

CR 92-26

CERTIFICATE

RECEIVED

STATE OF WISCONSIN

DEPARTMENT OF REGULATION AND LICENSING


APR 6 1993
3125
Revisor of Statutes
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Peter Eggert, Director, Bureau of Business and Design Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Barbering and Cosmetology Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Barbering and Cosmetology Examining Board on the 5th day of April, 1993.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 5th day of April, 1993.


Peter Eggert, Director
Bureau of Business and Design Professions
Department of Regulation and Licensing

6-1-93

STATE OF WISCONSIN
BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	BARBERING AND COSMETOLOGY
BARBERING AND COSMETOLOGY	:	EXAMINING BOARD ADOPTING RULES
EXAMINING BOARD	:	(CLEARINGHOUSE RULE 92-26)

ORDER

An order of the Barbering and Cosmetology Examining Board to repeal BC 1.01 (14), BC 2.08, BC 3.05 (1) and BC 6.04 (2); to renumber BC 1.01 (12) and (13), BC 2.09, BC 3.03 (2) and BC 3.05 (2), (3) and (4); to amend BC 2.06 (2) (a) and (b), BC 2.07 (title), (1), (2) (intro.), (e), (f) and (g), BC 3.01 (2), (5) and (11), BC 3.03 (1), BC 3.04 (2), BC 6.01 (5) and (6), BC 6.02 and BC 6.04 (1); to repeal and recreate BC 1.01 (11); and to create BC 1.01 (12) and BC 3.03 (2) and (3) of the administrative code relating to the definition and responsibilities of the establishment owner and manager and the standards for the operation of licensed establishments operating as booth rental establishments.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5), 227.11 (2) (a) and 454.08 (4), Stats.

Statutes interpreted: s. 454.08 (4) and (6), Stats.

In this order the Barbering and Cosmetology Examining Board proposes to clarify portions of its rules which have proved confusing. The board also proposes:

1. To eliminate the requirement that establishments located in residences be separated from living quarters by closed doors.
 2. To eliminate the requirement that public toilet facilities for establishments be located immediately adjacent to or accessible by a hallway from the establishment.
 3. To eliminate the requirement that each establishment have its own shampoo basin, and to permit two or more establishments located in the same premises to share a single basin and hair dryer.
 4. To eliminate references to "training manager" and "manager of record" while retaining and clarifying references to "manager" in the rules.
 5. To eliminate the requirement that newly licensed establishments, establishments relicensed after a change of ownership, and relocated establishments be inspected by an agent of the board within 45 days of licensure or relicensure.
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TEXT OF RULE

SECTION 1. BC 1.01 (11) is repealed and recreated to read:

BC 1.01 (11) "Manager" means a person who holds a current license issued under s. 454.06 (3), Stats.

SECTION 2. BC 1.01 (12) and (13) are renumbered (13) and (14).

SECTION 3. BC 1.01 (12) is created to read:

BC 1.01 (12) "Owner" means the person who holds an establishment license or right to renew an establishment license.

SECTION 4. BC 1.01 (14) is repealed.

SECTION 5. BC 2.06 (2) (a) and (b) are amended to read:

BC 2.06 (2) (a) Appoint a manager ~~of record~~ who shall have direct authority over the operations of the establishment.

(b) Notify the board of the name and address of the new owner or the new manager ~~of record~~ within 5 days of any changes of ownership or management.

SECTION 6. BC 2.07 (title), (1), (2) (intro.), (e), (f) and (g) are amended to read:

BC 2.07 (title) RESPONSIBILITIES OF THE MANAGER. (1) The manager ~~of record~~ shall be responsible for the daily operations of an establishment and shall provide training or supervision to an apprentice in accordance with s. BC 6.04 (1), temporary permit holder, aesthetician-in-training, manicurist-in-training or electrologist-in-training, and shall maintain and provide appropriate records for apprentices, temporary permit holders, aestheticians-in-training, manicurists-in-training, electrologists-in-training, and practitioners.

(2) The manager ~~of record~~ shall:

(e) Ensure that an apprentice is trained and directly supervised ~~by the manager of record or training manager, one of whom~~ and shall ensure a licensee maintain maintains visual contact with the practical work of the apprentice.

(f) Ensure that a ~~practitioner holding a temporary permit~~ temporary permit holder is directly supervised ~~by a manager who~~ and shall ensure a licensee maintain maintains visual contact with the practical work of the ~~temporary practitioner~~ temporary permit holder.

(g) Ensure that a training permit holder is trained and directly supervised ~~by the manager of record or training manager, one of whom~~ and shall ensure a licensee maintain maintains visual contact with the practical work of the trainee.

SECTION 7. BC 2.08 is repealed.

SECTION 8. BC 2.09 is renumbered 2.08.

SECTION 14. BC 3.05 (1) is repealed.

SECTION 15. BC 3.05 (2), (3) and (4) are renumbered (1), (2) and (3).

SECTION 16. BC 6.01 (5) and (6) are amended to read:

BC 6.01 (5). Each apprentice shall be indentured to a manager ~~of record~~ who has been appointed by the owner who shall have direct responsibility over the operations of the establishment to ensure compliance with ch. 454, Stats., and the rules of the board. ~~Any training manager who will assist in training an apprentice shall be listed on the application for the permit.~~

(6) The manager ~~of record~~ shall provide the apprentice with the equipment necessary to learn all phases of practical barbering and cosmetology as listed in s. BC 6.04 and keep records of all apprentice practical work hours.

SECTION 17. BC 6.02 is amended to read:

BC 6.02 THEORY AND PRACTICAL INSTRUCTION. Apprentices shall complete a course of theory instruction of not less than 288 hours at a school of barbering and cosmetology. Theory instruction shall be completed within the first 22 months from the date the permit is issued. After the first 22 months of the apprenticeship the apprentice may not continue working in an establishment until all theory instruction has been completed. The manager ~~of record~~ shall pay the apprentice for the hours of school attendance.

SECTION 18. BC 6.04 (1) is amended to read:

BC 6.04 PRACTICAL TRAINING FOR APPRENTICES. (1) The manager ~~of record~~ to whom an apprentice is indentured shall supervise the training and work of the apprentice.

SECTION 19. BC 6.04 (2) is repealed.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated

4/15/93

Agency

Ray A. Moore
Chairperson
Barbering and Cosmetology
Examining Board

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

DATE: April 6, 1993

TO: Gary Poulson
Assistant Revisor of Statutes

FROM: Pamela Haack, Administrative Assistant
Department of Regulation and Licensing

SUBJECT: Final Rulemaking Order

Agency: BARBERING AND COSMETOLOGY EXAMINING BOARD

Clearinghouse Rule: 92-26

Attached is a copy and a certified copy of a final order adopting rules.
Would you please publish these rules in the code.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.