

Notice of Agency Rule-making Proposal

AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Barbering and Cosmetology Licensing Program

CHAPTER NUMBER AND TITLE: Recodification of the Program's rules, consisting of the following chapters:

- Chapter 20: Definitions and References
- Chapter 21: Licensure of Aestheticians, Barbers, Cosmetologists, Limited Barbers and Nail Technologists
- Chapter 22: Licensure of Demonstrators
- Chapter 23: Trainee Aesthetician, Barber, Cosmetologist, Limited Barber and Nail Technologist
- Chapter 24: Licensure of Instructors
- Chapter 25: Licensure of Establishments and Independent Booths
- Chapter 26: Establishment, Independent Booth and School Operation, Sanitation and Infection Control Standards, and Safe Practice Procedures
- Chapter 27: Rules for Licensure and Operation of Schools Offering One or More Courses of Study in Aesthetics, Barbering, Cosmetology, Limited Barbering, Nail Technology, and Instructing
- Chapter 28: Special Event Services Permit
- Chapter 29: Grounds for Discipline
- Chapter 30: Citations

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY: The Barbering and Cosmetology Licensing Program proposes to repeal all current rules and replace them with the new rule chapters listed above. A more detailed description and the text of the proposed rules may be obtained online from www.maine.gov/professionallicensing.

Date, time and location of PUBLIC HEARING (*if any*): October 17, 2016 at 9:00 a.m. Maine Department of Professional and Financial Regulation, Gardiner Annex, 76 Northern Ave., Gardiner ME, Central Conference Room

COMMENT DEADLINE: October 27, 2016 by 5:00 p.m.

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, e-mail*): Geraldine Betts, Program Administrator, 35 State House Station, Augusta, ME 04333, Geraldine.L.Betts@maine.gov, (207) 624-8625, TTY users call Maine Relay 711

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S. § 14212-A(2)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): N/A

AGENCY WEBSITE: www.maine.gov/professionallicensing

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: N/A

Rule-Making Fact Sheet

(5 MRS § 8057-A)

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NAME, ADDRESS, PHONE NUMBER, EMAIL OF AGENCY CONTACT PERSON:
Geraldine Betts, Program Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, Geraldine.L.Betts@maine.gov

CHAPTER NUMBER AND RULE TITLE:

- Chapter 20: Definitions and References
- Chapter 21: Licensure of Aestheticians, Barbers, Cosmetologists, Limited Barbers and Nail Technologists
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STATUTORY AUTHORITY: 5 M.R.S. § 9001(4); 10 M.R.S. §§ 8003(5-A)(A), 8003-E; 32 M.R.S. §§ 14202(13), 14212-A(2), 14228(3), 14231, 14232(3), 14233, 14234, 14236-A, 14246

DATE AND PLACE OF PUBLIC HEARING: October 17, 2016 at 9:00 a.m. Maine Department of Professional and Financial Regulation, Gardiner Annex, 76 Northern Ave., Gardiner ME, Central Conference Room

COMMENT DEADLINE: October 27, 2016 by 5:00 p.m.

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: To reflect statutory changes implemented by PL 2009, c. 369, which notably eliminated the Board of Barbering and Cosmetology and created the Barbering and Cosmetology Licensing Program administered by the Director of the Office of Professional and Occupational Regulation, as well as PL 2011, c. 286.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (PRIMARY SOURCES): Current rules, applicable statutes, and professional judgment of the Director in consultation with Program staff and other State of Maine agencies with expertise in areas relevant to the rules (including the Department of

Education, Plumbers' Examining Board, Electricians' Examining Board, and the Maine Drinking Water Program of the Division of Environmental Health within the Maine Center for Disease Control and Prevention, Department of Health and Human Services).

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___YES xNO

ANALYSIS AND EXPECTED OPERATION OF THE RULE: Due to the statutory changes referenced above, the Director proposes to repeal all current rules and set forth new rules. Significant changes include: removing outdated rules; identifying and eliminating redundancies, such as rules that addressed what was already stated in law; eliminating duplication and consolidating and restructuring the rules; creating a usable list of defined terms; clarifying the rules throughout for easier comprehension by the user; establishing license application procedures where none previously existed; updating trainee rules and establishing clear responsibilities for qualifying supervisors; creating opportunities for instructor licensing by decreasing requirements and expanding qualifications in order to increase the licensee pool, stimulate a greater work force and expand opportunity for employment; updating establishment, booth and practice requirements for the operation of various types of salons and improving sanitation procedures, infection control standards and practice procedures; and updating school rules in order to expand school opportunities, reduce unnecessary barriers, and strengthen student access to education, a school's responsibility for students, and reporting requirements, and expanding course of study opportunities to students in career and technical school programs.

The proposed new chapters are as follows:

Chapter 20, *Definitions and References*, defines specialized terms used throughout the rules, with an emphasis on areas relating to sanitation and infection control, qualifying supervisors, and a student's course of study transcript or affidavit. Certain chapters of the current rules include some defined terms, but a chapter devoted solely to defined terms does not currently exist.

Chapter 21, *Licensure of Aestheticians, Barbers, Cosmetologists, Limited Barbers and Nail Technologists*, sets forth the requirements for licensure of Aestheticians, Barbers, Cosmetologists, Limited Barbers, and Nail Technologists, and sets forth the requirements for licensure by endorsement pursuant to 32 M.R.S. § 14231. Notably, the proposed rule does the following: allows a prospective applicant to easily obtain written information regarding application for licensure, which does not currently exist; expands qualifying education by accepting core science courses, as described in proposed Chapter 27, toward multiple practice disciplines; and sets forth a reasonable method for evaluating the foreign documents of foreign-educated applicants, as there have been noticeable increases in such applicants and the program has experienced difficulties in evaluating foreign credentials without an affirmation methodology to qualify foreign documents.

Chapter 22, *Licensure of Demonstrators*, sets forth requirements for licensure of demonstrators, provides requirements for demonstrations, and requires adherence to the sanitation, infection control, and safety precautions set forth in proposed Chapter 26. The Program revised and updated the provisions currently found in Chapter 5 of the current rules.

Chapter 23, *Trainee Aesthetician, Barber, Cosmetologist, Limited Barber and Nail Technologist*, sets forth requirements for licensure, training, and supervision of trainee Aestheticians, Barbers, Cosmetologists, Limited Barbers and Nail Technologists. The Program revised and updated the provisions currently found in Chapter 2 of the current rules. The proposed rule has been updated to reflect current needs, such as expanding supervisory oversight of an aesthetician trainee to include a cosmetologist, and also clarifies the duties and responsibilities of the qualifying supervisor. In addition, the proposed rule addresses the matter of accumulated trainee hours for purposes of meeting licensure requirements in order to ensure that trainees are duly credited with hours of training completed. The proposed rule also allows a qualifying supervisor to authorize a trainee who has satisfactorily completed at least 88% of the trainee's experience to take the State licensing examination (see similar language for students in a school in proposed Chapter 27). Under the current rules, a trainee may only be qualified to test upon fully completing the trainee experience. The benefit of this change is that a trainee who has failed the examination would have an opportunity, while still a trainee, to obtain concentrated training in the area of practice that the trainee is lacking.

Chapter 24, *Licensure of Instructors*, sets forth requirements for licensure of instructors to teach aesthetics, barbering, cosmetology, limited barbering, or nail technology in a licensed school. The Program revised and updated the provisions currently found in Chapter 4 of the current rules. The proposed rule increases accessibility to licensure as an instructor by: eliminating the requirement that an instructor complete at least 1,500 hours of general field practice experience to be eligible for licensure; decreasing the number of hours for the instructor course of study from 1,000 hours to 600 hours and requiring that the education focus solely on teaching-related skills because one must already hold a valid practice license to pursue an instructor license; expanding the instructor license to those who hold an aesthetician or nail technology license (currently, the instructor license is only available to a cosmetologist or barber); expanding from two licensure pathways to four licensure pathways in order to accommodate other education and experience considerations; and eliminating the continuing professional education requirement for license renewal, as the responsibility should be left to the licensee and employer to ensure maintenance of current skills needed to teach, and the in-house educational workshops and seminars currently provided by each licensed school should be sufficient.

Chapter 25, *Licensure of Establishments and Independent Booths*, sets forth requirements for licensure as an establishment or independent booth wherein aesthetics, barbering, cosmetology, limited barbering, or nail technology services are offered and performed. The Program revised and updated the provisions currently found in Chapter 3 of the current rules. The proposed rule sets forth reasonable application requirements, which are not currently in rule.

Chapter 26, *Establishment, Independent Booth and School Operation, Sanitation and Infection Control Standards, and Safe Practice Procedures*, sets forth operation requirements, sanitation and infection control standards, and safe practice procedures for establishments, independent booths, and schools wherein aesthetics, barbering, cosmetology, limited barbering, or nail technology services are offered and performed. The Program revised and updated the provisions currently found in Chapter 3 of the current rules in order to meet today's needs

Chapter 27, *Rules for Licensure and Operation of Schools Offering One or More Courses of Study in Aesthetics, Barbering, Cosmetology, Limited Barbering, Nail Technology, and*

Instructing, sets forth requirements for licensure to operate a school that offers and teaches one or more courses of study in aesthetics, barbering, cosmetology, limited barbering, nail technology, or instructing. The proposed rule also provides standards for the operation of off-site classrooms. The Program revised and updated the provisions currently found in Chapter 6 of the current rules and expands course of study opportunities to students in Career and Technical School programs.

Chapter 28, *Permit for Special Event Services*, sets forth requirements for a special event services permit pursuant to 32 M.R.S. § 14203(2)(J), with an emphasis on sanitation, infection control and safety precautions and client event records.

Chapter 29, *Grounds for Discipline*, references the statutory grounds for discipline against a licensee and also sets forth examples of more specific conduct that constitutes grounds for discipline pursuant to 10 M.R.S. § 8003(5-A)(A).

Chapter 30, *Citations*, sets forth the violations for which a citation may be issued pursuant to 10 M.R.S. § 8003-E and also outlines the procedures associated with the issuance of a citation. The Program revised and updated the provisions currently found in Chapter 1, Section 7, Paragraph E, of the current rules and identifies a specified list of violations for which a citation may be issued.

FINDINGS UNDER CRITERIA CONTAINED IN EXECUTIVE ORDER 20 FY 11/12:

(A) The proposed rules will not negatively impact job growth or creation; (B) There are no fees included in the rules; (C) There is no cost to the public in terms of time and money required to comply with the rules; (D) No other state laws or rules already address the subject matter of these rules; (E) There are no relevant federal standards.

ESTIMATED FISCAL IMPACT OF THE RULE: None.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE:

Note: If necessary, additional pages may be used.

Economic Impact Statement

(5 M.R.S. § 8052(5-A))

AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Barbering and Cosmetology Licensing Program

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TYPES AND NUMBER OF SMALL BUSINESSES SUBJECT TO THE RULE: The Barbering and Cosmetology Licensing Program (“program”) currently licenses the following:

License Type	# of Active Licensees
Aesthetician	709
Barber	391
Cosmetologist	8,211
Limited Barber	50
Nail Technologist	1,214
Temporary Aesthetician	12
Temporary Barber	1
Temporary Cosmetologist	50
Temporary Limited Barber	7
Temporary Nail Technologist	11
Trainee Aesthetician	11
Trainee Barber	6
Trainee Cosmetologist	47
Trainee Limited Barber	0

Trainee Nail Technologist	18
Instructor Barber	1
Instructor Cosmetologist	126
Establishment	1,943
Independent Booth	1,440
Barber and Cosmetology School	6

Title 5 M.R.S § 8052(5-A) defines “small business” as businesses that have 20 or fewer employees. The program does not collect sufficient information to reliably estimate the number of licensees that are small businesses as defined in 5 M.R.S. § 8052(5-A).

