

Assembly

*Preliminary*

Record of Committee Proceedings

**Committee on Consumer Affairs**

**Assembly Bill 782**

Relating to: training certificates for barbers, cosmetologists, barbering or cosmetology instructors, aestheticians, electrologists and manicurists and providing a penalty.

By Representatives L. Young, Bock, R. Young and Riley; cosponsored by Senator Moore.

February 11, 1998 Referred to committee on Consumer Affairs.

February 26, 1998 **PUBLIC HEARING HELD**

Present: (8) Representatives Otte, Johnsrud, Ott, M. Lehman, Urban, Williams, Hasenohrl and Black.

Absent: (0) None.

Appearances for

- Representative Leon Young, author
- Larry Wagner, Milwaukee
- Secretary Marlene Cummings, Dept. of Regulation & Licensing
- Maddie Turner, Sr., Milwaukee
- Maddie W. Turner, Jr., Milwaukee

Appearances against

- None.

Appearances for Information Only

- Jan Studesville, Just Nails, Madison

Registrations for

- None.

Registrations against

- None.
-

Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98  
Bill No. AB 782  
Or  
Subject  
Rep. Leon Young  
(Name)  
(Street Address or Route Number)  
(City & Zip Code) AuYhor  
(Representing)

- Speaking In favor:
- Speaking against:
- Registering In favor:
- Registering against:
- Speaking for Information only:
- Neither for nor against:

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Assembly Sergeant at Arms  
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State Capitol  
Madison, WI 53702

Assembly Hearing Slip

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Date: 2-26-98  
Bill No. 782  
Or  
Subject  
Larry J Wagner  
(Name)  
3252N ACHILLES ST  
(Street Address or Route Number)  
Milwaukee WI  
(City & Zip Code)  
(Representing)

- Speaking In favor:
- Speaking against:
- Registering In favor:
- Registering against:
- Speaking for Information only:
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Assembly Hearing Slip

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Date: February 26, 1998  
Bill No. AB 782  
Or  
Subject  
Secretary Marlene A. Cumming  
(Name)  
1400 E. Washington Ave  
(Street Address or Route Number)  
Madison 53703  
(City & Zip Code)  
Dept. of Regulation & Licenses  
(Representing)

- Speaking In favor:
- Speaking against:
- Registering In favor:
- Registering against:
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Date: 2/26/98  
Bill No. 782  
Or.  
Subject T

MADDIE TURNER SR  
(Name)  
6440 W LANDERS MILWAU 53223  
(Street Address or Route Number)  
(City & Zip Code)  
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

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Bill No. 782  
Or.  
Subject

MADDIE W. TURNER JR  
(Name)  
4303 N<sup>th</sup> 64  
(Street Address or Route Number)  
4303 N<sup>th</sup> 64 MIL, WI 53702  
(City & Zip Code)  
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

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Assembly Hearing Slip

(Please print plainly)

Date: 2-26-98  
Bill No. 782  
Or.  
Subject

JAN STODOLSKA  
(Name)  
1325 GREENWAY CROSS  
(Street Address or Route Number)  
MADISON WI 53713  
(City & Zip Code)  
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
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To the Chair of the Committee on Consumer Affairs

I have the following concerns and questions regarding 1997 ASSEMBLY BILL 782.

The addition of 440.63 (1) (a) 3. and 440.63 (4) creates only a barbering or cosmetology instructor training certificate.

Why is this certificate limited to barber or cosmetology instructors?  
The same training certificate should be available to aesthetics, electrology and manicuring instructors. Unless this instructor training certificate is extended to aestheticians, electrologists and manicurists, only barbering or cosmetology instructor trainees will be able to benefit from this change. Schools need to be able to benefit also from the specialized knowledge of aestheticians, electrologists and manicurists who are pursuing their instructor certificate.

440.635 (1) and (3) adds only a barbering or cosmetology instructor training certificate.

An instructor training certificate should be available to aestheticians and manicurists also.

Why is 440.635 (2) not being revised also? An instructor training certificate should be available to electrologists also.

454.06 (4) (b) 2 and 454.06 (6) (b) 2 pertain only to specialty schools of aesthetics and manicuring, of which there are none in Wisconsin, and are unlikely to ever be any due to the requirements for becoming a specialty school.

Why is 454.06 (4) (b) 1 and 454.06 (6) (b) 1 not also being revised to include the option of a training certificate for aestheticians and manicurists in a regular school? Why amend the law to include specialty schools, of which there are none, but exclude the regular schools which currently exist?

