2016

BarberCosmo
Board of Barbering & Cosmetology

California State Board of Barbering and Cosmetology Act and Regulations

NOTICE

This publication includes select California statutes and regulations of interest to barbering and cosmetology professionals fully up to date with legislation enacted through January 2016. The section titles for the Business and Professions Code and the California Code of Regulations are not part of the law; they are provided for ease of reference and convenience. While every effort has been made to assure the accuracy of this publication, it does not have legal effect. Should any difference or error occur, the law shall take precedence.

2016

Barbering and Cosmetology Act

AND

Barbering and Cosmetology Regulations

BarberCosmo
Board of Barbering & Cosmetology

STATE OF CALIFORNIA

DEPARTMENT OF CONSUMER AFFAIRS

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ACT

BARBERING AND COSMETOLOGY ACT

Chapter 10 of Division 3
of the California Business and Professions Code

and

Chapter 1 of Division 1.5
of the California Business and Professions Code

Includes amendments through January 2016

CHAPTER 10
BARBERING AND COSMETOLOGY

ARTICLE 1
Administration

7301. Citation of Chapter
This chapter constitutes the chapter on hair, skin, nail care, and electrolysis and may be known and cited as the Barbering and Cosmetology Act.

7302. Definitions
The following definitions shall apply for purposes of this chapter: (a) "Department" means the Department of Consumer Affairs. (b) "Director" means the Director of Consumer Affairs.

(c) "Board" or "bureau" means the State Board of Barbering and Cosmetology.

(d) "Executive officer" means the executive officer of the State Board of Barbering and Cosmetology.

7303. State Board of Barbering and Cosmetology; Executive Officer

(a) Notwithstanding Article 8 (commencing with Section 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, there is in the Department of Consumer Affairs the State Board of Barbering and Cosmetology in which the administration of this chapter is vested.

(b) The board shall consist of nine members. Five members shall be public members, and four members shall represent the professions. The Governor shall appoint three of the public members and the four professions members. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint one public member. Members of the board shall be appointed for a term of four years, except that of the members appointed by the Governor, two of the public members and two of the professions members shall be appointed for an initial term of two years. No board member may serve longer than two consecutive terms.

(c) The board shall appoint an executive officer who is exempt from civil service. The executive officer shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter. The appointment of the executive officer is subject to the approval of the director. In the event that a newly authorized board replaces an existing or previous bureau, the director may appoint an interim executive officer for the board who shall serve temporarily until the new board appoints a permanent executive officer.

(d) The executive officer shall provide examiners, inspectors, and other personnel necessary to carry out the provisions of this chapter.

(e) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

7303.1. Priority of Board; Protection of the Public

Protection of the public shall be the highest priority for the Board of Barbering and Cosmetology in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

7303.2. Authorized Studies and Reviews; Reports

The board shall conduct the following reviews, and shall report its findings and recommendations to the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions, and Economic Development no later than November 1, 2018:

(a) The board, pursuant to Section 139, shall review the 1,600-hour training requirement for cosmetologists, conduct an occupational analysis of the cosmetology profession in California, and conduct a review of the national written examination for cosmetologists and of the practical examination, in order to evaluate whether both examinations assess critical competencies for California cosmetologists and meet professional testing standards.

(b) The board shall review the Spanish language examination if, by January 1, 2016, the pass rate for Spanish speakers did not increase to the average pass rate for all other language examinations during the two-year period prior to January 1, 2016.

7305. Annual Election of Officers

The board shall elect officers annually from among its members, each of whom shall hold office for a term of one year. An officer shall not serve in a particular officer position for more than two terms.

7309. Principal Office and Branch Offices

The board shall establish a principal office, and may establish branch offices and examination facilities in the state as may be deemed necessary for the board to conduct its business.

7311. Seal
The board shall adopt and use a common seal for the authentication of the board's records.

7312. Powers and Duties of the Board
The board shall do all of the following:
(a) Make rules and regulations in aid or furtherance of this chapter in accordance with the Administrative Procedure Act.
(b) Conduct and administer examinations of applicants for licensure.
(c) Issue licenses to those applicants that may be entitled thereto.
(d) Discipline persons who have been determined to be in violation of this chapter or the regulations adopted pursuant to this chapter.
(e) Adopt rules governing sanitary conditions and precautions to be employed as are reasonably necessary to protect the public health and safety in establishments, schools approved by the board, and in the practice of any profession provided for in this chapter. The rules shall be adopted in accordance with the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Title 2 of the Government Code, and shall be submitted to the State Department of Health Services and approved by that department prior to filing with the Secretary of State. A written copy of all those rules shall be furnished to each licensee.

7313. Access to and Inspection of Establishments, Mobile Units, and Schools; Notices of Violation
(a) (1) To ensure compliance with the laws and regulations of this chapter, the board's executive officer and authorized representatives shall, except as provided by Section 159.5, have access to, and shall inspect, any establishment or mobile unit during business hours or at any time in which barbering, cosmetology, or electrolysis are being performed. It is the intent of the Legislature that inspections be conducted on Saturdays and Sundays as well as weekdays, if collective bargaining agreements and civil service provisions permit.
(2) The board shall maintain a program of random and targeted inspections of establishments to ensure compliance with applicable laws relating to the public health and safety and the conduct and operation of establishments. The board or its authorized representatives shall inspect establishments to reasonably determine compliance levels and to identify market conditions that require targeted enforcement. The board shall not reduce the number of employees assigned to perform random inspections, targeted inspections, and investigations relating to field operations below the level funded by the annual Budget Act and described in supporting budget documents, and shall not redirect funds or personnel-years allocated to those inspection and investigation purposes to other purposes.

(b) To ensure compliance with health and safety requirements adopted by the board, the executive officer and authorized representatives shall, except as provided in Section 159.5, have access to, and shall inspect the premises of, all schools in which the practice of barbering, cosmetology, or electrolysis is performed on the public. Notices of violation shall be issued to schools for violations of regulations governing conditions related to the health and safety of patrons. Each notice shall specify the section violated and a timespan within which the violation must be corrected. A copy of the notice of violation shall be provided to the Bureau for Private Postsecondary and Vocational Education.

(c) With prior written authorization from the board or its executive officer, any member of the board may enter and visit, in his or her capacity as a board member, any establishment, during business hours or at any time when barbering, cosmetology, or electrolysis is being performed. The visitation by a board member shall be for the purpose of conducting official board business, but shall not be used as a basis for any licensing disciplinary action by the board.

(d) The board shall adopt a protocol for inspecting establishments when an inspector has difficulty understanding or communicating with the owner, manager, or employees of the establishment due to language barriers. The board shall evaluate the protocol every two years to ensure the protocol remains current.

7314. Recordkeeping

The board shall keep a record of its proceedings relating to its public meetings, meetings of committees, and records relating to the issuance, refusal, renewal, suspension and revocation of licenses.

The board shall keep a registration record of each licensee containing the name, address, license number and date issued. This record shall also contain any facts that the applicants may have stated in their application for examination for licensure.

7314.3. Health and Safety Advisory Committee

The board shall establish a Health and Safety Advisory Committee to provide the board with advice and recommendations on health and safety issues before the board.

7315. Power of Majority to Exercise Powers

A majority of the board may, in any meeting properly noticed in accordance with the Bagley-Keene Open Meeting Act, exercise all the duties and powers devolving upon the board.

ARTICLE 2
Application of Chapter

7316. Practice of Barbering; Practice of Cosmetology

(a) The practice of barbering is all or any combination of the following practices:

(1) Shaving or trimming the beard or cutting the hair.

(2) Giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances.

(3) Singeing, shampooing, arranging, dressing, curling, waving, chemical waving, hair relaxing, or dyeing the hair or applying hair tonics.

(4) Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, or neck.

(5) Hairstyling of all textures of hair by standard methods which are current at the time of the hairstyling.

(b) The practice of cosmetology is all or any combination of the following practices:

(1) Arranging, dressing, curling, waving, machineless permanent waving, permanent waving, cleansing, cutting, shampooing, relaxing, singeing, bleaching, tinting, coloring, straightening, dyeing, applying hair tonics to, beautifying, or otherwise treating by any means, the hair of any person.

(2) Massaging, cleaning, or stimulating the scalp, face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(3) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(4) Removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, chemicals, or preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays.

(5) Cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring the nails of any person.

(6) Massaging, cleansing, treating, or beautifying the hands or feet of any person.

(c) Within the practice of cosmetology there exist the specialty branches of skin care and nail care.

(1) Skin care is any one or more of the following practices:

(A) Giving facials, applying makeup, giving skin care, removing superfluous hair from the body of any person by the use of depilatories, tweezers or waxing, or applying eyelashes to any person.

(B) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(C) Massaging, cleaning, or stimulating the face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(2) Nail care is the practice of cutting, trimming, polishing, coloring, tinting, cleansing, manicuring, or pedicuring the nails of any person or massaging, cleansing, or beautifying from the elbow to the fingertips or the knee to the toes of any person.

(d) The practice of barbering and the practice of cosmetology do not include any of the following:

(1) The mere sale, fitting, or styling of wigs or hairpieces.

(2) Natural hair braiding. Natural hair braiding is a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical device, provided that the service does not include haircutting or the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair.

(3) Threading. Threading is a technique that results in removing hair by twisting thread around unwanted hair and pulling it from the skin and the incidental trimming of eyebrow hair.

(e) Notwithstanding paragraph (2) of subdivision (d), a person who engages in natural hairstyling, which is defined as the provision of natural hair braiding services together with any of the services or procedures defined within the regulated practices of barbering or cosmetology, is subject to regulation pursuant to this chapter and shall obtain and maintain a barbering or cosmetology license as applicable to the services respectively offered or performed.

(f) Electrolysis is the practice of removing hair from, or destroying hair on, the human body by the use of an electric needle only.

"Electrolysis" as used in this chapter includes electrolysis or thermolysis.

7317. Practice of Barbering, Cosmetology, or Electrolysis for Compensation without License

Except as provided in this article, it is unlawful for any person, firm, or corporation to engage in barbering, cosmetology, or electrolysis for compensation without a valid, unexpired license issued by the board, or in an establishment or mobile unit other than one licensed by the board, or conduct or operate an establishment, or any other place of business in which barbering, cosmetology, or electrolysis is practiced unless licensed under this chapter. Persons licensed under this chapter shall limit their practice and services rendered to the public to only those areas for which they are

licensed. Any violation of this section is subject to an administrative fine and may be subject to a misdemeanor.

7318. Exception for Practice Outside Licensed Establishment Due to Illness or Incapacitation

This chapter does not prohibit the administration of any practice subject to this chapter outside of a licensed establishment, when necessary due to the illness or other physical or mental incapacitation of the recipient of the service, and when performed by a licensee obtained for the purpose from a licensed establishment.

7319. Persons Exempt from Chapter

The following persons are exempt from this chapter:

(a) All persons authorized by the laws of this state to practice medicine, surgery, dentistry, pharmacy, osteopathic medicine, chiropractic, naturopathy, podiatry, or nursing and acting within the scope of practice for which they are licensed.

(b) Commissioned officers of the United States Army, Navy, Air Force, Marine Corps, members of the United States Public Health Service, and attendants attached to those services when engaged in the actual performance of their official duties.

(c) Persons employed to render barbering, cosmetology, or electrolysis services in the course of and incidental to the business of employers engaged in the theatrical, radio, television or motion picture production industry.

(d) Persons engaged in any practice within its scope when done outside of a licensed establishment, without compensation.

(e) Persons engaged in the administration of hair, skin, or nail products for the exclusive purpose of recommending, demonstrating, or selling those products.

(f) Persons who render barbering or cosmetology services in an institutional program during the course of and incidental to the incarceration or confinement of inmates, prisoners, or persons charged with a crime. However, all of the following conditions shall apply:

(1) Those persons shall complete a barbering training course, developed by the Department of Corrections and approved by the Department of Consumer Affairs, in the proper care of instruments and the prevention of infectious diseases.

(2) Those persons shall successfully pass an examination, developed and administered by the Department of Corrections, on the proper care of instruments and the prevention of infectious diseases.

(3) All barbering facilities located in correctional institutions shall be subject to all appropriate health and safety sanitation standards, as determined by the Department of Corrections.

7319.5. Exemption for Students
Students engaged in performing services on the public while enrolled in a school approved by the board shall not be required to be licensed under this chapter if they perform those services at the approved school in which they are enrolled.

7320. Authority to Practice Medicine or Surgery
This chapter confers no authority to practice medicine or surgery.

7320.1. Use of Metal Instruments in Providing Manicure or Pedicure
When providing a manicure or pedicure, no metal instruments shall be used except those metal instruments necessary for the cutting, trimming, manicuring, or pedicuring of nails or cuticles or for the smoothing and massaging of the hands and feet .

7320.2. Illegal Use of X-Ray Appliance
Any licensee who uses an X-ray appliance, apparatus or machine in the treatment of any human being or for the purpose of or with the intent to remove superfluous hair from the face or body of any human being, or who applies to any human being a solution of phenol greater than 10 percent, or corrosive sublimate (mercury) or any of its preparations, derivatives, or compounds in a solution greater than one in five hundred, is guilty of a misdemeanor.

7320.3. Representation as Cosmetologist
Persons who are not licensed to perform all of the practices of a cosmetologist may not represent themselves as a cosmetologist.

7320.4. Representation as Barbers
Persons who are not licensed as barbers in this state may not represent themselves as barbers.

7320.5. Laser Treatment a Misdemeanor
Any licensee who uses a laser in the treatment of any human being is guilty of a misdemeanor.

ARTICLE 3
Qualifications for Examination

7321. Qualifications to Take Examination
The board shall admit to examination for a license as a cosmetologist to practice cosmetology any person who has made application to the board in proper form, paid the fee required by this chapter, and is qualified as follows:

(a) Is not less than 17 years of age.

(b) Has completed the 10th grade in the public schools of this state or its equivalent.

(c) Is not subject to denial pursuant to Section 480. (d) Has done any of the following:

(1) Completed a course in cosmetology from a school approved by the board.

(2) Practiced cosmetology as defined in this chapter outside of this state for a period of time equivalent to the study and training of a qualified person who has completed a course in cosmetology from a school the curriculum of which complied with requirements adopted by the board. Each three months of practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1) of this subdivision.

(3) Holds a license as a barber in this state and has completed a cosmetology crossover course in a school approved by the board.

(4) Completed a barbering course in a school approved by the board and has completed a cosmetology crossover course in a school approved by the board.

(5) Completed the apprenticeship program in cosmetology specified in Article 4 (commencing with Section 7332).

7321.5. Qualifications for Admittance to Take Barbering Exam

The board shall admit to examination for a license as a barber to practice barbering, any person who has made application to the board in proper form, paid the fee required by this chapter, and is qualified as follows:

(a) Is not less than 17 years of age.

(b) Has completed the 10th grade in the public schools of this state or its equivalent.

(c) Is not subject to denial pursuant to Section 480. (d) Has done any of the following:

(1) Completed a course in barbering from a school approved by the board.

(2) Completed an apprenticeship program in barbering approved by the board as conducted under the provisions of the Shelley-Maloney Apprentice Labor Standards Act of 1939, Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code.

(3) Practiced barbering as defined in this chapter outside of this state for a period of time equivalent to the study and training of a qualified person who has completed a course in barbering from a school the curriculum of which complied with requirements adopted by the board. Each three months of practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1).

(4) Holds a license as a cosmetologist in this state and has completed a barber crossover course in a school approved by the board.

(5) Completed a cosmetology course in a school approved by the board and has completed a barber crossover course in a school approved by the board.

(6) Completed comparable military training as documented by submission of Verification of Military Experience and Training (V-MET) records.

7324. Qualifications for Admittance to Take Esthetician Exam

The board shall admit to examination for a license as an esthetician to practice skin care, any person who has made application to the board in proper form, paid the fee required by this chapter, and is qualified as follows:

(a) Is not less than 17 years of age.

(b) Has completed the 10th grade in the public schools of this state or its equivalent.

(c) Is not subject to denial pursuant to Section 480.

(d) Has done any of the following:

(1) Completed a course in skin care from a school approved by the board.

(2) Practiced skin care, as defined in this chapter, outside of this state for a period of time equivalent to the study and training of a qualified person who has completed a course in skin care from a school the curriculum of which complied with requirements adopted by the board. Each three months of practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1).

(3) Completed the apprenticeship program in skin care specified in Article 4 (commencing with Section 7332).

7326. Qualifications for Admittance to Take Manicurist Exam

The board shall admit to examination for a license as a manicurist to practice nail care, any person who has made application to the board in proper form, paid the fee required by this chapter, and is qualified as follows:

(a) Is not less than 17 years of age.

(b) Has completed the 10th grade in the public schools of this state or its equivalent.

(c) Is not subject to denial pursuant to Section 480.

(d) Has done any of the following:

(1) Completed a course in nail care from a school approved by the board.

(2) Practiced nail care, as defined in this chapter, outside of this state for a period of time equivalent to the study and training of a qualified person who has completed a course in nail care from a school the curriculum of

which complied with requirements adopted by the board. Each three months of practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1).

(3) Completed the apprenticeship program in nail care specified in Article 4 (commencing with Section 7332).

7330. Qualifications for Admittance to Take Electrologist Exam

The board shall admit to examination for a license as an electrologist to practice electrolysis, any person who has made application to the board in proper form, paid the fee required by this chapter, and is qualified as follows:

(a) Is not less than 17 years of age.

(b) Has completed the 12th grade or an accredited senior high school course of study in public schools of this state or its equivalent.

(c) Is not subject to denial pursuant to Section 480.

(d) Has done any of the following:

(1) Completed a course of training in electrolysis from a school approved by the board.

(2) Practiced electrolysis, as defined in this chapter, for a period of 18 months outside of this state within the time equivalent to the study and training of a qualified person who has completed a course in electrolysis from a school the curriculum of which complied with requirements adopted by the board. Each three months of practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1).

(3) Completed the apprenticeship program in electrology specified in Article 4 (commencing with Section 7332).

7331. Granting Out-of-State Applicant License to Practice

The board shall grant a license to practice to an applicant if the applicant submits all of the following to the board:

(a) A completed application form and all fees required by the board.

(b) Proof of a current license issued by another state to practice that meets all of the following requirements:

(1) It is not revoked, suspended, or otherwise restricted.

(2) It is in good standing.

(3) It has been active for three of the last five years, during which time the applicant has not been subject to disciplinary action or a criminal conviction.

ARTICLE 4
Apprenticeship

7332. "Apprentice"
An apprentice is any person who is licensed by the board to engage in learning or acquiring a knowledge of barbering, cosmetology, skin care, nail care, or electrology, in a licensed establishment under the supervision of a licensee approved by the board.

7333. Conduct of Apprentice Training Program
The apprentice training program shall be conducted in compliance with the Shelley- Maloney Apprentice Labor Standards Act of 1939, Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code, according to apprenticeship standards approved by the administrator of apprenticeship. A copy of the act shall be maintained on file with the board.

7334. Persons Licensed as Apprentices in Barbering, Cosmetology, Skin or Nail Care, or Electrolysis

(a) The board may license as an apprentice in barbering, cosmetology, skin care, or nail care any person who has made application to the board upon the proper form, has paid the fee required by this chapter, and who is qualified as follows:

(1) Is over 16 years of age.

(2) Has completed the 10th grade in the public schools of this state or its equivalent.

(3) Is not subject to denial pursuant to Section 480.

(4) Has submitted evidence acceptable to the board that any training the apprentice is required by law to obtain shall be conducted in a licensed establishment and under the supervision of a licensee approved by the board.

(b) The board may license as an apprentice in electrolysis any person who has made application to the board upon the proper form, has paid the fee required by this chapter, and who is qualified as follows:

(1) Is not less than 17 years of age.

(2) Has completed the 12th grade or an accredited senior high school course of study in schools of this state or its equivalent.

(3) Is not subject to denial pursuant to Section 480.

(4) Has submitted evidence acceptable to the board that any training the apprentice is required by law to obtain shall be conducted in a licensed establishment and under the supervision of a licensee approved by the board.

(c) All persons making application as an apprentice in barbering shall also complete a minimum of 39 hours of preapprentice training in a facility approved by the board prior to serving the general public.

(d) All persons making application as an apprentice in cosmetology, skin care, nail care, or electrology shall also complete minimum preapprentice training for the length of time established by the board in a facility approved by the board prior to serving the general public.

(e) Apprentices may only perform services on the general public for which they have received technical training.

(f) Apprentices shall be required to obtain at least the minimum hours of technical instruction and minimum number of practical operations for each subject as specified in board regulations for courses taught in schools approved by the board, in accordance with Sections 3074 and 3078 of the Labor Code.

7335. Expiration of Apprentice's License

(a) The license of an apprentice shall expire two years from the date the license was issued, or on the date the apprentice is issued a license following the license examination, or if the apprentice fails the license examination twice, on the date the results of the second examination are issued, whichever occurs first.

(b) No person holding a license as an apprentice shall work more than three months after completing the required training without applying for and taking the examination for licensure.

(c) The board may extend the two-year or three-month period described in subdivisions (a) and (b) upon a showing of good cause which shall include, but not be limited to, delays in applying for and taking the examination caused by the illness of, or accident to, the apprentice, or service in the armed forces of the United States.

7336. Conditions Under Which Apprentice May Practice

An apprentice may do any or all of the acts for which he or she is licensed only in the licensed establishment and under the supervision and employment of a licensee approved by the board.

ARTICLE 5
Examinations

7337. Formal Requirements of Application; Fee

Every application for admission to examination and licensure shall be in writing, on forms prepared and furnished by the board.

Each application shall be accompanied by the required fee, and shall contain proof of the qualifications of the applicant for examination and licensure. It shall be verified by the oath of the applicant. Every applicant shall, as a

condition of admittance to the examination facility, present satisfactory proof of identification. Satisfactory proof of identification shall be in the form of a valid, unexpired driver's license or identification card, containing the photograph of the person to whom it was issued, issued by any state, federal, or other government entity.

7337.5. Adoption of Regulations; "Preapplication"; Licensing Examination

(a) The board shall adopt regulations providing for the submittal of applications for admission to examination of students of approved cosmetology, electrology, or barbering schools who have completed at least 75 percent of the required course clock hours and curriculum requirements (60 percent for students of the manicurist course), or any person licensed as an apprentice in barbering, cosmetology, skin care, or nail care who has completed at least 75 percent of the required apprenticeship training hours. The regulations shall include provisions that ensure that all proof of qualifications of the applicant is received by the board before the applicant is examined.

(b) An application for examination submitted by a student of an approved cosmetology, electrology, or barbering school under this section shall be known as a "school preapplication" and an additional preapplication fee may be required.

(c) An application for examination submitted by a person licensed as an apprentice in barbering, cosmetology, skin care, or nail care shall be known as an "apprenticeship preapplication" and an additional fee may be required.

(d) The board shall administer the licensing examination not later than 10 working days after graduation from an approved cosmetology, electrology, or barbering school to students who have submitted an application for admission for examination under the preapplication procedure, or not later than 10 working days after completion of an approved barbering, cosmetology, skin care, or nail care apprenticeship program for a person licensed as an apprentice.

7338. Contents of Examination

The examination of applicants for a license shall include both a practical demonstration and a written test and shall embrace the subjects typically taught in a program approved by the board.

The examination shall not be confined to any particular system or method. It shall be consistent in both practical and technical requirements, and of sufficient thoroughness to satisfy the board as to the applicant's skill in, and knowledge of, the practice of the occupation or occupations for which a license is sought.

In the conduct and grading of examinations, practical demonstrations shall prevail over written tests.

The scope of examinations shall be consistent with the definition of the activities licensed under this chapter, and shall be as the board, by regulation, may require to protect the health and safety of consumers of the services provided by licensees.

The board's examinations shall be limited to clearly job-related questions, activities, and practical services. Examinations shall also include written tests in antisepsis, disinfection, sanitation, the use of mechanical apparatus and electricity as
applicable to the practice of barbering, cosmetology, or electrolysis. They may include other demonstrations and tests as the board, in its discretion, may require.

7340. Preparation, Administration, and Grading of Examinations
All examinations shall be prepared by or under the direction of the board. The board shall establish standards and procedures governing administration and grading and shall exercise supervision as may be necessary to assure compliance therewith.

7341. Mailing of Total Grade Received on Failed Examinations
The board shall mail or deliver to every person failing any examination provided for in this chapter the total grade received on the examination.

An unsuccessful applicant for licensure, after taking an examination and within 90 days after the results thereof have been declared, shall have the right to inspect his or her examination paper in the city in which the examination was taken.

7342. Issuance of License
Licenses in the practice of the occupation for which the license was sought shall be issued by the board to any applicant who satisfactorily passes an examination, who possesses the other qualifications required by law and who has remitted the license fee required by this chapter. The license shall entitle the holder to engage in the practice of that occupation in a licensed establishment. The license shall be issued by the board on the same day that the applicant satisfactorily passes the examination.

7344. Contract for Examination Facilities
The board may contract or otherwise arrange for reasonably required physical accommodations and facilities to conduct examinations.

7345. Abandonment of Application and Forfeiture of Fee
If an applicant fails to complete his or her application within one year after it has been filed, or fails to take the examination within one year after becoming eligible therefor, the application shall be considered abandoned and the fee forfeited. An application submitted after the abandonment of a former application shall be treated as a new application and shall be required to meet all of the requirements for an initial license.

ARTICLE 6
Establishments

7346. "Establishment"
(a) For purposes of this chapter, "establishment" means any premises, building or part of a building where any activity licensed under this chapter is practiced.
(b) "Establishment" also includes any premises, building, or part of a building in which natural hair styling is practiced for compensation.

7347. Application for License to Operate Establishment
Any person, firm, or corporation desiring to operate an establishment shall make an application to the Board for a license accompanied by the fee prescribed by this chapter. The application shall be required whether the person, firm, or corporation is operating a new establishment or obtaining ownership of an existing establishment. If the applicant is obtaining ownership of an existing establishment, the board may establish the fee in an amount less than the fee prescribed by this chapter. The applicant, if an individual, or each officer, director, and partner, if the applicant is other than an individual, shall not have committed acts or crimes which are grounds for denial of licensure in effect at the time the new application is submitted pursuant to Section 480. A license issued pursuant to this section shall authorize the operation of the establishment only at the location for which the license is issued. Operation of the establishment at any other location shall be unlawful unless a license for the new location has been obtained upon compliance with this section, applicable to the issuance of a license in the first instance.