PROJECTED REPORTING, RECORD-KEEPING AND OTHER ADMINISTRATIVE COSTS REQUIRED FOR COMPLIANCE WITH THE PROPOSED RULE, INCLUDING THE TYPE OF PROFESSIONAL SKILLS NECESSARY FOR PREPARATION OF THE REPORT OR RECORD: The projected reporting, record-keeping, and other administrative costs required for compliance with proposed rules are as follows.

Chapter 23, Section 4(4) and (5) requires a trainee’s qualified supervisor to maintain a log that substantiates the trainee’s practice instruction, progress and hours credited, and also sets forth reporting requirements for completion of the trainee’s program for purposes of licensure and requires submission, to the Director, of a transcript of completion or partial completion of the course of study. A qualified supervisor is a licensed practitioner who voluntarily accepts the role of preparing and training a person to achieve licensure in their chosen practice.

Chapter 26, Section 26.003 requires an establishment or booth owner to maintain an appointment or service log of services using chemicals, for purposes of public protection. Many establishment and booth owners, as well as independently practicing practitioners, currently maintain appointment logs. However, consumer complaints involving serious injuries from chemicals indicate that some do not maintain or present such information when an allegation of substandard chemical application or use is reported.

Chapter 26, Section 26.060 requires that a written record be prepared and maintained in the aftermath of a blood exposure event.

Chapter 26, Section 26.090 requires establishments and independent booth owners to make available to workers Safety Data Sheets to reference and obtain instructions on the safe use and potential hazards associated with use of certain chemical products in the cosmetology setting. Safety Data Sheets are required by OSHA.

Chapter 26, Section 26.222 requires maintaining a client health history of conditions when certain electrical and mechanical devices are used on a client.

Chapter 26, Section 26.230 requires a practitioner who performs certain skin care services and treatments to obtain and retain a client’s consent to treatment.

Chapter 26, Section 26.280 requires an establishment or booth owner to maintain a cleaning and disinfecting report or log of whirlpool foot spas or basins.

Chapter 26, Section 26.292 requires a mobile establishment owner to maintain an itinerary of locations, dates and times of the travelling services rendered.

Chapter 27, Subchapter 3, Section 5 provides that the roster of student enrollment and instructors employed at a school must be submitted to the Director quarterly. Prior to the shifting of the program oversight from a board to the Director of the Office of Professional and Occupational Regulation, students enrolled at a licensed school were required to pay a fee and obtain a license. The student licensing requirement was repealed and replaced with a less cumbersome, no cost reporting method. Schools currently maintain student enrollment and instructor employment data. This requirement reduced costs to students and is only a minimal cost factor for schools since data on student enrollment and instructor employment is currently maintained by schools.

Chapter 27, Subchapter 3, Section 8(5)(D) states that if a school permanently closes it must provide students currently enrolled with a report on the student's accumulated course credit hours and financial standing.

Chapter 27, Subchapter 3, Section 18 describes the various student records that must be retained by a school. The requirements in this section are currently performed by licensed schools.

Chapter 27, Subchapter 3, Section 20 requires a school that is permanently closing to: notify the Director and the students currently enrolled of the school's permanent closing; submit a teach-out plan for students currently enrolled; transfer the school records; file a report confirming that refunds have been issued to students who are entitled to a refund; and remove signage.

Chapter 28, Section 6 requires a licensee who holds a special event services permit to maintain a record of the client served and the service performed.

Licensees have the professional skills, knowledge and resources to prepare the records and reports listed above. There is no data to reliably estimate the costs associated with records and reports, but it is anticipated that the costs will be minimal.

PROBABLE IMPACT ON AFFECTED SMALL BUSINESSES: Minimal.

LESS INTRUSIVE OR LESS COSTLY, REASONABLE ALTERNATIVE METHODS OF ACHIEVING THE PURPOSES OF THE PROPOSED RULE: None. The requirements reflect the Director's judgment as to the appropriate records and reports necessary for purposes of client safety, disinfecting and infection control, qualifications of applicants, and a school's course of study offering, enrollment, and student academic and financial information.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BARBERING AND COSMETOLOGY LICENSING PROGRAM

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02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION****BARBERING AND COSMETOLOGY LICENSING PROGRAM****Chapter 20: DEFINITIONS AND REFERENCES**

Summary: This chapter defines specialized terms used in the Program's rules.

As used in the Program's rules, unless the context otherwise indicates, the following terms have the following meanings:

1. **Chemical exfoliation.** "Chemical exfoliation" means the removal of surface epidermal cells of the skin by using only non-medical-strength cosmetic preparations consistent with labeled instructions. This procedure is not intended to elicit viable epidermal or dermal wounding, injury, or destruction.
2. **Chlorine bleach solution.** "Chlorine bleach solution" means an EPA-registered bactericidal, fungicidal, and virucidal disinfectant.
3. **Clean.** "Clean" means free from hair, dirt, stains, debris, and other impurities. "Clean" also means the removal of hair, dirt, stains, debris, and other impurities by washing, sweeping, clearing away, sanitizing, disinfecting or any other appropriate method that results in removing visible dirt, debris, and many disease-causing contaminants from tools, implements and equipment.
4. **Cleanse or cleansing.** "Cleanse" or "cleansing" means washing with liquid soap and water, detergent, antiseptics, or other adequate methods to remove all visible debris or residue. Cleansing is not a disinfecting or disinfection action.
5. **Clinic or clinical.** "Clinic" or "clinical" means the area within a licensed establishment, independent booth or school where aesthetics, barbering, cosmetology, limited barbering, or nail technology services are performed on clients by licensees or students enrolled and practicing in a licensed school for purposes of learning and satisfying their practical training curriculum requirements.
6. **Core curriculum.** "Core curriculum" means the basic core ("C") life sciences courses required for each of the following courses of study: aesthetics, barbering, cosmetology, limited barbering and nail technology.
7. **Cosmetic resurfacing exfoliating procedures.** "Cosmetic resurfacing exfoliating procedures" means the application of cosmetic resurfacing exfoliating substances for the purpose of improving the aesthetic appearance of the skin.
8. **Cosmetic resurfacing exfoliating substances and equipment.** "Cosmetic resurfacing exfoliating substances and equipment" means cosmetic-use AHAs (alpha hydroxyl acid exfoliation preparations that do not exceed a 30 percent concentration with a pH value not lower than pH 3.0. glycolic and lactic acids), BHAs (salicylic acid), Jessner's solutions (14 percent salicylic acid, lactic acid and resorcinol) or modifications thereof, and proteolytic enzymes (papain, bromelain). The term also includes mechanical instruments and instruments that

- mechanically administer substances, including brushing machines, polyethylene granular scrubs, loofah or textured sponges, gommage and microdermabrasion instruments, provided the manufacturer has established and substantiated product and equipment safety. The term excludes all other chemical and mechanical exfoliating/peeling procedures and substances including, but is not limited to: trichloroacetic acid (TCA); carbolic acid (phenol); or combinations thereof and further excludes all adulterated chemical exfoliating/peeling substances.
9. **Depilatory.** “Depilatory” means an agent used for the temporary removal of superfluous hair by dissolving it at the epidermal surface.
 10. **Direct supervision or immediate personal supervision.** “Direct supervision” or “immediate personal supervision” means supervision of a trainee or temporary licensee by a qualified supervisor who is physically present in the same work area as the trainee or temporary licensee, and who oversees all of the services rendered on a client by directing, discussing or observing the service performed by the trainee or temporary licensee.
 11. **Director.** “Director” is the Director of the Office of Professional and Occupational Regulation or the Director’s designee to act on behalf of the Director for the Barbering and Cosmetology Licensing Program.
 12. **Disinfectant.** “Disinfectant” is an approved EPA-registered bactericidal, fungicidal, and virucidal disinfectant agent that is applied to non-living objects to destroy microorganisms that live on tools and implements, objects, equipment and surfaces.
 13. **Disinfect or disinfection.** “Disinfect” or “disinfection” is an action using an EPA-registered bactericidal, fungicidal, and virucidal disinfectant to destroy pathogens on tools, implements and other hard, non-porous surfaces in order to render an item safe for handling, use and disposal.
 14. **Dispensary.** “Dispensary” means a separate area used for the storing, mixing and dispensing of product, chemicals and sanitizing tools and implements.
 15. **EPA.** “EPA” is the United States Environmental Protection Agency, a branch of the Federal Government that approves and registers chemical compounds and agents.
 16. **EPA-registered bactericidal, fungicidal, and virucidal disinfectant.** “EPA-registered bactericidal, fungicidal, and virucidal disinfectant” means a low-level disinfectant chemical used to destroy bacteria and to disinfect implements and non-porous surfaces when used according to a manufacturer’s instructions.
 17. **Equipment.** “Equipment” means those items necessary to provide services and operate an establishment and independent booth. Equipment includes, but is not limited to: utility sinks; shampoo bowls; cabinets; styling chairs; shampoo chairs; stools; manicure and pedicure stations with or without foot baths; heaters; paraffin bath and wax units or systems; hair dryers (stationary or hand-held); facial and skin care treatment machinery and equipment; aesthetic beds; practice tables; carts; ventilation systems and other items necessary to services associated with aesthetics, barbering, cosmetology, limited barbering, and nail technology.
 18. **Exfoliation.** “Exfoliation” means the process whereby the superficial epidermal cells are removed from the skin.
 19. **High-level disinfectant.** “High-level disinfectant” means an EPA-registered disinfectant with a label claim for tuberculocidal activity.

20. **Hour.** “Hour” means a clock hour of sixty (60) minutes upon which the time a student or trainee spends in an educational or training activity as measured.
21. **Intense pulsed light (IPL) device.** “Intense pulsed light (IPL) device” is a device used to perform photo epilation hair-reduction treatment in which a focused beam of light is pulsed on the skin using flashes of light and different wavelengths to impair hair growth; an intense pulse of electromagnetic radiation.
22. **Low-level disinfectant.** “Low-level disinfectant” means an EPA-registered disinfectant with no label claim for tuberculocidal activity.
23. **Mechanical exfoliation.** “Mechanical exfoliation” means the physical removal of surface epidermal cells by means that include, but are not limited to, brushing machines, granulated scrubs, peel-off masques, peeling creams or drying preparations that are rubbed off, and microdermabrasion.
24. **Microdermabrasion.** “Microdermabrasion” is a form of mechanical exfoliation using an abrasive material or apparatus to remove surface epidermal cells with a machine.
25. **Multi-use tools or items.** “Multi-use tools or items” mean items constructed of hard materials with smooth surfaces such as metal, glass or plastic that are designed for use on more than one client. Multi-use items include, but are not limited to, clippers, scissors, combs, nippers and some nail files.
26. **NIC.** “NIC” means the National-Interstate Council of State Boards of Cosmetology, Inc.
27. **Office or OPOR.** “Office” or “OPOR” means the Maine Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation.
28. **Person.** “Person” means an individual, corporation, partnership, association or any other legal entity.
29. **Practitioner.** “Practitioner” means a person licensed to practice in the applicable practice requiring a license under Title 32, chapter 126, except for trainees and temporary licensees.
30. **Product and Supplies.** “Product and Supplies” means product used in rendering services including, but is not limited to: hair tints; bleaches; permanent wave solutions; tonics; shampoos; rinses; skin care products; lotions; creams; emollients and preparations; depilatory products, nail products; disinfectants and chemicals used in connection with the practice.
31. **Program.** “Program” means the Barbering and Cosmetology Licensing Program.
32. **Qualified supervisor.** “Qualified supervisor” means a licensee who meets the following criteria for supervision of a trainee or temporary licensee.
 1. **Qualified aesthetician trainee supervisor.** “Qualified supervising aesthetician” is a person licensed in Maine as an aesthetician who has at least three (3) years of experience in the field of aesthetics within the five (5) years preceding the date of application. A qualified supervising aesthetician is authorized to supervise an aesthetician only. A licensee under active discipline does not qualify.
 2. **Qualified barber trainee supervisor.** “Qualified supervising barber” is a person

licensed in Maine as a barber who has at least three (3) years of experience in the field of barbering within the five (5) years preceding the date of application. A qualified supervising barber is authorized to supervise a barber or limited barber only. A licensee under active discipline does not qualify.