Why is 454.06 (5) (b) 2 regarding electrologists not being revised to include the same options as aestheticians and manicurists? 454.06 (5) (b) 1 should be revised for the same reason as stated above.



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2052

The wording of lines 13 and 14 on page 5 does not make sense Or issued a training certificate under s. 440.63 (4) (a) should be inserted after a licensed manager, not before that phrase.

The wording of lines 20 and 21 on page 5 should also be changed as suggested about lines 13 and 14.

In 454.06 (9m) TRAINING CERTIFICATE there are two lines that do not appear to be correct.

Line 12 on page 6 should include the phrase in a licensed establishment in the same context as on lines 10 and 22 on page 7. Without this phrase, a person holding a barber or cosmetology training certificate is allowed to practice anywhere as long as it is under the supervision of a licensed manager.

Line 24 on page 6 and line 12 on page 7 refer to a licensed manager. Line 24 on page 7, which is the same context, refers to a licensed manicurist. Why is there a difference? The code has not been changed to create an aesthetics manager and electrologist manager license. Shouldn't licensed manager be changed to licensed aesthetician and licensed electrologist?

Respectfully submitted,

A handwritten signature in cursive script that reads 'Jan Studesville'.

Jan Studesville, Owner  
Just Nails Complete Nail Care Studios  
Just Nails Training Center



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson  
Governor

Marlene A. Cummings  
Secretary

1400 E. WASHINGTON AVENUE  
P.O. BOX 8935  
MADISON, WISCONSIN 53708-8935  
(608) 266-2112

**TESTIMONY**

**AB 782**

**Assembly Committee on Consumer Affairs**

**424 Northeast State Capitol**

**Thursday, February 26, 1998**

**11:00 a.m.**

**Marlene A. Cummings, Secretary**

The Barbering and Cosmetology Examining Board and the Department of Regulation and Licensing have consistently sought out ways to begin resolution of a problem of long standing in this state and this nation. The problem of low success rates on the written part of the Barbering and Cosmetology Examination and having a more disparate impact on African American, Asian and Hispanic applicants. You will also find there is a difference related to gender. We are not educators but we can identify problems by results and we did obtain authorization to hire a project research specialist to further study the issue from 1987 to 1990. At which time a report was completed. This data has been shared with those who are in a position to recommend and conduct action to bring about change. We have attached to this testimony the pass rates for the Wisconsin practitioner written examination for the past three years. If we were to assemble a similar document for the past ten years you would see the same trend.

We may not have the answers as to why this problem exists, but we do know that failure to pass the licensing examination will prohibit a person from practicing in their chosen profession. We think the state should do everything to provide opportunities for success without compromising the integrity of the examination or the requirements themselves. Assembly Bill 782 will provide that opportunity. The problems associated with failure to pass the examination are reflected in the tendency of applicants to engage in unlicensed practice. There are, for sure, other reasons for unlicensed practice and we cannot fix them all. We can take this "baby step" and fix a small part of the problem. Please see the memorandum to me from one of our examination specialists, Mr. Darwin Tichenor. Essentially, we wanted to determine whether there was a relationship between unlicensed practice and the failure to pass the written examination and we found that there is. The extent of this particular problem is not known at this time but we think it is significant enough to provide for a training certificate. The document to which Mr. Tichenor refers is not attached because the document contains names and social security numbers and are confidential.

We need the training certificate to provide unlicensed practitioners, who have completed all the requirements necessary to get a license but, who have failed the written examination with enough time to study, to practice and retake the examination.

**Regulatory Boards**

Accounting; Architects; Landscape Architects; Professional Geologists; Professional Engineers; Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers; Marriage and Family Therapists and Professional Counselors; and Veterinary.

I understand that Representative Young's staff have worked with Milwaukee Area Technical College for the purposes of developing tutorial courses. They are ready to assist. There are others in the community who have offered their interests in privately contracting to provide tutorial courses.

AB 782 also provides for an *Instructor Training Certificate*. This certificate will address the needs, as expressed, by the schools and in addition will provide licensed practitioners with an opportunity to provide practical instruction to students under the general supervision of a certified instructor in a school of barbering or cosmetology, while the training certificate holder is actively involved in completing his or her own instructor training. Lower wage earning practitioners will not have to incur unnecessary costs and the quality of the training will not be compromised. Practitioners with special skills can also be utilized by the schools while training to be an instructor.

We are excited about this bill and hope you will act on it as soon as possible. It was needed yesterday. Thank you.