7348. Establishment to be in Charge of Licensee
An establishment shall at all times be in the charge of a person licensed pursuant to this chapter except an apprentice.

7349. Employment of Unlicensed Persons
It is unlawful for any person, firm, or corporation to hire, employ, or allow to be employed, or permit to work, in or about an establishment, any person

who performs or practices any occupation regulated under this chapter and is not duly licensed by the Board, except that a licensed cosmetology establishment may utilize a student extern, as described in Section 7395.1. Any person violating this section is subject to citation and fine pursuant to Section 7406 and is also guilty of a misdemeanor.

7349.1. Misleading Use of Barber Pole as Unfair Business Practice
It is an unfair business practice for any person, firm, or corporation who engages in a practice regulated under this chapter to use the traditional symbol known as the barber pole, which comprises a striped vertical cylinder with a ball on top, with the intent to mislead the public in any manner that would make the public believe that barbering was being practiced in, or that a licensed barber is employed in, an establishment that does not employ licensed barbers.

7350. Use of Portion of Establishment for Residential Purposes
No person having charge of an establishment, whether as an owner or an employee, shall permit any room or part thereof in which any occupation regulated under this chapter is conducted or practiced to be used for residential purposes or for any other purpose that would tend to make the room unsanitary, unhealthy, or unsafe, or endanger the health and safety of the consuming public.

An establishment shall have a direct entrance separate and distinct from any entrance in connection with private quarters.

A violation of this section is a misdemeanor.

7351. Provision and Maintenance of Adequate Facilities
Every establishment shall provide at least one public toilet room located on or near the premises for its patrons. Any toilet room installed on or after July 1, 1992, shall be not less than 18 square feet in area. The entrance to the room shall be effectively screened so that no toilet compartment is visible from any workroom. The room shall be kept in a clean condition and in good repair, well lighted and ventilated to the outside air, and effectively screened against insects and free from rodents. The floor shall be of concrete, tile laid in cement, vitrified brick, or other nonabsorbent material. All sewer drains shall be connected to an approved disposal system, and shall be properly trapped. No restroom shall be used for storage.

7352. Handwashing Facilities
Every establishment shall provide adequate and convenient handwashing facilities, including running water, soap, and towels or air hand dryers.

7353. Inspection of Establishment for Compliance

(a) (1) Within 90 days after issuance of the establishment license, the board or its agents or assistants shall inspect the establishment for compliance with the applicable requirements of this chapter and the applicable rules and regulations of the board adopted pursuant to this chapter.

(2) The board may inspect the establishment for which a license application has been made prior to the issuance of the license.

(b) The board shall maintain a program of random and targeted inspections of establishments to ensure compliance with applicable laws relating to the public health and safety and the conduct and operation of establishments.

(c) The board or its authorized representatives shall inspect establishments to reasonably determine compliance levels and to identify market conditions that require targeted enforcement.

(d) The board shall not reduce the number of employees assigned to perform random inspections, targeted inspections, and investigations relating to field operations below the level funded by the annual Budget Act and described in supporting budget documents, and shall not redirect funds or personnel-years allocated to those inspection and investigation purposes to other purposes.

ARTICLE 7
Mobile Units

7354. "Mobile Unit"

For purposes of this article, "mobile unit" means any self-contained, self-supporting, enclosed mobile unit which is at least 24 feet in length which is licensed as an establishment for the practice of any occupation licensed by the board and which complies with this article and all health and safety regulations established by the board.

7355. Application for License

(a) Any person, firm, or corporation desiring to operate a mobile unit shall make an application to the board for a license containing the information and data set forth in subdivision (b). The applicant, if an individual, or each officer, director, and partner, if the applicant is other than an individual, shall not have committed acts or crimes which are grounds for denial of licensure pursuant to Section 480. A license issued pursuant to this section shall authorize the operation of the unit only within those geographical boundaries designated by the board. Operation of the unit outside of the geographical boundaries for which the license is issued shall be unlawful, unless a license for the expanded geographic area has been obtained upon compliance with this article applicable to the issuance of a license in the first instance.

(b) Each application shall include the following:

(1) A detailed floor plan showing the location of doors, windows, restroom facilities, sinks, lift or ramps, ventilation, equipment, and dimensions of the mobile unit in compliance with this article.

(2) Proof of purchase or lease of the mobile unit and shop equipment.

(3) The required fee.

(4) Copies of applicable county and city licenses or permits to provide the mobile barbering, cosmetology, or electrolysis services in each county and city of operation and the locations therein where the services will be offered.

(5) Proof of compliance with applicable city, county, and state plumbing, electrical, and fire laws.

(6) Proof of a valid California driver's license issued to an officer or employee responsible for driving the mobile unit.

(7) A permanent base address from which the mobile unit shall operate.

(c) After initial approval of the floor plan and application has been granted, the applicant shall schedule an appointment to show the mobile unit to the board, or representative of the board, for final approval.

7356. Application to Transfer Ownership or Control

An application to transfer ownership or control of an existing licensed mobile unit shall be filed by the purchaser or lessor with the board within 10 days after purchase. Each application shall include the following:

(a) A detailed floor plan showing the location of doors, windows, restroom facilities, sinks, lift or ramps, ventilation, equipment, and dimensions of the mobile unit.

(b) Bills of sale or lease documents proving purchase or lease of existing equipment and the mobile unit.

(c) The existing mobile unit license.

(d) The required fee.

(e) Copies of applicable city and county licenses or permits to provide the mobile services in each county and city of operation issued in the new owner's name.

(f) Proof of compliance with applicable city, county, and state plumbing, electrical, and fire laws.

(g) Proof of a valid California driver's license issued to an officer or employee responsible for driving the mobile unit.

7357. Compliance with Regulations; Required Equipment

(a) Mobile units shall comply with regulations adopted by the board that assure that the unit shall be kept clean, in good repair, and in compliance with this article.

(b) Each mobile unit shall be equipped with each of the following functioning systems:

(1) A self-contained, potable water supply. The potable water tanks shall be not less than 100 gallons, and the holding tanks shall be of adequate capacity. In the event of depletion of potable water, operation shall cease until the supply is replenished.

(2) Continuous, on-demand hot water tanks which shall be not less than six- gallon capacity.

(3) A self-contained, recirculating, flush chemical toilet with holding tank.

(4) A covered galvanized, stainless steel, or other noncorrosive metal container for purposes of depositing hair clippings, refuse, and other waste materials.

(5) A split-lead generator with a remote starter, muffler, and a vent to the outside.

(6) A sealed combustible heater with an outside vent.

7358. Mobile Unit to be in Charge of Licensee
A mobile unit shall at all times be in the charge of a person licensed pursuant to this chapter except an apprentice.

7359. Employment of Unlicensed Persons
It is unlawful for any person, firm or corporation to hire, employ, allow to be employed, or permit to work, in or about a mobile unit, any person who performs or practices any occupation regulated under this chapter who is not duly licensed by the board.

Any person violating this section is guilty of a misdemeanor.

7360. Use of Portion of Mobile Unit for Residential Purposes
No person having charge of a mobile unit, whether as an owner or an employee, shall permit any room, or part thereof, in which any occupation regulated under this chapter is conducted or practiced, to be used for residential purposes or for any other purpose that would tend to make the unit unsanitary, unhealthy, or unsafe, or endanger the health and safety of the consuming public.

This section shall not apply when the mobile unit is used for purposes other than the practice of any occupation regulated under this chapter outside of the designated geographical boundaries for which it is licensed.

7361. Application of Provisions of Chapter
All laws governing establishments under this chapter, except Article 6 (commencing with Section 7346), apply to mobile units, unless otherwise provided.

ARTICLE 8
Schools, Instructors, and Curricula

7362. "School Approved by the Board"

(a) A school approved by the board is one that is first approved by the board and subsequently approved by the Bureau for Private Postsecondary Education or is a public school in this state, and provides a course of instruction approved by the board. However, notwithstanding any other law, both the board and the Bureau for Private Postsecondary Education may simultaneously process a school's application for approval.

(b) The board shall determine by regulation the required subjects of instruction to be completed in all approved courses, including the minimum hours of technical instruction and minimum number of practical operations for each subject, and shall determine how much training is required before a student may begin performing services on paying patrons.

(c) Notwithstanding any other law, the board may revoke, suspend, or deny approval of a school, in a proceeding that shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, when an owner or employee of the school has engaged in any of the acts specified in paragraphs (1) to (8), inclusive.

(1) Unprofessional conduct which includes, but is not limited to, any of the following:

(A) Incompetence or gross negligence, including repeated failure to comply with generally accepted standards for the practice of barbering, cosmetology, or electrology, or disregard for the health and safety of patrons.

(B) Repeated similar negligent acts.

(C) Conviction of any crime substantially related to the qualifications, functions, or duties of the owner of an approved school, in which case, the records of conviction or a certified copy thereof shall be conclusive evidence of the conviction.

(2) Repeated failure to comply with the rules governing health and safety adopted by the board and approved by the State Department of Public Health, for the regulation of board-approved schools.

(3) Repeated failure to comply with the rules adopted by the board for the regulation of board-approved schools.

(4) Continued practice by a person knowingly having an infectious or contagious disease.

(5) Habitual drunkenness, or habitual use of, or addiction to the use of, any controlled substance.

(6) Obtaining or attempting to obtain practice in any occupation licensed and regulated under this chapter, or money, or compensation in any form, by fraudulent misrepresentation.

(7) Refusal to permit or interference with an inspection authorized under this chapter.

(8) Any action or conduct that would have warranted the denial of a school approval.

7362.1. Requirements of Approved School of Cosmetology

A school of cosmetology approved by the board shall also meet all of the following:

(a) Possess the equipment and floor space necessary for comprehensive instruction of 25 cosmetology students or the number of students enrolled in the course, whichever is greater.

(b) Have entered on the roll of a proposed school of cosmetology at least 25 bona fide, full-time students for the cosmetology course. For purposes of this section, a bona fide, full-time student is a person who has been entered on the roll of a proposed school of cosmetology and has committed to attend a full course in cosmetology.

(c) Maintain a course of practical training and technical instruction for the full cosmetology course as specified in this chapter and in board regulations. A course of instruction in any branch of cosmetology shall be taught in a school of cosmetology.

7362.2. Requirements of Approved School of Barbering

A school of barbering approved by the board shall also do all of the following:

(a) Possess the equipment and floor space necessary for comprehensive instruction of 15 barber students or the number of students enrolled in the course, whichever is greater.

(b) Have entered on the roll of a proposed school of barbering at least 15 bona fide, full-time students for the barbering course. For purposes of this section, a bona fide, full-time student is a person who has been entered on the roll of a proposed school of barbering and has committed to attend a full course in barbering.

(c) Maintain a course of practical training and technical instruction for the full barbering course as specified in this chapter and in board regulations.

7362.3. Requirements of Approved School of Electrology

A school of electrology approved by the board shall also do all of the following:

(a) Possess the equipment and floor space necessary for comprehensive instruction of five electrology students or the number of students enrolled in the course, whichever is greater.

(b) Have entered on the roll of a proposed school of electrology at least five bona fide, full-time students for the electrology course. For purposes of

this section, a bona fide, full-time student is a person who has been entered on the roll of a proposed school of electrology and has committed to attend a full course in electrology.

(c) Maintain a course of practical training and technical instruction for the full electrology course as specified in this chapter and in board regulations.

7362.5. Hours of Practical Training and Technical Instruction

(a) A course in barbering established by a school shall consist of not less than 1,500 hours of practical training and technical instruction in the practice of barbering as defined in Section 7316.

(b) A course in cosmetology established by a school shall consist of not less than 1,600 hours of practical training and technical instruction in the practice of cosmetology as defined in Section 7316, except as provided in this chapter.

7364. Skin Care Course; Hours of Practical Training

A skin care course established by a school shall consist of not less than 600 hours of practical training and technical instruction in accordance with a curriculum established by board regulation.

7365. Nail Care Course; Hours of Practical Training

A nail care course established by a school shall consist of not less than 350 hours of practical training and technical instruction in accordance with a curriculum established by board regulation.

7366. Electrolysis Course; Hours of Practical Training

An electrolysis course established by a school shall consist of not less than 600 hours of practical training and technical instruction in accordance with a curriculum established by board regulation.

7367. Transfer Credits

For students who change from one program of instruction to another, the board shall grant credit for training obtained in one course that is identical to training required in another course.

7368. Designation of Service Offered by School as Student Work

No school shall advertise barbering, cosmetology or electrolysis services to the public through any medium unless those services are expressly designated as student work.

7389. Health and Safety Course on Hazardous Substances

The board shall develop or adopt a health and safety course on hazardous substances which shall be taught in schools approved by the board. Course

development shall include pilot testing of the course and training classes to prepare instructors to effectively use the course.

7389.5. Barbering or Cosmetology Course Established by Federal or State Correctional Institutions in State

A course of training in barbering or cosmetology established by federal or state correctional institutions in California may qualify a person thereby trained to take the examination for licensure as a barber or cosmetologist provided the course complies with all applicable provisions of this act and the regulations adopted pursuant thereto.

7395.1. Students as Externs in Cosmetology Establishments

(a) A student who is enrolled in a school of cosmetology approved by the Bureau for Private Postsecondary and Vocational Education in a course approved by the board may, upon completion of a minimum of 60 percent of the clock hours required for graduation in the course, work as an unpaid extern in a cosmetology establishment participating in the educational program of the school of cosmetology.

(b) A person working as an extern shall receive clock hour credit toward graduation, but that credit shall not exceed eight hours per week and shall not exceed 10 percent of the total clock hours required for completion of the course.

(c) The externship program shall be conducted in cosmetology establishments meeting all of the following criteria:

(1) The establishment is licensed by the board.

(2) The establishment has a minimum of four licensees working at the establishment, including employees and owners or managers.

(3) All licensees at the establishment are in good standing with the board.

(4) Licensees working at the establishment work for salaries or commissions rather than on a space rental basis.

(5) No more than one extern shall work in an establishment for every four licensees working in the establishment. No regularly employed licensee shall be displaced or have his or her work hours reduced or altered to accommodate the placement of an extern in an establishment. Prior to placement of the extern, the establishment shall agree in writing sent to the school and to all affected licensees that no reduction or alteration of any licensee's current work schedule shall occur. This shall not prevent a licensee from voluntarily reducing or altering his or her work schedule.

(6) Externs shall wear conspicuous school identification at all times while working in the establishment, and shall carry a school laminated identification, that includes a picture, in a form approved by the board.

(d) (1) No less than 90 percent of the responsibilities and duties of the extern shall consist of the acts included within the practice of cosmetology as defined in Section 7316.

(2) The establishment shall consult with the assigning school regarding the extern's progress during the unpaid externship. The owner or manager of the establishment shall monitor and report on the student's progress to the school on a regular basis, with assistance from supervising licensees.

(3) A participating school shall assess the extern's learning outcome from the externship program. The school shall maintain accurate records of the extern's educational experience in the externship program and records that indicate how the extern's learning outcome translates into course credit.

(e) Participation in an externship program made available by a school shall be voluntary, may be terminated by the student at any time, and shall not be a prerequisite for graduation.

(f) The cosmetology establishment that chooses to utilize the extern is liable for the extern's general liability insurance, as well as cosmetology malpractice liability insurance, and shall furnish proof to the participating school that the establishment is covered by both forms of liability insurance and that the extern is covered under that insurance.

(g) (1) It is the purpose of the externship program authorized by this section to provide students with skills, knowledge, and attitudes necessary to acquire employment in the field for which they are being trained, and to extend formalized classroom instruction.

(2) Instruction shall be based on skills, knowledge, attitudes, and performance levels in the area of cosmetology for which the instruction is conducted.

(3) An extern may perform only acts listed within the definition of the practice of cosmetology as provided in Section 7316, if a licensee directly supervises those acts, except that an extern may not use or apply chemical treatments unless the extern has received appropriate training in application of those treatments from an approved cosmetology school. An extern may work on a paying client only in an assisting capacity and only with the direct and immediate supervision of a licensee.

(4) The extern shall not perform any work in a manner that would violate law.

ARTICLE 9
(Reserved)

ARTICLE 10
Licenses

7396. Form and Content of License
The form and content of a license issued by the board shall be determined in accordance with Section 164.

The license shall prominently state that the holder is licensed as a barber, cosmetologist, esthetician, manicurist, electrologist, or apprentice, and shall contain a photograph of the licensee.

7396.5. Probationary License
(a) The board may, in its sole discretion, issue a probationary license to an applicant subject to terms and conditions deemed appropriate by the board, including, but not limited to, the following:
(1) Continuing medical, psychiatric, or psychological treatment.
(2) Ongoing participation in a specified rehabilitation program.
(3) Abstention from the use of alcohol or drugs.
(4) Compliance with all provisions of this chapter.
(b) (1) Notwithstanding any other provision of law, and for purposes of this section, when deciding whether to issue a probationary license, the board shall request that an applicant with a dismissed conviction provide proof of that dismissal and shall give special consideration to applicants whose convictions have been dismissed pursuant to Section 1203.4 or 1203.4a of the Penal Code.
(2) The board shall also take into account and consider any other reasonable documents or individual character references provided by the applicant that may serve as evidence of rehabilitation as deemed appropriate by the board.
(c) The board may modify or terminate the terms and conditions imposed on the probationary license upon receipt of a petition from the applicant or licensee.
(d) For purposes of issuing a probationary license to qualified new applicants, the board shall develop standard terms of probation that shall include, but not be limited to, the following:
(1) A three-year limit on the individual probationary license.
(2) A process to obtain a standard license for applicants who were issued a probationary license.
(3) Supervision requirements.
(4) Compliance and quarterly reporting requirements.

7397. Display of License
Every licensee shall display the license in a conspicuous place in his or her place of business or place of employment.

7398. Duplicate License
A duplicate license shall be issued upon the filing of a statement explaining the loss, verified by the oath of the applicant, and accompanied by the fee required by this chapter.

7399. Temporary License
Under no circumstances shall a temporary license be issued.

7400. Information Required at Time of License Renewal
Every licensee of the board, except establishments shall, within 30 days after a change of address, notify the board of the new address, and, upon receipt of the notification, the board shall make the necessary changes in the register.

7401. Information Required to be Reported to Board Upon License Renewal; Board Report to Legislature
(a) An individual licensed pursuant to Section 7396 shall report to the board at the time of license renewal, his or her practice status, designated as one of the following:
(1) Full-time practice in California.
(2) Full-time practice outside of California.
(3) Part-time practice in California.
(4) Not working in the industry.
(5) Retired.
(6) Other practice status, as may be further defined by the board.
(b) An individual licensed pursuant to Section 7396 shall, at the time of license renewal, identify himself or herself on the application as one of the following:
(1) Employee.
(2) Independent contractor or booth renter.
(3) Salon owner.
(c) An individual licensed pursuant to Section 7347 shall report to the board at the time of license renewal, whether either of the following is applicable to him or her:
(1) He or she has a booth renter operating in the establishment.
(2) He or she has an independent contractor operating in the establishment.

7402. Violation of Chapter

Any person, firm, association or corporation violating this chapter, for which violation there is no specific penalty otherwise provided, is guilty of a misdemeanor and subject to a fine not to exceed two thousand five hundred dollars ($2,500) or imprisonment in the county jail not to exceed six months, or both a fine and imprisonment.

7402.5. Personal Service Permit

(a) For purposes of this section, a "personal service permit" means a permit that authorizes an individual to perform services, for which he or she holds a license pursuant to this chapter, outside of an establishment, as defined in Section 7346, in accordance with the regulations established by the board.

(b) The board may issue a personal service permit to an individual who meets the criteria for a personal service permit set forth in regulation.

(c) The board shall issue regulations regarding a personal service permit. In establishing the regulations, the board shall hold, at a minimum, two stakeholder meetings.

(1) The board shall determine the appropriate licensing categories that may apply for a personal service permit in order to protect consumer safety.

(2) The board shall authorize a personal service permit holder to perform services outside of a licensed establishment.

(3) The board shall not exempt a personal service permit holder from any of the board's existing regulations or requirements on health and safety.

(4) The board shall not require a personal service permit holder to be employed by an establishment, unless the board determines that it would be necessary in order to maintain consumer safety.

(5) The regulations may require an applicant for a personal service permit to have proof of liability insurance and to pass a criminal background clearance.

(d) A personal service permit shall be valid for two years and shall be renewed prior to expiration. The fee for a personal service permit shall be no greater than fifty dollars ($50). The fee for the renewal of a personal service permit shall be no greater than fifty dollars ($50). The delinquency fee shall be 50 percent of the renewal fee in effect on the date of the renewal.

(e) The board shall report on the progress of the regulatory process and issuance of personal service permits to the Legislature on or before July 1, 2017.

(1) The report shall be submitted in compliance with Section 9795 of the Government Code.

(2) The requirement to report to the Legislature under this subdivision is inoperative on July 1, 2021, pursuant to Section 10231.5 of the Government Code.

ARTICLE 11
Disciplinary Proceedings

7403. Revocation, Suspension, or Denial of License

(a) Notwithstanding any other provision of law, the board may revoke, suspend, or deny at any time any license required by this chapter on any of the grounds for disciplinary action provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(b) The board may deny a license to an applicant on any of the grounds specified in Section 480.

(c) In addition to the requirements provided in Sections 485 and 486, upon denying a license to an applicant, the board shall provide a statement of reasons for the denial that does the following:

(1) Evaluates evidence of rehabilitation submitted by the applicant, if any.

(2) Provides the board's criteria relating to rehabilitation, formulated pursuant to Section 482, that takes into account the age and severity of the offense, and the evidence relating to participation in treatment or other rehabilitation programs.

(3) If the board's decision was based on the applicant's prior criminal conviction, justifies the board's denial of a license and conveys the reasons why the prior criminal conviction is substantially related to the qualifications, functions, or duties of a barber or cosmetologist.

(d) Commencing July 1, 2009, all of the following shall apply:

(1) If the denial of a license is due at least in part to the applicant's state or federal criminal history record, the board shall, in addition to the information provided pursuant to paragraph (3) of subdivision (c), provide to the applicant a copy of his or her criminal history record if the applicant makes a written request to the board for a copy, specifying an address to which it is to be sent.

(A) The state or federal criminal history record shall not be modified or altered from its form or content as provided by the Department of Justice.

(B) The criminal history record shall be provided in such a manner as to protect the confidentiality and privacy of the applicant's criminal history record and the criminal history record shall not be made available by the board to any employer.

(C) The board shall retain a copy of the applicant's written request and a copy of the response sent to the applicant, which shall include the date and the address to which the response was sent.

(2) The board shall make this information available upon request by the Department of Justice or the Federal Bureau of Investigation.

(e) Notwithstanding Section 487, the board shall conduct a hearing of a license denial within 90 days of receiving an applicant's request for a hearing. For all other hearing requests, the board shall determine when the hearing shall be conducted.

(f) In any case in which the administrative law judge recommends that the board revoke, suspend, or deny a license, the administrative law judge may, upon presentation of suitable proof, order the licensee to pay the board the reasonable costs of the investigation and adjudication of the case. For purposes of this section, "costs" include charges by the board for investigating the case, charges incurred by the office of the Attorney General for investigating and presenting the case, and charges incurred by the Office of Administrative Hearings for hearing the case and issuing a proposed decision.

(g) The costs to be assessed shall be fixed by the administrative law judge and shall not, in any event, be increased by the board. When the board does not adopt a proposed decision and remands the case to an administrative law judge, the administrative law judge shall not increase the amount of any costs assessed in the proposed decision.

(h) The board may enforce the order for payment in the superior court in the county where the administrative hearing was held. This right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay costs.

(i) In any judicial action for the recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(j) Notwithstanding any other provision of law, all costs recovered under this section shall be deposited in the board's contingent fund as a scheduled reimbursement in the fiscal year in which the costs are actually recovered.

7403.2. Temporary Suspension of License; Probationary Term; Reinstatement

(a) Notwithstanding any other provision of law, the executive officer or his or her designee, pursuant to an inspection of an establishment where health and safety laws and regulations related to manicure and pedicure equipment have been violated and a citation issued, may, without advance hearing, suspend temporarily a license issued under this chapter if, in the opinion of the executive officer or his or her designee, the action is necessary to protect the public's health and safety. The suspension shall be effective upon the executive officer or his or her designee providing written notice of the suspension to the licensee.

(b) The suspension of a license pursuant to this section shall be immediately stayed. The license shall be placed on probation for one year from the date of the suspension and be subject to the following terms and conditions:

(1) The licensee shall undertake board-approved remedial training related to the health and safety laws and regulations applicable to the establishment.

(2) The licensee shall be subject to reinspection by the board. The owner of the establishment shall pay all costs of inspection.

(3) The licensee shall pay all citation fines to the board. In cases of economic hardship, the licensee may enter into an agreement with the board to make periodic payments to pay the citation fine amount.

(c) The licensee whose license was suspended under this section may appeal in writing to the disciplinary review committee to determine if the suspension and the probationary terms and conditions should be modified or set aside. The appeal shall be submitted to the committee within 30 days of the effective date of the license suspension. An appeal not submitted within that timeframe shall be rejected by the committee. The appeal shall be conducted pursuant to the process described in Section 7410. The licensee may appeal the decision of the committee to the program administrator pursuant to the process described in Section 7411.

(d) If the licensee fails to comply with the probationary terms and conditions imposed under this section, the board may petition to revoke the licensee's probation. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(e) Upon the licensee's successful completion of the probationary terms and conditions, the board shall reinstate the license.

7403.5. Closing of Establishments with Health and Safety Violations

(a) In addition to the authority provided by Sections 494 and 7403, the executive officer, in his or her discretion, may upon written notice immediately close any establishment which, upon completion of an inspection, is found to have health and safety violations of such a severe nature as to pose an immediate threat to public health and safety.

(b) The executive officer shall issue a written notice of suspension of the establishment license including the grounds therefor and a notice of closure. The notice of closure shall be posted at the establishment so as to be clearly visible to the general public and to patrons.

(c) Upon issuance of the written notice of suspension of the establishment license, the establishment shall immediately close to the general public and to patrons and shall discontinue all operations until the suspension has been

vacated by the executive officer, the suspension expires, is superseded by an order issued under the authority of Section 494, or until the establishment no longer operates under this chapter.

(d) (1) Before issuing a suspension order under this section, the executive officer shall, if practical, give the establishment notice and an opportunity to be heard. If no hearing is provided prior to the issuance of the suspension order, the establishment may request one after the suspension has been issued.

(2) Notice and hearing under this section may be oral or written, including notice and hearing by telephone, facsimile transmission, or other electronic means as the circumstances permit.

(e) Upon correction of violations the establishment may request that the written notice of suspension be terminated. The executive officer shall conduct an inspection within 48 hours to determine whether the written notice of suspension may be terminated. If the written notice of suspension is not terminated upon inspection for failure of the establishment to correct violations, a charge of one hundred dollars ($100) shall be imposed for each subsequent inspection under this section.

(f) The notice of suspension shall remain posted until removed by the executive officer, but shall be in effect for no longer than 30 days. Removal of the notice of suspension by any person other than the executive officer or designated representative, or the refusal of an establishment to close upon issuance of the written notice of suspension of the establishment license is a violation of this chapter and may result in any sanctions authorized by this chapter.

7404. Grounds for Disciplinary Action

The grounds for disciplinary action are as follows:

(a) Unprofessional conduct which includes, but is not limited to, any of the following:

(1) Incompetence or gross negligence, including failure to comply with generally accepted standards for the practice of barbering, cosmetology, or electrology or disregard for the health and safety of patrons.

(2) Repeated similar negligent acts.

(3) Conviction of any crime substantially related to the qualifications, functions, or duties of the licenseholder, in which case, the records of conviction or a certified copy shall be conclusive evidence thereof.

(4) Advertising by means of knowingly false or deceptive statements.

(b) Failure to comply with the requirements of this chapter.

(c) Failure to comply with the rules governing health and safety adopted by the board and approved by the State Department of Health Services, for the regulation of establishments, or any practice licensed and regulated under this chapter.

(d) Failure to comply with the rules adopted by the board for the regulation of establishments, or any practice licensed and regulated under this chapter.

(e) Continued practice by a person knowingly having an infectious or contagious disease.

(f) Habitual drunkenness, habitual use of or addiction to the use of any controlled substance.

(g) Obtaining or attempting to obtain practice in any occupation licensed and regulated under this chapter, or money, or compensation in any form, by fraudulent misrepresentation.

(h) Failure to display the license or health and safety rules and regulations in a conspicuous place.

(i) Engaging, outside of a licensed establishment and for compensation in any form whatever, in any practice for which a license is required under this chapter, except that when the service is provided because of illness or other physical or mental incapacitation of the recipient of the service and when performed by a licensee obtained for the purpose from a licensed establishment.

(j) Permitting a license to be used where the holder is not personally, actively, and continuously engaged in business.

(k) The making of any false statement as to a material matter in any oath or affidavit, which is required by the provisions of this chapter.

(l) Refusal to permit or interference with an inspection authorized under this chapter.

(m) Any action or conduct which would have warranted the denial of a license.

(n) Failure to surrender a license that was issued in error or by mistake.

7404.1. Violation of Chapter

Any person, firm, association, or corporation violating this chapter is guilty of a misdemeanor unless a specific penalty is otherwise provided.

7405. "Conviction"; Effect on License

A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

ARTICLE 12
Administrative Fines and Citations

7406. Assessment of Administrative Fines for Violations
In addition to the authority to conduct disciplinary proceedings under this chapter, the board, through its duly authorized representatives, shall have authority to assess administrative fines for the violation of any section of this chapter or the violation of any rules and regulations adopted by the board under this chapter.

7407. Schedule of Administrative Fines
The board shall establish by regulation a schedule of administrative fines for violations of this chapter. All moneys collected under this section shall be deposited in the board's contingent fund.

The schedule shall indicate for each type of violation whether, in the board's discretion, the violation can be corrected. The board shall review and revise the schedule of administrative fines for violations by January 1, 2005. The board shall ensure that it and the Bureau for Private Postsecondary and Vocational Education do not issue citations for the same violation.

7408. Citations
The board, through its duly authorized representatives, shall issue a citation with respect to any violation for which an administrative fine may be assessed. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the specific provision alleged to have been violated. The administrative fine, if any, shall attach at the time the citation is written. The citation shall include an order to correct any condition or violation which lends itself to correction, as determined by the board pursuant to Section 7406.

7409. Correction of Violation
Any licensee served with a citation may avoid the payment of the associated administrative fine by presentation of written proof satisfactory to the board, or its executive officer, that the violation has been corrected. This provision applies only to a licensee's first violation in any three-year period of any single provision of this chapter or the rules and regulations adopted pursuant to this chapter. Proof of correction shall be presented to the board, through its executive officer, in a time and manner prescribed by the board. The board may, in its discretion, extend for a reasonable period the time within which to correct the violation upon the showing of good cause. Notices of correction filed after the prescribed date shall not be acceptable and the administrative fine shall be paid.

7410. Appeal to Disciplinary Review Committee
Persons to whom a notice of violation or a citation is issued and an administrative fine assessed may appeal the citation to a disciplinary review committee established by the board. All appeals shall be submitted in writing to the program within 30 days of the date the citation was issued. Appeals of citations that are not submitted in a timely manner shall be rejected.

After a timely appeal has been filed with the program, the administrative fine, if any, shall be stayed until the appeal has been adjudicated.

Persons appealing a citation, or their appointed representatives, may appear in person before the disciplinary review committee. The appellant may present written or oral evidence relating to the facts and circumstances relating to the citation that was issued. Following an appeal to a disciplinary review committee, the disciplinary review committee shall issue a decision, based on findings of fact, which may affirm, reduce, dismiss, or alter any charges filed in the citation. In no event shall the administrative fine be increased. The appellant shall be provided with a written copy of the disciplinary review committee's decision relating to the appeal.

7411. Appeal of Decision by Disciplinary Review Committee
Persons receiving a decision from a disciplinary review committee may appeal the decision by filing a written request, within 30 days after receipt of the decision, to the program administrator. Following a hearing to appeal the decision of a disciplinary review committee, the director shall thereafter issue a decision, based on findings of fact, affirming, modifying or vacating the citation or penalty, or directing other appropriate relief. In no event shall the administrative fine be increased. The hearing to contest the decision of a disciplinary review committee shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all powers granted therein.

7413. Timeliness of Appeal; Finality of Decision
Appeals of citations not filed in a timely manner or failure of the appellant or the appellant's representative to appear before the disciplinary review committee at the appointed time except when good cause is shown, shall cause the citation to become final and there shall be no administrative appeal except as otherwise provided by law.

7414. Effect of Failure to Pay Administrative Fines
Persons who fail to pay administrative fines that were not contested or were contested but the appeal has been adjudicated, shall not be issued a license or allowed to renew any licenses issued to them until all fines are paid in addition to any application, renewal, or delinquency fees which are required.

ARTICLE 12.5
Tanning Facilities

7414.1. Inspection of Records Required to be Kept Under Filante Tanning Facility Act of 1988
All records required by law to be kept by tanning facilities subject to the Filante Tanning Facility Act of 1988 (Chapter 23 (commencing with Section 22700) of Division 8), including, but not limited to, records relating to written warning statements, the sign required to be posted, the qualifications of facility operators, statements of acknowledgment, parental consent forms, and injury reports, shall be open to inspection by the board, or its authorized representatives, during any inspection, or during any investigation initiated in response to a complaint that the tanning facility has violated any provision of the Filante Tanning Facility Act of 1988. A copy of any or all of those records shall be provided to the board, or its authorized representatives, immediately upon request.

7414.2. Circumstances Under Which Violation of Filante Tanning Facility Act of 1988 is Infraction; Punishment
(a) Notwithstanding any other provision of law, a violation of the Filante Tanning Facility Act of 1988 (Chapter 23 (commencing with Section 22700) of Division 8), is an infraction subject to the procedures described in Sections 19.6 and 19.7 of the Penal Code when:

(1) A complaint or a written notice to appear in court pursuant to Chapter 5c (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code is filed in court charging the offense as an infraction, or

(2) The court, with the consent of the defendant and the prosecution, determines that the offense is an infraction in which event the case shall proceed as if the defendant has been arraigned on an infraction complaint.

(b) Notwithstanding any other provision of law, a violation of any of the provisions of the Filante Tanning Facility Act of 1988, which is an infraction, is punishable by a fine of not less than two hundred fifty dollars ($250) and not more than one thousand dollars ($1,000).

(c) This section shall become effective July 1, 1994.

7414.3. Authority to Issue Notice to Appear; Liability for Issuance

(a) Any representative of the board designated by the director shall have the authority to issue a written notice to appear in court pursuant to Chapter 5c (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code. Representatives so designated are not peace officers and are not entitled to safety member retirement benefits, as a result of that designation. Except as otherwise provided, the representative's authority is limited to the issuance of written notices to appear for infraction violations of the Filante Tanning Facility Act of 1988 and only when the violation is committed in the presence of the representative.

(b) There shall be no civil liability on the part of, and no cause of action shall arise against, any representative, acting pursuant to subdivision (a) and within the scope of his or her authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the representative, at the time of that arrest, had reasonable cause to believe was lawful.

(c) This section shall become effective July 1, 1994.

7414.4. Dissemination of Information to Facilities Regarding Compliance With Filante Tanning Facility Act of 1988

The board, and its authorized representatives, may disseminate information to tanning facilities regarding compliance with the Filante Tanning Facility Act of 1988.

7414.5. Applicability of Article

This article shall be applicable only to those tanning facilities operated in conjunction with, or at the same location as, an establishment licensed under this chapter.

7414.6. Adoption of Regulations

The board may adopt regulations concerning the operation of tanning facilities in licensed establishments.

ARTICLE 13
Revenue

7415. Expiration of Licenses

Licenses issued under this chapter, unless specifically excepted, shall be issued for a two-year period and shall expire at midnight on the last day of the month of issuance by the board.

7417. Renewal Period for Expired License

Except as otherwise provided in this article, a license that has expired for failure of the licensee to renew within the time fixed by this article

may be renewed at any time within five years following its expiration upon application and payment of all accrued and unpaid renewal fees and delinquency fees. If the license is renewed after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee and meet current continuing education requirements, if applicable, prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, or on the date on which the accrued renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever occurs last. If so renewed, the license shall continue in effect through the expiration date provided in this article which next occurs following the effective date of the renewal, when it shall expire if it is not again renewed.

7418. Cancelled License
Except as otherwise provided in this article, a license which has not been renewed within five years following its expiration shall be deemed canceled and may not be renewed, restored, reinstated, or reissued thereafter. The holder of the canceled license may obtain a new license only by submitting an application, paying all required fees, and qualifying for and passing the examination that would be required if the holder were applying for the license for the first time.

7419. Renewal of Suspended License
A suspended license is subject to expiration and shall be renewed by the licensee as provided in this article, but that renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

7420. Expiration of Revoked License
A revoked license is subject to expiration as provided in this article, but may not be renewed. If it is reinstated pursuant to the Administrative Procedure Act after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the current renewal fee.

7421. Establishment of Fees
The fees shall be set by the board, within the limits set forth in this article, in amounts necessary to cover the expenses of the board in performing its duties under this chapter.

7422. Report to Controller Regarding Fees
All fees collected on behalf of the board and all receipts of every kind and

nature, shall be reported to the Controller at the beginning of each month for the month preceding. At the same time the entire amount of collections shall be paid into the State Treasury, and shall be credited to the Barbering and Cosmetology Contingent Fund, which fund is hereby created.

The moneys in the contingent fund shall be appropriated to the board pursuant to the annual Budget Act and out of it shall be paid all salaries and all other expenses necessarily incurred in carrying into effect this chapter.

7423. Fees

The amounts of the fees required by this chapter relating to licenses for individual practitioners are as follows:

(a) (1) Cosmetologist application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) A cosmetologist initial license fee shall not be more than fifty dollars ($50).

(b) (1) An esthetician application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) An esthetician initial license fee shall not be more than forty dollars ($40).

(c) (1) A manicurist application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) A manicurist initial license fee shall not be more than thirty-five dollars ($35).

(d) (1) A barber application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) A barber initial license fee shall be not more than fifty dollars ($50).

(e) (1) An electrologist application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) An electrologist initial license fee shall be not more than fifty dollars ($50).

(f) An apprentice application and license fee shall be not more than twenty-five dollars ($25).

(g) The license renewal fee for individual practitioner licenses that are subject to renewal shall be not more than fifty dollars ($50).

(h) Notwithstanding Section 163.5 the license renewal delinquency fee shall be

50 percent of the renewal fee in effect on the date of renewal.

(i) Any preapplication fee shall be established by the board in an amount sufficient to cover the costs of processing and administration of the preapplication.

7424. Fee Schedule Relating to Operation of Establishment
The amounts of the fees payable under this chapter relating to licenses to operate an establishment are as follows:
(a) The application and initial license fee shall be not more than eighty dollars $80).
(b) The renewal fee shall be not more than forty dollars ($40).
(c) The delinquency fee is 50 percent of the renewal fee in effect on the date of renewal.
(d) Any application and initial license fee for the change of ownership of an existing establishment may be established by the board in an amount less than the fee prescribed for a new establishment, but sufficient to cover the costs of processing the application and issuing the license.

7425. Fee Schedule Relating to Operation of Mobile Unit
The amounts of the fees payable under this chapter relating to licenses to operate a mobile unit are as follows:
(a) The application fee shall be not more than fifty dollars ($50).
(b) The initial inspection and license fee shall not be more than one hundred dollars ($100).
(c) The renewal fee shall be not more than forty dollars ($40).
(d) The delinquency fee shall be 50 percent of the renewal fee in effect on the date of renewal, notwithstanding Section 163.5.

7426. Fee for Duplicate License
The fee for a duplicate license as provided for in Section 7398 shall be ten dollars ($10).

7426.5. Division of Fees Into Categories Based on Processing Functions; Forfeiture of All or Part of Fee
The board may, by regulation, divide the fees payable under this chapter relating to licenses into separate categories based upon processing functions, such as application review, examination administration, or license issuance, provided that the combined fees for those processing functions do not exceed the maximum amount prescribed by the license category.

The board may, by regulation, establish procedures whereby some or all of a fee submitted in connection with an application for licensure would be forfeited by an applicant who has withdrawn his or her application, fails to appear for an examination, or is required to retake an examination.

DIVISION 1.5
DENIAL, SUSPENSION, AND REVOCATION OF LICENSES

CHAPTER 1
General Provisions

475. Applicability of Division

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

(1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

(2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits.

476. Exemptions

(a) Except as provided in subdivision (b), nothing in this division shall apply to
the licensure or registration of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3, or pursuant to Division 9 (commencing with Section 23000) or pursuant to Chapter 5 (commencing with Section 19800) of Division 8.

(b) Section 494.5 shall apply to the licensure of persons authorized to practice law pursuant to Chapter 4 (commencing with Section 6000) of Division 3, and the licensure or registration of persons pursuant to Chapter 5 (commencing with Section 19800) of Division 8 or pursuant to Division 9 (commencing with Section 23000).

477. "Board"; "License"

As used in this division:

(a) "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

(b) "License" includes certificate, registration or other means to engage in a business or profession regulated by this code.

478. "Application"; "Material"

(a) As used in this division, "application" includes the original documents or writings filed and any other supporting documents or writings including supporting documents provided or filed contemporaneously, or later, in support of the application whether provided or filed by the applicant or by any other person in support of the application.

(b) As used in this division, "material" includes a statement or omission substantially related to the qualifications, functions, or duties of the business or profession.

CHAPTER 2
Denial of Licenses

480. Grounds for Denial; Effect of Obtaining Certificate of Rehabilitation

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he has been convicted of a felony if he has obtained a certificate of rehabilitation under Section 4852.01 and following of the Penal Code or that he has been convicted of a misdemeanor if he has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

480.5. Application for Licensure: Incarceration

(a) An individual who has satisfied any of the requirements needed to obtain a license regulated under this division while incarcerated, who applies for that license upon release from incarceration, and who is otherwise eligible for the license shall not be subject to a delay in processing his or her application or a denial of the license solely on the basis that some or all of the licensure requirements were completed while the individual was incarcerated.

(b) Nothing in this section shall be construed to apply to a petition for reinstatement of a license or to limit the ability of a board to deny a license pursuant to Section 480.

(c) This section shall not apply to the licensure of individuals under the initiative act referred to in Chapter 2 (commencing with Section 1000) of Division 2.

481. Crime and Job-Fitness Criteria

Each board under the provisions of this code shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

482. Rehabilitation Criteria

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

484. Attestation to Good Moral Character of Applicant

No person applying for licensure under this code shall be required to submit to any licensing board any attestation by other persons to his good moral character.

485. Procedure Upon Denial
Upon denial of an application for a license under this chapter or Section 496, the board shall do either of the following:
(a) File and serve a statement of issues in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
(b) Notify the applicant that the application is denied, stating
(1) the reason for the denial, and
(2) that the applicant has the right to a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code if written request for hearing is made within 60 days after service of the notice of denial. Unless written request for hearing is made within the 60-day period, the applicant's right to a hearing is deemed waived.

Service of the notice of denial may be made in the manner authorized for service of summons in civil actions, or by registered mail addressed to the applicant at the latest address filed by the applicant in writing with the board in his or her application or otherwise. Service by mail is complete on the date of mailing.

486. Contents of Decision or Notice
Where the board has denied an application for a license under this chapter or Section 496, it shall, in its decision, or in its notice under subdivision (b) of Section 485, inform the applicant of the following:
(a) The earliest date on which the applicant may reapply for a license which shall be one year from the effective date of the decision, or service of the notice under subdivision (b) of Section 485, unless the board prescribes an earlier date or a later date is prescribed by another statute.
(b) That all competent evidence of rehabilitation presented will be considered upon a reapplication. Along with the decision, or the notice under subdivision (b) of Section 485, the board shall serve a copy of the criteria relating to rehabilitation formulated under Section 482.

487. Hearing; Time
If a hearing is requested by the applicant, the board shall conduct such hearing within 90 days from the date the hearing is requested unless the applicant shall request or agree in writing to a postponement or continuance of the hearing. Notwithstanding the above, the Office of Administrative Hearings may order, or on a showing of good cause, grant a request for, up to 45 additional days within which to conduct a hearing, except in cases involving alleged examination or licensing fraud, in which cases the period

may be up to 180 days. In no case shall more than two such orders be made or requests be granted.

488. Hearing Request
Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(a) Grant the license effective upon completion of all licensing requirements by the applicant.

(b) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(c) Deny the license.

(d) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

489. Denial of Application Without a Hearing
Any agency in the department which is authorized by law to deny an application for a license upon the grounds specified in Section 480 or 496, may without a hearing deny an application upon any of those grounds, if within one year previously, and after proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that agency has denied an application from the same applicant upon the same ground.

CHAPTER 3
Suspension and Revocation of Licenses

490. Grounds for Suspension or Revocation

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. An action that

a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code.

(d) The Legislature hereby finds and declares that the application of this section has been made unclear by the holding in Petropoulos v. Department of Real Estate (2006) 142 Cal. App. 4th 554, and that the holding in that case has placed a significant number of statutes and regulations in question, resulting in potential harm to the consumers of California from licensees who have been convicted of crimes. Therefore, the Legislature finds and declares that this section establishes an independent basis for a board to impose discipline upon a licensee, and that the amendments to this section made by Chapter 33 of the Statutes of 2008 do not constitute a change to, but rather are declaratory of, existing law.

490.5. Suspension of License for Failure to Comply with Child Support Order

A board may suspend a license pursuant to Section 17520 of the Family Code if a licensee is not in compliance with a child support order or judgment.

491. Procedure upon Suspension or Revocation

Upon suspension or revocation of a license by a board on one or more of the grounds specified in Section 490, the board shall:

(a) Send a copy of the provisions of Section 11522 of the Government Code to the ex-licensee.

(b) Send a copy of the criteria relating to rehabilitation formulated under Section 482 to the ex-licensee.

492. Effect of Completion of Drug Diversion Program on Disciplinary Action or Denial of License

Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with Section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest. This section shall not be construed to apply to any drug diversion program operated by any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division.

493. Evidentiary Effect of Record of Conviction of Crime Involving Moral Turpitude

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question. As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

494. Interim Suspension or Restriction Order

(a) A board or an administrative law judge sitting alone, as provided in subdivision (h), may, upon petition, issue an interim order suspending any licentiate or imposing license restrictions, including, but not limited to, mandatory biological fluid testing, supervision, or remedial training. The petition shall include affidavits that demonstrate, to the satisfaction of the board, both of the following:

(1) The licentiate has engaged in acts or omissions constituting a violation of this code or has been convicted of a crime substantially related to the licensed activity.

(2) Permitting the licentiate to continue to engage in the licensed activity, or permitting the licentiate to continue in the licensed activity without restrictions, would endanger the public health, safety, or welfare.

(b) No interim order provided for in this section shall be issued without notice to the licentiate unless it appears from the petition and supporting documents that serious injury would result to the public before the matter could be heard on notice.

(c) Except as provided in subdivision (b), the licentiate shall be given at least 15 days' notice of the hearing on the petition for an interim order. The notice shall include documents submitted to the board in support of the petition. If the order was initially issued without notice as provided in subdivision (b), the licentiate shall be entitled to a hearing on the petition within 20 days of the issuance of the interim order without notice. The licentiate shall be given notice of the hearing within two days after issuance of the initial interim order, and shall receive all documents in support of the petition. The failure of the board to provide a hearing within 20 days following the issuance of the interim order without notice, unless the

licentiate waives his or her right to the hearing, shall result in the dissolution of the interim order by operation of law.

(d) At the hearing on the petition for an interim order, the licentiate may:

(1) Be represented by counsel.

(2) Have a record made of the proceedings, copies of which shall be available to the licentiate upon payment of costs computed in accordance with the provisions for transcript costs for judicial review contained in Section 11523 of the Government Code.

(3) Present affidavits and other documentary evidence.

(4) Present oral argument.

(e) The board, or an administrative law judge sitting alone as provided in subdivision (h), shall issue a decision on the petition for interim order within five business days following submission of the matter. The standard of proof required to obtain an interim order pursuant to this section shall be a preponderance of the evidence standard. If the interim order was previously issued without notice, the board shall determine whether the order shall remain in effect, be dissolved, or modified.

(f) The board shall file an accusation within 15 days of the issuance of an interim order. In the case of an interim order issued without notice, the time shall run from the date of the order issued after the noticed hearing. If the licentiate files a Notice of Defense, the hearing shall be held within 30 days of the agency's receipt of the Notice of Defense. A decision shall be rendered on the accusation no later than 30 days after submission of the matter. Failure to comply with any of the requirements in this subdivision shall dissolve the interim order by operation of law.

(g) Interim orders shall be subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure and shall be heard only in the superior court in and for the Counties of Sacramento, San Francisco, Los Angeles, or San Diego. The review of an interim order shall be limited to a determination of whether the board abused its discretion in the issuance of the interim order. Abuse of discretion is established if the respondent board has not proceeded in the manner required by law, or if the court determines that the interim order is not supported by substantial evidence in light of the whole record.

(h) The board may, in its sole discretion, delegate the hearing on any petition for an interim order to an administrative law judge in the Office of Administrative Hearings. If the board hears the noticed petition itself, an administrative law judge shall preside at the hearing, rule on the admission and exclusion of evidence, and advise the board on matters of law. The board shall exercise all other powers relating to the conduct of the hearing but may delegate any or all of them to the administrative law judge. When the petition has been delegated to an administrative law judge, he or she shall sit

alone and exercise all of the powers of the board relating to the conduct of the hearing. A decision issued by an administrative law judge sitting alone shall be final when it is filed with the board. If the administrative law judge issues an interim order without notice, he or she shall preside at the noticed hearing, unless unavailable, in which case another administrative law judge may hear the matter. The decision of the administrative law judge sitting alone on the petition for an interim order is final, subject only to judicial review in accordance with subdivision (g).

(i) Failure to comply with an interim order issued pursuant to subdivision (a) or (b) shall constitute a separate cause for disciplinary action against any licentiate, and may be heard at, and as a part of, the noticed hearing provided for in subdivision (f). Allegations of noncompliance with the interim order may be filed at any time prior to the rendering of a decision on the accusation. Violation of the interim order is established upon proof that the licentiate was on notice of the interim order and its terms, and that the order was in effect at the time of the violation. The finding of a violation of an interim order made at the hearing on the accusation shall be reviewed as a part of any review of a final decision of the agency.

If the interim order issued by the agency provides for anything less than a complete suspension of the licentiate from his or her business or profession, and the licentiate violates the interim order prior to the hearing on the accusation provided for in subdivision (f), the agency may, upon notice to the licentiate and proof of violation, modify or expand the interim order.

(j) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section. A certified record of the conviction shall be conclusive evidence of the fact that the conviction occurred. A board may take action under this section notwithstanding the fact that an appeal of the conviction may be taken.

(k) The interim orders provided for by this section shall be in addition to, and not a limitation on, the authority to seek injunctive relief provided in any other provision of law.

(l) In the case of a board, a petition for an interim order may be filed by the executive officer. In the case of a bureau or program, a petition may be filed by the chief or program administrator, as the case may be.

(m) "Board," as used in this section, shall include any agency described in Section 22, and any allied health agency within the jurisdiction of the Medical Board of California. Board shall also include the Osteopathic Medical Board of California and the State Board of Chiropractic Examiners. The provisions of this section shall not be applicable to the Medical Board of California, the Board of Podiatric Medicine, or the State Athletic Commission.

494.5. Agency Actions when Licensee is on Certified List; Definitions: Collections and Distribution of Certified List Information; Timing; Notices; Challenges by Applicants and Licensees; Release Forms; Interagency Agreements; Fees; Remedies; Inquiries and Disclosure of Information; Severability

(a) (1) Except as provided in paragraphs (2), (3), and (4), a state governmental licensing entity shall refuse to issue, reactivate, reinstate, or renew a license and shall suspend a license if a licensee's name is included on a certified list.

(2) The Department of Motor Vehicles shall suspend a license if a licensee's name is included on a certified list. Any reference in this section to the issuance, reactivation, reinstatement, renewal, or denial of a license shall not apply to the Department of Motor Vehicles.

(3) The State Bar of California may recommend to refuse to issue, reactivate, reinstate, or renew a license and may recommend to suspend a license if a licensee's name is included on a certified list. The word "may" shall be substituted for the word "shall" relating to the issuance of a temporary license, refusal to issue, reactivate, reinstate, renew, or suspend a license in this section for licenses under the jurisdiction of the California Supreme Court.