3. **Qualified cosmetologist trainee supervisor.** “Qualified supervising cosmetologist” is a person licensed in Maine as a cosmetologist who has at least three (3) years of experience in the field of cosmetology within the five (5) years preceding the date of application. A qualified supervising cosmetologist is authorized to supervise all licensing categories. A licensee under active discipline does not qualify.
4. **Qualified limited barber trainee supervisor.** “Qualified supervising limited barber” is a person licensed in Maine as a limited barber who has at least three (3) years of experience in the field of barbering within the five (5) years preceding the date of application. A qualified supervising limited barber is authorized to supervise a limited barber only. A licensee under active discipline does not qualify.
5. **Qualified nail technologist trainee supervisor.** “Qualified supervising nail technologist” is a person licensed in Maine as a nail technologist who has at least three (3) years of experience in the field of nail technology within the five (5) years preceding the date of application. A qualified supervising nail technologist is authorized to supervise a nail technologist only. A licensee under active discipline does not qualify.

[Note: The definitions describe the various practice trainee levels, direct supervision and qualified supervisor. Trainee is defined under 32 M.R.S. § 14202(13). Pursuant to 32 M.R.S. § 14232(3), a person shall elect to be either a student in a school licensed by the Director or a trainee in an establishment, but may not be both. A trainee may enroll in a licensed school to obtain classroom theory training for which time spent in a licensed school may be credited toward the trainee curriculum course work, if properly documented by the school and the supervisor.]

33. **Sanitary.** “Sanitary” means free from elements of filth, bacteria or infestation that endangers health.
34. **Single-use items.** “Single-use items” means porous items made or constructed of cloth, wood, or other absorbent materials having rough surfaces that are designed for use on only one client. Single-use items include, but are not limited to: tissues; orangewood sticks; wooden applicator sticks for various uses; single-use nail file and nail filing covering for drill bits; cotton balls; some buffer blocks; and gauze.
35. **Solid wall.** “Solid wall” means a vertical continuous structure of wood, plaster, masonry or other similar building material that is physically connected to an establishment’s floor and ceiling, or is at least eight (8) feet in height and serves to delineate and protect the salon.
36. **Sterilize or sterilization.** “Sterilize” or “sterilization” means to make free from live bacteria or other microorganisms by use of an autoclave, dry heat, or a dry heat sterilizer that is registered with the United States Food and Drug Administration.
37. **Tools or implements.** “Tools” or “implements” are objects and items used in the performance of skin care, manicuring, pedicuring, cosmetology, and barbering services rendered to clients. Tools or implements include, but are not limited to: scissors; razors; shears; sharps; nail drills;

manicuring and pedicuring items; portable instruments and accessories; combs; brushes; clippers; neck-strips; neck dusters; cotton coils; towels; linens and capes.

38. Transcript or Affidavit. “Transcript or Affidavit” is a Director-approved form issued by the school that attests to the student’s course of study and credited hours in various subjects and is retained in the student’s permanent academic record. At a minimum, the form includes the following:

1. Student’s full name, contact address, and birth date;
2. School’s full name, contact address, and physical location;
3. School license number and expiration date;
4. School seal;
5. Total course of study hours and breakdown of hours by subjects taken, including safety and sanitation and infection control standards;
6. Student’s enrollment date and, if applicable, any prior enrollment dates or transferred hours (enclose transcripts from previous school);
7. Student’s graduation date;
8. Student’s withdrawal or termination date, if applicable;
9. Date of practical examination;
10. Standing of hours such as satisfactory completion of hours, unsatisfactory completion of hours, or crediting of hours unstipulated by the school due to financial obligation due to the school by the student; and
11. Authorized signature(s) listed on the “Authorized Representative Form” filed with the Office.

39. Universal precautions. “Universal precautions” means practices consistently used to prevent exposure to blood-borne pathogens and the transmission of disease.

40. Wet disinfectant. “Wet disinfectant” means an EPA-registered disinfectant solution in which implements that have been thoroughly cleaned of all visible residue and debris are immersed into to be disinfected.

STATUTORY AUTHORITY: 32 M.R.S. § 14212-A(2)

EFFECTIVE DATE:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION****BARBERING AND COSMETOLOGY LICENSING PROGRAM****Chapter 21: LICENSURE OF AESTHETICIANS, BARBERS, COSMETOLOGISTS,
LIMITED BARBERS AND NAIL TECHNOLOGISTS**

Summary: This chapter sets forth requirements for licensure as an aesthetician, barber, cosmetologist, limited barber, and nail technologist.

1. General Eligibility; Application for All License Types

A person applying for a practice license shall, in addition to the requirements set forth under Title 32, chapter 126, establish basic eligibility for licensure by submitting the information and documentation described below, together with the fee required by chapter 10, section 5(8) of the rules of the Office of Professional and Occupational Regulation, “Establishment of License Fees,” and such other information as the Director may require:

1. The name, date of birth, contact address, telephone number and email address of the applicant;
2. A list of all jurisdictions in which the applicant holds or has ever held a license to practice as of the date of application, together with the license number and license expiration date; and
3. Pass the two-part practice-appropriate license examination. The two-part examination consists of the NIC National Written Examination and the NIC National Practical Examination. A written and/or practice examination created and administered by another licensing jurisdiction may be considered if that examination is deemed by the Director to be comparable to the current NIC examination requirement for Maine applicants for licensure. An applicant applying by endorsement shall be subject to the Maine required two-part examination.

An applicant who fails an examination may retake the examination at a subsequent sitting. However, an applicant who fails to pass all examinations within one (1) year from the first sitting shall retake the written and the practical examinations.

2. Requirements for Licensure by Specific License Type

A person applying for a practice license shall submit evidence of satisfactory completion of a course of instruction, traineeship or apprenticeship in the practice area for which licensure is sought, as set forth in Title 32, chapter 126.

An applicant with fewer than the required school or trainee hours may be credited on licensed practice work experience toward the equivalent number of school or trainee hours required for licensure.

3. Credit for Core Science Courses and Instruction Toward Another Course of Study

Core science subjects or courses of instruction, as described in chapter 27, subchapter 3, section 19(9) - (13) of this Program's rules, may be credited to fulfill another practice discipline's course requirement. Science courses obtained in a nursing or medical related course of study may also be considered if the course is relevant to course requirements in chapter 27. Excess hours may not be applied to non-core science subjects.

4. Applicant for Licensure by Endorsement

1. With a Valid License

Submit evidence of a valid license issued by another licensing jurisdiction and the requirements outlined in section 1 of this chapter.

2. Without a Valid License

For purposes of an applicant applying by endorsement without a valid license, the applicant shall be subject to licensure requirements in accordance with 32 M.R.S. §14231. The applicant shall submit requirements outlined in sections 1 and 2 of this chapter.

An applicant with less than the required course hours for the practice license being sought in Maine may substitute verifiable licensed practice work experience. Experience considered must have been obtained within the immediate prior four (4) years from the date of application to balance school course hours that were less than the required school course hours to balance the number of hours required for a trainee in the same practice area. Evidence of active practice shall be submitted in the form of a W-2 form that specifically states that the occupation subject to the W-2 report is the practice for which the applicant is applying for, or other records acceptable to the Director.

[Example: For a person applying for a Maine cosmetology license using course hours obtained in a licensed school in another State or jurisdiction, and the course of study was 1,000 hours of schooling, the applicant may substitute a minimum of 1,500 hours of licensed practice work experience to balance the number of accepted training hours of 2,500 hours similar to the training requirements for a trainee.]

5. Foreign Educated Applicant

In addition to submitting the official foreign education document(s) and its English translation, the applicant shall obtain from an approved United States credentialing agency a foreign education credential evaluation on the education equivalency to the United States trained applicant.

6. Expired License Reinstatement

An applicant who files an application to renew his or her license shall comply with the requirements set forth in 32 M.R.S. § 14235. However, the Director may, giving due consideration to the protection of the public, waive examination requirements for any applicant whose license expired up to four (4) years from the date the license expired. Thereafter, an applicant for license reinstatement shall comply with the requirements set forth in 32 M.R.S. § 14235 and shall be required to pass the necessary State licensing examination.

7. Processing of Application; Complete Application Required

An incomplete application may be returned to the applicant for completion. An application that remains incomplete for more than sixty (60) days becomes null and void. In such case, the applicant may submit a new application, accompanied by the fee required by chapter 10, section 5(8) of the rules of the Office of Professional and Occupational Regulation, “Establishment of License Fees.”

8. License Renewal

Licensees shall submit a completed renewal application in a format prescribed by the Director prior to the date of expiration on the license, along with the fee required by chapter 10, section 5(8) of the rules of the Office of Professional and Occupational Regulation, “Establishment of License Fees.” A license expires on the stated date of expiration. The ninety (90) day late renewal period should not in any way be construed to permit practice after the date of expiration. Failure to receive a courtesy renewal reminder notice does not waive the licensee’s responsibility to renew in a timely manner.

STATUTORY AUTHORITY: 32 M.R.S. §§ 14212-A(2), 14231

EFFECTIVE DATE:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION****BARBERING AND COSMETOLOGY LICENSING PROGRAM****Chapter 22: LICENSURE OF DEMONSTRATORS**

Summary: This chapter sets forth requirements for licensure of demonstrators and the articles, machines and techniques performed outside a licensed establishment.

For purposes of this chapter, a demonstrator is a person who provides demonstration on the use of articles, machines and techniques pertaining to practices licensed under Title 32, chapter 126 to another person or group of people.

1. General Eligibility; Application

1. The applicant shall complete and submit the appropriate prescribed application, along with the fee required by chapter 10, section 5(8) of the rules of the Office of Professional and Occupational Regulation, “Establishment of License Fees,” and provide such other information as may be required. Incomplete applications will be considered invalid and will not be acted upon. If the application is invalid, a new application and fee will be required.
2. The applicant shall submit evidence of a valid practitioner’s license in a form and format prescribed by the Director.

2. Articles, Machines or Techniques Permitted for Demonstration

1. Any type of equipment, machine, tool, article, product or technique demonstration for which the item is directly related to any of the practices licensed pursuant to Title 32, chapter 126.
2. Licensed demonstrators may apply products upon themselves or other agents for purposes of the demonstration or to train a person on safe and proper use of the item.
3. Licensed demonstrators may apply cosmetic products upon members of the public when done for demonstration only.
4. A person providing demonstrations shall carry his or her valid Maine demonstrator license at each demonstration given and present the license upon request.

3. Sanitation, Infection Control and Safety Precautions

When conducting practice related demonstrations of products, a licensed demonstrator shall comply with the practice standards and requirements relating to sanitation, safety and infection control contained in chapter 26 of this Program’s rules.

