

175:1-5-4. Board sanctions

(a) If it is proven that violations of the Oklahoma Cosmetology Act and Board rules and regulations have occurred, sanctions available to the Board are:

- (1) Revocation of license; or
- (2) Suspension of license; or
- (3) Refusal to issue license; or
- (4) Placing licensee on probation.
- (5) Fines for citations for violations of the Cosmetology and Barber Act or Board rules as in Rule 175:1-5-15. Citations may be issued by the Executive Director or an inspector on forms approved by the Board. The citation shall be served personally or by certified mail return receipt requested. The citation shall state the nature of the violation and the fine assessed. The person or establishment receiving the citation may pay the fine or contest it in a hearing before the Board conducted in accordance with the Oklahoma Administrative Procedures Act. The citation shall state the date and location of the hearing. The citation shall serve as sufficient notice of the hearing. If the fine is paid prior to the date of the hearing then the matter shall be deemed final and not subject to further review.

(b) Such matters of violation may be referred to the District Attorney or to the Attorney General for injunctive or other relief.

175:1-5-15. Schedule of fines

(A) The fine schedule for citations issued by the Board for violations of the Cosmetology and Barber Act or rules promulgated there under shall be subject to the fines as follows providing each day a violation continues shall be a separate offense:

~~The fine schedule for citations issued by the Board for violations of the Cosmetology and Barber Act or rules promulgated there under shall be subject to the fines as follows providing each day a violation continues shall be a separate offense:~~

- (a) ~~(1)~~ Engaging in cosmetology or barbering in any of the licensed practices without a license
 - (1) (A) First: \$250
 - (2) (B) Subsequent: \$500
- (b) ~~(2)~~ Employing an unlicensed person to perform cosmetology or barbering (per person):
 - (1) (A) First: \$250
 - (2) (B) Subsequent: \$500
- ~~(3)~~ Allowing a barbering student or barber apprentice to work without direct supervision:
 - (A) First: \$50
 - (B) Subsequent: \$50

- ~~(4) Training more than one apprentice per Establishment (fine per apprentice):~~
~~(A) First: \$50~~
~~(B) Subsequent: \$50~~
- ~~(5) Operating a barber work station in violation of any general disinfection requirement as required by Board rule:~~
~~(A) First: \$50~~
~~(B) Subsequent: \$50~~
- ~~(6) Failure to comply with a specific provision of the Cosmetology and Barber Act or Board rules by a person practicing on a work permit, apprentice, or any licensee of the Board:~~
~~(A) First: \$50~~
~~(B) Subsequent: \$50~~
- ~~(g) (7) Failure to comply with a specific provision of the Cosmetology and Barber Act or rules by an individual not licensed under the Act:~~
~~(1) (A) First: \$250~~
~~(2) (B) Subsequent: \$500~~
- ~~(h) (8) Operate a cosmetology or barber school without first obtaining a license from the Board:~~
~~(1) (A) First: \$250~~
~~(2) (B) Subsequent: \$500~~
- ~~(9) Operating a barber school that is not in compliance with Board rules for disinfection and safety:~~
~~(A) First: \$50~~
~~(B) Subsequent: \$50~~
- ~~(10) Operating a barber school without the appropriate number of licensed instructors:~~
~~(A) First: \$50~~
~~(B) Subsequent: \$50~~

(B) If the citation is paid prior to hearing date, the citation is still considered part of the licensee's permanent record but dismissed. After three fines, the Board may consider revocation of license after full Board hearing.

175:10-3-1. Application for initial and renewal of school license

In order to be in compliance with current Cosmetology and Barbering Act as pertains to public and privately owned cosmetology and barber school and license issuance to cosmetology and barber schools, the application procedures for an initial (new) cosmetology and barber school are as follows:

- (1) **Privately owned schools.** Any person, corporation or company, who proposes to provide cosmetology or barber training courses designed to qualify persons who complete courses for a professional license to practice cosmetology or barbering, shall be required to obtain a license for the private post secondary school from the Board.

(A) **Letter of intent.** The applicant shall first submit a letter of intent to the Board of Cosmetology and Barbering and shall request Cosmetology or Barber School license application forms from the Board. The letter of intent shall state at least the full name, address and phone number of the applicant and the city where the proposed school is to be located. If the applicant proposes to assume ownership of an existing school, the letter of intent shall specify the name and address of the existing school.

(B) **Application form.** The license application form shall be completed in full making note whether the school intends to operate as a secondary/post secondary establishment and returned to the Board and shall contain the following information:

~~(i) A bona fide list of the names and addresses of no less than twenty-three (23) students who fully intend to enroll and attend cosmetology classes in the proposed cosmetology or barbering school at such time as school is appropriately licensed. The Board may require that the list be accompanied by a signed and notarized affidavit stating that the prospective student fully intends to enroll in, sign student contract with and regularly attend classes in the proposed school. The affidavit shall also state that the student fully intends to appropriately register with the State Board of Cosmetology and Barbering prior to attending classes and that the student fully intends to complete the course requirements. Any advertisement for recruitment of students must state school is proposed to be open and shall not contain deceptive or misleading language and shall state that school has applied for licensure.~~

~~(i)~~ (ii) Proposed name and location (city, street and number), and a brief description of the building.

~~(ii)~~ (iii) Name, address and phone number of the proposed owner(s). If a corporation, the name, address and phone number(s) of the officers and principal stockholders are required to be submitted.

~~(iii)~~ (iv) Names of Oklahoma license held and the file numbers of the persons to be the instructors of the proposed school and that of the manager, if other than the owner.

(C) **Initial license fee; expiration date.** Each initial public and privately owned cosmetology or barber school shall be required to pay to the Board, the initial license fee of \$400.00. Each public and privately owned school shall also pay the annual license renewal fee of \$125.00. Each school license shall expire annually on June 30th. No provision is made for pro rata of any license fee.

(D) **Surety bond.** A surety bond in the amount of two thousand dollars (\$2,000.00) for the first instructor and one thousand dollars (\$1,000.00) for each additional instructor is required to be submitted for cosmetology or barber school license. The bond shall be in an amount sufficient to meet bonding requirements for all staff instructors and for each substitute instructor for the specific school in which license application is made.

(E) **Financial statement.** A current financial statement of the license applicant, prepared by a Public Accountant or a Certified Public Accountant, is required to be submitted to the Board. The financial statement shall be prepared in accordance with generally accepted accounting principles and shall reflect the applicant's total property inventory, assets and liabilities which shall show a net worth of at least one hundred thousand dollars (\$100,000.00) for each school owned. ~~This amount must be sufficient to insure the safe and adequate training of the minimum number of twenty-three (23) students.~~ Intangible assets will not be considered in net worth.

(F) **Proof of building lease or ownership.** Applicant must obtain a lease of at least one year or be owner of building in which school is proposed to operate. Month to Month lease is not acceptable. Applicant must submit a copy of lease agreement.

(2) **Public schools.** Any public school wherein administrator or other authorized person proposed to provide course(s) in training and education designed to qualify a person who shall complete the public post secondary course(s) for examination and licensure, shall follow instructions for license application procedures in (1) of this Section as may be applicable in requesting school license application and approval from the Board.

(A) Names, address and phone number(s) of Public School Administrator and other supervisory person (Principal, Assistant Principal, Coordinator or Counselor), of school/department and of each instructor proposed to teach in the school shall be submitted to the Board. File number of the instructor(s) shall be submitted.

(B) Applicant shall provide to the Board a notarized affidavit stating source of sufficient bond coverage and that building wherein the school is proposed to be conducted is publicly owned.

(C) Applicant shall provide phone numbers of public school main campus and school facility and a brief general description of the facility location within campus and other building training sections and parking areas.

(3) **Privately owned school license renewal.** A privately owned school license shall expire annually on June 30th. Renewal must be received by June 30th each year.

(A) Private school license renewal application, forms and instructions are mailed annually to schools by the Board. Forms include a surety bond renewal form, power-of-attorney and verification form.

(B) Fee of \$125.00 is required for school license renewal.

(4) Any advertisement for recruitment of students must state school is proposed to be open and shall not contain deceptive or misleading language and shall state that school has applied for licensure.

175:10-3-60. Attendance and other records and requirements

(a) **Minimum attendance per week.** A part time schedule shall be submitted and approved by the Board. Student shall attend a clock hour school at least three (3) hours per day, five (5) days per week or a total of fifteen (15) hours per week.

(b) **Daily sign-in/time clock or other records maintained in a clock hour school.** In addition to maintaining a current record of student hours, clock hour schools shall keep a record of daily attendance. Students registered in a clock hour school shall sign or clock in and out of each class daily.

(c) **Credit hour records maintained in a credit hour school.** Credit hour schools shall maintain a current record of credit hours earned by each student.

(d) **Practical practice records.** Clock and credit hour schools shall maintain a record of clinic practical practices and theory credit or clock hours earned by each student.

(e) **Student hour retention.** School shall retain records of students for three (3) years.

(f) **Record availability.** All attendance and educational records shall be available during inspection or upon request of the Board as allowed under the Cosmetology and Barbering Act.

(g) **Quarterly submission of hour reports.** All schools shall be required to submit a report of student hours earned to the Board quarterly no later than January 10th, May 10th, September 10th,

November 10th.

175:10-3-61. School Affidavit; hours accumulated

(a) **School Affidavit upon completion, withdrawal or termination.** School Affidavit shall be submitted within five (5) days upon completion of a course (provided tuition is paid in full according to contractual agreement), withdrawal, or other termination of a student for any reason (excused absence is an exception). The School Affidavit shall reflect the total number of clock or credit hours accumulated.

(b) **School Affidavit or hours completed to be submitted with examination registration.** The School Affidavit of completed hours of training must be submitted with examination registration.

(c) **Hours submitted upon course completion.** Accumulated student hours shall be submitted to the Board within five (5) days of the completion of course hours by a student if tuition is paid in full to the school according to contractual agreement. The school owner or instructor shall submit accumulated hours to the Board on Board approved School Affidavit to allow the student to be registered for examination and be issued a student work permit by the Board.

(d) **Refusal to submit student hours.** No school owner or instructor shall ever refuse to submit accumulated student hours if hours are completed and tuition is paid in full according to contractual agreement.

(e) **Hours not to be adjusted as penalty for absence or rule infraction.** No school owner or instructor shall penalize a student by deducting hours from accumulated hours earned, nor shall hours be added to the total hours required for course completion as penalty for excessive student absence or other school infraction.

(f) **Student copies of School Affidavit of completion.** A student who completes a specific course must be provided the School Affidavit of completion dated on the day of completion provided the tuition is paid in full according to contractual agreement.

175:10-3-67. Student re-registration fee and transfer process

(a) **Student re-registration.** Each time a student registers, re-registers, or transfers, in addition to other requirements, the registration fee of \$5.00 must be submitted to the Board with registration application.

(b) **Student transfer.** ~~An affidavit. A student shall not be allowed to transfer from one school to another for a period of at least thirty (30) days from the date of withdrawal or other termination unless a notarized release agreement, signed by official of transferring school must be is received by the Board. ~~Withdrawal/termination date on school affidavit is required to be submitted within five (5) days of termination~~ provided tuition is paid in full according to contractual agreement. A notarized affidavit submission is notification to the Board that tuition has been paid in full to the school the student is transferring from.~~

(c) **Out-of-state student transfer.** A student may transfer out-of-state hours provided the student submits the necessary proof of training to the Board for evaluation. Necessary papers will be forwarded upon request. The reciprocity processing fee for transfer of out-of-state hours is \$30.00.

175:10-7-29. Facial procedures, devices and equipment

(a) Licensees are prohibited from performing facial procedures using cosmetic exfoliating substances or devices that effect more than the top layer (stratum conium) or outer most layer of dead cells on the skin. Procedures which use any cosmetic exfoliation substance or device to remove viable (living) skin below the stratum conium are deemed beyond the scope of practice of persons and Establishments licensed by the Board of Cosmetology and Barbering.

(b) Cosmetic exfoliating substances may include alpha hydroxyl acids (glycolic and lactic acids), beta hydroxyl acids, salicylic acid, Jessner's solutions, resorcinol and other substances intended to affect no more than the stratum conium.

(c) Cosmetic exfoliating devices may include FDA (U.S. Food and Drug Administration) registered and/or approved devices, provided that such devices affect no more than the stratum conium.

(d) Invasive procedures which result in the removal, destruction, incision or piercing of the skin beyond the stratum conium is prohibited.

175:10-7-32. Kiosk Style Establishment

A kiosk style Establishment shall be approved to operate within an enclosed building such as a mall or airport lounge and an Establishment license is required to operate. A hand washing lavatory with hot and cold water under pressure. Only non-chemical hair services, demonstrations, make-up applications, styling tool demonstrations or threading may be performed. Sanitation and safety procedures must be followed.

175:10-7-17. License and other posting requirements

(a) Licenses shall be posted in a place easily viewed by the public.

(1) Current 2" X 3" photo of licensee is required to be posted with each license or work permit.

(2) Student and apprentice registration receipts and student permits to work shall be

posted conspicuously.

(3) Posting at individual work/styling station in an Establishment may be required for inspection and identification purposes.

(b) Board Sanitation and Disinfection Rules shall be posted in each Establishment.

(c) Code of Ethics shall be posted in each school.

(d) Current inspection reports shall be posted in a place easily viewed by the public.

(e) All persons practicing in a salon shall be required to have a current form of photo ID on their person and be prepared to produce it to the Inspector at time of inspection.