(4) The Department of Alcoholic Beverage Control may refuse to issue, reactivate, reinstate, or renew a license, and may suspend a license, if a licensee's name is included on a certified list.

(b) For purposes of this section:

(1) "Certified list" means either the list provided by the State Board of Equalization or the list provided by the Franchise Tax Board of persons whose names appear on the lists of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code, as applicable.

(2) "License" includes a certificate, registration, or any other authorization to engage in a profession or occupation issued by a state governmental licensing entity. "License" includes a driver's license issued pursuant to Chapter 1 (commencing with Section 12500) of Division 6 of the Vehicle Code. "License" excludes a vehicle registration issued pursuant to Division 3 (commencing with Section 4000) of the Vehicle Code.

(3) "Licensee" means an individual authorized by a license to drive a motor vehicle or authorized by a license, certificate, registration, or other authorization to engage in a profession or occupation issued by a state governmental licensing entity.

(4) "State governmental licensing entity" means any entity listed in Section 101, 1000, or 19420, the office of the Attorney General, the Department of Insurance, the Department of Motor Vehicles, the State Bar

of California, the Department of Real Estate, and any other state agency, board, or commission that issues a license, certificate, or registration authorizing an individual to engage in a profession or occupation, including any certificate, business or occupational license, or permit or license issued by the Department of Motor Vehicles or the Department of the California Highway Patrol. "State governmental licensing entity" shall not include the Contractors' State License Board.

(c) The State Board of Equalization and the Franchise Tax Board shall each submit its respective certified list to every state governmental licensing entity. The certified lists shall include the name, social security number or taxpayer identification number, and the last known address of the persons identified on the certified lists.

(d) Notwithstanding any other law, each state governmental licensing entity shall collect the social security number or the federal taxpayer identification number from all applicants for the purposes of matching the names of the certified lists provided by the State Board of Equalization and the Franchise Tax Board to applicants and licensees.

(e) (1) Each state governmental licensing entity shall determine whether an applicant or licensee is on the most recent certified list provided by the State Board of Equalization and the Franchise Tax Board.

(2) If an applicant or licensee is on either of the certified lists, the state governmental licensing entity shall immediately provide a preliminary notice to the applicant or licensee of the entity's intent to suspend or withhold issuance or renewal of the license. The preliminary notice shall be delivered personally or by mail to the applicant's or licensee's last known mailing address on file with the state governmental licensing entity within 30 days of receipt of the certified list. Service by mail shall be completed in accordance with Section 1013 of the Code of Civil Procedure.

(A) The state governmental licensing entity shall issue a temporary license valid for a period of 90 days to any applicant whose name is on a certified list if the applicant is otherwise eligible for a license.

(B) The 90-day time period for a temporary license shall not be extended. Only one temporary license shall be issued during a regular license term and the term of the temporary license shall coincide with the first 90 days of the regular license term. A license for the full term or the remainder of the license term may be issued or renewed only upon compliance with this section.

(C) In the event that a license is suspended or an application for a license or the renewal of a license is denied pursuant to this section, any funds paid by the applicant or licensee shall not be refunded by the state governmental licensing entity.

(f) (1) A state governmental licensing entity shall refuse to issue or shall suspend a license pursuant to this section no sooner than 90 days and no later than 120 days of the mailing of the preliminary notice described in paragraph (2) of subdivision (e), unless the state governmental licensing entity has received a release pursuant to subdivision (h). The procedures in the administrative adjudication provisions of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) shall not apply to the denial or suspension of, or refusal to renew, a license or the issuance of a temporary license pursuant to this section.

(2) Notwithstanding any other law, if a board, bureau, or commission listed in Section 101, other than the Contractors' State License Board, fails to take action in accordance with this section, the Department of Consumer Affairs shall issue a temporary license or suspend or refuse to issue, reactivate, reinstate, or renew a license, as appropriate.

(g) Notices shall be developed by each state governmental licensing entity. For an applicant or licensee on the State Board of Equalization's certified list, the notice shall include the address and telephone number of the State Board of Equalization, and shall emphasize the necessity of obtaining a release from the State Board of Equalization as a condition for the issuance, renewal, or continued valid status of a license or licenses. For an applicant or licensee on the Franchise Tax Board's certified list, the notice shall include the address and telephone number of the Franchise Tax Board, and shall emphasize the necessity of obtaining a release from the Franchise Tax Board as a condition for the issuance, renewal, or continued valid status of a license or licenses.

(1) The notice shall inform the applicant that the state governmental licensing entity shall issue a temporary license, as provided in subparagraph (A) of paragraph (2) of subdivision (e), for 90 calendar days if the applicant is otherwise eligible and that upon expiration of that time period, the license will be denied unless the state governmental licensing entity has received a release from the State Board of Equalization or the Franchise Tax Board, whichever is applicable.

(2) The notice shall inform the licensee that any license suspended under this section will remain suspended until the state governmental licensing entity receives a release along with applications and fees, if applicable, to reinstate the license.

(3) The notice shall also inform the applicant or licensee that if an application is denied or a license is suspended pursuant to this section, any moneys paid by the applicant or licensee shall not be refunded by the state governmental licensing entity. The state governmental licensing entity

shall also develop a form that the applicant or licensee shall use to request a release by the State Board of Equalization or the Franchise Tax Board. A copy of this form shall be included with every notice sent pursuant to this subdivision.

(h) If the applicant or licensee wishes to challenge the submission of his or her name on a certified list, the applicant or licensee shall make a timely written request for release to the State Board of Equalization or the Franchise Tax Board, whichever is applicable. The State Board of Equalization or the Franchise Tax Board shall immediately send a release to the appropriate state governmental licensing entity and the applicant or licensee, if any of the following conditions are met:

(1) The applicant or licensee has complied with the tax obligation, either by payment of the unpaid taxes or entry into an installment payment agreement, as described in Section 6832 or 19008 of the Revenue and Taxation Code, to satisfy the unpaid taxes.

(2) The applicant or licensee has submitted a request for release not later than 45 days after the applicant's or licensee's receipt of a preliminary notice described in paragraph (2) of subdivision (e), but the State Board of Equalization or the Franchise Tax Board, whichever is applicable, will be unable to complete the release review and send notice of its findings to the applicant or licensee and state governmental licensing entity within 45 days after the State Board of Equalization's or the Franchise Tax Board's receipt of the applicant's or licensee's request for release. Whenever a release is granted under this paragraph, and, notwithstanding that release, the applicable license or licenses have been suspended erroneously, the state governmental licensing entity shall reinstate the applicable licenses with retroactive effect back to the date of the erroneous suspension and that suspension shall not be reflected on any license record.

(3) The applicant or licensee is unable to pay the outstanding tax obligation due to a current financial hardship. "Financial hardship" means financial hardship as determined by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, where the applicant or licensee is unable to pay any part of the outstanding liability and the applicant or licensee is unable to qualify for an installment payment arrangement as provided for by Section 6832 or Section 19008 of the Revenue and Taxation Code. In order to establish the existence of a financial hardship, the applicant or licensee shall submit any information, including information related to reasonable business and personal expenses, requested by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, for purposes of making that determination.

(i) An applicant or licensee is required to act with diligence in responding to notices from the state governmental licensing entity and the State Board

of Equalization or the Franchise Tax Board with the recognition that the temporary license will lapse or the license suspension will go into effect after 90 days and that the State Board of Equalization or the Franchise Tax Board must have time to act within that period. An applicant's or licensee's delay in acting, without good cause, which directly results in the inability of the State Board of Equalization or the Franchise Tax Board, whichever is applicable, to complete a review of the applicant's or licensee's request for release shall not constitute the diligence required under this section which would justify the issuance of a release. An applicant or licensee shall have the burden of establishing that he or she diligently responded to notices from the state governmental licensing entity or the State Board of Equalization or the Franchise Tax Board and that any delay was not without good cause.

(j) The State Board of Equalization or the Franchise Tax Board shall create release forms for use pursuant to this section. When the applicant or licensee has complied with the tax obligation by payment of the unpaid taxes, or entry into an installment payment agreement, or establishing the existence of a current financial hardship as defined in paragraph (3) of subdivision (h), the State Board of Equalization or the Franchise Tax Board, whichever is applicable, shall mail a release form to the applicant or licensee and provide a release to the appropriate state governmental licensing entity. Any state governmental licensing entity that has received a release from the State Board of Equalization and the Franchise Tax Board pursuant to this subdivision shall process the release within five business days of its receipt. If the State Board of Equalization or the Franchise Tax Board determines subsequent to the issuance of a release that the licensee has not complied with their installment payment agreement, the State Board of Equalization or the Franchise Tax Board, whichever is applicable, shall notify the state governmental licensing entity and the licensee in a format prescribed by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, that the licensee is not in compliance and the release shall be rescinded. The State Board of Equalization and the Franchise Tax Board may, when it is economically feasible for the state governmental licensing entity to develop an automated process for complying with this subdivision, notify the state governmental licensing entity in a manner prescribed by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, that the licensee has not complied with the installment payment agreement. Upon receipt of this notice, the state governmental licensing entity shall immediately notify the licensee on a form prescribed by the state governmental licensing entity that the licensee's license will be suspended on a specific date, and this date shall be no longer than 30 days from the date the form is mailed. The licensee shall be further notified that the license will remain suspended until a new release is issued in accordance with this subdivision.

(k) The State Board of Equalization and the Franchise Tax Board may enter into interagency agreements with the state governmental licensing entities necessary to implement this section.

(l) Notwithstanding any other law, a state governmental licensing entity, with the approval of the appropriate department director or governing body, may impose a fee on a licensee whose license has been suspended pursuant to this section. The fee shall not exceed the amount necessary for the state governmental licensing entity to cover its costs in carrying out the provisions of this section. Fees imposed pursuant to this section shall be deposited in the fund in which other fees imposed by the state governmental licensing entity are deposited and shall be available to that entity upon appropriation in the annual Budget Act.

(m) The process described in subdivision (h) shall constitute the sole administrative remedy for contesting the issuance of a temporary license or the denial or suspension of a license under this section.

(n) Any state governmental licensing entity receiving an inquiry as to the licensed status of an applicant or licensee who has had a license denied or suspended under this section or who has been granted a temporary license under this section shall respond that the license was denied or suspended or the temporary license was issued only because the licensee appeared on a list of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code. Information collected pursuant to this section by any state agency, board, or department shall be subject to the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). Any state governmental licensing entity that discloses on its Internet Web site or other publication that the licensee has had a license denied or suspended under this section or has been granted a temporary license under this section shall prominently disclose, in bold and adjacent to the information regarding the status of the license, that the only reason the license was denied, suspended, or temporarily issued is because the licensee failed to pay taxes.

(o) Any rules and regulations issued pursuant to this section by any state agency, board, or department may be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of these regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare. The regulations shall become effective immediately upon filing with the Secretary of State.

(p) The State Board of Equalization, the Franchise Tax Board, and state governmental licensing entities, as appropriate, shall adopt regulations as necessary to implement this section.

(q) (1) Neither the state governmental licensing entity, nor any officer, employee, or agent, or former officer, employee, or agent of a state governmental licensing entity, may disclose or use any information obtained from the State Board of Equalization or the Franchise Tax Board, pursuant to this section, except to inform the public of the denial, refusal to renew, or suspension of a license or the issuance of a temporary license pursuant to this section. The release or other use of information received by a state governmental licensing entity pursuant to this section, except as authorized by this section, is punishable as a misdemeanor. This subdivision may not be interpreted to prevent the State Bar of California from filing a request with the Supreme Court of California to suspend a member of the bar pursuant to this section.

(2) A suspension of, or refusal to renew, a license or issuance of a temporary license pursuant to this section does not constitute denial or discipline of a licensee for purposes of any reporting requirements to the National Practitioner Data Bank and shall not be reported to the National Practitioner Data Bank or the Healthcare Integrity and Protection Data Bank.

(3) Upon release from the certified list, the suspension or revocation of the applicant's or licensee's license shall be purged from the state governmental licensing entity's Internet Web site or other publication within three business days. This paragraph shall not apply to the State Bar of California.

(r) If any provision of this section or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

(s) All rights to review afforded by this section to an applicant shall also be afforded to a licensee.

(t) Unless otherwise provided in this section, the policies, practices, and procedures of a state governmental licensing entity with respect to license suspensions under this section shall be the same as those applicable with respect to suspensions pursuant to Section 17520 of the Family Code.

(u) No provision of this section shall be interpreted to allow a court to review and prevent the collection of taxes prior to the payment of those taxes in violation of the California Constitution.

(v) This section shall apply to any licensee whose name appears on a list of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code on or after July 1, 2012.

494.6. Labor Code Violations – Basis for License Discipline

(a) A business license regulated by this code may be subject to suspension or revocation if the licensee has been determined by the Labor Commissioner or the court to have violated subdivision (b) of Section 244 of the Labor Code and the court or Labor Commissioner has taken into consideration any harm such a suspension or revocation would cause to employees of the licensee, as well as the good faith efforts of the licensee to resolve any alleged violations after receiving notice.

(b) Notwithstanding subdivision (a), a licensee of an agency within the Department of Consumer Affairs who has been found by the Labor Commissioner or the court to have violated subdivision (b) of Section 244 of the Labor Code may be subject to disciplinary action by his or her respective licensing agency.

(c) An employer shall not be subject to suspension or revocation under this section for requiring a prospective or current employee to submit, within three business days of the first day of work for pay, an I-9 Employment Eligibility Verification form.

CHAPTER 4
Public Reprovals

495. Public Reproval of Licentiate or Certificate Holder for Act Constituting Grounds for Suspension or Revocation of License or Certificate; Proceedings

Notwithstanding any other provision of law, any entity authorized to issue a license or certificate pursuant to this code may publicly reprove a licentiate or certificate holder thereof, for any act that would constitute grounds to suspend or revoke a license or certificate. Any proceedings for public reproval, public reproval and suspension, or public reproval and revocation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, or, in the case of a licensee or certificate holder under the jurisdiction of the State Department of Health Services, in accordance with Section 100171 of the Health and Safety Code.

CHAPTER 5
Examination Security

496. Grounds for Denial, Suspension, or Revocation of License

A board may deny, suspend, revoke, or otherwise restrict a license on the ground that an applicant or licensee has violated Section 123 pertaining to subversion of licensing examinations.

498. Fraud, Deceit, or Misrepresentation as Grounds for Action Against License

A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact.

499. Action Against License Based on Licentiate's Actions Regarding Application of Another

A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee, in support of another person's application for license, knowingly made a false statement of a material fact or knowingly omitted to state a material fact to the board regarding the application.

BARBERING AND COSMETOLOGY REGULATIONS

BarberCosmo
Board of Barbering & Cosmetology

Title 16, Division 9 of the California Code of Regulations

Includes amendments through July 2016

Article 1. Administration

901. Processing Times for Examination Applications and Licenses

(a) Evaluation and Scheduling. The board shall inform every person applying for licensure as a barber, cosmetologist, esthetician, manicurist, electrologist, or instructor, in writing, within sixty (60) days of receipt of the application (Form #F-34555-BOC, Application for Examination, Rev. 7/92), whether the application is complete and has been referred for examination or is deficient and what specific information is required.

(1) When the supplemental information regarding a deficient application is returned to the board, the board shall decide, within five (5) days of receipt, whether the application is complete.

(2) If the application remains deficient, the board shall inform the applicant, in writing, within five (5) days of receipt, of what specific information is required.

(b) Examination. The Board shall decide on the same day the applicant is examined whether the applicant meets the requirements for licensure.

(c) License Issuance. The Board shall issue the license to the applicant on the same day the applicant passes the examination.

(d) Processing Times. The minimum, median and maximum times for processing an application requiring examination for licensure as a barber, cosmetologist, esthetician, manicurist, electrologist or instructor, from the time of receipt of the application until the Board of Barbering and Cosmetology decided to issue licenses based upon actual performance of the board during the two years preceding the proposal of this section, were as follows:

(1) Minimum: 4 days

(2) Median: 49 days

(3) Maximum: 397 days

Note: Authority cited: Section 15376, Government Code; and Section 7312, Business and Professions Code. Reference: Section 15376, Government Code; and Sections 7321, 7321.5, 7324, 7326, 7330, 7337, 7342 and 7391, Business and Professions Code.

902. Processing Times for Apprentice Applications

(a) Evaluation. The Board shall inform every person applying for licensure as an apprentice, in writing, within ten (10) days of receipt of the application (Form #35A-03, Application for Licensure as a Licensed Apprentice and for Approval of Trainers and Establishments, Rev. 5/94), whether the application is complete or deficient and what specific information is required.

(1) When the information for a deficient application is returned to the board, the board shall decide within five (5) days of receipt whether the application is complete.

(A) If the application remains deficient, the board shall inform the applicant in writing, within five (5) days of receipt, of what specific information is required.

(b) Notification of Licensure. The Board shall notify the applicant, in writing, within thirty-five (35) days after the fee and completed application have been received, whether the applicant meets the requirements for licensure.

(c) Processing Times. The minimum, median and maximum times for processing an application for licensure as an apprentice, from the time of receipt of the application until the Board of Barbering and Cosmetology decided to issue the license based upon actual performance of this section, were as follows:

(1) Minimum: 1 day
(2) Median: 15 days
(3) Maximum: 48 days

Note: Authority cited: Section 15376, Government Code; and Section 7312, Business and Professions Code. Reference: Section 15376, Government Code; and Section 7334, Business and Professions Code.

903. Processing Times for Establishment Applications

(a) Evaluation. The Board shall inform every person applying for an establishment license in writing, within thirty (30) days of receipt of the application (Form #03M-201, Application for Establishment License, Rev. 7/92), whether the application is complete or deficient and what specific information is required.

(1) When the information for a deficient application is returned to the board, the board shall decide, within five (5) days of receipt, whether the application is complete.

(A) If the application remains deficient, the board shall inform the applicant in writing, within five (5) days of receipt, of what specific information is required.

(b) Processing Times. The minimum, median and maximum times for processing an application for an establishment, from the time of receipt of the application until the board decided to issue the license based upon the actual performances of the board during the two years preceding the proposal of this section, were as follows:

(1) Minimum: 11 day
(2) Median: 52 days
(3) Maximum: 265 days

Note: Authority cited: Section 15376, Government Code; and Section 7312, Business and Professions Code. Reference: Section 15376, Government Code; and Section 7347, Business and Professions Code.

904. Enforcement

(a) A copy of the board's Health and Safety Rules, as specified in Article 12 of the Rules and Regulations, shall be conspicuously posted in:

(1) Reception areas of both schools and establishments, and

(2) Theory rooms of schools.

(b) The holder or holders of an establishment license or a mobile unit license, and the person in charge of any such establishment or mobile unit, shall be responsible for implementing and maintaining the Heath and Safety Rules in such establishment or mobile unit individually and jointly with all persons in or employed by or working in or on the premises of such establishment or mobile unit.

(c) All licensed barbers, cosmetologists, estheticians, manicurists, electrologists, instructors, or apprentices shall be held individually responsible for implementation and maintenance of the Health and Safety Rules.

(d) All persons performing acts of a barber, cosmetologist, esthetician, manicurist or electrologist, except students in schools, shall, upon request of an authorized representative of the board, present satisfactory proof of identification. Satisfactory proof shall be in the form of a photographic driver's license or photographic identification card issued by any state, federal, or other recognized government entity.

(e) Failure to present valid proof of identification shall be grounds for disciplinary action.

Note: Authority cited: Section 7312, Government Code. Reference: Sections 7312, 7313, 7317 and 7404, Business and Professions Code.

905. Posting of Consumer Information Message

(a) The following consumer information message shall be included at the bottom of the front page of a copy of the Health and Safety Rules, which must be conspicuously posted in accordance with Section 904, in all establishments:

MESSAGE TO THE CONSUMER

This establishment is licensed by the California State Board of Barbering and Cosmetology. The Board can address the following problems:

- Health and Safety (including unsanitary conditions and failure to disinfect instruments after each use)
- Incompetence and Negligence
- Misrepresentation or False Advertising of Services
- Unlicensed Practice of Barbering, Cosmetology or Electrology

- If you would like to receive a Consumer Complaint Guide or if you have any unresolved questions regarding services provided in this establishment, please call or write the Board of Barbering and Cosmetology at (800) 952-5210; P.O. Box 944226, Sacramento, California 94244-2260.

(b) The heading of the consumer information message, "Message to the Consumer," shall be printed in at least 36 point boldface type. The body of the consumer information message must be printed in at least 14 point boldface type.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 129(e) and 7404(b), Business and Professions Code.

Article 2. Qualifications for Examination

909. Proof of Training

(a) Every application for examination in which the applicant is using training received in a school in this state approved by the board in order to qualify for examination must be accompanied by proof of that training.

(b) Proof of training shall be a document, prepared by the school where the applicant completed the qualifying training, that includes all of the following:

(1) The course title.

(2) The student's name, address, and date of birth.

(3) The school's name, address, and school code issued by the board.

(4) The date training started and the date training was completed at the school completing the training.

(5) The total number of hours of training the student received.

(6) If the applicant has done any one of the following, the document shall also include the information as specified for each:

(A) If the applicant has received any of the training at another school, the document must specify, for each school attended, the school's name and school code, the number of hours of training received, the date training started, and the last date of attendance.

(B) If the applicant has received credit from a course transfer, the document must specify the course and the number of hours of training received, the date training started and the last date of attendance before transferring, and the number of hours of credit received.

(C) If the applicant has received credit for holding a manicurist or cosmetician license issued by the board, the document must specify the type of license, the license number, its date of expiration, and the number of hours of credit received.

(D) If the applicant has received credit for out-of-state training and/or experience, a copy of the letter from the board granting that credit shall be attached to the document.

(7) A statement confirming that the student has met the course curriculum requirements as specified by regulation.

(8) A statement, dated and signed under penalty of perjury by the school and the student, that all the information on the document is true and correct. The statement shall be worded as follows: "We, the undersigned, certify under penalty of perjury under the laws of the state of California, that all the information contained herein is true and correct."

(9) The document must include the name and title of the individual signing for the school clearly printed or typed.

(c) The information contained in any proof of training document prepared by an approved school in this state must be clearly identified by the number and presented in the order specified in subdivision (b).

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7321, 7321.5, 7324, 7326, 7330, 7331, 7337 and 7391, Business and Professions Code.

910. Out-of-State or Armed Services Applicants

(a) An applicant who desires to establish eligibility for examination for a license in this state upon the basis of practice, study or training outside this state, or supplementary training in a licensed school in this state, or any combination thereof, shall furnish proof of his or her qualifications to the board as follows:

(1) An applicant who desires credit for practices in another state or country shall file with the board, on the form prescribed by it (Form #03E-145, Affidavit of Experience-Form C, Rev1/91), an affidavit from a disinterested person verifying such practice, together with an authenticated statement from the licensing agency in the state or country where such practice took place showing that the applicant was licensed to engage in such practice, if a license was required therefor.

(2) An applicant who has completed any number of hours of study and training in a school in another state or country, and who desires credit for such hours toward study and training in this state, shall file with the board, on the form prescribed by it (Form #03B-144, Out-of-State Beauty School Training Record- Form B, Rev. 8/94), an authenticated statement from the school or the training took place showing the number of hours of study and training completed in each subject and when such study and training occurred.

(3) An applicant who desires credit for supplementary training completed in a licensed school in this State shall file with the board an authenticated statement from such school showing the number of hours of such training successfully completed in each subject.

(b) An applicant for examination who is employed on a military reservation to practice any profession licensed under Chapter 10 of Division 3 of the Business and Professions Code must present an authenticated statement from the military reservation verifying the employment and may use the practice obtained to qualify for examination.

(c) An applicant for examination who has applicable education, training, or experience obtained in the United States armed services may submit his or her Verification of Military Experience and Training (V-Met) records to the Board for evaluation, and the Board may use those records to qualify the applicant for examination.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 35, 7321, 7321.5, 7324, 7326, 7330, 7331, and 7337, Business and Professions Code.

Article 3. Apprenticeship

913. Approval of Apprentice Training Programs

(a) A joint apprenticeship committee, unilateral management or labor apprenticeship committee, or an individual employer wishing to conduct apprenticeships in barbering, cosmetology, electrology, skin care, or nail care shall be known as apprenticeship program sponsors.

(b) An applicant seeking board approval as an apprenticeship program sponsor to conduct apprenticeships in barbering, cosmetology, skin care, nail care, or electrology shall:

(1) Submit a written request for board approval of its apprenticeship program and identify the subject matter of the apprenticeship. The request for apprenticeship approval shall be signed by the individual employer or, where the program sponsor is not an individual, by a responsible officer of the organization.

(2) Submit proof that the program sponsor is approved by the California Apprenticeship Council to offer the apprenticeship.

(3) Submit a detailed outline of the proposed training program which demonstrates compliance with the apprenticeship regulations contained in this article.

(4) Submit a copy of the agreement between the program sponsor and the apprentice (hereafter know as the "apprenticeship agreement"). The apprenticeship agreement shall comply with the provisions of the Shelley-Maloney Apprenticeship Labor Standards Act of 1939 (Labor Code section 3070 et seq.) and the regulations adopted pursuant thereto.

(c) An apprenticeship program sponsor shall notify the board within 10 days of any changes to the information filed with the board in accordance with subsection (b) of this section for board approval.

(d) The board shall inform every person applying for approval to act as an apprenticeship program sponsor in writing, within ten (10) days of receipt of their request for approval whether the application is complete or deficient and what specific information is required.

(1) When the information for a deficient application is returned to the board, the board shall decide within five (5) days of receipt whether the application is complete.

(2) If the application remains deficient, the board shall inform the applicant in writing, within five (5) days of receipt, of what specific information is required.

(e) The board shall notify the applicant, in writing, within thirty-five (35) days after the completed application has been received, whether the applicant meets the requirements for approval.

(f) The minimum, median and maximum times for processing a request for approval of an apprentice training program, from the time of receipt of the application until the Board of Barbering and Cosmetology decided to issue the approval based upon actual performance of the board during the two years preceding the proposal of this section, were as follows:

(1) Minimum: 1 day

(2) Median: 15 days

(3) Maximum: 48 days

Note: Authority cited: Section 7312, Business and Professions Code; and Section 15376, Government Code. Reference: Section 7333, Business and Professions Code; Sections 3070 and 3078, Labor Code; and Section 15376, Government Code.

913.1. Withdrawal of Approval: Apprenticeship Program Sponsor

(a) The board may withdraw or otherwise limit its approval of an apprenticeship program sponsor who is not conducting its apprenticeship program in compliance with the provisions of the laws and regulations of the Barbering and Cosmetology Act (Business and Professions Code sections 7301 et seq.)

(b)(1) A proceeding to withdraw or limit the board's approval of an apprenticeship program sponsor shall be initiated by serving the apprenticeship program sponsor with a notice to show cause. The notice to show cause shall be in writing, shall describe with particularity the nature of the violations, including specific reference to the provisions of law or regulations determined to be violated, and shall contain a proposed order to withdraw or limit the board's approval of the apprenticeship program sponsor.

(2) Where appropriate, a notice to show cause may contain an order of abatement fixing a reasonable time for the abatement of the violations. Where a program sponsor complies with the order of abatement within the time specified, the board shall withdraw its notice to show cause.

(3) In fixing the disciplinary order or order of abatement for a notice to show cause, the board shall give due consideration to the appropriateness of the order with respect to such factors as the gravity of the violations, its impact upon the apprentices participating in the apprenticeship program sponsor's apprenticeship program, its impact on the public, the good faith of the apprenticeship program sponsor, and the history of previous violations.

(c) A notice to show cause shall inform the apprenticeship program sponsor that if it desires a hearing to contest any portion of the notice to show cause, a hearing shall be requested by written notice to the board's executive officer within 30 days of the date of service of the notice to show cause. If a hearing is not requested pursuant to this subsection, the order contained in the notice to show cause shall go into effect on the date specified in the notice to show cause.

(d) A hearing to contest a notice to show cause shall be conducted within 60 days of the board's receipt of the program sponsor's written request for a hearing. Such a hearing shall be before a committee selected by the board. At the conclusion of the hearing, the committee shall prepare or have prepared a written decision of its findings, determinations and order. Such a decision shall be mailed to the program sponsor within 45 days after the conclusion of the hearing.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7333, Business and Professions Code.

914. Filing of Apprenticeship Application; Processing Time

(a) A prospective apprentice must file with the board an application for apprenticeship. Application shall be made on Form 35A-03, Application for Licensure as a Licensed Apprentice and for Approval of Trainers and Establishments, Revised 5/94.

(b) The board shall inform every person applying for licensure as an apprentice, in writing, within ten (10) days of receipt of the application (Form #35A-03, Application for Licensure as a Licensed Apprentice and for Approval of Trainers and Establishments, Revised 5/94), whether the application is complete or deficient and what specific information is required.

(1) When the information for a deficient application is returned to the board, the board shall decide within five (5) days of receipt whether the application is complete.

(2) If the application remains deficient, the board shall inform the applicant in writing, within five (5) days of receipt, of what specific information is required.

(c) The board shall notify the applicant, in writing, within thirty-five (35) days after the completed application has been received, whether the applicant meets the requirements for approval.

(d) The minimum, median and maximum times for processing an application for licensure as an apprentice, from the time of receipt of the application until the Board of Barbering and Cosmetology decided to issue the license based upon actual performance of the board during the two years preceding the proposal of this section, were as follows:

(1) Minimum: 1 day
(2) Median: 15 days
(3) Maximum: 48 days

Note: Authority cited: Section 7312, Business and Professions Code; and Section15376, Government Code. Reference: Section 7334, Business and Professions Code; and Section 15376, Government Code.

914.1 Filing of Apprenticeship Application; Eligibility

If an applicant for an apprentice license has previously applied for and qualified for the licensing examination in a particular discipline, the applicant is ineligible to apply for the apprenticeship program in the same discipline.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7334, Business and Professions Code.

914.2 Filing of Apprenticeship Application; Re-enrollments

(a) The term of an apprenticeship is 2 years. If at any time the apprentice discontinues enrollment in the apprenticeship program, the board shall be notified by the apprentice program sponsor within 10 days of the disenrollment.

(b) If after the 2-year period the apprentice has not completed the required 3,200 hours and related training, and the board has been notified of the cancellation of enrollment, and the apprentice license has been surrendered to the board as required by section 923 of this article, the applicant may re-enroll once to complete the program. After 2 enrollments into the apprenticeship program, the applicant is no longer eligible to participate in the program.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7334, Business and Professions Code.

915. Related Training

(a) Every apprenticeship approved by the board shall consist of an on-the-job training component and a classroom component of related training.

(b) Related training for barber apprentices must provide a minimum of 216 hours of instruction over a two year period. A minimum of 144 of those hours shall cover the theory of barbering and a maximum of 72 hours may be elective training. The 72 hours of elective training may be conducted by classroom instruction or by a seminar or by demonstrations relating to barbering. The elective training shall be verified by course completion certificates or registration records.

(c) Related training for cosmetology, skin care, nail care or electrology apprenticeships must provide a minimum of 220 hours of classroom instruction over a two year period. These hours shall cover the following subjects:

(1) The related training for a cosmetology apprenticeship shall cover the following subjects as they relate to cosmetology: cosmetology chemistry, health and safety and hazardous substances, theory of electricity, disinfection and sanitation, bacteriology, anatomy and physiology, wet hair styling, thermal hair styling, permanent waving, chemical straightening, haircutting, hair coloring and bleaching, scalp and hair treatment, facials, eyebrow arching and hair removal, makeup, manicuring and pedicuring.

(2) The related training for skin care shall cover the following subjects as they relate to skin care: cosmetology chemistry, health and safety and hazardous substances, theory of electricity, disinfection and sanitation, bacteriology, anatomy, physiology, skin analysis and conditions, facials, eyebrow arching and hair removal, and make-up.

(3) The related training for nail care shall cover the following subjects as they relate to nail care: cosmetology chemistry, health and safety and hazardous substances, disinfection and sanitation, bacteriology, anatomy and physiology, water and oil manicures, including hand and arm massage, complete pedicure, and application of artificial nails.

(4) The related training for electrolysis shall cover the following subjects as they relate to electrolysis: health and safety and hazardous substances, disinfection and sanitation and sterilization, bacteriology, anatomy and physiology, electricity, electrolysis, thermolysis, and high frequency and galvanic currents.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7333 and 7334, Business and Professions Code.

916. Training Hours and Schedule

(a) The two years referred to in Section 7335 of the Business and Professions Code means a minimum of thirty-two hundred (3,200) hours of apprenticeship. Full- time apprenticeship means employment and training in an approved program for at least 32 hours per week. No more than eight and one-half hours credit will be allowed for any one work day nor will credit be allowed for more than five days in one week. The maximum training hours shall not exceed 42-1/2 hours per week.

(b) The two year apprenticeship program begins with the issuance of an apprenticeship license by the board.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7333, 7334 and 7345, Business and Professions Code.

917. Pre-Apprentice Training

The minimum hours of pre-apprentice training referred to in Section 7334 of the Business and Professions Code shall be thirty-nine (39) hours of instruction in the laws and regulations of the board, basic patron protection and sanitation and disinfection procedures. An applicant for licensure as an apprentice shall complete the pre-apprenticeship training prior to being licensed as an apprentice.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7334, Business and Professions Code.

918. Apprentice Trainers

(a) No licensee shall train an apprentice unless his or her license includes the scope of practice of the apprentice's license.

(b) A licensee is allowed to have under his or her supervision a maximum of two apprentices at any given time.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7332 and 7336, Business and Professions Code.

919. Board Approved Trainers and Establishments

(a) A licensee who wishes to train an apprentice shall obtain board approval before employing or training an apprentice. An establishment wishing to train an apprentice in multiple location establishments which are under common ownership may request to participate in multiple location training. Common ownership includes corporate chains, individually owned multiple establishments, and franchise groups or partnerships. Application for approval of trainers and establishments shall be made on a form provided by the board (Form #35A-03, Application for Licensure as a Licensed Apprentice and for Approval of Trainers and Establishments, Rev. 5/94).

(1) Establishments participating in training an apprentice in multiple locations under common ownership shall provide as part of the application process, a list of the establishment names, locations, board issued license numbers, names of officers and or owners.

(b) Qualifications for apprentice trainer approval:

(1) Licensee shall possess a current, valid license issued by the board.

(2) Licensee shall have no disciplinary actions pending against him/her nor be on probation resulting from a board disciplinary action nor have completed probation resulting from past disciplinary action within the two year period immediately preceding his or her application to serve as an apprentice trainer.

(3) Licensee is not subject to denial pursuant to Section 480.

(4) The licensee has no unpaid fine issued pursuant to Article 12 of Chapter 10 of Division 3 of the Business and Professions Code.

(c) No apprentice shall work or train in an establishment until it has been approved by the board. Application for establishment approval shall be made on the same form specified in subdivision (a).

(d) Qualifications for establishment approval are:

(1) Establishment shall possess a current, valid license issued by the board.

(2) Establishment shall have no disciplinary actions pending against it nor be on probation resulting from a board disciplinary action nor have completed probation resulting from past disciplinary action within the two year period immediately preceding its application for establishment approval.

(3) Is not subject to denial pursuant to Section 480.

(4) The licensee has no unpaid fine issued pursuant to Article 12 of Chapter 10 of Division 3 of the Business and Professions Code.

(5) If the establishment is participating to train an apprentice in multiple locations under common ownership, there shall be an agreement between the establishments to employ the apprentice.

(e) The board shall inform every person applying for approval to act as an apprentice trainer or an apprentice establishment in writing, within ten (10) days of receipt of the application (Form #35A-03, Application for Licensure as a Licensed Apprentice and for Approval of Trainers and Establishments, Revised 5/94), whether the application is complete or deficient and what specific information is required.

(1) When the information for a deficient application is returned to the board, the board shall decide within five (5) days of receipt whether the application is complete.

(2) If the application remains deficient, the board shall inform the applicant in writing, within five (5) days of receipt, of what specific information is required.

(f) The board shall notify the applicant, in writing, within thirty-five (35) days after the completed application has been received, whether the applicant meets the requirements for approval.

(g) The minimum, median and maximum times for processing a request for approval, from the time of receipt of the application until the Board of Barbering and Cosmetology decided to issue the license based upon actual performance of the board during the two years preceding the proposal of this section, were as follows:

(1) Minimum: 1 day

(2) Median: 15 days

(3) Maximum: 48 days

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7332, 7333, 7334 and 7336, Business and Professions Code.

920. Record of Apprentice Training

The apprentice trainer shall present a copy of apprentice daily work records to the board or its representatives upon demand. These work records shall include the name of the apprentice employed, the dates the apprentice worked, the number of hours worked and the work processes performed on those dates, and the trainer's name.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7333 and 7334, Business and Professions Code.

921. Curriculum for Barber Apprentice Course

a) The curriculum for an apprentice enrolled in a barbering apprenticeship course shall consist of 3,200 hours of technical instruction and practical training covering all practices of a barber pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

(1) 2,800 Hours of Technical Instruction and Practical Training in Hair Dressing

The required subjects of instruction in Hair Dressing shall be completed with the minimum hours of technical instruction and practical operations for each subject matter as follows:

Hairstyling (95 hours of Technical Instruction and 450 Practical Operations):

The subject of Hairstyling shall include, but is not limited to, the following techniques and procedures: Hair analysis, shampooing, finger waving, pin curling, comb outs, straightening, waving, curling with hot combs and hot curling irons and blower styling.

Permanent Waving and Chemical Straightening (40 hours of Technical Instruction and 120 Practical Operations):

The subject of Permanent Waving and Chemical Straightening shall include, but is not limited to, the following techniques and procedures: Hair analysis, acid and alkaline permanent waving, chemical straightening including the use of sodium hydroxide and other base solutions.

Hair Coloring and Bleaching (65 hours of Technical Instruction and 50 Practical Operations):

The subject of Hair Coloring and Bleaching shall include, but is not

limited to, the following techniques and procedures (also including the use of semi-permanent, demi-permanent and temporary colors): Hair analysis, predisposition and strand tests, safety precautions, formula mixing, tinting, bleaching, high and low lights, and the use of dye removers.

Hair Cutting (20 hour of Technical Instruction and 300 Practical Operations):
The subject of Hair Cutting shall include, but is not limited to, the following techniques and procedures: Use of scissors, razor (shaper), electrical clippers/trimmers, and thinning (tapering) shears for wet and dry cutting.

(2) 200 Hours of Technical Instruction and Practical Training in Shaving
The required subjects of instruction in Shaving shall be completed with the minimum hours of technical instruction and practical operations for each subject matter as follows:

Preparation and Performance (100 hours of Technical Instruction and 40 Practical Operations)
The subject of Preparation and Performance shall include, but is not limited to the following techniques and procedures: Preparing the client's hair for shaving, assessing the condition of the client's skin, performing shaving techniques, applying after-shave antiseptic following facial services, massaging the client's face and rolling cream massages.

(3) 200 Hours of Technical Instruction in Health and Safety
The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject matter as follows:

Laws and Regulations (20 hours of Technical Instruction)
The subjects of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.

Health and Safety Considerations (45 hours of Technical Instruction)
Health and Safety/hazardous substances including training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, bacteriology and preventing communicable diseases including HIV/AIDS and Hepatitis B.

Disinfection and Sanitation (20 hours of Technical Instruction)
The subject of Disinfection and Sanitation shall include, but is not limited to, the following techniques and procedures: Disinfection and sanitation including proper procedures to protect the health and safety of the consumer as well as the technician, and proper disinfection procedures for equipment used in establishments.
Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.

Anatomy and Physiology (15 hours of Technical Instruction)
The subjects of Anatomy and Physiology shall include, but is not limited to, the following issues: Human Anatomy, Human Physiology.

(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, client record-keeping, decorum, and basic tax information relating to booth renters, independent contractors, employees, and employers.

Note: Authority cited: Sections 7312 and 7334(f), Business and Professions Code. Reference: Sections 7316(a), 7321.5(d)(2), 7362(b), 7362.5(a) and 7389, Business and Professions Code; and Section 3078, Labor Code.

921.1. Curriculum for Cosmetology Apprenticeship Course

(a) The curriculum for an apprentice enrolled in a cosmetology apprenticeship course shall consist of 3,200 hours of technical instruction and practical training covering all practices constituting the art of cosmetology pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

(1) 2,600 Hours of Technical Instruction and Practical Training in Hair Dressing
The required subjects of instruction in Hair Dressing shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

Hairstyling (95 hours of Technical Instruction and 450 Practical Operations):
The subject of Hairstyling shall include, but is not limited to, the following techniques and procedures: Hair analysis, shampooing, finger

waving, pin curling, comb outs, straightening, waving, curling with hot combs and hot curling irons, and blower styling.

Permanent Waving and Chemical Straightening (40 hours of Technical Instruction and 210 Practical Operations):
The subject of Permanent Waving and Chemical Straightening shall include, but is not limited to, the following techniques and procedures: Hair analysis, acid and alkaline permanent waving, chemical straightening including the use of sodium hydroxide and other base solutions.

Hair Coloring and Bleaching (65 hours Technical Instruction and 215 Practical Operations):
The subject of Hair Coloring and Bleaching shall include, but is not limited to, the following techniques and procedures (also including the use of semi-permanent, demi-permanent and temporary colors): Hair analysis, predisposition and strand tests, safety precautions, formula mixing, tinting, bleaching, high- and lowlights, and the use of dye removers.

Hair Cutting (20 hours Technical Instruction and 300 Practical Operations):
The subject of Hair Cutting shall include, but is not limited to, the following techniques and procedures: Use of scissors, razor (shaper), electrical clippers/trimmers, and thinning (tapering) shears for wet and dry cutting.

(2) 200 Hours of Technical Instruction in Health and Safety
The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject-matter as follows:

Laws and Regulations (20 hours of Technical Instruction):
The subjects of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.

Health and Safety Considerations (45 hours of Technical Instruction):
The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Cosmetology chemistry including the chemical composition and purpose of cosmetic, nail, hair and skin care preparations. Elementary chemical makeup, chemical skin peels, and chemical and physical changes of matter. Hazardous substances including training in chemicals and health in establishments, protection from hazardous chemicals and preventing chemical injuries,

ergonomics, theory of electricity in cosmetology, bacteriology, communicable diseases including HIV/AIDS, Hepatitis B, and staph and Material Safety Data Sheets.

Disinfection and Sanitation (20 hours of Technical Instruction):
The subject of Disinfection and Sanitation shall include, but is not limited to, the following techniques and procedures: Disinfection and sanitation including proper procedures to protect the health and safety of the consumer as well as the technician. Proper disinfection procedures for equipment used in establishments.
Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.

Anatomy and Physiology (15 hours of Technical Instruction):
The subjects of Anatomy and Physiology shall include, but is not limited to, the following issues: Human Anatomy, Human Physiology.

(3) 200 Hours of Technical Instruction and Practical Training in Esthetics
The required subjects of instruction in Esthetics shall be completed with the minimum hours of technical instruction and practical operations for each subject matter as follows:

Manual, Electrical and Chemical Facials (25 hours of Technical Instruction and 65 Practical Operations):
The subject of manual, electrical and chemical facials shall include, but is not limited to, the following techniques and procedures: Manual Facials including cleansing, scientific manipulations, packs, and masks. Electrical Facials include the use of electrical modalities, dermal lights and electrical apparatus for facials and skin care purposes; however, machines capable of producing an electrical current shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face. Chemical Facials include chemical skin peels, packs, masks and scrubs. Training shall emphasize that only the non-living, uppermost layers of facial skin, known as the epidermis, may be removed, and only for the purpose of beautification. All practical operations must be performed in accordance with Section 992 regarding skin exfoliation.

Eyebrow Beautification and Makeup (25 hours Technical Instruction and 55 Practical Operations):
The subject of Eyebrow Beautification shall include, but is not limited to the following issues: Eyebrow Arching and Hair Removal, including the use of wax, tweezers, electric or manual, and depilatories for the removal of superfluous hair.

The subject of Makeup shall include, but is not limited to, the following issues: skin analysis, complete and corrective makeup, lash and brow tinting, and the application of false eyelashes.

(4) 200 Hours of Technical Instruction and Practical Training in Manicuring and Pedicuring
The required subjects of instruction in Manicuring and Pedicuring shall be completed with the minimum hours of technical instruction and practical operation for each subject matter as follows:

Manicuring and Pedicuring (10 hours Technical Instruction and 34 Practical Operations):
The subject of Manicuring and Pedicuring shall include, but are not limited to, the following issues: Water and oil manicure, including nail analysis, and hand/foot and arm/ankle massage.

Artificial Nails and Wraps (25 hours Technical Instruction and 120 (nails) Practical Operations):
Artificial nails including acrylic: liquid and powder brush-ons, artificial nail tips, and nail wraps and repairs.

(c) The board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, and client service records.

Note: Authority cited: Sections 7312 and 7334(f), Business and Professions Code. Reference: Sections 7316(b), 7321(d)(5), 7362(b), 7362.5(b) and 7389, Business and Professions Code; and Section 3078, Labor Code.

921.2. Curriculum for Electrolysis Apprenticeship Course

(a) The curriculum for an apprentice enrolled in an electrology apprenticeship course shall consist of 3,200 hours of technical instruction and practical training covering all practices constituting the art of electrology pursuant to section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

(1) 400 Hours of Technical Instruction and Practical training in Electrolysis, Thermolysis, Blend/Dual Modality and Electricity
The required subjects of instruction in electrolysis, thermolysis, blend/dual modality and electricity shall be completed with the minimum

hours of technical instruction and practical operations for each subject matter as follows:

Electrolysis (45 hours of Technical Instruction and 120 Practical Operations)
The subject of Electrolysis shall include the study of epilation using single and multiple-needle insertion techniques, the use of galvanic current, skin reactions and anaphoresis and cataphoresis, and evaluating a client's health history for compatibility with electrolysis treatments.

Thermolysis (45 hours of Technical Instruction and 120 Practical Operations)
The subject of Thermolysis shall include the study of epilation using automatic and manual thermolysis equipment, insertion techniques, the use of high-frequency current in both high and low intensities, skin reactions, and evaluating a client's health history for compatibility with thermolysis treatments.

Blend/Dual Modality (45 hours of Technical Instruction and 120 Practical Operations)
The subject of Blend/Dual Modality shall include the study of epilation using a combination of high frequency and galvanic currents, insertion techniques, skin reactions and anaphoresis and cataphoresis, and evaluating a client's health history for compatibility with Blend/Dual Modality treatments.

Electricity (15 hours of Technical Instruction)
The subject of Electricity shall include the nature of electrical current; principles of operating electrical devices; various safety precautions to be applied when operating electrical equipment, and proper maintenance of equipment.

(2) 200 Hours of Technical Instruction in Health and Safety
The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject-matter as follows:

Laws and Regulations (20 hours of Technical Instruction)
The subject of Laws and Regulations shall include, but is not limited to, the following issues: the Barbering and Cosmetology Act and the Board's Rules and Regulations.

Health and Safety Considerations (45 hours of Technical Instruction)
The subject of Health and Safety shall include, but is not limited to, bacteriology, and HIV/AIDS, hepatitis, herpes, staphylococcal

infections and other communicable diseases and their prevention, ergonomics, electrical safety, and material safety data sheets.

Sterilization (25 hours of Technical Instruction)
The subject of Sterilization shall include, but is not limited to, the study of proper procedures and techniques for protecting the health and safety of the consumer as well as the technician, and sanitizing equipment used in establishments. Sterilization and sanitation shall be emphasized throughout the entire training period and must be performed on all instruments and equipment before use. Sterilization times and dates should be monitored and recorded.

Anatomy and Physiology (25 hours of Technical Instruction)
The subjects of Anatomy and Physiology shall include, but is not limited to, human anatomy and physiology, dermatology and the analysis of skin and hair, and the study of the circulatory, nervous, and endocrine systems.

(c) The board recommends that schools provide training in the area of communication skills that includes professional ethics, consultation, pre- and post-treatment care, salesmanship, decorum, record keeping, client service records, business skills, and basic tax information relating to independent contractors, employees and employers.

Note: Authority cited: Sections 7312 and 7334(f), Business and Professions Code. Reference: Sections 7316(f), 7330(d)(3), 7362(b), 7366 and 7389, Business and Professions Code; and Section 3078, Labor Code.

922. Transfers
An apprentice may request from the program sponsor, a transfer from one approved related training class to another or from one approved establishment and trainer to another. The apprentice and the program sponsor shall notify the board within five days of any transfer.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7333 and 7336, Business and Professions Code.

923. Surrender of License
Apprentices who successfully pass the licensing examination or terminate their enrollment in the apprentice training program or whose apprentice enrollment expires shall return to the board any apprentice license and identification photograph previously issued to them.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7335, Business and Professions Code.

924. Completion of Apprentice Training Program

(a) Upon successful completion or discontinuance of an apprenticeship program, the apprenticeship program sponsor shall issue to the apprentice a certificate of apprenticeship completion or discontinuance. The certificate of apprenticeship completion or discontinuance shall be signed by the instructor, the apprentice and the apprenticeship program sponsor.

(b) The certificate of apprenticeship completion or discontinuance shall be a document prepared by the program sponsor that contains all of the following:

(1) Course title.

(2) The apprentice's name, address, telephone number and date of birth.

(3) The apprentice license number and social security number.

(4) The program sponsor name and sponsor code issued by the board.

(5) The total number of related training hours completed.

(6) The date the apprentice training was completed or discontinued.

(7) The total number of hours of on-the-job training the apprentice has completed designated by subject matter.

(8) Any training received in a prior board-approved apprenticeship program. (9) A statement confirming that the apprentice has or has not met the course curriculum requirements.

(10) A statement dated and signed under penalty of perjury that all the information on the document is true and correct. The statement shall be worded as follows:

"We, the undersigned, certify under penalty of perjury under the laws of the state of California, that all the information contained herein is true and correct."

(c) Apprentices shall submit the certificate of apprenticeship completion and all other qualifying documents with their application to take the licensing examination.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7321, 7321.5, 7324, 7326, 7330, 7333 and 7337, Business and Professions Code.

925. Statement of Trainer Responsibilities

The owner of the establishment where the apprenticeship is being conducted shall inform, in writing, an employee who is an apprentice trainer of the employee's responsibilities as a trainer. The statement of trainer responsibilities shall include, but not be limited to, those provisions specified in subdivisions (a), (b), (c), (d) and (e) of Section 3078 of the Labor Code. The statement of trainer responsibilities shall be signed by the establishment owner and the apprentice trainer and maintained on the premises of the

establishment. The statement of trainer responsibilities shall be presented to the board or its representative upon request.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7332, 7333 and 7336, Business and Professions Code.

926. Apprenticeship Credit for Prior Training

(a) An apprentice who desires to establish eligibility for examination pursuant to Sections 7321 through 7330 of the Business and Professions Code for a license in this state based in part on training received in a prior California apprenticeship program shall furnish proof of his or her qualifications as follows:

(1) The prior training must have taken place in an apprenticeship program approved by the board.

(2) The prior training must have taken place within three years immediately preceding re-enrollment in an apprenticeship program approved by the board.

(3) A valid Certificate of Completion or Discontinuance signed by the apprentice, trainer, school representative and program sponsor must be presented to the enrolling program sponsor before prior credit can be granted.

(4) Upon completion of the thirty-two hundred (3,200) hour apprenticeship training course, a valid Certificate of Completion or Discontinuance for each enrollment period must accompany the application for examination.

(b) An apprentice must leave the approved program in good standing to obtain credit for the training received. Good standing is defined as:

(1) Has not been terminated from employment for inappropriate activity.

(2) Has returned the apprentice license to the program sponsor for forwarding to the board.

(3) Has attended related and supplemental training classes pursuant to section 915 CCR.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7333, 7334 and 7345, Business and Professions Code.

Article 4. Examinations

928. Preapplication for Examination

(a) A preapplication for examination must be submitted to the board postmarked within 7 calendar days from the day the applicant completed 75 percent of the required course hours and curriculum requirements (60

percent for students of the manicurist course) from an approved barbering, cosmetology or electrology school, or any person licensed as an apprentice in barbering, cosmetology, skin care, or nail care who has completed at least 75 percent of the required apprenticeship training hours.

(b) A preapplication for examination shall be in writing, on a form prepared by the board (Form PRE1, Request for Pre-Application, Rev. 1/05).

(c) The preapplication form shall be submitted with the following:

(1) The required preapplication fee specified in Section 998;

(2) The application for examination, including the required fee and all proof of qualifications of the applicant for examination, except the proof of training document specified in Section 909 or (for apprentices) the certificate of apprenticeship completion specified in Section 924.

(3) A stamped envelope, addressed to the school from which the applicant completed training or to the apprentice program sponsor from which the applicant completed training.

(d) The preapplication form shall include an anticipated date that the student/apprentice shall complete his/her course of study/apprenticeship, and a statement, signed by the student/apprentice and the school/apprentice program sponsor and certified to under penalty of perjury, that the student/apprentice has completed the curriculum requirements and number of clock hours required to submit a preapplication.

(e) Within 30 calendar days of receipt of the preapplication the board shall notify the applicant in writing, at the school/apprentice program sponsor from which the applicant completed training, that the preapplication is either complete or is deficient and what information or documentation is required to complete the application.

(1) If the application is complete, the notification (that portion of form PRE1 filled out by the board) shall also contain the applicant's scheduled examination date.

(2) If a preapplication is deficient, the applicant shall not be scheduled for examination with the pre application population until the deficiencies are corrected and the application is resubmitted.

(f) The proof of training document/certificate of apprenticeship completion and the portion of form PRE1 filled out by the board must be mailed to the board, postmarked within three working days after the applicant's anticipated date of course/apprenticeship completion. If this requirement is not met, the applicant will not be permitted to be examined on the scheduled date and the applicant will be scheduled for examination with the general application population.

(g) Within ten working days of receipt of the proof of training document/certificate of apprenticeship completion, the board shall notify the applicant in writing or documentation is required to complete the document.

(1) If the proof of training document/certificate of apprenticeship completion is complete, the board will mail an examination admission letter to the applicant.

(2) If the proof of training document/certificate of apprenticeship completion is deficient, the applicant will not be permitted to be examined on the scheduled date and will be rescheduled for examination at the time of receipt of a complete proof of training document/certificate of apprenticeship completion.

Note: Authority cited: Sections 7312 and 7337.5, Business and Professions Code. Reference: Section 7337.5, Business and Professions Code.

931. Interpreter and Interpreter/Model

(a) An applicant for the barber, cosmetologist, esthetician, manicurist, or electrologist examination may use an Interpreter or an Interpreter/Model during examination if the applicant is unable to speak, read, or write in the English language at a 10th grade level.

(b) The applicant shall file with the application for examination, or not later than thirty (30) days prior to the date of the examination, a notice of permission to use an Interpreter or Interpreter/Model on a form prescribed by the board (Form #03B-125, Form G, Request for Use of an Interpreter or Interpreter/Model, Rev. 8/94) and executed by the applicant under penalty of perjury.

(c) The person designated by the applicant to act as an Interpreter or an Interpreter/Model shall file with the board, not later than fifteen (15) days prior to the date of the examination and on a form prescribed by the board (Form #03A-126, Form H, Rev 8/94) and executed by the person under oath or penalty of perjury, a request to act as an interpreter or an interpreter/model, along with two 1 1/2 x 1 1/2 inch signed photographs of himself or herself.

(d) The Interpreter or Interpreter/Model shall be a person who is fluent both in English and in the native language of the applicant and must certify to this fact in writing under penalty of perjury.

(e) An Interpreter may interpret only for the written portion of the examination. (f) An Interpreter/Model may interpret for the written and practical portions of the examination and shall serve as the model for the practical examination.

(g) A person shall be allowed to act as an Interpreter or Interpreter/Model only once in two (2) years in any examination.

(h) An Interpreter shall not be used in the barber or cosmetology instructor examinations.

(i) Disabled persons are entitled to access to examination activities in a manner that is equal to that offered non-disabled persons and reasonable

accommodation will be provided all such persons with medically-certified documentation.

(j) The following persons are prohibited from acting as Interpreter or Interpreter/Models:

(1) Persons less than 15 years of age.

(2) Persons who are current or former students in barbering or any of the branches of cosmetology.

(3) Persons who are currently or have been formerly licensed as an operator or an instructor by this state or any other state in barbering or any of the branches of cosmetology.

(4) Persons who are currently or have been formerly enrolled in a barber apprentice training program.

(5) Persons who are currently or have been formerly enrolled in a cosmetologist apprentice training program.

(6) Persons who have been formerly Junior Operators or Junior Electrologists.

(7) Persons who are currently or have been formerly owners or employees of any school of barbering, cosmetology or electrology.

(k) For a period of one (1) year from the date that any person served as an Interpreter or Interpreter/Model, that person shall be ineligible to apply to the Board of Barbering and Cosmetology for a license in barbering or any of the branches of cosmetology from which he or she provided Interpreter or Model services.

(l) If the board determines that any of the information furnished pursuant to this section is false in a material respect, it may void the applicant's examination, if any.

(m) Persons who are only reading the examination to the applicant, but not interpreting to another language, will not be permitted.

(n) If the board determines that an Interpreter or Interpreter/Model is providing answers during the examination or any other material assistance to the applicant other than translating during the conduct of the examination, it shall disqualify the Interpreter or Interpreter/Model and void the applicant's examination.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7338 and 7340, Business and Professions Code.

932. Passing Grades in Examinations

(a) Examinations shall consist of a practical demonstration and a written test.

(b) An applicant must obtain a passing score on both the practical demonstration and the written test. The board will determine the

passing scores using a criterion- referenced method and based on the recommendation of subject matter experts under the direction of the Board and the Board's examination contractor.

Note: Authority cited: Sections 7312, 7338 and 7340, Business and Professions Code. Reference: Sections 7338 and 7340, Business and Professions Code.

934. Examination Appeal

(a) An applicant who has received a fail score on the written or practical examination shall be eligible to appeal to the board for a review of his or her examination results.

(b) The appeal shall be filed with the board within fifteen (15) days after the date of notification of his or her examination results. The appeal shall be made in writing, and it shall state the reason for appeal. The board shall only consider appeals regarding significant procedural error in or adverse environmental conditions during the test administration.

(c) The review of the appeal shall be conducted by one or more board members, or the board's designee, to determine if there is clear and convincing evidence to sustain the applicant's appeal. Such findings shall be subject to the approval of the board.

(d) Within thirty (30) days after the board has approved the determination on appeal, the applicant shall be notified in writing of the results of his or her appeal. In acting on appeals, the board may take such action as it deems appropriate, including the issuance of a license where the board has determined that the applicant has demonstrated the required competence.

Note: Authority cited: Sections 7312 and 7340, Business and Professions Code. Reference: Sections 7340 and 7341, Business and Professions Code.

Article 5. Mobile Units

937. Licensing and Operation

(a) An application for a license to operate a mobile unit shall be on a form prescribed and provided by the board (Form #03A-202, Application for License to Operate A Mobile Unit, Rev 1/93), accompanied by such evidence, statements, or documents as required by Section 7355(b) of the Business and Professions Code.

(b) The geographical boundaries within which the mobile unit is licensed to operate shall include only the cities and counties within which the mobile unit has permits to provide services, and shall extend no further than a 50 mile radius from the permanent base address from which the mobile unit operates.

(c) All Health and Safety Rules governing barbering and cosmetology establishments (as contained in Article 12 of these regulations) shall apply to mobile units unless otherwise specified.

(d) All storage cabinet doors shall have safety catches.

(e) All equipment which is not stored in storage cabinets shall be securely anchored to the mobile unit.

(f) No services shall be performed while the mobile unit is in motion.

(g) A ramp or lift shall be provided for access to the mobile unit if providing services for disabled individuals.

(h) The owners of mobile units shall be responsible for adherence to all local, state and federal laws and regulations regarding the operation of vehicles to be used as mobile units.

(i) An itinerary showing dates, locations, and times of service shall be made available, upon request, to an authorized representative of the board.

(j) The board shall inform the applicant in writing that the application is either complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application within 10 calendar days of receipt of an application for a license to operate a mobile unit.

(k) The board shall inform the applicant in writing of its decision regarding an application within 21 calendar days from the date of filing of a completed application. The decision is contingent upon the applicant scheduling an appointment with the board, or its representative, for an inspection of the mobile unit for final approval, pursuant to section 7355(a) of the Business and Professions Code, within seven calendar days of receipt of the notice of a completed application.

(l) The inspection for final approval shall be conducted to ensure compliance with Sections 7345 and 7357(b) of the Business and Professions Code.

Note: Authority cited: Sections 7312 and 7357, Business and Professions Code. Reference: Sections 7345, 7355 and 7357, Business and Professions Code.

Article 6. Schools

940. Equipment for Schools

(a) The minimum equipment for a school of cosmetology shall be as follows:

(1) Electrical equipment for giving instruction in skin care and electrical facials.

NOTE: Equipment shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face.

(2) Mannequins, with full head of hair	10
(3) Time clocks or time scanner	1
(4) Shampoo bowls	5
(5) Dryers	6
(6) Facial chairs or facial couches	2
(7) Manicure stations	6
(8) Thermal hair straighteners	
(A) Non-electric comb	3
(B) Stove (for non-electric combs)	1
(C) Electric curling iron	1
(D) Non-electric curling iron (at least two sizes)	3
(E) Stove (for non-electric curling irons)	1
(9) Hairstyling or barber chairs	15

(b) The minimum equipment for a school of barbering shall be as follows:

(1) Mannequins, with full head of hair	7
(2) Time clock or time scanner	1
(3) Shampoo bowls	3
(4) Dryers	4
(5) Hairstyling or barber chairs	8
(6) Electric curling iron	1
(7) Non-electric comb	1
(8) Non-electric curling irons (at least two sizes)	2
(9) Stove (for non-electric combs)	1
(10)Towel steamer	1

(c) The minimum equipment for a school of electrolysis shall be as follows:

(1) Time clock or time scanner	1
(2) Sinks for hand-washing	2
(3) Service tables	3
(4) Electrolysis epilators:	
(A) High-frequency thermolysis	2
(B) Blend epilator	2
(C) Multiple needle	1
(5) Magnifying lamp/loupes/binocular magnifier	3
(6) Stools with adjustable height	3
(7) Utility stands	3
(8) Sharps container	1/table
(9) Dry heat sterilizer	1
(10) Autoclave sterilizer	1

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7362.1, 7362.2 and 7362.3, Business and Professions Code.

941. Approval of Schools

(a) To obtain board approval, a private postsecondary school shall submit to the board a request for approval that shall consist of the following:

(1) A document, signed by the owner or owners of the school and certified under penalty of perjury, stating that the school will provide a course of instruction approved by the board and, for cosmetology schools, that all requirements of section 7362.1 of the Business and Professions Code relative to school approval have been met.

(2) A copy of the valid, current Institutional Approval Certificate issued to the school by the Bureau for Private Postsecondary and Vocational Education.

(b) Within ten working days after receipt of the request for approval as specified in subdivision (a), the board shall notify the school in writing that either the approval is granted or that the request for approval is deficient and what information is required to make the request for approval complete.

(c) The provisions of subdivision (a) must be met for all new schools and schools that have changed ownership or location.

(d) If an approved school no longer meets the requirements of sections 7362 or 7362.1 of the Business and Professions Code, it must notify the board in writing within seven calendar days of what provisions it does not meet.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7362 and 7362.1, Business and Professions Code.

Article 7. Continuing Education

950.1. Curriculum for Barbering Course

(a) The curriculum for students enrolled in a barbering course shall consist of fifteen hundred (1500) hours of technical instruction and practical training covering all practices of a barber pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

(1) 1100 Hours of Technical Instruction and Practical Training in Hair Dressing

The required subjects of instruction in Hair Dressing shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

Hairstyling (65 hours of Technical Instruction and 240 Practical Operations):
The subject of Hairstyling shall include, but is not limited to, the following techniques and procedures: Hair analysis, shampooing, finger waving, pin curling, comb outs, straightening, waving, curling with hot combs and hot curling irons and blower styling.

Permanent Waving and Chemical Straightening (40 hours of Technical Instruction and 105 Practical Operations):
The subject of Permanent Waving and Chemical Straightening shall Include, but is not limited to, the following techniques and procedures: Hair analysis, acid and alkaline permanent waving, chemical straightening including the use of sodium hydroxide and other base solutions.

Hair Coloring and Bleaching (60 hours of Technical Instruction and 50 Practical Operations):
The subject of Hair Coloring and Bleaching shall include, but is not limited to, the following techniques and procedures (also including, the use of semi- permanent, demi-permanent and temporary colors): Hair analysis, predisposition and strand tests, safety precautions, formula mixing, tinting, bleaching, high and low lights, and the use of dye removers.

Hair Cutting (20 hour of Technical Instruction and 80 Practical Operations):
The subject of Hair Cutting shall include, but is not limited to, the following techniques and procedures: Use of scissors, razor (shaper), electrical clippers/trimmers, and thinning (tapering) shears for wet and dry cutting.

(2) 200 Hours of Technical Instruction and Practical Training in Shaving
The required subjects of instruction in Shaving shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

Preparation and Performance (100 hours of Technical Instruction and 40 PracticalOperations)
The subject of Preparation and Performance shall include, but is not limited to the following techniques and procedures: Preparing the client's hair for shaving, assessing the condition of the client's skin, performing shaving techniques, applying after-shave antiseptic following facial services, massaging the client's face, rolling cream massages.

(3) 200 Hours of Technical Instruction in Health and Safety
The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject-matter as follows:

Laws and Regulations (20 hours of Technical Instruction)
The subjects of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.

Health and Safety Considerations (45 hours of Technical Instruction)
Health and Safety/hazardous substances including training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, bacteriology and preventing communicable diseases including HIV/AIDS and Hepatitis B.

Disinfection and Sanitation (20 hours of Technical Instruction)
The subject of Disinfection and Sanitation shall include, but is not limited to the following techniques and procedures: Disinfection and sanitation including proper procedures to protect the health and safety of the consumer as well as the technician, proper disinfection procedures for equipment used in establishments.
Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.

Anatomy and Physiology (15 hours of Technical Instruction)
The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Human Anatomy, Human Physiology.

(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, client record- keeping, decorum, basic tax information relating to booth renters, independent contractors, employees, and employers.

Note: Authority cited: Section 7312 and 7362(b), Business and Professions Code. Reference: Sections 7316, 7321.5(d)(1), 7362.5(a) and 7389, Business and Professions Code.

950.2. Curriculum for Cosmetology Course

(a) The curriculum for students enrolled in a cosmetology course shall consist of 1,600 hours of technical instruction and practical training covering all practices constituting the art of cosmetology pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical and practical training shall include the following hours and/or operations:

(1) 1,100 Hours of Technical Instruction and Practical Training in Hair Dressing
The required subjects of instruction in Hair Dressing shall be completed with the minimum hours of technical instruction and practical operations for each subject matter as follows:

Hairstyling (65 hours of Technical Instruction and 240 Practical Operations)
The subject of Hairstyling shall include, but is not limited to, the following techniques and procedures: Hair analysis, shampooing, finger waving, pin curling, comb outs, straightening, waving, curling with hot combs and hot curling irons and blower styling.

Permanent Waving and Chemical Straightening (40 hours of Technical Instruction and 105 Practical Operations)
The subject of Permanent Waving and Chemical Straightening shall include, but is not limited to, the following techniques and procedures: Hair analysis, acid and alkaline permanent waving, chemical straightening including the use of sodium hydroxide and other base solutions.

Hair Coloring and Bleaching (60 hours of Technical Instruction and 50 Practical Operations)
The subject of Hair Coloring and Bleaching shall include, but is not limited to, the following techniques and procedures (also including the use of semi-permanent, demi-permanent and temporary colors): Hair analysis, predisposition and strand tests, safety precautions, formula mixing, tinting, bleaching, high- and lowlights, and the use of dye removers.

Hair Cutting (20 hours of Technical Instruction and 80 Practical Operations)
The subject of Hair Cutting shall include, but is not limited to, the following techniques and procedures: Use of scissors, razor (shaper), electrical clippers/trimmers, and thinning (tapering) shears for wet and dry cutting.

(2) 200 Hours of Technical Instruction in Health and Safety
The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject matter as follows:

Laws and Regulations (20 hours of Technical Instruction)
The subjects of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.

Health and Safety Considerations (45 hours of Technical Instruction)
The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Cosmetology chemistry including the chemical composition and purpose of cosmetic, nail, hair and skin care preparations. Elementary chemical makeup, chemical skin peels and chemical and physical changes of matter.

Hazardous substances including training in chemicals and health in establishments, protection from hazardous chemicals and preventing chemical injuries, ergonomics, theory of electricity in cosmetology, bacteriology, communicable diseases, including HIV/AIDS, Hepatitis B, and staph and Material Safety Data Sheets.

Disinfection and Sanitation (20 hours of Technical Instruction)
The subject of Disinfection and Sanitation shall include, but is not limited to the following techniques and procedures: Disinfection and sanitation including proper procedures to protect the health and safety of the consumer as well as the technician. Proper disinfection procedures for equipment used in establishments.
Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.

Anatomy and Physiology (15 hours of Technical Instruction)
The subjects of Anatomy and Physiology shall include, but is not limited to, the following issues: Human Anatomy, Human Physiology.

(3) 200 Hours of Technical Instruction and Practical Training in Esthetics
The required subjects of instruction in Esthetics shall be completed with the minimum hours of technical instruction and practical operations for each subject matter as follows:

Manual, Electrical and Chemical Facials (25 hours of Technical Instruction and 40 Practical Operations)
The subject of manual, electrical and chemical facials shall include,

but is not limited to, the following techniques and procedures: Manual Facials including cleansing, scientific manipulations, packs, and masks. Electrical Facials include the use of electrical modalities, dermal lights and electrical apparatus, for facials and skin care purposes; however, machines capable of producing an electrical current shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face. Chemical Facials include chemical skin peels, packs, masks and scrubs. Training shall emphasize that only the non-living, uppermost layers of facial skin, known as the epidermis, may be removed, and only for the purpose of beautification. All practical operations must be performed in accordance with Section 992 regarding skin peeling.

Eyebrow Beautification and Makeup (25 hours of Technical Instruction and 30 Practical Operations)
The subject of Eyebrow Beautification shall include, but is not limited to, the following issues: Eyebrow Arching and Hair Removal, including the use of wax, tweezers, electric or manual, and depilatories for the removal of superfluous hair.
The subject of Makeup shall include, but is not limited to, the following issues: skin analysis, complete and corrective makeup, the application of false eyelashes, and lash and brow tinting, if a product exists that is not disapproved, prohibited or banned by the U.S. Food and Drug Administration, the Occupational Safety and Health Administration, or the U.S. Environmental Protection Agency.

(4) 100 Hours of Technical Instruction and Practical Training in Manicuring and Pedicuring
The required subjects of instruction in Manicuring and Pedicuring shall be completed with the minimum hours of technical instruction and practical operation for each subject matter as follows:

Manicuring and Pedicuring (10 hours of Technical Instruction and 25 Practical Operations)
The subject of Manicuring and Pedicuring shall include, but are not limited to, the following issues: Water and oil manicure, including nail analysis, and hand/foot and arm/ankle massage.

Artificial Nails and Wraps (25 hours of Technical Instruction and 120 (nails) Practical Operations)
Artificial nails including acrylic, liquid and powder brush-ons, artificial nail tips and nail wraps and repairs

(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, and client service records.

Note: Authority cited: Sections 7312, 7362 and 7362.1 (c), Business and Professions Code. Reference: Sections 7316(b), 7321(d)(1), 7362, 7362.5(b) and 7389, Business and Professions Code.

950.3. Curriculum for Skin Care Course

(a) The curriculum for students enrolled in a skin care course shall consist of six hundred (600) hours of technical instruction and practical training covering all practices of an esthetician pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

(1) 350 Hours of Technical Instruction and Practical Training in Facials
The required subjects of instruction in Facials shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

Manual, Electrical and Chemical Facials (70 Hours of Technical Instruction and 140 Practical Operations)
The subject of manual, electrical and chemical facials shall include, but is not limited to the following techniques and procedures: Manual Facials including cleansing, scientific manipulations, packs, and masks. Electrical Facials include the use of electrical modalities, dermal lights and electrical apparatus, for facials and skin care purposes; however, machines capable of producing an electrical current shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face. Chemical Facials include chemical skin peels, packs, masks and scrubs. Training shall emphasize that only the non-living, uppermost layers of facial skin, known as the epidermis, may be removed, and only for the purpose of beautification. All practical operations must be performed in accordance with Section 992 regarding skin peeling.

Preparation (15 hours of Technical Instruction)
The subject of Preparation shall include, but not be limited to the following issues: Client consultation, intake procedures,

contraindications, professionalism, client record keeping, pre and post operative care, CPR/AED, salon and spa skills.

(2) 200 Hours of Technical Instruction in Health and Safety
The required subjects of instruction in Health and Safety shall be completed with the minimum number of hours of technical instruction for each subject-matter as follows:

Laws and Regulations (10 hours of Technical Instruction)
The subject of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.

Health and Safety Considerations (40 hours of Technical Instruction)
The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, communicable diseases including HIV/AIDS and Hepatitis B. Chemical composition and purpose of cosmetic and skin care preparation. Elementary chemical makeup, chemical skin peels, physical and chemical changes of matter. Electrical current, principles of operating electrical devices, and the various safety precautions used when operating electrical equipment.

Disinfection and Sanitation (10 hours of Technical Instruction)
The subject of Disinfection and Sanitation shall include, but is not limited to, the following techniques and procedures: Procedures to protect the health and safety of the consumer as well as the technician. Proper disinfection procedures for equipment used in establishments. Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.

Anatomy and Physiology (15 Hours of Technical Instruction)
The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Human Anatomy, Human Physiology, Bacteriology, skin analysis and conditions.

(3) 50 Hours of Technical Instruction and Practical Training in Hair Removal and Make-up
The required subjects of instruction in Hair Removal shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

Eyebrow Beautification (25 hours of Technical Instruction and 50 Practical Operations)
The subject of Eyebrow Beautification shall include, but is not limited to, the following issues: Eyebrow shaping and hair removal techniques, hair analysis, waxing, tweezing, manual or electrical depilatories.

Make-up (20 hours of Technical Instruction and 40 Practical Operations)
The subject of Make-up shall include, but is not limited to, the following issues: Skin analysis, basic and corrective application, application of false eyelashes.

(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, client service records, basic tax information relating to booth renters, independent contractors, employees, and employers.

Note: Authority cited: Sections 7312, 7362 and 7364, Business and Professions Code. Reference: Sections 7316(c)(1), 7324(d)(1), 7362, 7364 and 7389, Business and Professions Code.

950.4. Curriculum for Nail Care Course

(a) The curriculum for students enrolled in a nail care course shall consist of not less than four hundred (400) hours of technical instruction and practical training covering all practices of a manicurist, pursuant to Section 7316 of the Barbering and Cosmetology Act.
(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

(1) 300 Hours of Technical Instruction and Practical Training in Nail Care
The required subjects of instruction in Nail Care shall be completed with the minimum hours of technical instruction and practical operations for each subject matter as follows:

Manicures and Pedicures (60 hours of Technical Instruction, 60 Practical Operations and 180 nails)
The subject of Manicures and Pedicures shall include, but is not limited to, the following techniques and procedures: Water and oil manicures including hand and arm massage, complete pedicure including foot and

ankle massage, application of artificial nails including liquid, gel, and powder brush-ons, nail tips, nail wraps and repairs, and nail analysis.

(2) 100 Hours of Technical Instruction and Practical Training in Health and Safety
The required subjects of instruction in Health and Safety shall be completed with the minimum number of hours of technical instruction and practical operations for each subject-matter as follows:

Laws and Regulations (10 hours of Technical Instruction)
The subject of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.

Health and Safety Considerations (25 hours of Technical Instruction)
The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Chemistry pertaining to the practices of a manicurist including the chemical composition and purpose of nail care preparations. Health and Safety/ Hazardous Substances, including training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, ergonomics, and communicable diseases, including HIV/ AIDS and Hepatitis B.

Disinfection and Sanitation (20 hours of Technical Instruction and 10 Practical Operations)
The subject of Disinfection and Sanitation shall include, but is not limited to, the following techniques and procedures: Procedures to protect the health and safety of the consumer as well as the technician. The ten required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980. Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment, with special attention given to pedicure foot spa and basin disinfection procedures detailed in Sections 980.1, 980.2 and 980.3.

Bacteriology, Anatomy and Physiology (10 hours of Technical Instruction)
The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Bacteriology, anatomy, physiology, and nail analysis and conditions.

(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record-keeping, client service record cards, basic tax responsibilities related to independent contractors, booth renters, employees, and employers.

Note: Authority cited: Sections 7312, 7362 and 7365, Business and Professions Code. Reference: Sections 7316(c)(2), 7326(d)(1), 7362, 7365 and 7389, Business and Professions Code.

950.5. Curriculum for Electrolysis Course

(a) The curriculum for students enrolled in an electrology course shall consist of six hundred (600) hours of technical instruction and practical training covering all practices constituting the art of electrology pursuant to section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

(1) 400 Hours of Technical Instruction and Practical training in Electrolysis, Thermolysis, Blend/Dual Modality and Electricity
The required subjects of instruction in electrolysis, thermolysis, blend/dual modality and electricity shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

Electrolysis (45 hours of Technical Instruction and 60 Practical Operations)
The subject of Electrolysis shall include the study of epilation using single and multiple-needle insertion techniques, the use of galvanic current, skin reactions and anaphoresis and cataphoresis, and evaluating a client's health history for compatibility with electrolysis treatments.

Thermolysis (45 hours of Technical Instruction and 60 Practical Operations)
The subject of Thermolysis shall include the study of epilation using automatic and manual thermolysis equipment, insertion techniques, the use of high frequency current in both high and low intensities, skin reactions, and evaluating a client's health history for compatibility with thermolysis treatments.

Blend/Dual Modality (45 hours of Technical Instruction and 60 Practical Operations)

The subject of Blend/Dual Modality shall include the study of epilation using a combination of high frequency and galvanic currents, insertion techniques, skin reactions and anaphoresis and cataphoresis, and evaluating a client's health history for compatibility with Blend/Dual Modality treatments.

Electricity (15 hours of Technical Instruction)
The subject of Electricity shall include the nature of electrical current; principles of operating electrical devices; various safety precautions to be applied when operating electrical equipment, and proper maintenance of equipment.

(2) 200 Hours of Technical Instruction in Health and Safety
The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject-matter as follows:

Laws and Regulations (20 Hours of Technical Instruction)
The subject of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.

Health and Safety Considerations (45 Hours of Technical Instruction)
The subject of Health and Safety shall include, but is not limited to, bacteriology, and HIV/AIDS, hepatitis, herpes, staphylococcal infections and other communicable diseases and their prevention, ergonomics, electrical safety and material safety data sheets.

Sterilization (20 Hours of Technical Instruction)
The subject of Sterilization shall include, but is not limited to, the study of proper procedures and techniques for protecting the health and safety of the consumer as well as the technician, and sanitizing equipment used in establishments.
Sterilization and sanitation shall be emphasized throughout the entire training period and must be performed on all instruments and equipment before use. Sterilization times and dates should be monitored and be recorded.

Anatomy and Physiology (20 Hours of Technical Instruction)
The subjects of Anatomy and Physiology shall include but is not limited to human anatomy and physiology, dermatology and the analysis of skin and hair, and the study of the circulatory, nervous, and endocrine systems.

(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, consultation, pre- and post- treatment care, salesmanship, decorum, record keeping, client service records, business skills, and basic tax information relating to independent contractors, employees and employers.

Note: Authority cited: Sections 7312 and 7362, Business and Professions Code. Reference: Sections 7316(f), 7330(d)(1), 7362, 7366, and 7389, Business and Professions Code.

950.10. Credit for Special License and Transfer of Training

(a) A student transferring from one course of study to another, or a holder of a special license (e.g., manicurist or esthetician) who enrolls in a general course of study (e.g., cosmetologist), shall receive credit for total clock hours completed and credit for and a balance of the minimum hours of technical instruction and the minimum practical operations required in each applicable subject as follows:

(1) Total Clock Hours Credit.

(A) Cosmetologist course to esthetician course. A student transferring from the cosmetologist course to the esthetician course shall receive a credit of 35 percent of the total clock hours earned while enrolled in the cosmetologist course.

(B) Cosmetologist course to manicurist course. A student transferring from the cosmetologist course to the manicurist course shall receive a credit of 20 percent of the total clock hours earned while enrolled in the cosmetologist course.

(C) Esthetician course to cosmetologist course. A student transferring from the esthetician course to the cosmetologist course shall receive a credit of 65 percent of the total clock hours earned while enrolled in the esthetician course. A holder of a esthetician license enrolling in the cosmetologist course shall receive a credit of 65 percent of the total clock hours required for the esthetician course.

(D) Manicurist course to cosmetologist course. A student transferring from the manicurist course to the cosmetologist course shall receive a credit of 70 percent of the total clock hours earned while enrolled in the manicurist course. A holder of a manicurist license enrolling in the cosmetologist course shall receive a credit of 70 percent of the total clock hours required for the manicurist course.

(2) Credit and balance for the minimum hours of technical instruction and minimum practical operations required. A student transferring from one course of study to another, or a holder of a special license who enrolls in a general course of study, shall receive a credit and balance for the minimum hours of technical instruction and minimum practical operations required

by subtracting the number of hours and operations earned by the student or licensee while enrolled in the prior course from the minimum hours of technical instruction and minimum practical operations required for the new course in each applicable subject. If the student has earned more hours or operations in the prior course than are required in a specific subject of the new course, then that student's balance of hours and operations required in that subject shall be zero.

(b) Credit for a special course shall not be given to a student in the cosmetologist course until completion of the number of hours of instruction and training in a school of cosmetology which, when added to the number of hours for which the student is entitled to credit for the special course, will equal the minimum number of hours required for completion of the cosmetologist course.

(c) Effective until January 1, 2009, training received as an apprentice may be credited toward a course of training in a school. The maximum amount of hours that can be transferred from an apprenticeship program to a course of training in school shall not exceed 800 hours as reasonably determined by the school to which the apprentice is transferring and shall not exceed 50% credit for each hour earned as an apprentice. After January 1, 2009, training received as an apprentice shall not be credited toward a course of training in a school.

(d) Training received in a school shall not be credited toward training in an apprenticeship program.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7367, Business and Professions Code.

950.12. Work Upon Paying Patrons

(a) A student enrolled in a school shall not be permitted to work upon a patron paying for services until he or she has completed the freshman period of training and instruction. The freshman period shall be 10 percent of the total training hours specified for each course.

(b) A student enrolled in a school shall not be permitted to work upon a patron paying for a service until the student has completed technical instruction and practical training in the service for which a patron is paying.

(c) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical training shall mean the actual performance by the student of a complete service on another person or on a mannequin.

Note: Authority cited: Sections 7312 and 7362, Business and Professions Code. Reference: Sections 7362(b), 7362.5, 7364, 7365, and 7366, Business and Professions Code.

961. Online Training and Text and Reference Books for Students

(a) In teaching, approved schools shall use text and reference books approved by the National Interstate Council of State Boards of Cosmetology (NIC). Approved schools may use other teaching material or on-line training programs, in lieu of the text book, under the condition that they have been approved by the NIC.

(b) Each student shall possess the following:

(1) At least one (1) of the textbooks approved by the NIC or have access to a NIC-approved online program.

(2) The Barbering and Cosmetology Act and the Rules and Regulations of the Board of Barbering and Cosmetology.

(c) There shall be available for the use of students in the school:

(1) A list of the text and reference books approved by the NIC.

(2) Any two approved texts other than the one text or online program access, possessed by the student. (Shall not apply to barber schools if there are less than three approved texts.)

Note: Authority cited: Sections 7312 and 7362, Business and Professions Code. Reference: Section 7362, Business and Professions Code.

Article 8.5 Externship

962. Definitions

(a) For purposes of Section 7395.1 as specified in subdivision (c)(3) of the Business and Professions Code, the term "good standing" means the following:

(1) The licensee maintains a valid, current barber, cosmetology, esthetician, or manicurist license issued by the Board of Barbering and Cosmetology.

(2) There is no current or pending discipline against the license pursuant to Article 11 of the Barbering and Cosmetology Act.

(3) The licensee has no unpaid fine issued pursuant to Article 12 of the Barbering and Cosmetology Act.

(b) For purposes of Section 7395.1 as specified in subdivision (g)(3) of the Business and Professions Code, the term "appropriate training" means the student extern has completed 60% of the required minimum practical operations and minimum hours of technical instruction set forth in Sections 950.2-950.4 of this division.

(c) For purposes of Section 7395.1 as specified in subdivision (g)(3) of the Business and Professions Code, the term "chemical treatment" means any product or procedure, including the preparation and/or application of the product, that alters or changes the molecular structure of the hair, skin or

nails through the chemical treatments. These treatments may include, but are not limited to the following:

(1) permanent waving
(2) soft permanent waving
(3) chemical straightening
(4) sodium hydroxide and other base solutions
(5) hair coloring and bleaching (semi-permanent and permanent)
(6) chemical skin peel products
(7) depilatory products
(8) lash and brow tinting products

(d) For purposes of Section 7395.1 subdivision (g)(3) of the Business and Professions Code, the term "direct and immediate supervision" means the student extern may work on a paying client, only in an assisting capacity, when a designated licensee is present to oversee the work process. The tasks performed by the student extern must be within the scope of practice of the designated licensee who is supervising the student extern.

(e) For purposes of Section 7395.1 subdivision (g)(3) of the Business and Professions Code, the term "directly supervised" means the student extern may not use or apply chemical treatments unless a designated licensee is present to oversee the work process. The tasks performed by the student extern must be within the scope of practice of the designated licensee who is supervising the student extern.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.

962.1. Notification of Participation in the Cosmetology Externship Program

(a) It is the responsibility of each participating school to ensure that the establishments and licensees participating in the cosmetology externship program remain in good standing as defined in Section 962. Any change in "good standing" status of a participating establishment or licensee will require the establishment or licensee to withdraw from the program.

(b) Board notification by schools and establishments participating in the Cosmetology Externship Program shall be submitted to the board in writing. Notification of participation shall be updated annually to allow for continued participation in the program. The notification shall be prepared by the school and shall include the following information:

(1) The school's name, address, telephone number, and school code issued by the board.

(2) The establishment's name, address, telephone number, and license number issued by the Board.

(3) The establishment owner's name.

(4) A statement, dated and signed under penalty of perjury by the school, and the establishment that all information on the document is true and correct and that the school and establishment have complied with all requirements of this Article and Section 7395.1 of the Business and Professions Code. The statement shall be worded as follows: "We the undersigned, certify under penalty of perjury under the laws of the State of California, that all the information contained herein is true and correct. We have complied with all requirements of Article 8.5 of Division 9 of Title 16 of the California Code of Regulations and Section 7395.1 of the Business and Professions Code".

(5) The document must include the name and title of the individual signing for the school clearly printed or typed.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.

962.2. Laminated School Identification

(a) While working in an approved establishment, all students participating in the externship program shall have in their possession a school laminated photographic identification card.

(b) The school laminated photographic identification card shall be at least 2 1/2 " x 3 1/2 " in size and contain the following information: the student extern's full name (first, middle initial, last); a current, color, full face photograph of the extern at least 1 1/2 " by 1 1/2 " in size; the term "STUDENT EXTERN" in type at least 14 point; and the name of the school of cosmetology where the student extern is enrolled.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.

Article 9. Licenses

965. Display of Licenses

(a) All operators' licenses shall be conspicuously posted at their primary work stations.

(b) All establishment licenses shall be conspicuously posted in the reception areas.

(c) No license which has expired or become invalid for any reason whatever shall be displayed by any person in connection with the practices as defined in Section 7316 of the Business and Professions Code. Any license so displayed shall be surrendered to the board upon its request.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7316, 7317, 7332, 7342, 7397, 7414, 7415, 7417, 7418, 7419 and 7420, Business and Professions Code.

Article 10. Disciplinary Proceedings

969. Delegation of Certain Functions

The power and discretion conferred by law upon the board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive officer, or, in the executive officer's absence from the office of the board, the acting executive officer.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7310 and 7403, Business and Professions Code.

970. Substantial Relationship Criteria

For the purpose of denial, suspension, or revocation of a license issued under Chapter 10 of Division 3 of the Business and Professions Code pursuant to Division 1.5 (commencing with Section 475) of that same code, a crime or act shall be considered substantially related to the qualifications, functions, and duties of the licensee if to a substantial degree it evidences present or potential unfitness of the licensee to perform the functions authorized by the licensee in a manner consistent with the public health, safety or welfare. The crimes or acts shall include, but not be limited to, those involving the following:

(a) Any violation of the provisions of Chapter 10 of Division 3 of the Business and Professions Code.

(b) Criminal offenses, including but not limited to, lewd conduct, or use or sale of drugs or narcotics, committed in the course of or in association with the performance of the functions or duties authorized by such license.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 135, 163.5, Division 1.5 (Section 475, et seq.), 7321, 7321.5, 7324, 7326, 7330, 7333 and 7404, Business and Professions Code.

971. Criteria for Rehabilitation

(a) When considering the denial of a licensee, pursuant to section 480 of the Business and Professions Code, for which application has been made under Chapter 10, Division 3 of the Business and Professions Code, the

board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license, shall consider the following criteria:

(1) The nature and the severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, or rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of a license, issued under Chapter 10, Division 3 of the Business and Professions Code under Section 490 of that same code, the board, in evaluating the rehabilitation of such person and his or her present eligibility for a license, shall consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering a petition for reinstatement of a license, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subsection (b).

Note: Authority cited: Sections 7312, Business and Professions Code. Reference: Division 1.5 (Sections 475, et seq.), 7321, 7321.5, 7324, 7326, 7330, 7333 and 7404, Business and Professions Code.

972. Disciplinary Guidelines

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines" (October 2010 Edition) which are hereby incorporated by reference. Deviation from these guidelines, including the standard terms of probation,

is appropriate where the board in its sole discretion determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7403 and 7404, Business and Professions Code.

973. Grounds for Immediate Suspension

Pursuant to Business and Professions Code section 7403.2, a representative of the board shall make a request to the board's executive officer or his/her designee for an order to immediately suspend temporarily a license and place the license on probation on the grounds that the licensee has any of the following conditions at the licensed establishment or school:

(a) Pedicure foot spas, basins, or tubs that are not visibly clean;

(b) Pedicure foot spas in which debris has been found upon the removal of screens, jets, foot-plates, or impellers;

(c) Inadequate cleaning material for the proper disinfection and sanitation of manicuring and/or pedicuring equipment found on-site at the establishment;

(d) No pedicure cleaning logs;

(e) A history of repeated health and safety violations pertaining to manicuring or pedicuring equipment; or

(f) Manicure and/or pedicure implements that are not visibly clean.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7403.2, Business and Professions Code.

973.1. Procedures for Issuing Immediate Suspension

The board's executive officer or his/her designee shall render an opinion based upon an inspection conducted by a board representative. The representative shall transmit photographic evidence to the executive officer or his/her designee by means of immediate electronic transmission. Upon receipt of the photographic evidence, the executive officer or his/her designee shall make a determination if action is necessary to protect the public's health and safety. The executive officer or his/her designee shall issue a written notice of immediate suspension.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7403.2, Business and Professions Code.

973.2. Content of Immediate Suspension Notice

The immediate suspension notice shall contain all of the following:

(a) A statement that describes with particularity the nature of the violation, including a reference to the specific provision that has been violated;

(b) A statement that the suspension is immediately stayed and the license is placed on probation for one year;
(c) The effective dates of probation; and
(d) A description of the appeal process.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7403.2, Business and Professions Code.

973.3. Terms and Conditions of Probation

A licensee that has been subject to immediate suspension and placed on probation pursuant to Business and Professions Code section 7403.2 and regulation section 973, shall comply with the following terms and conditions:

(a) A licensee on probation must submit to the board on a monthly basis a report that indicates the following, and is signed under penalty of perjury:

(1) A copy of all pedicure cleaning logs; and

(2) Proof, if any, of completion of board approved remedial training as defined by regulation section 973.4.

(b) An establishment of a licensee that has been placed on probation shall be inspected on a quarterly basis and may be inspected more frequently. The owner of the establishment is responsible for paying all fees required to cover the costs for inspection. The fee for inspection shall be $42 for each workstation at the establishment. A workstation is a pedicure station or a manicure station.

(c) A licensee on probation shall pay all administrative fines. In a case of economic hardship, the licensee may request to have a payment plan established by the board.

(d) A licensee who has been subject to suspension and placed on probation in accordance with section 7403.2 of the Business and Professions Code shall complete an 8-hour board approved remedial training course.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7403.2, Business and Professions Code.

973.4. Remedial Training Defined

Remedial training shall be a course of instruction approved by the board that focuses on the disinfection and sanitation of pedicure and manicure equipment. The remedial training course shall specifically address the board's health and safety laws and regulations.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7403.2, Business and Professions Code.

973.5. Approval of Remedial Training Course

(a) In order for a remedial training course to be approved by the board, a provider shall complete an application for course approval that provides the

following information to the board:

(1) Description of course contents. The course content shall be pertinent to the health and safety laws and regulations of the board. The course shall focus on the safety and sanitation of pedicure and manicure equipment.

(2) Method of instruction of course offered. Teaching methods for each course shall be described, e.g. lecture, seminar, audiovisual, etc.

(3) Proof that instructors are qualified to teach the specified course content by virtue of their prior education, training, and experience. A resume of each instructor shall be forwarded with the application for approval.

(4) The application for course approval shall state the name of the provider and location where instruction will be given.

(b) Any modifications or subsequent changes to an approved remedial training course shall meet the requirements provided in this section and are subject to approval of the board.

(c) The board shall withdraw the approval of any course for failure to comply with any provisions of this section. The withdrawal for approval shall continue until such time as the training course provider meets the requirements of this section and obtains written approval from the board.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7403.2, Business and Professions Code.

973.6. Appeal Process

(a) A licensee that has received an immediate suspension and has been placed on probation may, within 30 calendar days of the date the suspension notice was served, notify the board in writing of his/her request for an informal review hearing before the board's disciplinary review committee.

(b) Upon receipt of the timely request, the board shall schedule a hearing to be held in either Northern or Southern California, whichever is closest to the suspended/probationary licensee. Appeals requested under this section shall be heard at the next regularly scheduled disciplinary review hearing.

(c) Board staff shall, at least 30 calendar days before the date of the hearing, mail written notice to the probationary licensee of the date, time, and location of the hearing. To expedite the scheduling of a disciplinary review hearing, a licensee that has been placed on probation may waive the 30- day notice by agreeing to do so in writing.

(d) The probationary licensee shall appear at the hearing and may bring legal counsel or an authorized representative to the hearing. The probationary licensee may present written information and/or oral testimony to the disciplinary review committee. The probationary licensee may contest or appeal any of the following aspects of the immediate suspension/ probationary license:

(1) The occurrence of a violation of the Barbering and Cosmetology Act or the regulations adopted by the board;

(2) The period of time for correction, if any; or

(3) The amount of the fine.

(e) The disciplinary review committee may affirm, modify, or dismiss an order of immediate suspension and imposition of probation. A written decision based on findings of fact and legal conclusions shall be mailed to the suspended/probationary licensee and his/her legal counsel, if any, within 30 days from the date of the disciplinary review hearing. Any modification to an order of immediate suspension and probation made by the disciplinary review committee shall be a final decision of the committee and only subject to appeal as provided in subdivision (h) of this section.

(f) In the event that the disciplinary review committee has determined that there are no facts to sustain the immediate suspension and probationary license, the disciplinary review committee shall dismiss the order of immediate suspension and imposition of probation. A decision of dismissal shall be effective immediately at the conclusion of the hearing. This decision shall be deemed final.

(g) If the suspended/probationary licensee fails to appear for the disciplinary review hearing and fails to show good cause for failure to appear, as defined in section 975, for failure to appear, the suspension/probationary license shall become final and effective as of the date of issuance. There shall be no administrative appeal.

(h) If the disciplinary review committee affirms or modifies the order of immediate suspension and imposition of probation, the licensee may request in writing a hearing before an administrative law judge pursuant to section 7411 of the Business and Professions Code. If the disciplinary review committee dismisses the order of immediate suspension and imposition of probation, any request before an administrative law judge shall be deemed withdrawn.

(i) The board shall notify in writing each licensee subject to immediate suspension and imposition of probation when the probation period terminates.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7403.2, Business and Professions Code.

Article 11. Administrative Fines and Citations

974. Schedule of Administrative Fines

(a) An administrative fine may be assessed for violations of the specified sections of the Business and Professions Code and Division 9 of Title 16 of the California Code of Regulations as follows (in dollars):

Section	Violation			Waiv-able
	1st	2nd	3rd	
7313. Access to Establishment for Inspection	250	500	750	No
7317. Unlicensed Establishment	500	1,000	1,000	No
7317. Unlicensed Individual	1,000	1,000	1,000	No
7317. Expired Establishment License	250	300	500	No
7317. Expired Individual License	250	300	500	No
7317. Individual Working in an Expired Establishment	25	50	100	No
7317. Individual Working in an Unlicensed Establishment	250	300	500	No
7320. Practice of Medicine	1,000	1,000	1,000	No
7320.1. Use of Illegal Metal Tools	250	500	500	No
7320.2. Illegal Treatment Methods	500	500	500	No
7336. No Supervision of Apprentice	100	150	200	No
7348. No Licensee in Charge of Establishment	100	150	200	No
7349. Employing Unlicensed Persons	1,000	1,000	1,000	No
7349.1. Illegal Use of a Barber Pole	25	50	100	No
7350. Establishment – Residential Use/ Entrance/Prohibited Use	50	100	150	No
7351. Restroom Requirement – Clean/Storage/ Floor/Vented	50	100	150	No
7352. No Soap/Towels or Air Hand Dryers in Hand Washing Facilities	50	100	150	No
7358. No Licensee in Charge of Mobile Unit	100	150	200	No
7359. Employing Unlicensed Person in Mobile Unit	1,000	1,000	1,000	No
7360. Mobile Unit – Residential/Prohibited Use	50	100	150	No
7400. No Change of Address Notice Filed	50	100	150	No
7404(l). Interference with Inspection	200	300	500	No
904(d). No Photographic Identification Available	50	100	150	No
905. Consumer Info. Not Posted/Incorrect Size of Print (Health & Safety)	50	100	150	No

920. Apprentice Training Records Not Available/Incomplete	100	150	200	No
965. Display of Licenses	50	100	150	No
978(a)(1), (a)(2),(a)(3),(a)(4). Receptacles, Cabinets and Containers	50	100	150	No
978(a)(5). Insufficient Disinfectant in Container for Total Immersion	100	150	200	No
978(a)(6). No Steam/Dry Heat Sterilizer for Electrology Tools	500	1,000	1,500	No
978(b). No Disinfectant Solution Available for Use	250	300	500	No
978(c). No Manufacturer-Labeled Container for Disinfectant	250	300	500	No
979. Disinfecting Non-Electrical Tools and Equipment	100	250	500	No
980(a). Incorrect Disinfection of Electrical Items	100	250	500	No
980(b). Incorrect Storage of Electrical Disinfected Items	50	100	150	No
980(c). Incorrect Storage of Soiled Electrical Tools	50	100	150	No
980.1. Incorrect Disinfection of Pedicure Spas (Per Chair)	500	500	500	No
980.1(c)(7). 980.1(d)(8). Incorrect/Missing Log 980.1(e)(4).	100	150	200	No
980.1(g). Failure to List Chair as “Not in Service” in Log; No Sign Displayed on Chair	50	100	150	No
980.2. Incorrect Disinfection of “Pipeless” Footspas (Per Unit)	500	500	500	No
980.2(b)(7). 980.2(c)(6). Incorrect/Missing Log 980.2(d)(3).	100	150	200	No
980.2(f). Failure to List Chair as “Not in Service” in Log; No Sign Displayed on Chair	50	100	150	No
980.3. Incorrect Disinfection of “Non-Whirlpool Foot Basin” (Per Unit)	100	150	200	No
980.3(b)(6). Incorrect/Missing Log	50	100	150	No
980.3(e). Improper Storage of Basins or Tubs	50	100	150	No

980.4. Incorrect Disinfection of foot basin or tub after use of disposable liner	500	500	500	No
980.4(a)(2). Incorrect/Missing Log	50	100	150	No
980.4(a)(4). Failure to Maintain Supply of Five (5) Disposable Liners per Foot Tub Basin	250	300	500	No
981(a). No Disposal of Non-Disinfected Items	100	150	200	No
981(b). Improper Storage of New Supplies and Disposable tools	50	100	150	No
981(c). Carry Tools or Supplies in or on Garments	50	100	150	No
982. Incorrect Sterilization of Electrology Tools	100	150	200	No
983. Personal Cleanliness	50	100	150	No
984. Work on Person with Infectious/ Communicable Disease	100	250	500	No
985. No Use of Neck Strips or Towel	50	100	150	No
986. Neck Dusters/Brushes Not Clean or Sanitary	50	100	150	No
987. Towels	50	100	150	No
988. Liquids, Creams, Powders and Cosmetics	50	100	150	No
989. Prohibited Hazardous Substance/Use of Product	500	500	500	No
990. Headrests and Treatment Tables	50	100	150	No
991. Performing Invasive Procedures	500	500	500	No
992. Performing Invasive Skin Exfoliation/ Dermis	500	500	500	No
993. Prohibited Tools	300	400	500	No
994. Cleanliness and Repair	50	100	150	No
995(b),(c),(d),(e). Plumbing Standards	50	100	150	No

(b) A violation indicated in subdivision (a) as not waivable means that the Board, in its discretion, has determined that the violation cannot be corrected pursuant to Business and Professions Code Section 7407, and therefore that the fine for the first violation may not be avoided as provided for in Section 7409 of the Business and Professions Code.

NOTE: Authority cited: Sections 7312, 7406 and 7407, Business and Professions Code. Reference: Sections 7406, 7407 and 7409, Business and Professions Code.

974.1. Disciplinary Review Committee

(a) The disciplinary review committee of the Board shall be composed of three (3) members of the board.

(b) The board president, in his or her discretion, may appoint multiple disciplinary review committees.

(c) The board president shall annually appoint members of the disciplinary review committee; the appointment will be made concurrently with the annual election of the Board President.

(d) The board president shall select the dates and locations of the informal citation review hearings held before the disciplinary review committee.

Note: Authority cited: Sections 7312 and 7410, Business and Professions Code. Reference: Section 7410, Business and Professions Code.

974.2. Appeal to Disciplinary Review Committee

(a) In addition to requesting a hearing provided for in Section 7411 of the Business and Professions Code, the cited person may within thirty (30) days of the date the notice of violation or citation was issued, notify the Board in writing of his or her request for an informal citation review hearing before the disciplinary review committee.

(b) Upon receipt of a timely written request, the board staff shall schedule the cited person for the next hearing to be held in the general vicinity of the cited person's address of record and which is at least forty five (45) days after the board's receipt of the request for the hearing. The board staff shall, at least thirty (30) days before the date of the hearing, mail written notice to the cited person of the date, time, and location of the hearing.

(c) The cited person shall appear and may bring legal counsel or an authorized representative to the hearing and may present written information and/or oral testimony to the disciplinary review committee.

(d) The cited person may contest or appeal any of the following aspects of the citation or notice of violation:

(1) The occurrence of a violation of the Barbering and Cosmetology Act or the regulations adopted by the board;

(2) The period of time for correction, if any; and/or

(3) The amount of the fine.

(e) At the conclusion of the informal citation review hearing, the disciplinary review committee may elect to continue the hearing or to hold the record open for the cited person to present additional information to the committee. If the disciplinary review committee elects to continue the hearing, it will be continued until the next scheduled hearing to be held in the general vicinity of the cited person's address of record. Board staff shall give notice to the cited person of the date, time, and location of the continued hearing in accordance with subsection (b).

If the disciplinary review committee elects to hold the record open for submission of additional written information, the cited person must provide the additional written information to the same disciplinary review committee prior to its next scheduled meeting, and the committee shall close the record and consider the matter at its next scheduled meeting.

(f) The disciplinary review committee may affirm, modify or dismiss the citation, including any fine. In no event shall the violations recorded on the citation or notice of violation or the administrative fines be increased. The disciplinary review committee may consider the history of previous violations of the same or similar nature in determining its decision in the matter. A written decision based on findings of fact shall be mailed to the cited person and his or her legal counsel, if any, within thirty (30) days from the date of the informal citation review hearing. The effective date of the decision shall be thirty (30) days after it is mailed to the cited person, and the effective date shall be written in the decision. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied.