The demonstrator shall bring to the demonstration site a first aid kit suitable for the anticipated demonstration.

4. Processing of Application; Complete Application Required

An application that remains incomplete for more than sixty (60) days becomes null and void. In such case, the applicant may submit a new application, accompanied by the fee required by chapter 10, section 5(8) of the rules of the Office of Professional and Occupational Regulation, “Establishment of License Fees.”

5. License Renewal

Licensees shall submit a complete renewal application in a format prescribed by the Director prior to the date of expiration on the license, along with the fee required by chapter 10, section 5(8) of the rules of the Office of Professional and Occupational Regulation, “Establishment of License Fees.” A license expires on the stated date of expiration. The ninety (90) day late renewal period should not in any way be construed to permit practice after the date of expiration. Failure to receive a courtesy renewal reminder notice does not waive the licensee’s responsibility to renew in a timely manner.

STATUTORY AUTHORITY: 32 M.R.S. §§ 14212-A(2), 14234

EFFECTIVE DATE:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BARBERING AND COSMETOLOGY LICENSING PROGRAM

Chapter 23: TRAINEE AESTHETICIAN, BARBER, COSMETOLOGIST, LIMITED BARBER AND NAIL TECHNOLOGIST

Summary: This chapter sets forth licensure, training and supervision requirements for practitioners.

1. Definitions

1. **Aesthetician Trainee.** "Aesthetician Trainee" is a person who holds a valid trainee license pursuing a course of study in aesthetics within a licensed establishment, under the direct supervision of a qualified aesthetician or a cosmetologist experienced in the practice of aesthetics.
2. **Barber Trainee.** "Barber Trainee" is a person who holds a valid trainee license pursuing a course of study in barbering within a licensed establishment, under the direct supervision of a qualified barber or a cosmetologist.
3. **Cosmetologist Trainee.** "Cosmetologist Trainee" is a person who holds a valid trainee license pursuing a course of study in cosmetology within a licensed establishment, under the direct supervision of a qualified cosmetologist.
4. **Limited Barber Trainee.** "Limited Barber Trainee" is a person who holds a valid trainee license pursuing a course of study in limited barbering within a licensed establishment, under the direct supervision of a qualified barber, limited barber or cosmetologist.
5. **Nail Technologist Trainee.** "Nail Technologist Trainee" is a person who holds a valid trainee license pursuing a course of study in nail technology within a licensed establishment, under the direct supervision of a qualified nail technologist or cosmetologist.

2. Application for Trainee License

An applicant for a trainee license shall provide the information and documentation required by 32 M.R.S. § 14232(2), along with the fee required by chapter 10, section 5(8) of the rules of the Office of Professional and Occupational Regulation, "Establishment of License Fees," and such other information as may be required.

3. Curriculum; Course Work

The qualified supervisor is responsible for administering the applicable curriculum-specific course work requirements and attesting that the trainee satisfactorily completed the requirements to be eligible to take the required State licensing examination.

1. Curriculum and Course Work for **Aesthetician Trainees**

- A. Subject Areas, Hours, Methods of Instruction. An aesthetician trainee shall satisfactorily complete 1,000 hours of instruction in not less than six (6) months in the subject areas described below in order to qualify for full licensure as an aesthetician. Instruction consists of theory, practice lab, and client-based clinic practice in the following subject areas:
- 1) Principles and practices of infection control, disinfecting, sterilization and sanitation;
 - 2) Anatomy, chemistry, physiology and histology of the skin;
 - 3) Hygiene, bacteriology, health and nutrition of the skin and basic first aid including, emergency eye flushing and drenching;
 - 4) Skin analysis, disorders and diseases;
 - 5) Facial and skin treatment and therapy machines, apparatus and devices, equipment, tools, and implements, as these apply to the aesthetic practice services;
 - 6) Electricity, machines and apparatus;
 - 7) Various massage techniques;
 - 8) Facials and skin therapy and treatment with and without use of machines including, but is not limited to: cleansing; various aesthetic treatments and enhancements; hair removal; waxing; extractions; make up application and removal; artificial lash applications and lash and brow tinting;
 - 9) Client consultation, client intake, client records and client preparation, human relations, professional ethics and handling of confidential client records that are medically related records; and
 - 10) Establishment and business management; the Program laws and applicable rules, and other applicable state laws and rules.

RECOMMENDED AESTHETIC COURSE BREAKDOWN

HOURS	TRAINEE AESTHETIC SUBJECTS
100	Anatomy, histology, physiology of the skin, and chemistry including, but is not limited to: bone; muscles; nerves; arteries; and glands as applied to the practice of aesthetics.
100	Skin structure, analysis and growth, health and nutrition, diseases and disorders, and recognizing treatable cases and those requiring referral for medical treatment.
125	Bacteriology, hygiene, principles and practices of infection prevention and control, exposure to blood and bodily fluids, sterilization, sanitation, universal precautions, basic first aid and benefits and differences of cleaning and sanitation and sterilizing.
60	Business and salon/establishment management including, but is not limited to: the Program laws and applicable rules; unassigned; the study of theory and subjects in which an individual student may be deficient and elective subjects related to the practice of aesthetics, and testing and evaluation.
75	Massage techniques, basic facials, and spa body treatments.
375	Facials and skin treatment with and without use of machines including, but is not limited to: hair removal; eyebrow tweezing; body waxing; cleansing; extractions; make up application and removal; artificial lash applications and lash and brow tinting.
90	Facial and skin therapy equipment, machines, devices, equipment, tools, and implements, as these apply to the practice of aesthetics, including, but is not limited to: basics of electricity as applied to the practice of aesthetics; service tables and equipment; foot baths and spas; re-usable and disposable implements and tools; ultraviolet light units and lamps; electrical and non-electrical devices and venting systems their safety.
75	Client consultation, client intake and records and client preparation, human relations and professional ethics.
1,000	TOTAL HOURS

B. Preclinical Training. Prior to performing aesthetic services on clients, an aesthetician trainee shall complete a minimum of 150 hours of introductory aesthetic instruction in theory and practice lab. Introductory instruction shall be in areas that will sufficiently prepare the trainee to work safely on clients with an understanding of practice safety, sanitation, infection control and precautionary measures.

2. Course Work and Curriculum for **Barber Trainees**

A. Subject Areas, Hours, Methods of Instruction. A barber trainee shall satisfactorily complete 2,500 hours of instruction in not less than eighteen (18) months in the subject areas described below in order to qualify for full licensure as a barber. Instruction consists of theory, practice lab, and client-based clinic practice:

- 1) Anatomy, hygiene, bacteriology, infection control, disinfecting, sterilization and sanitation and basic first aid including, emergency eye flushing and drenching;
- 2) Barbering implements, tools and equipment;
- 3) Shampooing;
- 4) Scalp and skin disorders;
- 5) Haircutting;
- 6) Hairstyling;

- 7) Hairpiece fitting, styling and care;
- 8) Shaving, trimming beards and mustaches;
- 9) Permanent waving;
- 10) Hair coloring, tinting and bleaching;
- 11) Chemical hair relaxing;
- 12) Thermal styling, curling and blow dry styling;
- 13) Manicuring;
- 14) Facials; and
- 15) Establishment and business management; the Program laws and applicable rules, and other applicable state laws and rules.

RECOMMENDED BARBER COURSE BREAKDOWN

HOURS	TRAINEE BARBERING SUBJECTS
175	Bacteriology, hygiene, principles and practices of infection prevention and control, exposure to blood and bodily fluids, sterilization, sanitation, universal precautions, basic first aid and benefits and differences of cleaning, sanitation and sterilizing.
130	Business and salon/establishment management including, but is not limited to: the Program laws and applicable rules; unassigned; the study of theory and subjects in which an individual student may be deficient and elective subjects related to the practice of barbering and testing and evaluation.
510	Chemical texture services including, but is not limited to: permanent waving; chemical hair relaxers and hair coloring, tinting and bleaching.
175	Barbering practice equipment, tools, implements, and devices including, but is not limited to: styling; manicuring; facial and scalp treatment equipment; scissors; razors; clippers; trimmers; devices; dryers; thermal and other irons and their use; safety; sanitation; sterilization and precautions.
175	General sciences including, but is not limited to the following: hygiene; anatomy and physiology; skin structure; hair structure and growth, nutrition, disorders and diseases; nail structure, growth, disorders and diseases; properties of the hair and scalp and basics of chemistry and electricity.
650	Haircutting, including principles and techniques.
300	Hairstyling including, but is not limited to: thermal hair styling and straightening; finger waving, pin and roller curls; wrapping; blow dry styling and comb out techniques.
100	Manicuring, limited to fingernails.
65	Shampooing, conditioning and scalp care.
120	Trimming beards and mustaches, shaving and facials.
100	Hair replacement systems using human and synthetic hair, wigs and hair pieces including, but is not limited to: measuring; fitting; cleansing; coloring and styling.
2,500	TOTAL HOURS

- B. Preclinical Training. Prior to performing barber services on clients, a barber trainee shall complete a minimum of 300 hours of introductory barbering

instruction in theory and practice lab. Introductory instruction shall be in areas that will sufficiently prepare the trainee to work safely on clients with an understanding of practice safety, sanitation, infection control and precautionary measures.

3. Curriculum and Course Work for **Cosmetology Trainees**

A. Subject Areas, Hours, Methods of Instruction. A cosmetologist trainee shall satisfactorily complete 2,500 hours of instruction in the subject areas described below in order to qualify for full licensure as a cosmetologist. Instruction consists of theory, practice lab, and client-based clinic practice:

- 1) Anatomy, hygiene, bacteriology, infection control, disinfecting, sterilization and sanitation and basic first aid including, emergency eye flushing and drenching;
- 2) Chemistry, electricity and light therapy;
- 3) Shampooing;
- 4) Scalp and hair care;
- 5) Hair cutting and shaping and forms of hair removal;
- 6) Finger waving;
- 7) Hairstyling;
- 8) Arranging, care and styling of wigs and hairpieces;
- 9) Permanent waving;
- 10) Hair coloring, dyes, tinting, bleaching and reconditioning;
- 11) Chemical hair relaxing;
- 12) Thermal hair straightening;
- 13) Thermal waving, curling and blow dry styling;
- 14) Manicuring and pedicuring;
- 15) Facials, cosmetics and make-up applications and various skin treatments;
and
- 16) Establishment and business management; the Program laws and applicable rules, and other applicable state laws and rules.

