence that having no inspections will help to protect the health or welfare of the citizens of South Carolina! It is because of the

random inspections that salons maintain safety and sanitation requirements. Taking away those inspections would allow individuals to not maintain safety and sanitation within their salons. We believe that there are very few incidents of failed inspections due to the quality of education provided in schools, the quality of education provided during continuing education classes, as well as the random inspections of salons and schools.

Using the same logic maintained in this report, then it would be safe to say that legislators should remove all speed limit signs and trust that everyone will not go too fast. The result would likely be more vehicular fatalities. Removing inspection requirements would be the same as removing speed limit signs.

Please be aware that the Dept. of LLR has already reduced the number of inspectors to 4 salon inspectors and 1 school inspector. It is our understanding that this was a reduction of over 50% in staffing. Therefore, there has already been a reduction in costs.

If you believe that a complaint based inspection process works, then try asking the 60 Oklahoma dental patients who tested positive for HIV if they believe it works. The dental office didn't get inspected until someone made a complaint. We do not want this type of process for our industry.
<http://abcnews.go.com/Health/60-oklahoma-dental-patients-test-positive-hepatitis-hiv/story?id=18991527>
Also note that the footnote on page 9 of the full report, "*If passed, S. 0407 will require inspections of dental offices; however, there is no current inspection requirement.*" This piece of legislation was introduced in our state in February 2013.

Inspections reduce the number of possible lawsuits within our state. If a dentist causes an infection, their expensive insurance covers the claim/lawsuit. If a salon causes an infection, the claim goes through the Dept. of LLR for inspection. Most claims are unfounded...like most malpractice claims...which may save the licensed professional thousands of dollars in court and lawyer costs thus saving taxpayers' money.

Other agencies have the ability and do inspect medical and dental facilities. DHEC, OSHA, as well as accrediting bodies conduct inspections of facilities. These facilities also charge high prices to offset the cost of insurance. Salons would not have the ability to charge exorbitant prices.

It is our understanding that the \$419, 449.00 mentioned in the justification was not just inspections. The amount also includes the cost of investigations and hearings. It would be difficult to verify this information as the Board of Cosmetology has yet to receive information regarding all of the changes in the financial statements. Historically, the Board of Cosmetology is one of the few boards that were self-sustaining. Last year, the "accounting process" was apparently adjusted. Below is an excerpt of the September 10, 2012 minutes to which the Chairman of the Board is requesting more information regarding the adjustments in the financial statements:

Financial Reports - Laura Pace

Ms. Pace appeared before the Board to answer questions regarding the financial statements provided for the Board of Cosmetology. Ms. Thompson wanted an explanation regarding the financial transfers shown on the statement. Ms. Pace explained that there was a proviso required to cover the expenses for the OSHA program, and the State General Fund. Ms. Thompson also inquired about the 2008-2012 LLR transfer of fees for attorney expenses. Ms. Thompson questioned why there was an increase from \$46,580.49 to \$176,742.68 in legal fees. Ms. Thompson wanted to know, what percentage of the legal fees, were being charged to the Cosmetology Board versus all of the other LLR Boards? Ms. Thompson asked for an itemized list representing administrative costs in addition to the 2011 cash correction. Ms. Thompson asked for a financial comparison to be provided to the Board from 2000 to-date 2012. Ms. Pace stated that she is new, hired in, but will go back to her office and provide the Board with a new financial statement.

ISSUE 5: Booth Renters

Recommendation: The Agency recommends deleting “a rental booth” from the definition of “salon” found in S.C. Code § 40-13-20(1).

Justification:

A cosmetologist, nail technician, or esthetician must, with very few exceptions, practice their trade in a licensed salon. Within one salon, the State requires a number of licenses: one for the salon; one for each cosmetologist, esthetician, or nail technician practicing within the salon; and one for each booth renter within the salon. A booth renter is one who rents space from a salon owner, but is not employed by the salon. This licensing scheme creates redundancies.

There is no “booth renter” license clearly outlined within the Cosmetology Practice Act.

The Board has interpreted the definition of a salon, “a building or any place, or part of a place or building including, but not limited to a rental booth, in which cosmetology is performed...,” to require a booth renter to be licensed separately as a salon, essentially a salon within a salon. Again, the booth renter’s license is in addition to the cosmetology, nail, or esthetician’s license held by the booth renter.

