

Document: Proposed Rule, **Register Page Number:** 28 IR 3044

Source: July 1, 2005, Indiana Register, Volume 28, Number 10

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**TITLE 820 STATE BOARD OF COSMETOLOGY
EXAMINERS**

Proposed Rule
LSA Document #05-68

DIGEST

Amends 820 IAC 4-1-7 to require cosmetology schools to retain records that include the final practical demonstration examination grades. Amends 820 IAC 4-1-9 to require cosmetology schools to include in student records each student's final practical demonstration examination grades. Amends 820 IAC 4-1-11 to revise the definition of graduation from a cosmetology school to require that students must take and pass a final practical demonstration examination that addresses the acts that are permitted by license. Amends 820 IAC 4-1-12 to require cosmetology schools to provide the final practical demonstration examination grades on a student's application for licensure. Amends 820 IAC 4-4-8 to establish the requirements and procedures for cosmetology schools to administer the final practical demonstration examination for students. Adds 820 IAC 4-4-8.1 to establish the content of the final practical demonstration examinations administered by cosmetology schools. Effective January 1, 2006.

820 IAC 4-1-7	820 IAC 4-1-12
820 IAC 4-1-9	820 IAC 4-4-8
820 IAC 4-1-11	820 IAC 4-4-8.1

SECTION 1. 820 IAC 4-1-7 IS AMENDED TO READ AS FOLLOWS:

820 IAC 4-1-7 Records

Authority: IC 25-8-3-23

Affected: IC 25-8-5; IC 25-8-14

Sec. 7. Cosmetology schools shall retain records for each student, which must include the following:

- (1) Hours of school attendance.
- (2) Grades awarded.
- (3) Time records.
- (4) The progress book.
- (5) **The final practical demonstration examination record.**

(State Board of Cosmetology Examiners; 820 IAC 4-1-7; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1405, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 570; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

SECTION 2. 820 IAC 4-1-9 IS AMENDED TO READ AS FOLLOWS:

820 IAC 4-1-9 Record retention

Authority: IC 25-8-3-23

Affected: IC 25-8-5; IC 25-8-14

Sec. 9. Cosmetology schools shall retain student records for no fewer than seven (7) years, which shall include the following:

- (1) Hours of school attendance.
- (2) Grades awarded.
- (3) The progress book.
- (4) **The final practical demonstration examination record, including a copy of the final examination administered and each student's examination grade.**

(State Board of Cosmetology Examiners; 820 IAC 4-1-9; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1405, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 570; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

SECTION 3. 820 IAC 4-1-11 IS AMENDED TO READ AS FOLLOWS:

820 IAC 4-1-11 Graduation defined

Authority: IC 25-8-3-23

Affected: IC 25-8-5-4; IC 25-8-9-3

Sec. 11. A student shall be deemed to have graduated from a cosmetology school ~~(having completed the educational requirements established by IC 25-8-9-3(3))~~ when all of the following have occurred:

(1) When one (1) of the following education requirements ~~have~~ **has** been completed:

(A) At least the one thousand five hundred (1,500) hours as required by 820 IAC 4-4-4 **for cosmetologists.**

(B) At least the four hundred fifty (450) hours as required by 820 IAC 4-4-5 **for manicurists.**

(C) At least the three hundred (300) hours as required by 820 IAC 4-4-6 **for shampoo operators.**

(D) At least the three hundred (300) hours as required by 820 IAC 4-4-7 **for electrologists.**

(E) At least the seven hundred (700) hours as required by 820 IAC 4-4-7.1 **for estheticians.**

(F) At least the one thousand (1,000) hours as required by 820 IAC 4-4-7.2 **for instructors.**

(2) The student has passed all required examinations.

(3) All money owed by the student to the school has been paid.

(4) The student has passed the final practical demonstration examination administered by the cosmetology school that addresses the acts that are permitted by the license.

(State Board of Cosmetology Examiners; 820 IAC 4-1-11; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1406, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 570; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1489; filed May 4, 2001, 11:16 a.m.: 24 IR 2685; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236; filed Sep 30, 2003, 11:30 a.m.: 27 IR 515)

SECTION 4. 820 IAC 4-1-12 IS AMENDED TO READ AS FOLLOWS:

820 IAC 4-1-12 Completion of application by cosmetology school; cosmetology student required to attend cosmetology school after graduation prohibited

Authority: IC 25-8-3-23

Affected: IC 25-8-5; IC 25-8-14

Sec. 12. A cosmetology school shall fill out its portion of its students' applications for a license no later than ten (10) days after the student graduates under section 11 of this rule. **A cosmetology school shall also provide the final practical demonstration examination grade on the student's application for licensure.** *(State Board of Cosmetology Examiners; 820 IAC 4-1-12; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1406, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 571; filed May 4, 2001, 11:16 a.m.: 24 IR 2685; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

SECTION 5. 820 IAC 4-4-8 IS AMENDED TO READ AS FOLLOWS:

820 IAC 4-4-8 School examinations

Authority: IC 25-8-3-23

Affected: IC 25-8-5; IC 25-8-14

Sec. 8. (a) Cosmetology schools shall give their students examinations in each of the subjects required in a particular course as listed in sections 4 through 7.2 of this rule. Discretionary hours shall not be considered a subject.