RECOMMENDED COSMETOLOGY COURSE BREAKDOWN

HOURS	TRAINEE COSMETOLOGY SUBJECTS
175	Bacteriology, hygiene, principles and practices of infection prevention and control, exposure to blood and bodily fluids, sterilization, sanitation, universal precautions, basic first aid and benefits and differences of cleaning, sanitation and sterilizing.
130	Business and salon/establishment management including, but is not limited to: the Program laws and applicable rules and unassigned; the study of theory and subjects in which an individual student may be deficient and elective subjects related to the practice of cosmetology and testing and evaluation.
450	Chemical texture services including, but is not limited to: soft curl permanents; permanent waving and chemical hair relaxing/straightening.
175	Cosmetology practice equipment, tools, implements, and devices including, but is not limited to: styling; manicuring; skin care and scalp treatment equipment; scissors; razors; clippers; trimmers; devices; dryers; thermal and other irons and their use and safety; sanitation; sterilization and precautions.
175	General sciences including, but is not limited to, the following: hygiene; anatomy and physiology; skin structure; growth; nutrition; disorders and diseases; nail structure; growth; disorders and diseases; properties of the hair and scalp and basics of chemistry and electricity.
235	Hair coloring, tinting and bleaching.
325	Haircutting principles and techniques, and use of all implements.
420	Hairstyling including, but is not limited to: thermal hair styling and straightening; finger waving; pin and roller curls; wrapping; blow dry styling and comb out techniques.
150	Nail technology including, but is not limited to: manicuring; pedicuring; nail enhancements and their various applications; sanitation; safety and precautions.
65	Shampooing, conditioning and scalp care.
160	Skin care including, but is not limited to: facials and facial massage; hair removal; scalp treatments; cosmetics and make-up applications.
40	Hair replacement systems using human and synthetic hair, wigs and hair pieces including, but is not limited to: measuring; fitting; cleansing; coloring and styling.
2,500	TOTAL HOURS

B. Preclinical Training. Prior to performing cosmetology services on clients, a cosmetologist trainee shall complete a minimum of 300 hours of introductory cosmetology instruction in theory and practice lab. Introductory instruction shall be in areas that will sufficiently prepare the trainee to work safely on clients with a good understanding of practice safety, sanitation, infection control and precautionary measures.

4. Curriculum and Course Work for **Limited Barber Trainees**

A. Subject Areas, Hours, Methods of Instruction. A limited barber trainee shall satisfactorily complete 1,600 hours of instruction in not less than ten (10) months in the subject areas described below in order to qualify for full licensure as a limited barber. Instruction consists of theory, practice lab, and client-based clinic practice:

- 1) Anatomy, hygiene, bacteriology, infection control, disinfecting, sterilization and sanitation and basic first aid including, emergency eye flushing and drenching;
- 2) Barbering implements, tools and equipment, and general safety and safe use standards;

- 3) Shampooing;
- 4) Scalp and skin disorders;
- 5) Haircutting;
- 6) Hairstyling;
- 7) Hairpiece fitting, styling and care;
- 8) Shaving, trimming beards and mustaches;
- 9) Thermal styling, curling and blow dry styling;
- 10) Facials and scalp massages; and
- 11) Establishment and business management; the Program Licensing laws and applicable rules, and other applicable state laws and rules.

RECOMMENDED LIMITED BARBER COURSE BREAKDOWN

HOURS	TRAINEE LIMITED BARBERING SUBJECTS
125	Bacteriology, hygiene, principles and practices of infection prevention and control, exposure to blood and bodily fluids, sterilization, sanitation, universal precautions, basic first aid and benefits and differences of cleaning, sanitation and sterilizing.
150	Business and salon/establishment management including, but is not limited to: the Program laws and applicable rules and unassigned; the study of theory and subjects in which an individual student may be deficient; elective subjects related to the practice of limited barbering and testing and evaluation.
150	Barbering practice equipment, tools, implements, and devices including, but is not limited to: styling; manicuring; facial and scalp treatment equipment; scissors; razors; clippers; trimmers; devices; dryers; thermal and other irons their use; safety; sanitation; sterilization and precautions.
175	General sciences including, but is not limited to the following: hygiene; anatomy and physiology; skin structure; hair structure and growth; nutrition; disorders and diseases; properties of the hair and scalp and basics of chemistry and electricity.
550	Haircutting, including principles and techniques.
225	Hairstyling, cutting, arranging and styling, blow dry styling, and comb out techniques.
65	Shampooing, conditioning and scalp care.
120	Trimming, shaving beards and mustaches, shaving and barbering facial and scalp massage.
40	Hair replacement systems using human and synthetic hair, wigs and hair pieces including, but is not limited to: measuring; fitting; cleansing and styling.
1,600	TOTAL HOURS

- B. Preclinical Training. Prior to performing limited barbering services on clients, a limited barber trainee shall complete a minimum of 250 hours of introductory limited barbering instruction in theory and practice lab. Introductory instruction shall be in areas that will sufficiently prepare the trainee to work safely on clients with a good understanding of practice safety, sanitation, infection control and precautionary measures.

5. Curriculum and Course Work for **Nail Technology Trainees**

A. Subject Areas, Hours, Methods of Instruction. A nail technologist trainee shall satisfactorily complete 400 hours of instruction in not less than ten (10) weeks in the subject areas described below in order to qualify for full licensure as a nail technologist. Instruction consists of theory, practice lab, and client-based clinic practice.

- 1) Hygiene, bacteriology, infection control, disinfecting and sterilization and basic first aid including, emergency eye flushing and drenching;
- 2) Physiology;
- 3) Anatomy of the hands, arms and feet;
- 4) Science and theory of nail technology and pedicuring;
- 5) Bone muscles, nerves, arteries, and glands as applied to nail technology and pedicuring;
- 6) Structure of the skin and nails;
- 7) Nail disorders, how to treat those that can be treated and recognizing those not to be treated;
- 8) Nail technology and pedicuring instruments and their use, safety, disinfecting and sterilization;
- 9) Application of polish (liquid or powder);
- 10) Application and removal of various types of artificial nails; and
- 11) Establishment and business management; the Program laws and applicable rules, and other applicable state laws and rules.

RECOMMENDED NAIL TECHNOLOGY COURSE BREAKDOWN

HOURS	NAIL TECHNOLOGY STUDY
55	Bacteriology, hygiene, physiology, anatomy principles and practices of infection prevention and control, exposure to blood and bodily fluids, sterilization, disinfection, sanitation, universal precautions, basic first aid and benefits and differences of cleaning, sanitation, disinfecting and sterilizing.
50	Science and theory of nail technology and pedicuring; nail structure and growth, nutrition, disorders and diseases; and artificial nails and their applications.
55	Nail technology practice equipment, tools, implements, devices, nail enhancements and their various applications.
40	Business and salon/establishment management including, but is not limited to: the Program laws and applicable rules; unassigned; the study of theory and subjects in which an individual student may be deficient and elective subjects related to the practice of nail technology, and testing and evaluation.
400	TOTAL HOURS

- B. Preclinical Training. Prior to performing nail technology services on clients, a nail technologist trainee shall complete a minimum of fifty (50) hours of introductory nail technology instruction in theory and practice lab. Introductory instruction shall be in areas that will sufficiently prepare the trainee to work safely on clients with a good understanding of practice safety, sanitation, infection control and precautionary measures.

4. Approval of Qualified Supervisors; Duties and Responsibilities

1. Overview

A trainee aesthetician, barber, cosmetologist, limited barber, or nail technologist may only practice under the direct supervision of a qualified supervisor, or a qualified alternate supervisor, who has been approved by the Director to supervise the trainee. “Qualified supervisor” is defined in chapter 20, section 30 of this Program’s rules.

2. Qualifications

- A. The proposed supervisor shall hold a valid Maine license in the practice-appropriate area and shall demonstrate at least three (3) years of active licensed practice in such practice area within five (5) years preceding the date of the trainee application.

[NOTE: The Director will accept the designation of occupation as stated on the first page of the proposed supervisor’s federal tax returns as prima facie proof of active practice in such occupation during the period covered by such returns.]

- B. The qualified supervisor must hold a license in good standing with the Program, meaning that the licensee is not subject to any disciplinary conditions.

3. Duties and Responsibilities of the Qualified Supervisor

The qualified supervisor shall:

- A. Maintain current knowledge of, and comply with, the Program laws and applicable rules. The qualified supervisor may not permit the trainee to practice outside the trainee’s practice location. The qualified supervisor shall verify that the trainee has been issued the appropriate license before commencing training and is responsible for ensuring that the trainee maintains a valid trainee license;
- B. Provide adequately and suitably equipped premises, and a variety of product lines for educational purposes;
- C. Obtain and provide the trainee with current educational textbooks, manuals, reference and training materials and teaching aids;
- D. Ensure that a trainee completes the minimum number of theory and practice hours required by section 3 of this chapter before permitting the trainee to perform services on clients; and

- E. Ensure that the trainee at all times practices only under the direct supervision of the supervisor or approved alternate. The qualified supervisor is responsible for the activities performed by the trainee under his or her supervision.

4. Trainee Hours; Reporting

The qualified supervisor:

- A. Shall maintain a current and accurate trainee instruction log and shall periodically evaluate and assess the trainee's progress. The training log shall provide a detailed day-by-day description of the trainee's instruction, accrual hours of instruction, subjects taught, type and method of instruction (i.e., theory, practice lab, client-based clinic practice), and services performed on individual clients. Theory classroom hours obtained in a school licensed by the Director may be applied toward trainee hours. Hours accumulated in a trainee setting are not transferrable to a course of study in a licensed school setting.
- B. Shall retain trainee hours monthly on a form provided by the Director. The form shall be signed by the trainee and the qualified supervisor. A copy of the record of hours accrued shall be provided to the trainee within five (5) days of completing the monthly report.
- C. Shall maintain all training records for five (5) years from the end of the training or termination and shall promptly produce such records to the Director upon request.
- D. May not withhold or refuse to credit hours accrued by the trainee.
- E. May authorize a trainee who has completed at least 88 percent of the required course hours to take the Maine State Licensing Examination. To be considered for licensure, the trainee must satisfactorily complete the trainee hour requirement and licensure requirements.

5. Course Completion; Termination of Trainee Before Course Completion

Upon a trainee's successful completion of 2,500 hours, the qualified supervisor shall submit a transcript of completion within ten (10) days to the Director on a form provided by the Director. If the trainee terminates before completion, the qualified supervisor shall submit a transcript of partial completion within ten (10) days of termination to the Director on a form provided by the Director. The qualified supervisor may not refuse to complete a transcript of completion or transcript of partial completion to which the trainee is entitled pursuant to this subsection. A copy of the transcript shall be provided to the trainee.

STATUTORY AUTHORITY: 32 M.R.S. §§ 14202(13), 14212-A(2), 14228(3), 14232(3), 14233

EFFECTIVE DATE:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION****BARBERING AND COSMETOLOGY LICENSING PROGRAM****Chapter 24: LICENSURE OF INSTRUCTORS**

Summary: This chapter sets forth requirements for licensure as an instructor in aesthetics, barbering, cosmetology, limited barbering and nail technology to teach in a licensed school.

1. Overview

A person may qualify for an instructor licensure to teach aesthetics, barbering, cosmetology, limited barbering and nail technology in a school licensed in Title 32, chapter 126 by meeting the requirements set forth in this chapter.

2. General Eligibility; Application

An applicant may apply for licensure as an instructor to teach one or more of the following practice areas: aesthetics, barbering, cosmetology, limited barbering and nail technology. The applicant establishes basic eligibility for licensure by submitting the following in a format as required by the Director, along with the fee required by chapter 10, section 5(8) of the rules of the Office of Professional and Occupational Regulation, "Establishment of License Fees," and such other information as the Director may require:

1. Evidence of completing the 12th grade in a secondary school of learning. A high school diploma or its equivalent is acceptable.
2. A valid practitioner's license in the practice area for which the applicant is seeking an instructor license.
3. Evidence of having met one of the following education pathways:

A. Pathway 1: Student Instructor Training

The applicant has satisfactorily completed a course of study in instructing, as described in chapter 27 of this Program's rules, which consisted of at least 600 hours in not less than fifteen (15) weeks at a licensed school.

B. Pathway 2: Practice Experience

The applicant has engaged in active practice in one or more of the practice areas for which instructor licensure is sought. For purposes of this paragraph, "active practice" means:

- 1) During the five (5) years immediately preceding application, the applicant shall demonstrate a minimum of 1,500 hours of licensed practice work experience; and

[NOTE: The Director will accept the designation of occupation as stated on the first page of the proposed supervisor’s federal tax returns as prima facie proof of active practice in such occupation during the period covered by such returns.]