Each of the 3,681 booth renters within the state must pay a \$100 fee for each booth rented, resulting in \$368,100 in revenue to the Agency every two years. Booth renters are inspected simultaneously with the salon of which they are a part. Of the booth rental inspections conducted last year, only 3 individuals were cited, all for unlicensed practice. Not one booth renter was cited for a sanitation issue.

Whether a cosmetologist works as an employee or rents a booth at a salon does not impact the health, safety, or welfare of the people of South Carolina, and therefore, should not involve the State. The Board of Cosmetology licenses the salon, so it makes little sense to license a booth renter who happens to work in the licensed salon as a salon owner.

RESPONSE:

We believe that the booth renter’s license should stay in effect. However, we believe that the license needs to be properly named as an Independent Contractor License as referenced in S.C. Code § 40-13-20(6).

The Independent Contractor License was created due to the fact that Salon Managers were being held liable for the safety and sanitation of the individuals who were renting the booths. By creating this license, it allowed the inspector to fine the Independent Contractor instead of the Salon Manager for failure to maintain safety and sanitation in his/her booth.

To protect the Salon Manager within a booth renting salon, the Independent Contractors will be forced by the Salon Managers to get a salon license instead of an Independent Contractor License if the Independent Contractor License gets removed. This would be the only other way to ensure that the Salon Manager is not liable for safety and sanitation issues regarding booth renters. Idaho does not have an Independent Contractor license. Instead, they require them to have their own salon license to work in a booth renting salon.

This report is not correct in the fees assigned for neither licensure nor the resulting revenue. The cost of initial licensure for the “booth renter” license is \$100.00. Every two years, this license must be renewed at a

cost of \$50.00. Since there are already 3,681 booth renter licenses, then this equates to \$184,050 every two years (based on renewals) instead of the \$368,100 as was stated incorrectly.

The revenue generated from “booth renter” license renewals would cover almost 22% of the cost of inspections, investigations, and hearings based on the numbers within this report. That does not include any revenue due to fines.

ISSUE 6: Continuing Education

A. Reduce Continuing Education Requirements

Recommendation: The Agency recommends amendment of S.C. Code Reg. § 35-23(A) to reduce the amount of continuing education requirements.

Justification: Currently, S.C. Code Reg. § 35-23 requires cosmetologists, nail technicians, and estheticians to complete 12 hours of continuing education “during the preceding licensing year.” The Board interprets this to mean twelve hours of credit are required every two years. Despite the difference in hours required for initial licensure as a cosmetologist, nail technician, or esthetician, the regulations require 12 hours for all of these professions. Continuing education requirements are expensive and take licensees away from their jobs. One member of the public commented that continuing education is worthless, people sleep during the courses, and those who are interested in learning will pursue education regardless of the requirements. Other states require less. Georgia, for example, requires only five hours every two years.

RESPONSE:

We believe that the number of hours required for continuing education remain the same.

Continuing education serves three purposes in our state; updates relating to changes in statutes and regulations, updates to safety and sanitation requirements, and education relating to industry trends. Instructor continuing education requirements were already reduced from 15 hours a year to 12 hours a year. Individuals will always complain about be required to do something that they don't want to do. Ask any 5 year old boy to go clean his room!

Continuing education requirements are growing across the nation in our industry. This is in part by the possibility of the rapid spread of infectious disease due to skin to skin contact. Learning about these diseases will help to curtail the spread of the diseases. The number of states, requiring continuing education, has risen steadily since the early 1990s.

B. Reduce Many of the Continuing Education Program Requirements

Recommendation: The Agency recommends significantly scaling back the continuing education program requirements.

Justification: S.C. Code Reg. § 35-24 requires, among other things, that education programs provide adequate space and chairs, curtail smoking while a program is ongoing, require two forms of identification before admittance, including one government issued form of identification, and a monitor be on duty at all times. The Agency is unaware of any other profession that micro manages its continuing education programs to this extent.

RESPONSE:

We believe that these requirements are not a burden to continuing education providers. These regulations were put into place to curtail possible complaints by individuals and to bring consistency within all associations who provide CE. We do agree that some of these regulations are antiquated. However, the Board of Cosmetology has tried several times to update regulations, but they have not passed in legislation. The following should be removed: S.C. Code Reg. § 35-24 (B) (6) and S.C. Code Reg. § 35-24 (B) (7).

C. Permit Continuing Education Carryover

Recommendation: The Agency recommends amendment of S.C. Code Reg. § 35-23(A) to allow licensees to carry hours forward to the next renewal period.

Justification: Many other professions afford licensees this opportunity. Carrying credits to the next renewal cycle is efficient because it allows licensees to plan and budget more effectively. It is cost effective for the licensee and time effective for the businesses employing them. A licensee should not be forced to lose credits that were paid for because the hours are not permitted to carry over into the next renewal cycle.

RESPONSE:

We are in favor of this recommendation.

There does not need to be an amendment to S.C. Code Reg. § 35-23(A). Current regulations do not prohibit the “banking” of continuing education hours. The software that the Dept. of LLR uses does not allow for the carrying over of hours into the next licensing period at this time. Therefore, the Dept. of LLR would only need to update their software or make changes to their software.

We recommend that the hours would only be good for a maximum of 2 renewal periods. This ensures that individuals would be updated on statute and regulation changes as well as safety and sanitation changes.

D. Continuing Education Exemption

Recommendation: The Agency recommends amendment of S.C. Code § 40-13-250 to permit a licensee who achieves exemption status to: 1) not have to prove the status every renewal period; 2) provide that exemption status cannot be lost once it is achieved; and 3) seek exemption status as soon as the licensee becomes eligible, rather than waiting until the next renewal cycle.

Justification: S.C. Code § 40-13-250 provides exemptions to the continuing education requirements for licensees who: (1) have held a license for 15 years and are 60 years old; or (2) have held a license for 30 years and are at least 50 years old.

The Board takes the position that a licensee must show proof of the exemption requirements at each renewal cycle. Proof of initial qualification for the exemption should be sufficient. The Board’s requirement is burdensome on both the licensee and the Agency.

The Board also believes that if a licensee is late renewing, or allows the license to lapse for a short time, the exemption is lost, regardless of the reason, including illness, family, or financial. This makes little sense. A change in the statute will prevent the unduly harsh punishment of a licensee who is eligible for exemption and who has decades of experience, but who has allowed a lapse in licensure to occur. In addition, the Board

takes the position that a licensee must achieve the necessary milestone, either via age or years practiced, then complete continuing education requirements, and, finally, apply for the exemption at the next renewal cycle. The recommended amendment will allow for a more common sense approach and will ease the financial burden on licensees who have to pay to receive 12 hours of continuing education credit when they have become eligible for exemption. The proposed amendment also rewards members of the profession who have gained significant industry knowledge and who have contributed to the industry over the course of an extended career.

RESPONSE:

Although we hope that exempt individuals would continue to attend continuing education classes, if they are practicing under their license, we understand that the law allows for them to no longer attend. We agree with the recommendation #1 and #3. We do not agree with #2.

#1 - During the previous licensing period, renewal in March 2011, an individual would have to submit an affidavit that they meet the requirements of S.C. Code § 40-13-250. This means that they have met the age, continuous licensure, and non-disciplinary requirements. These individuals were randomly audited to ensure compliance. This should be sufficient for proof.

#2 – Continued exemption should not be allowed if a disciplinary action took place due to an inspection.

#3 – We agree that exemption status should be allowed during mid-licensing period. You should no longer be required to take a continuing education class once you have met the age, licensure years, or no disciplinary actions requirements.

ISSUE 7: Equipment Requirements

Recommendation: The Agency recommends that much of S.C. Code Reg. § 35-2, which specifically identifies a cosmetology school’s required items, be repealed.

Justification: The building requirements provide that a cosmetology school must have one teacher’s desk and chairs, one file for records, one blackboard or dry eraser board, three shampoo bowls, eight hair dryers, etc. These requirements are too specific, burdensome and arbitrary. It is unreasonable that a school could be out of compliance because it has seven hair dryers and no teacher’s desk. These requirements reflect over regulation. The State does not need to decide what belongs in a cosmetology classroom. School operators should be able to identify items needed to furnish a classroom.

RESPONSE:

We believe that these requirements should remain.

The Board of Cosmetology previously wanted to reduce/remove these requirements. However, after many meetings with the School Associations, these requirements were updated and put in place. The schools requested them as they lead to the validity of the school itself. This is not over-regulation. A legitimate school should be required to maintain these items at a minimum.

ISSUE 8: Board Approval of School Rules

Recommendation: The Agency recommends that S.C. Code Reg. § 35-10(H) (1), which requires Board approval of any change in school rules or regulations, be repealed.

Justification: Again, this is simply over regulation. Schools operate independently of the Board and should be able to change school rules or policies as the school operators see fit. Moreover, a proposed modification's adoption may be unnecessarily delayed by the Board's meeting schedule.

RESPONSE:

We agree with this recommendation.

The Board does not need to approve changes to school rules and regulations. However, the Board needs to continue to review contracts and changes in contracts.

ISSUE 9: Instructor License

Recommendation: The Agency recommends amendment of S.C. Code § 40-13-310 to delete any reference to the Board being able to set forth minimum qualifications for an instructor's license and repeal accompanying regulations. S.C. Code Reg. § 35-4, 35-8, 35-9, and 35-23(D).

Justification: These regulations require instructors to complete 750 hours of instructor training, in addition to the 1,500 hours required to be a cosmetologist. The Agency can think of no other profession that licenses its instructors separately from the profession itself. For example, the State does not issue separate physician instructor and physician licenses. The medical schools hire instructors they deem qualified and fit to teach medical students. In addition, the Board requires 24 hours of continuing education every two years for an instructor's license. The separate instructor's license and continuing education requirement impose a financial burden and time constraint for those interested in teaching. It also limits the pool of applicants from which schools can hire. School operators should be able to determine whom they believe is best qualified to teach their students.

At a minimum, the portion of Regulation S.C. Code Reg. § 35-4 requiring an instructor to be a licensed cosmetologist should be repealed. Cosmetology students are required to study, among subjects, things, anatomy, dermatology, public relations, salesmanship, and psychology. Based on the current regulation, a medical doctor would be precluded from teaching an anatomy class without first obtaining both a cosmetology and an instructor's license.

RESPONSE:

We believe that the statutes and regulations regarding minimum qualifications for instructors should be left in place.

The justification provided by LLR is not a true representation. S.C. Code Reg. § 35-4 allows an individual, with 2 years of experience, to take the 45 hour methods of teaching course instead of the 750 hour course. The individual would still have to take the licensing exams to receive a license. The overwhelming majority of individuals, who become licensed instructors, only had to take the 45 hour methods of teaching course!

It is important to point out that any individual who wishes to attend medical school will only be taught by individuals who have received their doctorate degrees or a master's degree at a minimum. These educators have received many more hours of education compared to a mere 45 hours of education to become an instructor.

The 45 hour methods of teaching course is designed to provide necessary skills to address the needs of the learners in a classroom. This course covers items necessary for the education field such as the following: classroom management, curriculum writing, lesson planning, learning styles, presentation skills, and many more topics.

S.C. Code Reg. § 35-23(D) should not be repealed. It is imperative that instructors receive continuing education that is geared towards teaching methodology. The way in which educators have taught has changed rapidly over the last decade. For example, most students of today would not recognize an overhead projector. As technology increases and generations change, it is necessary for instructors to meet the educational needs of their students. They must receive this through continued education. Most accrediting agencies require a minimum of 12 hours of continuing education each year. The National Accrediting Commission of Career Arts and Sciences is one such agency. Taking 24 hours of continuing education over a two year period is very little in comparison to a licensed teacher in our state. Depending on the academic level, these individuals would have to take 60 to 120 renewal credits within a 5 year period. This can possibly include completing college credits at the graduate level (page 20 of <http://ed.sc.gov/agency/se/Educator-Services/Licensure/documents/CertManual2013.pdf>). The 2013-2014 graduate level course cost at the University of South Carolina is \$1455.00 for 3 credit hours (<http://gradschool.sc.edu/funding/paying.asp>). The time and cost involved to maintain an instructor's license is extremely minimal to this example!

At this time, there are no regulations that prevent a Doctor to teach an anatomy class within a cosmetology school. The Doctor would be referred to as a guest speaker. S.C. Code Reg. § 35-10(C) allows for the guest speaker to be a "teaching aid." The only requirement is that "a licensed instructor must be present in the classroom during such demonstrations."

ISSUE 10: Apparel Requirement

Recommendation: The Agency recommends that S.C. Code Reg. § 35-20(G) (1), which currently requires that the uniform and attire of a licensee assisting a customer be "clean and appropriate at all times," be repealed.

Justification: Cleanliness and appropriateness of attire, while important, are issues to be addressed in the workplace between the employee and employer. Additionally, these are issues that will be addressed by consumers as they manifest their desire to have services provided by sanitary and well-dressed licensees. State regulation of this aspect of the profession is unnecessary.

RESPONSE:

We agree with this recommendation.