

STATEMENT OF SCOPE

COSMETOLOGY EXAMINING BOARD

Rule No.: Chapters COS 1, 2, 5, and 6

Relating to: Scope of Practice and Education

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is for the Board to review the requirements relating to education in Wisconsin Administrative Code Chapters COS 1, 2, 5 and 6 and conduct a comprehensive review on courses of instruction.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Wisconsin Administrative Code Chapters COS 1, 2, 5 and 6 cover requirements for professional and personal conduct, courses of instruction, and apprenticeship procedures and standards, respectively. The Board has identified the need for a comprehensive evaluation of these rules to ensure that they are clear, consistent with current professional and academic practices and standards, and that they comply with applicable Wisconsin statutes.

The alternative to making these updates is that license and education requirements will continue to be inconsistently interpreted by those currently within and interested in entering the profession.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., states that “[each examining board] [s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

Section 227.11 (2) (a), Stats., states that an agency, “may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 440.62 (5) (b) 1., Stats., states that “[t]he cosmetology examining board shall promulgate rules prescribing the subjects required to be included in courses of instruction at schools of cosmetology and specialty schools and establishing minimum standards for courses of instruction and instructional materials and equipment at schools of cosmetology and specialty schools.”

Section 454.075, Stats., states that “[t]he examining board shall identify by rule the accrediting agencies it approves to accredit schools for the purpose of satisfying educational requirements for an initial license or a license renewal under this subchapter.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

80 hours

6. List with description of all entities that may be affected by the proposed rule:

Wisconsin licensed cosmetologists and aestheticians, sponsors and providers of initial and continuing education related to credentials issued by the Cosmetology Examining Board, and those looking to enter those professions.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal. The rule is not likely to have a significant economic impact on small businesses.

Contact Person: Dana Denny, Administrative Rule Coordinator, DSPSAdminRules@wisconsin.gov, (608) 287-3748.