- 2) Evidence of four (4) credits calculated at the rate of one (1) credit per fifteen (15) class hours at a post-secondary school that is recognized and accredited, or in candidacy for accreditation, by the United States Department of Education in courses directly related to education or teaching, such as teaching methods, curriculum development, lesson plan development, assessments, classroom management, or measurements and evaluation. Credits shall be documented by an official transcript issued by the school.

C. Pathway 3: Post-Secondary Education Related to Teaching

The applicant has satisfactorily completed nine (9) credits calculated at the rate of one (1) credit per fifteen (15) class hours at a post-secondary school that is recognized and accredited, or in candidacy for accreditation, by the United States Department of Education in courses directly related to education or teaching.

D. Pathway 4: Endorsement, Licensed Instructor in Another Jurisdiction

The applicant shall submit evidence of a having a valid license to teach or instruct in another State or jurisdiction.

3. Examination

1. A person applying for an instructor license shall take and pass the NIC National Written and Practical Instructor Examination, or its successor. A written and/or practice examination created and administered by another licensing jurisdiction may be considered if that examination is deemed by the Director to be comparable to the current NIC examination requirement for a Maine applicant for licensure.
2. An applicant who fails the required examination may retake the examination at a subsequent sitting. An applicant who fails to pass the required examination within one year from the first sitting must retake the full examination.

4. License Renewal

Licensees shall submit a complete renewal application in a format prescribed by the Director prior to the date of expiration on the license, along with the fee required by chapter 10, section 5(8) of the rules of the Office of Professional and Occupational Regulation, “Establishment of License Fees.” A license expires on the stated date of expiration. The ninety (90) day late renewal period should not in any way be construed to permit practice after the date of expiration. Failure to receive a renewal reminder notice does not waive the licensee’s responsibility to renew in a timely manner.

STATUTORY AUTHORITY: 32 M.R.S. § 14212-A(2)

EFFECTIVE DATE:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION****BARBERING AND COSMETOLOGY LICENSING PROGRAM****Chapter 25: LICENSURE OF ESTABLISHMENTS AND INDEPENDENT BOOTHS**

Summary: This chapter sets forth license requirements for a place, facility, salon, shop, establishment, mobile establishment or independent booth within an establishment in which aesthetics, barbering, cosmetology, limited barbering, or nail technology services are offered and performed.

1. Application for Establishment License as Defined in 32 M.R.S. § 14202(5)

The applicant shall submit the information and documentation described below in a format as prescribed by the Director, along with the fee required by chapter 10, section 5(8) of the rules of the Office of Professional and Occupational Regulation, “Establishment of License Fees,” and such other information as the Director may require.

1. The trade name or business name under which the establishment will operate.
2. The physical address, contact address, telephone number and email address of the establishment.
3. The name of the owner of the establishment, including:
 - A. If a sole proprietor, the name, contact address, social security number, telephone number, fax number and email address of the applicant.
 - B. If a partnership, the name, contact address, employer identification number, telephone number, fax number and email address of the partnership; the name and contact address of each partner; and the name of the partner who will be representing the applicant in matters relating to licensure by the Director.
 - C. If a corporation, the name, contact address, employer identification number, telephone number, fax number and email address of the corporation; the name of the parent company, if any; the name, contact address and title of each corporate officer and Director; the name and contact address of each shareholder owning 10 percent or more of the voting stock of the corporation, including over-the-counter stock, unless the stock is traded on a major stock exchange and not over-the-counter; a certificate of existence from the Maine Secretary of State or, for corporations not organized under Maine law, a certificate of authority from the Maine Secretary of State; and the name of the corporate officer who will be representing the applicant in matters relating to licensure by the Director.
 - D. If a limited liability company, the name, contact address, employer identification number, telephone number, fax number and email address of the limited liability company; a current list of names and mailing addresses of each member and manager described in 31 M.R.S. § 655(1)(A); a certificate of existence from the Maine Secretary of State or, for limited liability companies not organized under Maine law, a certificate of authority from the Maine Secretary of State; and the

name of the member or manager who will be representing the applicant in matters relating to licensure by the Director.

4. A scaled floor plan of the establishment that details the purpose of each area of the facility including entrances, exits, dispensaries, shampoo sinks, utility sinks, work stations and public restroom facilities. Retail and other non-practice areas such as the public reception area, shall be clearly shown and described on the floor plan. If the establishment is part of a commercial building, the applicant shall include an additional scaled drawing and floor plan of the entire premises showing the relative position of the prospective establishment area and the location of all entrances, exits, bathrooms, and storage areas.

Issuance of a license will be based on the floor plan submitted with the initial application for licensure. A structural change or alteration made subsequent to initial licensure requires approval prior to construction. A structural change or alteration includes, but is not limited to, changes to the original physical structure of the establishment affecting health and safety such as electrical or plumbing changes.

5. For purposes of initial licensure, the owner of the establishment or independent booth shall complete and attest to compliance with chapter 26 of this Program's rules. A license is issued in reliance on the truthfulness and accuracy of the checklist. The information reported on the checklist is subject to verification upon initial inspection. Sanctions may be imposed, including suspension or revocation of licensure, if the information reported is found to be false.
6. A current certificate of occupancy where required by local ordinance, or a copy of the plumbing certificate, or a copy of the establishment's internal plumbing permit signed by the local plumbing inspector affirming that the plumbing for the establishment is compliant with the Uniform Plumbing Code as adopted by the Plumbers' Examining Board, and a copy of the certificate affirming that the electrical for the establishment is compliant with the National Electrical Code as adopted by the Electricians' Examining Board.
7. Establishments not served by a Public Water System, as defined in 22 M.R.S. § 2601(8), shall have the water supply tested for Total Coliform bacteria and nitrates by a laboratory certified by the Department of Health and Human Services Drinking Water Program within six (6) months of application for initial licensing. A current list of certified laboratories can be found at www.medwp.com.

Water quality must meet the following standards to be considered satisfactory:

- A. Total Coliform bacteria - Zero (0) colony forming units of Coliform bacteria per 100 milliliters of sample; and
- B. Nitrates - A maximum of ten (10) milligrams per Liter.

In establishments where water supplies are found to be unsatisfactory, the owner is required to post a sign in the establishment in view of the public stating that the water has been determined to be unsatisfactory. The owner is required to obtain a new test within six (6) months of the date of an unsatisfactory water test, and to submit a copy of the new water test to the Director within ten (10) days of receipt.

2. Application For Independent Booth License as Defined in 32 M.R.S. § 14224(2)

The applicant shall submit an application, fees and information for an independent booth license in the same manner as described in sections 1(1) - (7) of this chapter.

3. Commencement of Business

An establishment or independent booth may not open for business or perform any of the practice services licensed under Title 32, chapter 126 on clients until the establishment or independent booth license has been issued.

STATUTORY AUTHORITY: 32 M.R.S. § 14212-A(2)

EFFECTIVE DATE:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION****BARBERING AND COSMETOLOGY LICENSING PROGRAM****Chapter 26: ESTABLISHMENT, INDEPENDENT BOOTH AND SCHOOL OPERATION, SANITATION AND INFECTION CONTROL STANDARDS, AND SAFE PRACTICE PROCEDURES**

Summary: This chapter sets forth sanitization and infection control standards and safe practice procedures and requirements for the operation of an establishment, independent booth within an establishment, mobile establishment, and school in which aesthetics, barbering, cosmetology, limited barbering, or nail technology services are offered and performed.

26.000 Definitions

Unless the context clearly indicates otherwise, certain terms used throughout the Program's rules are defined in this chapter.

26.001 Compliance with All Applicable Regulations

Licensees shall observe and comply with all applicable city, local, and state regulations including, but is not limited to: plumbing; subsurface waste water disposal; electrical and public health and safety.

26.002 License; Identification

The establishment owner, independent booth owner and practice licensee shall immediately present evidence of licensure upon request by a client or the Director. A person practicing in the establishment or independent booth may, at the time of inspection, be requested to present valid photo identification. The following is considered valid photo identification:

1. Valid State-issued motor vehicle driver's license;
2. State-issued identification card; or
3. United States Passport.

26.003 Records

Client appointment logs, treatment records and trainee records shall be maintained in hard copy or electronic form and shall be made available and presented upon request.

26.010 Water Supply Requirements and Standards

The establishment:

- 26.011 Shall have plumbing that provides immediate and continuous access and supply of hot and cold running water to all sinks, lavatories and shampoo bowls. Shampoo bowls shall be equipped with appropriate back flow preventers as required by the Maine Plumbing Code.
- 26.012 Shall maintain fixtures, shampoo bowls, wash and utility sinks clean and free from cracks and similar disrepair.
- 26.013 Shall have an eye washing station or unit readily available for employees and clients. A sink equipped with a spray hose, faucet mount eye wash unit or eye wash cup is acceptable.

26.020 Restroom Facility, Water and Waste Disposal

- 26.021 A person applying for a new establishment, a change of ownership or a change of establishment location shall provide at least one (1) public restroom for employees and clients. The rest room shall be within approximately 300 feet of the establishment and within the same building. A public rest room for an establishment connected to a private place of residence must be directly accessible from the establishment without entering the living quarters.
- 26.022 The restroom or a sink located in the restroom does not qualify as a dispensary or a water source for the facility in preparing chemicals, providing services or for purposes of sanitizing tools and implements.
- 26.023 Use of bar soap is prohibited.
- 26.024 Use of communal linen is prohibited. Use of single-use linens, paper towels or air blowers for drying hands is permitted.

26.030 Approved Disinfectants and Their Use

- 26.031 An EPA-registered disinfectant shall be used in accordance with the manufacturer's instructions.
- 26.032 Chlorine bleach solution. "Chlorine bleach solution" used to destroy bacteria and disinfect implements and non-porous surfaces shall be mixed daily. The chlorine bleach shall not be placed or stored near other chemicals. As used in this chapter, chlorine bleach solutions fall into three categories based on concentration and exposure time:
1. Low level disinfection (100 - 200 ppm). Add two (2) teaspoons household (5.25 percent) bleach to one (1) gallon water. Soak ten (10) minutes minimum;
 2. High level disinfection (1,000 ppm). Add one-third (1/3) cup household (5.25 percent) bleach to one (1) gallon water. Soak twenty (20) minutes minimum; or
 3. Blood and body fluid cleanup and disinfection (5,000 ppm). Add one and three-quarters (1 3/4) cups household (5.25 percent) bleach to one (1) gallon water. Also referred to as a 10 percent bleach solution.

26.033 Isopropyl used in concentration of at least 70 percent and ethyl alcohol at a concentration of 60 percent – 95 percent are considered low-level disinfectants.

26.034 Disinfectants in which implements are to be sanitized shall be free from debris and replaced as needed.

26.040 Universal Precautions

All licensees and students shall practice universal precautions by observing the following:

1. Thoroughly wash hands with soap and water before providing services to each client;
2. When appropriate, wear disposable protective gloves to prevent exposure to blood, bodily fluids containing visible blood, or bodily fluids to which universal precautions apply;
3. Refrain from contact with a client when performing direct contact client services if the licensee or student has weeping dermatitis or draining lesions;
4. Multi-use tools and implements shall be disinfected prior to using on a client;
5. Tools and implements that have been used on a client or soiled in any manner shall be placed in proper receptacles pending cleansing and disinfecting with an appropriate disinfectant; and
6. Disinfectant solution shall be stored in the dispensary or at the work station.