(g) If the cited person fails to appear at the informal citation review hearing and fails to show good cause, as defined in Section 975 for the failure to appear, the administrative fine shall become final and there shall be no administrative appeal except as otherwise provided by law.

(h) If the disciplinary review committee affirms or modifies the citation or notice of violation, including any fine, the cited person may, prior to the effective date of the decision of the disciplinary review committee, request in writing a hearing before an administrative law judge pursuant to section 7411 of the Business and Professions Code. If the disciplinary review committee dismisses the citation or notice of violation in its entirety, any request for a hearing before an administrative law judge shall be deemed to be withdrawn.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7410, 7412 and 7413, Business and Professions Code.

975. Good Cause for Failure to Appear for Hearing

The board defines "good cause" for the purpose of Business and Professions Code Section 7413 as follows: Personal illness, auto accident, death or severe illness in the immediate family or other severe physical or emotional hardship. Any condition to be considered good cause by the board must be verified in writing (i.e., letter from a physician, official accident report, obituary notice).

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7413, Business and Professions Code.

976. Citations; Unlicensed Activity
A citation containing an order of abatement or an order to pay an administrative fine may be assessed against any person, firm, or corporation who is engaged in barbering, cosmetology or any of its branches, or electrolysis for compensation without a valid, unexpired license issued by the board. All citations issued pursuant to this section shall meet the requirements of section 125.9 of the Code.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 125.9, 148 and 7317, Business and Professions Code.

Article 12. Health and Safety

977. Health and Safety Definitions
The following words and terms, when used in this article, shall have the following meanings:

Autoclave—A device used to sterilize tools, equipment and supplies by subjecting them to high-pressure saturated steam.

Over-the-Counter—Cosmetology, barbering or electrology products that are made available for purchase by the general public without a physician's prescription.

Cosmetics—Substances used to enhance the appearance of the human body.

Contaminated—The presence of blood or other potentially infectious materials on an item's surface or visible debris such as dust, hair and skin.

Dermis—The layer of skin just below the epidermis; the living layer of the skin.

Disinfect or Disinfection—The use of chemicals to destroy harmful bacteria, viruses and pathogens on implements or tools to render them safe for use.

Disinfectant—A product registered by the U.S. Environmental Protection Agency (EPA) that has demonstrated bactericidal, fungicidal and virucidal activity. The products used must include a label from the manufacturer that indicates the EPA registration and must be in liquid form to disinfect non-electrical tools and spray or wipe form to disinfect electrical tools and shears.

Dry Heat Sterilizer—A device used to sterilize equipment and supplies by use of hot air that is nearly or completely free of water vapor.

Epidermis—The outermost layer of the skin; the non-living layer of the skin.

Electrical Tools—All tools used for barbering, cosmetology and electrology that require electricity to operate by means of an electrical cord, wireless charger, or battery. These include, but are not limited to, clippers, blow dryers, curling irons and flat irons.

Foot Basin—On a foot spa chair, the open vessel that is filled with water and in which the client's feet are placed during a pedicure.

Hot Styling Tools—Tools that utilize heat to style hair.

Non-Electrical Tools—All tools used for barbering, cosmetology and electrology that do not use any form of electricity to operate. These include, but are not limited to, shears, razors, cuticle nippers, cuticle pushers, nail clippers, metal files, metal smoothers, combs and hair clips.

Poisonous—A substance that can cause sickness or death by entering or touching the body.

Sanitary—A clean, healthy condition.

Soiled—dirty; not clean.

Sterilize or Sterilization—The process which removes or kills all forms of microbial life, including transmissible agents (such as fungi, bacteria, viruses and spore forms) by use of an autoclave or dry heat sterilizer.

Tub—A standalone, open vessel that is filled with water and in which the client's feet are placed during a pedicure.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

978. Minimum Equipment and Supplies

(a) Establishments and schools shall have and maintain the following minimum equipment and supplies:

(1) If hair services are performed, at least one covered waste container per establishment for the disposal of hair. Hair must be disposed of in a covered waste container.

(2) Closed containers to hold all soiled towels, gowns, smocks, linens and sheets in any enclosed area frequented by the public.

(3) Closed, clean cabinets, drawers, or containers to hold all clean non-electrical tools, towels, gowns, smocks, linens and sheets.

(4) Containers for disinfectant solution for tools and equipment to be disinfected. Containers must be labeled "Disinfectant Solution."

(5) Each container specified in (4) shall contain sufficient disinfectant solution to allow for the total immersion of tools.

(6) If electrolysis is performed, an autoclave or dry heat sterilizer that meets the requirements of Section 982.

(b) Establishments and schools shall have disinfectant solution, mixed according to manufacturer's directions, available for use at all times.

(c) A manufacturer-labeled container for the disinfectant used must be available at all times in the establishment or school. In the event that the last remaining disinfectant has been used, the empty manufacturer-labeled container must be present.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

979. Disinfecting Non-Electrical Tools

(a) Before use upon a client, all non-electrical tools that can be disinfected, excluding shears, shall be disinfected in the following sequential manner:

(1) Remove all visible debris.

(2) Clean with soap or detergent and water.

(3) Completely dry tools with a new, clean paper towel.

(4) Then totally immerse in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, used according to manufacturer's instructions.

(5) Licensees or students shall wear protective gloves or use tongs when removing tools from the disinfectant.

(b) The disinfectant solutions specified in subdivision (a) shall:

(1) Remain covered at all times.

(2) Be changed according to the manufacturer's instructions or when it is cloudy or contains debris.

(c) All tools used on a client or soiled in any manner shall be placed in a container labeled "Dirty," "Soiled," or "Contaminated."

(d) All disinfected tools shall be stored in a clean, covered place that is labeled "Clean" or "Disinfected."

(e) Disinfected tools shall not be placed in a container, pouch or holder that cannot be disinfected.

(f) Shears shall be disinfected according to the following sequential procedures:

(1) Remove all visible debris.

(2) Clean with soap or detergent and water.

(3) Spray or wipe the shear with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, used according to manufacturer's instructions.

(g) Disinfected shears shall not be placed in a container, pouch or holder that cannot be disinfected.

(h) If tools specified in this section are sterilized in accordance with the requirements outlined in Section 982, the requirements of this section will be deemed to have been met.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

980. Disinfecting Electrical Tools

(a) Clippers and other electrical tools shall be disinfected prior to each use in the following sequential manner:

(1) First removing all visible debris.

(2) Disinfect with an EPA-registered disinfectant spray or wipe with demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer's instructions.

(b) All disinfected electrical tools shall be stored in a clean place.

(c) All soiled electrical tools used on a client, or soiled in any manner, shall be placed in a container labeled "Soiled," "Dirty," or "Contaminated" (excluding hot styling tools).

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

980.1. Procedures for Cleaning and Disinfecting Whirlpool Footspas, and Air-Jet Basins

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

(b) An air-jet basin is defined as any basin using an air jet stream system to move water.

(c) After use upon each client, each whirlpool footspa or air-jet basin shall be cleaned and disinfected in the following sequential manner:

(1) All water shall be drained from the basin.

(2) The inside walls of the basin shall be scrubbed and cleaned of all visible debris with a clean brush, liquid soap (labeled as such on soap product), and water.

(3) The spa basin shall be rinsed with water.

(4) The spa basin shall be refilled with clean water.

(5) The water in the basin shall be circulated with the correct amount (read manufacturer label for mixing instructions) of the EPA-registered hospital-liquid disinfectant that is labeled as a bactericide, fungicide, and virucide through the basin for at least 10 minutes.

(6) The spa basin must be drained, rinsed, and wiped dry with a new, clean paper towel.

(7) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.

(d) At the end of each day and after the last client, each whirlpool footspa or air-jet basin shall be cleaned and disinfected in the following sequential manner:

(1) The screen and any other removable parts shall be removed.

(2) Scrub all visible debris from the screen, inside walls of the basin, any other removable parts, and the area behind them with a clean brush, liquid soap (labeled as such on soap product), and water.

(3) Reinsert the clean screen and any other removable parts.

(4) Fill the basin with warm water and detergent (labeled as such on detergent product) and circulate the detergent through the spa system for at least 10 minutes (follow the spa manufacturer's instructions).

(5) Drain the detergent solution and rinse the basin.

(6) Refill the basin with clean water and circulate the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant that the label claims is a bactericide, fungicide, and virucide through the basin for at least 10 minutes.

(7) Drain, rinse, and wipe the basin dry with a new, clean paper towel and allow basin to dry completely.

(8) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done at the end of the day.

(e) At least once each week, after completing the procedures provided in subsection (d) (1 through 6), each whirlpool footspa and air-jet basin shall not be drained and the following sequential procedures shall be followed:

(1) Do not drain the disinfectant solution. The unit shall be turned off and the disinfecting solution shall be left undisturbed in the unit for at least 6 hours.

(2) After the disinfectant solution has been sitting at least 6 hours, drain and rinse the basin with clean water.

(3) Refill the basin with clean water and flush the system.

(4) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done weekly.

(f) The pedicure equipment-cleaning log shall be made available upon request by either a client or a board representative.

(g) A whirlpool footspa "Not in Service" must have a notation on the pedicure equipment-cleaning log that the footspa is not in service. The footspa must have a "Not in Service" sign displayed on the chair and be kept in a sanitary condition.

(h) A violation of this section may result in an administrative fine and/or disciplinary action. Each whirlpool footspa or air-jet basin not in compliance with this section may result in a separate violation.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

980.2. Procedures for Cleaning and Disinfecting Pipeless Footspas

(a) As used in this section, "pipeless" footspa is defined as any unit with footplates, impellers, impeller assemblies, and propellers.

(b) After use upon each client, each pipeless footspa shall be cleaned and disinfected in the following sequential manner:

(1) All water shall be drained from the spa basin.

(2) Remove footplate and any other removable components according to the manufacturer's instructions.

(3) Scrub all visible debris from the impeller, footplate, inside walls of the basin, and other components, and the areas behind or under each with a clean brush, liquid soap (labeled as such on soap product), and water. Rinse with clean water.

(4) Reinsert the properly cleaned footplate and other components.

(5) Refill the basin with clean water and circulate the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant that the label claims is a bactericide, fungicide, and virucide, through the basin for at least 10 minutes.

(6) Drain, rinse, and wipe the basin dry with a new, clean paper towel.

(7) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.

(c) At the end of every day and after performing the procedures provided in subsection (b) (1 through 7) and after the last client, each pipeless footspa shall be cleaned and disinfected in the following sequential manner:

(1) Fill the basin with warm water and detergent (labeled as such on detergent product) and circulate the detergent through the spa system for at least 10 minutes (follow manufacturer's instructions).

(2) Drain the detergent solution and rinse the basin.

(3) Refill the basin with clean water and circulate the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid

disinfectant that the label claims is a bactericide, fungicide, and virucide, through the basin for at least 10 minutes.

(4) Drain, rinse, and wipe the basin dry with a new, clean paper towel.

(5) Allow the basin to dry completely.

(6) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done at the end of the day.

(d) At least once each week, after completing the procedures provided in subsection (c) (1 through 3), the disinfectant solution in each pipeless footspa shall not be drained and the following sequential procedures shall be followed:

(1) The unit shall be turned off and the disinfecting solution shall be left in the unit undisturbed for at least 6 hours.

(2) After the disinfectant solution has been sitting at least 6 hours, rinse and wipe the basin dry with a new, clean paper towel.

(3) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done weekly.

(e) The pedicure equipment-cleaning log shall be made available upon request by either a client or a board representative.

(f) A whirlpool footspa "Not in Service" must have a notation on the pedicure equipment-cleaning log that the footspa is not in service. The footspa must have a "Not in Service" sign displayed on the chair and be kept in a sanitary condition.

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

Note: Authority cited: Sections 7312 and 7406, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

980.3. Procedures for Cleaning and Disinfecting Non-Whirlpool Foot Basins or Tubs

(a) As used in this section, "non-whirlpool foot basins" or "tubs" are defined as any basin, tub, footbath, sink, bowl, and all non-electrical equipment that holds water for a client's feet during a pedicure service.

(b) After use upon each client, each non-whirlpool foot basin or tub shall be cleaned and disinfected in the following sequential manner:

(1) All water shall be drained from the foot basin or tub.

(2) The inside surfaces of the foot basin or tub shall be scrubbed and cleaned of all visible debris with a clean brush, liquid soap (labeled as such

on soap product), and water.

(3) The foot basin or tub shall be rinsed with clean water.

(4) Refill the foot basin or tub with clean water and the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant that the label claims is a bactericide, fungicide, and virucide. Leave the disinfecting solution in the foot basin or tub for at least 10 minutes.

(5) Drain, rinse, and wipe the basin dry with a new, clean paper towel.

(6) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.

(c) The pedicure equipment-cleaning log shall be made available upon request by either a client or a board representative.

(d) A violation of this section may result in an administrative fine and/or disciplinary action. Each non-whirlpool foot basin or tub not in compliance with this section may result in a separate violation.

(e) All disinfected basins or tubs shall be stored in a clean, covered place labeled "Clean" or "Disinfected."

Note: Authority cited: Sections 7312 and 7406, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

980.4 Disposable Foot Basin or Tub Liners

(a) Single-use, disposable, recyclable liners designed specifically and manufactured for use as a foot basin or tub liner shall be disposed of immediately after each use and may not be disinfected or reused.

(1) After disposal of the pedicure basin liner the basin or tub shall be scrubbed and cleaned of all visible debris with a clean brush and liquid soap (labeled as such on soap product) and water. The foot basin or tub shall be rinsed with clean water and wiped dry with a new, clean paper towel.

(2) Record the cleaning procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.

(3) The pedicure equipment-cleaning log shall be made available upon request by either a client or a board representative.

(4) Establishments or schools that utilize the liners must maintain a supply of five liners per foot tub basin for use at all times.

Note: Authority cited: Sections 7312 and 7406, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

981. Tools and Supplies

(a) All tools and supplies that come into direct contact with a client and cannot be disinfected (including, but not limited to, buffers, pumice stones, wax sticks, toe separators, gloves, cotton pads, sponges, emery boards, and neck strips) shall be disposed of in a waste container immediately after use on a single client.

(b) New supplies and single-use, disposable tools shall be stored in a clean, covered place labeled "New."

(c) No person working or training in an establishment or school shall be permitted to carry any tools or supplies in or on a garment or uniform (including pouches and holsters) while practicing any of the acts as defined in Section 7316 of the Business and Professions Code.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

982. Sterilizing Electrolysis Tools

(a) Before use upon a client in schools and establishments, all electrolysis tools that can be sterilized, excluding single-use, pre-sterilized, disposable needles/wire filaments, shall be sterilized by one of the following methods:

(1) Clean with soap or detergent and water (which may include the use of ultrasonic equipment) and then sterilized by one of the following methods:

(A) Autoclave, registered and listed with the U.S. Food and Drug Administration (FDA), used according to manufacturer's instructions.

(B) Dry heat sterilizer, registered and listed with the FDA, used according to manufacturer's instructions.

(C) Chemical (color change) indicators must be used on each sterilized package to indicate the sterilization process was completed.

(2) All sterilized tools shall remain in the package they were sterilized in until ready for use. This package must be undamaged and labeled "Sterilized" or "Sterilization."

(3) All tools that have been used on a client or soiled in any manner shall be placed in a container labeled "Dirty," "Soiled," or "Contaminated."

(4) Sterilization equipment shall be checked weekly to ensure that it is reaching the temperature required by manufacturer's instructions.

(b) Single-use, pre-sterilized, disposable electrolysis needles/wire filaments must be placed in a puncture-resistant sharps container immediately after use, when contaminated before use, or when opened and found damaged. The sharps container must be changed when not more than three-quarters filled and disposed of as biohazardous waste.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

983. Personal Cleanliness

(a) The attire of a licensee or student serving a client shall at all times be clean.

(b) Every licensee or student performing services shall thoroughly wash his or her hands with soap and water or any equally effective alcohol-based hand-cleaning product immediately before serving each client.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

984. Disease and Infestation

(a) No establishment or school shall knowingly permit a licensee or student afflicted with an infection or parasitic infestation capable of being transmitted to a client to serve clients or train in the establishment or school.

(b) No establishment or school shall knowingly require or permit a licensee or student to work on a client with an infection or parasitic infestation capable of being transmitted to the licensee or student.

(c) Infections or parasitic infestation capable of being transmitted between licensee or student and client include, but are not limited to, the following:

- Cold, influenza or other respiratory illness accompanied by a fever, until 24 hours after resolution of the fever.
- Streptococcal pharyngitis (“strep throat”), until 24 hours after treatment has been initiated, and 24 hours after resolution of fever.
- Purulent conjunctivitis (“pink eye”), until examined by a physician or other licensed clinician and approved for return to work.
- Pertussis (“whooping cough”), until five days of antibiotic therapy has been completed.
- Varicella (“chicken pox”), until the sixth day after onset of rash or sooner if all lesions have dried and crusted.
- Mumps, until nine days after onset of parotid gland swelling.
- Tuberculosis, until a local health department authority states that the individual is noninfectious.
- Impetigo (bacterial skin infection), until 24 hours after treatment has begun.
- Pediculosis (head lice), until the morning after first treatment.
- Scabies (“crabs”), until after treatment has been completed.

(d) Blood-borne diseases, such as HIV/AIDS and hepatitis B (HBV), shall not be considered infectious or communicable diseases for the purpose of this section.

(e) No person working or training in an establishment or school shall perform services upon a surface of the skin or scalp where such skin is inflamed or broken (e.g., abraded, cut), or where a skin infection or eruption is present; nor shall a person working or training in an establishment or

school perform services if the skin of his or her hands is inflamed or broken, or where a skin infection or eruption is present, without wearing gloves.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code; and Section 121365, Health and Safety Code.

985. Neck Strips

A sanitary neck strip or towel shall be used to keep the protective covering, such as client capes, from coming in direct contact with a client's neck.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

986. Neck Dusters and Brushes

(a) Before use on a client, neck or nail dusters and all other manicure brushes that are used in an establishment or school on a client shall be cleaned in the following sequential manner:

(1) Remove all visible debris.

(2) Clean with soap or detergent and water.

(3) Dry dusters or brushes.

(4) Store all clean dusters or brushes in a clean, covered place that is labeled "Clean."

(5) All dusters or brushes used on a client or soiled in any manner shall be placed in a container labeled "Dirty," "Soiled," or "Contaminated."

(b) Before use on a client, natural fiber, facial, acrylic, gel, nail-art, and makeup brushes used in an establishment or school, on a client, shall be cleaned in the following sequential manner:

(1) Remove all visible debris.

(2) Clean by using a cleansing agent(s) such as monomer, makeup brush liquid/spray cleaner, alcohol.

(3) Dry brushes.

(4) Store all clean brushes in a clean, covered place that is labeled "Clean."

(5) All brushes used on a client or soiled in any manner shall be placed in a container labeled "Dirty," "Soiled," or "Contaminated."

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e) Business and Professions Code.

987. Towels

(a) After a towel, sheet, robe, linen, or smock has been used once, it shall be deposited in a closed container and not used until properly laundered and sanitized.

(b) Towels, sheets, robes, linens, and smocks shall be laundered either

by regular commercial laundering or by a noncommercial laundering process which includes immersion in water at least 160o F for not less than 25 minutes during the washing or rinsing operation. Alternately, it is acceptable if the commercial laundry opts to use chemicals and cold water to reduce organisms on laundry, provided the laundry follows manufacturers' instructions for washing machines, dryers, detergents, rinse aids, and other additives. The laundry detergents used are not required to have stated antimicrobial claims.

(c) All clean towels, sheets, robes, linens, and smocks shall be stored in clean, closed cabinets or a clean, closed container.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

988. Liquids, Creams, Powders, and Cosmetics

(a) All liquids, creams, waxes, shampoos, gels, and other cosmetic preparations shall be kept in clean, closed containers. Powders may be kept in clean shakers.

(b) All bottles and containers shall be distinctly and correctly labeled to disclose their contents. All bottles and containers containing poisonous substances shall be additionally and distinctly marked as such. Poisonous substances that are maintained in the manufacturer-labeled container are not required to have additional labeling.

(c) When only a portion of a cosmetic preparation is to be used on a client, it shall be removed from the bottle or container in such a way as not to contaminate the remaining portion.

(1) This provision does not apply to cosmetic preparations that have been demonstrated to be unlikely to transmit pathogens (e.g., nail polish, artificial nail monomer liquids).

(d) Pencil cosmetics shall be sharpened before each use.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

989. Prohibited Hazardous Substances/Use of Products

No establishment or school shall:

(a) Have on the premises cosmetic products containing hazardous substances banned by the FDA for use in cosmetic products.

(b) Have on the premises methyl methacrylate monomer and/or methylene chloride.

(c) Use a product in a manner that is disapproved by the FDA, Occupational Safety and Health Administration, or EPA.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

990. Headrests, Shampoo Trays and Bowls, and Treatment Tables

(a) The headrest of chairs shall be covered with a clean towel or paper sheet for each client.

(b) Shampoo trays and bowls must be cleansed with soap and water or other detergent after each shampoo, kept in good repair, and in a sanitary condition at all times.

(c) Treatment tables must be covered with either clean treatment table paper, a clean towel, or a clean sheet after each use. After a towel or sheet has been used once, it shall immediately be removed from the treatment table and be deposited in a closed container and not used again until it has been properly laundered and sanitized. Treatment table paper shall be immediately disposed of after a single use.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

991. Invasive Procedures

(a) No licensee or student may use a product, device, machine, or other technique or combination of the same, which results in the removal, destruction, incision, or piercing of a client's skin beyond the epidermis. Any such act shall be considered an invasive procedure.

(b) Invasive procedures include, but are not limited to, the following:

(1) Application of electricity that visibly contracts the muscle.

(2) Application of topical lotions, creams, serums, or other substances that require a medical license to purchase.

(3) Penetration of the skin by metal needles, except electrolysis needles/wire filaments.

(4) Abrasion and/or exfoliation of the skin below the epidermal layers.

(5) Removal of skin by means of a razor-edged tool or similar device.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e), 7316, 7320, 7320.1, Business and Professions Code.

992. Skin Exfoliation

(a) Only the upper layer of the skin, known as the epidermis, may by any method or means be removed, and then only for the purpose of improving the appearance of the skin.

(b) Skin removal techniques and practices that result in destruction of living tissue beyond the epidermal layer of the skin is prohibited.

(c) Only over-the-counter products that are not sold for physician's use only may be used for the purpose of skin exfoliation.

(d) All skin exfoliation products must be applied using the manufacturer's instructions for consumer health and safety.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e), 7316, and 7320, Business and Professions Code.

993. Prohibited Tools

(a) No establishment or school shall have on the premises or use any razor-edged tool for the purpose of removing calluses or other similar procedures.

(b) No establishment or school shall have on the premises or use any needle-like tool used for the purpose of extracting skin blemishes and other similar procedures.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e), 7320, and 7320.1, Business and Professions Code.

994. Cleanliness and Repair

(a) Establishments and schools shall keep the floors, walls, woodwork, ceilings, furniture, furnishing, and fixtures clean and in good repair.

(b) No establishment or school shall permit an accumulation of waste, hair clippings, or refuse.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

995. Building Standards

(a) Establishments and schools shall have a system of adequate ventilation in accordance with Part 2, Section 1203, Title 24, California Code of Regulations.

(b) A supply of hot and cold running water shall be provided in accordance with Part 5, Section 601.3.1, Title 24, California Code of Regulations.

(c) Establishments and schools shall supply potable drinking water in accordance with Part 5, Section 601.3.3, Title 24, California Code of Regulations.

(d) Establishments and schools shall provide hand washing facilities in accordance with Part 5, Section 601.3.2, Title 24, California Code of Regulations.

(e) Establishments and schools shall provide public toilet rooms in accordance with Part 5, Sections 422.6, 422.7, and Table No. 422.1, Title 24, California Code of Regulations.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e) and 7352, Business and Professions Code.

998. Schedule of Fees

The following fees (in dollars) shall be charged by the board:

(a) Barbers:
- (1) Preapplication fee 9
- (2) Application and examination fee 75
- (3) Initial license fee 50
- (4) License renewal fee . . . . . 50 [1]
- (5) License renewal delinquency fee . . . . . 25 [1]

(b) Cosmetologists:
- (1) Preapplication fee 9
- (2) Application and examination fee 75
- (3) Initial license fee 50
- (4) License renewal fee . . . . . 50 [1]
- (5) License renewal delinquency fee . . . . . 25 [1]

(c) Estheticians:
- (1) Preapplication fee 9
- (2) Application and examination fee 75
- (3) Initial license fee 40
- (4) License renewal fee . . . . . 50 [1]
- (5) License renewal delinquency fee . . . . . 25 [1]

(d) Manicurists:
- (1) Preapplication fee 9
- (2) Application and examination fee 75
- (3) Initial license fee 35
- (4) License renewal fee . . . . . 50 [1]
- (5) License renewal delinquency fee . . . . . 25 [1]

(e) Electrologists:
- (1) Preapplication fee 9
- (2) Application and examination fee 75
- (3) Initial license fee 50
- (4) License renewal fee . . . . . 50 [1]
- (5) License renewal delinquency fee . . . . . 25 [1]

(f) Apprentice application and license fee [2] 25

(g) Establishments:
- (1) Application and initial license fee 50
- (2) License renewal fee . . . . . 40 [1]
- (3) License renewal delinquency fee . . . . . 20 [1]

(h) Mobile Units:
- (1) Application fee 50
- (2) Initial inspection and license fee 100
- (3) License renewal fee . . . . . 40 [1]
- (4) License renewal delinquency fee . . . . . 20 [1]

[1] Fees effective for all licenses expiring on or after December 21, 2007.
[2] Licenses of apprentices are not renewable.

Note: Authority cited: Sections 7312, 7337.5 (b) and 7421, Business and Professions Code. Reference: Sections 7415, 7417, 7418, 7420, 7423, 7423.5, 7424 and 7425, Business and Professions Code.

Article 13. Revenue

999. Charge for Dishonored Check
The charge for the return of a personal check without payment shall be an amount set by the Department of Consumer Affairs in accordance with the laws of the State of California. This charge is required in addition to the reimbursement of the dishonored check.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 1719, Civil Code; Section 6157, Government Code.

ISSUED BY

California Board of
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