WISCONSIN B/C PRACTITIONER WRITTEN EXAMINATION RESULTS BY GENDER AND ETHNICITY						
Date	1994 - 1997	May -Dec. 1997	Jan. - Apr. 1997	1996	1995	1994
	(Take/Pass)	Take/Pass/%	Take/Pass/%	Take/Pass/%	Take/Pass/%	Take/Pass/%
Male	44% (219/97)	42/15/36%	9/3/33%	41/24/59%	66/25/38%	61/30/49%
Female	69% (3010/2078)	653/523/80%	232/140/60%	600/462/77%	676/404/60%	849/549/65%
White	74% (2383/1759/)	546/459/84%	205/130/63%	504/422/84%	575/374/65%	553/374/68%
Black	32% (373/121)	82/37/45%	18/6/33%	81/33/41%	105/24/23%	87/21/24%
Hispanic	45% (69/31)	11/8/73%	8/3/38%	23/10/43%	15/6/40%	12/4/33%
Indian	67% (21/14)	6/5/83%	1/1/100%	2/1/50%	2/1/50%	10/5/50%
Asian	45% (40/18)	15/5/33%	5/3/60%	6/3/50%	8/3/38%	6/4/67%
No Comment	71% (813/579)	55/37/67%	20/9/45%	269/197/73%	405/293/72%	64/43/67%
All	67% (3187/2126)	1410/1089/77	257/152/59%	885/672/76%	1110/701/63%	935/601/64%



State of Wisconsin  
DEPARTMENT OF REGULATION AND LICENSING  
CORRESPONDENCE/MEMORANDUM

**DATE:** November 7, 1997 **FILE REF:**  
**TO:** Barbering and Cosmetology Examining Board  
**FROM:** Robert Ganch  
**SUBJECT:** Proposed Barbering and Cosmetology Training Certificates, vis-a-vis existing Training Permit (s. 454.06(9)), and Temporary Permit (454.06(10)).

The following is a brief summary of the existing statutory provisions relating to *training permits* and *temporary permits*, and the proposal for creation of a *training certificate*.

**Please note, the proposed training certificate is not intended to replace, modify, or otherwise affect the existing training permit or temporary permit.**

**TRAINING PERMIT s. 454.06(9)**

**Issued to:** Candidates for licensure as an Aesthetician, Electrologist or Manicurist, who are students obtaining required training pursuant to the applicable licensure training syllabus, in a licensed establishment that is also licensed as a specialty school, under a certified instructor or a licensed manager.

**Purpose:** To authorize a student to engage in practical training in a licensed establishment that is also licensed as a specialty school, under direct supervision, and with a licensee maintaining visual contact with the practical work of the training permit holder.

**Duration:** Not longer than the maximum time limit for completion of the required training syllabus applicable for type of license sought.

Aesthetician: 450 training hours - not less than 11 weeks; not more than 30 weeks.  
Electrologist: 450 training hours - not less than 11 weeks; not more than 30 weeks.  
Manicurist: 300 training hours - not less than 7 weeks; not more than 20 weeks.

**TEMPORARY PERMIT s. 54.06(10)**

- Issued to: Applicants for licensure as Barber or Cosmetologist, Aesthetician, Electrologist or Manicurist who have completed all requirements and training for licensure except for passing the required examinations, and who have applied and are scheduled for the examinations.
- Purpose: Authorizes applicants who have completed all requirements and training for licensure, except for passing the examination, to practice pending successful completion of the examinations, in a licensed establishment under direct supervision, and with a licensee maintaining visual contact with the practical work of the training certificate holder.
- Duration: Valid for not more than 6 months, may not be renewed. Permit does not expire upon failure to pass exam, and applicant may retake part or all of examination while permit valid. Upon expiration of 6 months, applicant must cease practice if he or she has not been issued a license.

**PROPOSED TRAINING CERTIFICATE**

- Issued to: Applicants for licensure as a Barber or Cosmetologist, Aesthetician, Electrologist or Manicurist, who have completed all requirements for licensure except passing the examinations, and who have attempted the examinations at least twice and have not passed.
- Purpose: Authorizes applicants who have not passed the examinations after at least two attempts to practice and receive further training in a licensed establishment, under supervision of a certified instructor or licensed manager, and with a licensee maintaining visual contact with the practical work of the training certificate holder.
- Duration: Valid until the training certificate holder is issued a license, or the expiration of ~~24~~<sup>18 months</sup> months, whichever occurs first. May not be renewed.

**PROPOSED INSTRUCTOR TRAINING CERTIFICATE**

Issued to: A person seeking instructor certification, who holds a current license as a barber or cosmetologist and has completed 2000 hours of licensed practice, or who holds a current manger license, and who is actively involved in completing the required 150 hours of instructor training syllabus.