(b) Cosmetology schools may cover more than one (1) subject per examination.

(c) The passing score for each of these examinations shall be seventy-five percent (75%).

(d) A school shall require each student for graduation to pass a final examination that shall test the student's practical knowledge of the curriculum studied.

(e) The board shall consider an applicant for cosmetology professional examination as fulfilling the practical examination requirement established in IC 25-8-4-8(1) upon successfully completing the final practical demonstration examination as indicated in this section.

(f) A passing score of at least seventy-five percent (75%) shall be required on final practical demonstration examination.

(g) The cosmetology school shall allow each student for graduation at least three (3) attempts to pass the final practical demonstration examination.

(h) The board may monitor the administration of the final practical demonstration examination:

- (1) as a result of a complaint received;
- (2) for random sampling; or
- (3) to collect data.

(State Board of Cosmetology Examiners; 820 IAC 4-4-8; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1410, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 579; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1492; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

SECTION 6. 820 IAC 4-4-8.1 IS ADDED TO READ AS FOLLOWS:

820 IAC 4-4-8.1 Content of final practical demonstration examination

Authority: IC 25-8-3-23; IC 25-8-5-4

Affected: IC 25-8-5; IC 25-8-14

Sec. 8.1. The final practical demonstration examination as set forth in section 8 of this rule shall test the student's skills in the following areas:

(1) For cosmetologists, the examination shall include the following:

- (A) Hair cutting.
- (B) Thermal curl and blow drying.
- (C) Chemical permanent waving and relaxing.
- (D) Hair coloring and lightening.
- (E) Esthetics.
- (F) Manicure and pedicure.

(2) For manicurists, the examination shall include the following:

- (A) Acrylic freeform and overlay procedures.
- (B) Manicure.
- (C) Pedicure.
- (D) Gel.
- (E) Wrap procedures.
- (F) Safety and sanitation procedures.

(3) For shampoo operators, the examination shall include the following:

- (A) Sanitation.
- (B) Shampoo procedures.
- (C) Hair analysis.
- (D) Scalp manipulations.

(4) For electrologists, the examination shall include the following:

- (A) Thermolysis procedure.
- (B) Galvanic procedure.
- (C) Growth cycle explanation.
- (D) Skin conditions and preventative treatment.
- (E) Patron preparation and post-treatment.

(5) For estheticians, the examination shall include the following:

- (A) Nontherapeutic massage.
- (B) Electrical facial treatments.
- (C) Other kinds of facial treatments.
- (D) Makeup application.
- (E) Hair removal.

(6) For instructors, the examination shall include the following:

- (A) Lesson planning.
- (B) Teaching techniques.
- (C) Record keeping.

(State Board of Cosmetology Examiners; 820 IAC 4-4-8.1)

SECTION 7. SECTIONS 1 through 6 of this document take effect January 1, 2006.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on August 15, 2005 at 1:15 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the State Board of Cosmetology Examiners will hold a public hearing on proposed amendments to require cosmetology schools to retain records that include the final practical demonstration examination grades, to require cosmetology schools to include in student records each student's final practical demonstration examination grades, to revise the definition of graduation from a cosmetology school to require that students must take and pass a final practical demonstration examination that addresses the acts that are permitted by license, to require cosmetology schools to provide the final practical demonstration examination grades on a student's application for licensure, to establish the requirements and procedures for cosmetology schools to administer the final practical demonstration examination for students, and to establish the content of the final practical demonstration examinations administered by cosmetology schools.

The State Board of Cosmetology Examiners has the authority to adopt rules to establish the curriculum, examination, and record keeping requirements for students in cosmetology schools. This proposed rule requires cosmetology schools to administer to students a final practical demonstration examination in order to graduate and to certify on the licensing application the student's graduation. The proposed rule will reduce the amount of time it takes for an applicant to become licensed in Indiana because the state will be able to increase the number of applicants that can be administered the examination at one time. This rule will have no costs on the regulated entities because the cosmetology schools already offer a practical examination for their students.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency