

**STATE OF WISCONSIN  
BARBERING AND COSMETOLOGY EXAMINING BOARD**

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**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE**  
**PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 09-065**  
**BARBERING AND COSMETOLOGY : (s. 227.19 (3), Stats.)**  
**EXAMINING BOARD :**

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**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS:**

No new or revised forms are required by these rules.

**III. FISCAL ESTIMATES:**

The department estimates that this rule will require staff time in the Division of Enforcement, Division of Management Services, and the Office of Exams. The total one-time salary and fringe costs are estimated at \$26,172. The total on-going salary and fringe costs are estimated at \$40,228.

**IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**

This proposed rule-making creates continuing education requirements for licensure. The board has the authority under s. 454.12, Stats., to promulgate rules that establish continuing education requirements. Prior to developing the rule, the board made the determination that this rule-making was necessary to preserve the public health, safety and welfare by ensuring that both current and future licensees are regularly informed about changes in safety and sanitation guidelines, new trends in the profession and changes in laws regulating the profession.

**V. NOTICE OF PUBLIC HEARING:**

A public hearing was held on September 14, 2009.

The following individuals appeared:

Kathy Schauer, WCTC, Pewaukee, WI, spoke in favor of the proposed rules.

Julie Stubenrauch, Waukesha County Technical College, New Berlin, WI, appeared in support of the proposed rules.

Berrin Snyder, Great Clips, Oconomowoc, WI, appeared to obtain information only.

Lauri Thomas, Alexander Thomas Academy of Skin Care, appeared in opposition to the proposed rule.

Electronic comments were received from:

Liza Larson, Instructor, Milwaukee Area Technical College, Milwaukee, WI. Ms.

Larson had questions relating to the continuing education law requirements.

Ellen Bouchard, Instructor, Moraine Park Technical College, Fond du Lac, WI. Ms.

Bouchard also commented on approval of programs relating to law.

Cindy Peckenpaugh, Instructor, Madison Area Technical College, Downtown Campus.

Ms. Peckenpaugh had questions relating to the number of credits and finding approved courses.

Public hearing comments (verbal and written, as read into the record) related generally to the following:

1. Who could provide courses; product distribution companies, global organizations, etc.
2. The timing of implementation of the rules, particularly ensuring enough time to allow licensees to obtain the necessary credits.
3. Allowing providers, and not just allowing the board or the department, to teach the jurisprudence courses.

## **VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

Comment 4.a. Section BC 9.01 (1) refers to a form prepared by the department. The requirements of s. 227.14 (3), Stats., should be met.

Response: The form referred to in s. BC 9.01 (2) is the standard renewal application that is used by the department for renewing credentials.

Comment 5.c. Section BC 11.02 (1) refers to “programs” approved by the board for continuing education. However, the paragraphs following the introductory clause of sub. (1) only mention providers and state nothing about program content. Will programs by these providers be approved for purposes of s. BC 11.01 (2) (b) and (c) without any board review of program content? Clarification should be considered. Also, in s. BC 11.01 (2) (intro.), the phrase “shall be obtained as follows” should be replaced by the phrase “shall consist of all of the following.”

Response: The programs that are presented by the entities listed are preapproved for continuing education credit in all areas except law. The board has to establish a curriculum every biennium for the law continuing education courses and approve the courses before they can be counted toward continuing education credit.

The last sentence in Comment 5.c. has been accepted.

All of the remaining recommendations suggested in the Clearinghouse Report were accepted in whole.

**VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:**

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats.

BC 9, 11 CR09-065 (Renewal, continuing education) Report to Leg 10-26-09