Purpose: Authorizes instructor training certificate holder to provide practical instruction, under the general supervision of a certified instructor, in a school of barbering or cosmetology, while the training certificate holder is actively involved in completing his or her own instructor training.

Duration: Valid until the training certificate holder is issued a license, or the expiration of ~~24~~ months, whichever occurs first. May not be renewed.

18  
Months

To: All Legislators

From: State Representative Leon D. Young

Date: December 3<sup>rd</sup>, 1997

Re: LRB 3895/2 - relating to training certificates for barbers, cosmetologists, barbering or cosmetology instructors, aestheticians, electrologists and manicurists and providing a penalty.

*Pass  
Probably ok ???  
Will likely come  
to Consumer  
Affairs*

## Memorandum

At the request of the Department of Regulation & Licensing (DORL) and a number of my constituents, I am introducing legislation which creates a training certificate for certain barbering and cosmetology disciplines.

### Why this legislation is needed

According to statistical information compiled by DORL, there now exists a growing number of barbering and cosmetology practitioners operating without a license. In an effort to better assess the problem, the department recently conducted a "sting" operation (over several months) in Milwaukee which revealed the following (and, in all probability, just the tip of the iceberg):

- 70 salons inspected.
- 9 salons unlicensed.
- 50 practitioners unlicensed.

Moreover, other empirical data from the department reveals that 60% of the barbering and cosmetology graduates (from public and private barbering/cosmetology schools) fail to pass the written portion of the state licensing examination. Under current law, a person may receive a temporary (or initial) permit for up to 6 months, if that person has satisfied all other requirements for licensure.

### What this legislation does

- Allow a person who has failed to pass the state examination at least twice to obtain a training certificate from the board.
- Training certificate would be valid until holder passes the examination or for 24 months, whichever occurs first.
- Training certificate would cover barbers, cosmetologists, barbering or cosmetology instructors, aestheticians, electrologists and manicurists.

- A person holding a training certificate may practice under licensed supervision or a person holding an instructor training certificate may provide practical instruction (in barbering and cosmetology), but only under general supervision of a person issued a barbering and cosmetology instructor certificate.

If you would like to co-sponsor this legislation please call Greg or Renee at 6-3786 before Wednesday December 17<sup>th</sup>, 1997. You can also respond by e-mail at [greg.stewart@legis.state.wi.us](mailto:greg.stewart@legis.state.wi.us) or [renee.brownx@legis.state.wi.us](mailto:renee.brownx@legis.state.wi.us).

### *Analysis by the Legislative Reference Bureau*

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Under current law, with certain exceptions, a person may not practice barbering or cosmetology, aesthetics ( which includes certain activities related to skin care), electrology or manicuring unless he or she is issued a barber or cosmetologist, aesthetician, electrologist or manicurist license by the barbering and cosmetology examining board (board) in the department of regulation and licensing (DORL). To qualify for one of these licenses, a person must satisfy certain requirements, including passing an examination. A person who is scheduled to take the examination and has satisfied all of the other requirements for licensure may obtain a temporary permit that allows him or her to practice barbering or cosmetology, aesthetics, electrology or manicuring for up to 6 months.

Under this bill, a person who has failed to pass the examination after 2 successive attempts and who meets all the other requirements for licensure may obtain a training certificate from the board that allows him or her to practice barbering or cosmetology, aesthetics, electrology or manicuring. A training certificate is valid until the holder of the certificate passes the examination or for 24 months, whichever occurs first. A person who holds a training certificate may practice only under the supervision of other specified persons who have been issued licenses by the board. In addition, the holder of an aesthetician, electrologist or manicurist training certificate may practice only in an establishment that is licensed by the board, must post his or her training certificate in the establishment and must disclose his or her training status before providing a service.

Also under current law, with certain exceptions, a person may not provide practical instruction in barbering or cosmetology in a school of barbering or cosmetology unless he or she is issued a barbering or cosmetology instructor certificate by **DORL**. To qualify for an instructor certificate, a person must satisfy certain requirements, including completing 150 hours of instructor training and passing an examination.

Under this bill, a person who is making satisfactory progress toward completing the instructor training hours and who meets all of the other requirements for an instructor certificate, except for passing the examination, may be issued a barbering or cosmetology instructor training certificate by **DORL**. An instructor training certificate is valid until the holder of the certificate is issued a barbering or cosmetology instructor certificate by **DORL** or for 24 months, whichever occurs first. In addition, a person who holds an instructor training certificate may provide practical instruction in barbering or cosmetology in a school of barbering or cosmetology, but only under the general supervision of a person who has been issued a barbering or cosmetology instructor certificate.