26.045 Eye Flush

Eye wash stations and units used for immediate flushing or drenching of hazardous chemicals that come into contact with an employee or a client shall be properly maintained according to manufacturer's instructions. Employees and practitioners shall be made aware of the location of the emergency equipment or product and obtain first aid instruction on its use, including but is not limited to: use of controlled flow of water to the eyes at a velocity low enough not to be injurious and use of appropriate water temperature.

26.050 Blood and Body Fluids

26.051 Powdered alum, styptic powder, or a liquid-type bandage may be used to contract the skin to stop minor bleeding.

26.052 For blood or bodily fluids that contact a surface area such as a table, chair, or the floor, an EPA-registered disinfectant or a low level bleach solution shall be used per the manufacturer's instructions immediately to clean up all visible blood or body fluids.

26.053 If a non-porous instrument comes into contact with blood or body fluids, the instrument shall be immediately cleansed and disinfected using an EPA-registered disinfectant in accordance with the manufacturer's instructions or low level bleach solution.

26.060 Blood Exposure Procedures

The following steps shall be taken for an injury involving a client, licensee or student before returning to service:

1. Stop service;
2. Licensee or student should obtain and use protective hand gloves;
3. Clean the injured area;
4. Apply appropriate antiseptic;
5. Cover the injury with the appropriate dressing to prevent further blood exposure;
6. If a licensee or student is the injured party, he or she may continue to practice by covering the injured area with protective finger guard or glove. Caution is advised in determining whether the injured party should continue to practice until the injury has been determined safe for a client receiving services, as may be appropriate;
7. Contact an emergency medical provider or advise the injured party to seek medical help as may be appropriate for injuries beyond your control;
8. Clean work station and area involved;
9. Properly dispose of, or disinfect, all contaminated tools, implements and objects in accordance with proper disinfecting procedures; and
10. Clean hands with soap and water.

A written record fully describing the event shall be maintained for a period of not less than one (1) year from the date the event occurred.

26.070 Infestations

Detection of head lice. The owner or its designee shall take immediate steps to completely rid the establishment of infestation by means of approved disinfectant and sanitation products. During this time, a licensee may not perform services on a client. The recommended steps are, but are not limited to, the following:

1. Launder all clothing, capes, towels, etc., in water (125° F) for five (5) to ten (10) minutes;
2. Any item that cannot be laundered should be sealed in a plastic bag for ten (10) days;
3. Vacuum and/or spray pesticides on rugs and furniture; and
4. Soak brushes and combs in a solution of medicated shampoo for one (1) hour, or boil in water for five (5) minutes at 150° F.

26.080 First Aid Kit

Each establishment, mobile establishment and independent booth owner shall provide a first aid kit of sufficient size and quantity for employees and clients. The first aid kit shall be readily accessible and identified with visible signage.

26.090 Safety Data Sheets (“SDS”)

The establishment or independent booth owner shall make available Safety Data Sheets (“SDS”) as may be required by the United States Department of Labor, Occupational Safety and Health Administration in 29 CFR Part 1910.1200(g) (effective May 25, 2012), available online at www.osha.gov/law-regs.html.

26.100 Disinfecting Tools and Implements

- 26.101 Tools and implements shall be disinfected by complete immersion in an EPA-registered disinfectant that is effective against HIV-1 and human Hepatitis B virus. The disinfectant shall be mixed and used according to the manufacturer’s directions.
- 26.102 Clean and disinfected tools and implements shall be stored in a clean, dry, debris-free environment such as drawers, cases, tool belts, or rolling trays. Non-practice related items, such as personal items, shall not be stored or mingled with clean and disinfected tools and implements.
- 26.103 Scissors, trimmers, clippers, hair dryer and curling iron handles, and other tools and implements that cannot be immersed in a disinfectant shall be cleansed and disinfected daily, or after coming into direct contact with the client, and according to the manufacturer’s instructions.
- 26.104 Items that come into direct contact with clients that cannot be disinfected, such as cotton pads, sponges, applicators, emery boards, nail buffers, arbor or sanding bands, sleeves, toe separators, neck strips, and spa footwear, shall be disposed of in a waste receptacle immediately after one-time use.

26.110 Sanitizing/Sterilizing Tools and Implements

Before use upon a client, cuticle nippers, tweezers and comedone extractors shall first be cleaned with detergent and water and then sterilized by one of the following methods:

1. Steam sterilizer, registered and listed with the United States Food and Drug Administration and used according to the manufacturer’s instructions;
2. Dry heat sterilizer, registered and listed with the United States Food and Drug Administration and used according to the manufacturer’s instructions;
3. Autoclave or similar sterilization equipment used to destroy all microbial life, including spores, shall be used and tested for efficacy according to the manufacturer’s directions and recommendation; or
4. An EPA-registered bactericidal, fungicidal, and virucidal disinfectant.

26.120 Sanitary Standards for Creams, Cosmetics and Applicators

- 26.121 Liquids, creams, powders and cosmetics shall be kept in closed, labeled containers.
- 26.122 To protect from cross contamination, all product removed from its original container shall not be returned to the original container.
- 26.123 A spatula or other suitable dispensing tool shall be used when removing product from containers. Multi-use spatulas made of a washable, nonabsorbent material shall be

sanitized between each use. Single-use disposable spatulas shall be discarded after one use.

26.130 Establishment – Health and Safety Standards

- 26.131 The establishment owner shall keep the floors, walls, ceilings, shelves, furniture, furnishings, and fixtures clean and in good repair. Any cracks, holes, or other similar disrepair shall be repaired within a reasonable time period.
- 26.132 Floors where any service is performed, restrooms, and dispensaries shall be of a non-porous material that is washable, except that anti-slip floor applications or plastic floor coverings may be used for safety purposes. Carpet is permitted in all other areas of the establishment, but shall be kept clean, free from debris and in good repair. Establishments currently licensed and operating at the time of adoption of these rules are exempt from this requirement until such time as a change in ownership occurs. A change in ownership will require the facility to comply with this provision. An establishment with a lapsed license of a period greater than ninety (90) days that files an application for reinstatement is considered as a new establishment for purposes of licensure.
- 26.133 Food or beverages shall not be prepared in any of the areas of a licensed establishment where services are rendered or performed.
- 26.134 The establishment shall be adequately ventilated at all times. Outside exhaust systems or fans and air filtration that is continually in use and operational to exhaust fumes and strong odors from chemicals and other products away from service and public areas, and provide for the input of fresh air, shall be used. Establishments currently licensed and operating at the time of adoption of these rules are exempt from this requirement until such time as a change in ownership occurs. A change in ownership will require the establishment to comply with this provision. An establishment with a lapsed license of a period greater than ninety (90) days that files a reinstatement application is considered as a new establishment for purposes of compliance.
- 26.135 An establishment shall provide direct entry into the establishment or from a public access area. The practice area where client services are performed may not be used for public access to another business.
- 26.136 The establishment shall not be utilized for living, sleeping, or any other purpose other than what is intended under the license issued. Establishments connected to or within a private home or living quarters shall provide a separate entrance directly into the establishment or from a public access area, and doors and entrances opening into the home or living quarters shall be kept closed during business hours.

26.140 General Health and Safety Standards

- 26.141 A copy of chapter 26 of this Program's rules shall be kept in hardcopy or electronic form and made available to employees or clients immediately upon request.
- 26.142 A licensee should not perform services on a client if the licensee has reason to believe the client has a contagious condition such as head lice, nits or ringworm, or inflamed, infected, broken, raised or swollen skin or nail tissue, or an open wound or sore in the area to be serviced.

- 26.143 Shampoo bowls and tables that come into direct contact with a client's skin shall be disinfected prior to each new client.
- 26.144 Floors in establishments shall be cleaned each day. For services that involve hair cutting or hair removal, the hair shall be collected and deposited in a closed receptacle at reasonable intervals after each service.
- 26.145 All waste or trash containers shall be emptied at reasonable intervals during a work day and kept clean by washing or using plastic liners.
- 26.146 Use of a disposable neck strip or cloth towel is required when using a service cape on a client. If the cape comes into contact with the client's skin it shall be laundered in hot water before using on another client. A neck strip or cloth towel is not necessary if the client is provided with a single-use individual cape. Capes and linen shall be used once on a client and shall not be reused until it has been properly laundered.
- 26.147 Soiled linens shall be stored in a covered or closed container.
- 26.148 Clean linens shall be stored in a tightly closed container or tightly closed cabinet. A reasonable supply of linens kept in open stock for immediate daily use is permitted.
- 26.149 All bottles and containers, other than the original manufacturers' container used for application of chemical services and disinfectants, shall be properly labeled as to content, percentage solution, and date mixed. When a substitute container is used for product, it shall be clearly labeled as to its content, and the original bottle or container shall be kept on the premise and shall be immediately presented upon request at time of inspection.

26.150 Health and Safety Standards – Prohibited Products or Practices

Licensees may not use, apply or perform any of the following substances, products, tools or procedures on a client or person. Possession on licensed premises of a prohibited substance, product or tool by a licensee or a student shall be considered prima facie evidence of its use and a violation under this chapter.

- 26.151 Nail or any other service product containing methyl methacrylate liquid monomers, also known as MMA.
- 26.152 A fumigant such as formalin (formaldehyde) in tablet, liquid form or in products.
- 26.153 Use of chamois buffers as a multi-use item is prohibited. The chamois buffer may be used as a single-use item and immediately discarded.
- 26.154 Velcro rollers.
- 26.155 Credo blade or similar razor-type tool designed to remove growth of skin such as corns and calluses.
- 26.156 Removing skin tags or moles is considered a medical procedure and may not be performed by a person licensed under Title 32, chapter 126.

- 26.157 Alum or other astringent in stick or lump form. (Alum or other astringent in powder or liquid form is acceptable.)
- 26.158 Live fish to perform pedicures or skin services is considered a product, tool or implement and is prohibited. Live fish for display purposes contained in a suitable covered aquarium or water-filled vessel may be the exception.
- 26.159 Rodents, reptiles and birds are not permitted in a licensed establishment, independent booth or mobile establishment at any time.

26.170 Signage

Signs shall be prominently displayed in the reception, entrance or public area of the establishment, as described below. Unless otherwise noted, the print size shall be at least one (1) inch.

- 26.171 Exterior sign located near the main entrance that clearly identifies the establishment.
- 26.172 Twenty-four (24) to forty-eight (48) hour patch test notice to alert clients that a patch test will be performed before the application of any product that contains an aniline derivative. Records of such tests shall be signed by the client and the licensee who will provide the service. Such records shall be produced to the Director immediately upon request.
- 26.173 A foot spa, foot basin or jet that is removed from service for lack of proper maintenance or that requires servicing shall not be used until the equipment has been cleaned and disinfected in accordance with the requirements of this section and the records have been properly updated. The record shall note the date of removal from service. If, upon inspection, the disinfecting and maintenance records cannot be produced, or the establishment cannot verify that the unit has been regularly maintained and disinfected, the Director may affix a sign to warn the public that the unit requires cleaning or maintenance before being used.
- 26.174 When an establishment or independent booth license has been suspended, the Director may post or direct the posting of a florescent orange card of suspension at every entrance of the establishment. The suspension card is a warning to the public and shall be of such type and dimensions as the Director determines. The suspension continues until such time as the license suspension is lifted. The suspension card may be removed only by the Director.
- 26.175 When an animal such as a dog or cat is permitted in the establishment or independent booth, a sign shall be posted at the entrance of the establishment or independent booth informing employees and the public that an animal is on the premises.
- 26.176 Message to consumers.

The following message to consumers shall be prominently displayed in the public reception area of the establishment or booth owner's booth rental. The print size shall be at least one quarter inch.

MESSAGE TO CONSUMERS

This establishment is licensed by the Maine Office of Professional and Occupational Regulation and may address allegations of violations of the Barbering and Cosmetology

Licensing Program laws and rules. A complaint may be filed online at www.maine.gov/professionallicensing or by submitting a written letter to:

Office of Professional and Occupational Regulation
Barbering and Cosmetology Licensing Program
35 State House Station
Augusta, ME 04333

26.180 Health and Safety Standards – Hair Cutting, Styling, and Treatment Services

- 26.181 A tool or implement shall be properly cleaned and disinfected before being used on a subsequent client.
- 26.182 When not in use, tools and implements shall be stored in a clean, dry, debris-free environment. Non-practice related items, including personal items, shall not be stored or mingled with any practice tools and implements.
- 26.183 Tools and implements such as sectioning clips, brushes, combs and picks shall be cleaned with soap and water or other adequate method, and then disinfected by one of the following methods:
1. Complete immersion in an EPA-registered bactericidal, fungicidal, and virucidal disinfectant in accordance with the manufacturer's instructions;
 2. Complete immersion in isopropyl alcohol or ethyl alcohol pursuant section 26.033; or
 3. Complete immersion in an EPA-registered disinfectant chlorine bleach solution containing at least 5 percent sodium hypochlorite and properly diluted with water.

26.190 Hairpieces and Wigs

- 26.191 Soiled hairpieces and wigs shall be kept separate by placing individually in a closed bag or container to prevent the cross contamination or spread of disease until ready to be disinfected.
- 26.192 A wig block used to service a hairpiece shall be appropriately covered to keep it sanitary, and the covering shall be disinfected or discarded after each use.
- 26.193 Finished hairpieces and wigs shall be placed away from other soiled items until ready to be returned to the client.

26.200 Health and Safety Standards – Facial and Skin Services, Procedures, Devices and Equipment

- 26.201 Cosmetic exfoliating substances may include alpha hydroxy acids, glycolic and lactic acids, beta hydroxy acids, salicylic acid, Jessner's Solutions, resorcinol, and other substances intended to exfoliate the stratum corneum.
- 26.202 Licensees are prohibited from performing procedures using cosmetic exfoliating substances or devices that affect more than the top layer of the epidermis or outer-most

layer of dead cells. A cosmetic exfoliation substance or device is not intended to remove viable (living) skin below the stratum corneum. Use of such substances and devices are deemed beyond the scope of practice of persons and establishments licensed under Title 32, chapter 126.

26.203 Chemical exfoliation procedures are limited to the removal of surface epidermal cells of the skin by using only non-medical strength cosmetic preparations consistent with the manufacturer's labeled instructions. This procedure is not intended to elicit viable epidermal or dermal wounding, injury, or destruction.

26.204 Facial chairs and beds, including headrests, shall be cleaned and disinfected between each client service. The chair or bed shall be made of or covered in a non-porous material capable of being cleaned and disinfected.

26.205 After each client, tools and implements coming into direct contact with a client shall be cleaned and disinfected in accordance with this chapter.

26.220 Client Skin Evaluation and History for Skin Care Services Involving Microdermabrasion, Chemical Exfoliation, IPL Devices and Hair Removal Devices

26.221 Licensees shall retain the manufacturer's specification of each device used for skin services.

26.222 A client's health history of conditions related to services identified in this section shall be made available to the director upon request.

26.230 Consent Form Requirement

Prior to providing a microdermabrasion, chemical exfoliation, IPL or a device driven hair removal service, a licensee shall obtain the client's consent to service, which should include, but is not limited to:

1. In general terms, the nature and purpose of the procedure(s);
2. A list of known risks associated with the procedure(s), if reasonably determinable;
3. Acknowledgment that a disclosure of information has been made and that any questions asked about the procedure(s) have been satisfactorily answered;
4. As appropriate, the client's medical history such as medication(s) and contraindications that may call for alternative methods of treatment;
5. Observations of skin conditions and abnormalities;
6. Prior treatments; and
7. Signature of the client for whom the procedure is performed and the licensee.

All intake and consent to treatment information, including medical and health information, supplied by the client for services under this section is confidential. The establishment or booth owner shall establish procedures to ensure that such information is safeguarded against theft and identify theft and may not be used or disclosed without written permission of the client.

26.240 Health and Safety Standards – Hair Removal Services

- 26.241 Paraffin baths and wax shall be used in accordance with the manufacturer's instructions and shall be kept free of any debris and kept covered when not in use. All units or systems shall be cleaned and disinfected in accordance with the manufacturer's recommendations.
- 26.242 Applicators shall, at no time, be left standing in the wax or be dipped into the wax after coming into direct contact with the client. Wax may not be reused on another client under any circumstances.

26.250 Health and Safety Standards – Manicure and Pedicure Services

- 26.251 Single-use nail care items shall be discarded after each use.
- 26.252 Rough surfaced or absorbent materials such as buffer blocks, porous nail files, pedicure files, callus rasps, natural pumice and foot brushes, sanding bands, sleeves, heel and toe pumices, and exfoliating blocks shall be cleaned by manually brushing or other adequate methods to remove all visible debris after each use, and then sprayed with isopropyl or ethyl alcohol, an EPA-registered bactericidal, fungicidal, and virucidal disinfectant, or a high level chlorine bleach solution, in accordance with this chapter. If a buffer block or porous nail file is exposed to blood or broken or unhealthy skin or nails, it shall be discarded immediately after use.
- 26.253 The following materials that are used during a nail service shall be replaced with new or clean articles for each client: terry cloth towels, finger bowls and spatulas that contact skin or skin products from multi-use containers.

26.260 Health and Safety Standards – Electric Files and Drill Bits

- 26.261 After each use and before using on another client, diamond, carbide, natural and metal bits shall be cleaned and disinfected by:
1. Using an ultrasonic cleaner; or
 2. Completely immersing each bit in acetone for ten (10) minutes; or
 3. Cleaning buffing bits with soap or detergent and water.
- 26.262 Arbor or sanding bands or sleeves are single-use items and shall be discarded immediately after use.

26.270 Health and Safety Standards – Foot Spas, Foot Basins and Spa Liners

- 26.271 As used in this section, "whirlpool foot spa" or "spa" is defined as any basin using circulating water either in a self-contained unit or in a unit that is connected to other plumbing in the establishment.
- 26.272 As used in this section, "non-whirlpool foot basin" or "foot basin" is defined as any basin, tub, footbath, sink or bowl that holds non-circulating water. After use upon each client, each non-whirlpool foot basin shall be cleaned and disinfected in the following sequential manner:

1. Water shall be drained, and debris shall be removed from the foot basin;
 2. The inside surfaces of the foot basin shall be scrubbed and cleaned of all visible residues with a clean brush, soap or detergent, and water;
 3. The foot basin shall be disinfected with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal and virucidal activity and applied according to the manufacturer's instructions; and
 4. The foot basin shall be rinsed, emptied and wiped dry with a clean towel.
- 26.273 As used in this section, "disposable spa liner" or "spa liner" is defined as a plastic liner designed to be placed within a whirlpool foot spa and discarded after a single-use and which is equipped with a single "non-adhesive" heat-sealed drain tab which, when pulled, allows water to empty directly into a whirlpool foot spa drain.
- 26.274 As used in this section, "portable whirlpool jet" or "jet" is defined as a magnetic or other circulating device, designed to be placed within a whirlpool foot spa basin in order to circulate water in spas in which disposable spa liners are used.
- 26.275 Disposable spa liners and portable whirlpool jets may be used in providing spa services to clients. When used, the following sequential procedures shall be performed:
1. After use upon a client, the heat-sealed tab shall be pulled, thereby allowing the water to empty directly into the establishment's plumbing system;
 2. The spa liner shall be discarded in a covered trash receptacle;
 3. An EPA-registered bactericidal, fungicidal, and virucidal disinfectant shall be used to sanitize the portable whirlpool jet in accordance with manufacturer's instructions;
 4. The spa shall be rinsed with warm water and drained; and
 5. All surfaces of the spa basin and foot rest shall be wiped with EPA-registered disinfectant wipes.
- 26.276 Each whirlpool foot spa shall be cleaned and disinfected in the following sequential manner after each client service:
1. Water shall be drained, and debris shall be removed from the spa basin;
 2. The spa basin shall be cleaned with soap or detergent and water;
 3. An EPA-registered bactericidal, fungicidal, and virucidal disinfectant shall be used to disinfect the spa basin in accordance with manufacturer's instructions; and
 4. The spa basin shall be wiped dry with a clean towel.
- 26.277 At the end of each day and after performing a service on a client, each whirlpool foot spa shall be cleaned and disinfected as follows: in a sequential manner, the screen and any

other removable parts shall be removed; the debris trapped behind the screen shall be removed; and the screen and the inlet, and any other removable parts, shall be properly disinfected in accordance with manufacturer's instructions.

26.278 Before replacing the screen, one of the following procedures shall be performed:

1. The screen and any other removable parts shall be washed with a chlorine bleach solution of one-third (1/3) cup of 5.25 percent chlorine bleach to one (1) gallon of water; or
2. The screen and any other removable parts shall be totally immersed in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, which shall be used according to the manufacturer's instructions.

26.279 Every other week (bi-weekly), after cleaning and disinfecting as provided in this subsection, each whirlpool foot spa shall be cleaned and disinfected in the following sequential manner:

1. The spa basin shall be filled completely with water and one-third (1/3) cup of 5.25 percent bleach for each one (1) gallon of water;
2. The spa system shall be flushed for 5 to 10 minutes with the chlorine bleach and water solution, or an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, which shall be used according to the manufacturer's instructions, and allowed to sit for 6 to 10 hours;
3. The spa system shall be drained and flushed with water before use upon a client; and
4. The foot basin shall be rinsed, emptied and wiped dry with a clean towel.

26.280 For whirlpool foot spas or basin, a record shall be made of the time and date of each cleaning and disinfecting that indicates whether the cleaning was a daily or bi-weekly cleaning. This record shall be made at or near the time of cleaning and disinfecting and shall indicate if a spa was not used during any individual work day. The record shall be maintained for a period of one (1) year from the date of the last entry and shall be presented to the Director upon request.

26.281 A foot spa, foot basin or jet for which documentation is not maintained in accordance with this section shall be removed from service and not used again until it has been cleaned and disinfected in accordance with the requirements of this section and the records have been properly updated. When a foot spa, foot basin or jet is removed from service for any reason, the record shall indicate the date of removal from service.

26.282 Foot spa and foot basin chairs shall be cleaned and disinfected after service is provided to each client. The chair shall be made of or covered in a non-porous material that can be disinfected.

26.290 Responsibilities of a Mobile Establishment

26.291 The owner(s) of a mobile establishment, and practicing licensees within, shall comply with all health and safety requirements pursuant to Title 32, chapter 126 and applicable

rules as these apply to practice, operation, safety, sanitation, infection control standards and blood exposure procedures.

- 26.292 Fixtures shall be anchored to the unit.
- 26.293 Chemicals in the mobile establishment shall be stored securely in cabinets with safety catches independently from other product.
- 26.294 Display on both sides of the mobile unit's exterior a sign with the mobile establishment's name and license number.
- 26.295 Shall have a water heater that provides fresh, hot water continuously and on demand.
- 26.296 Shall have a fresh water tank holding a sufficient amount of fresh water to perform the day's business. If a mobile unit's fresh water supply is depleted, operation shall cease until the supply is replenished.
- 26.297 Shall have a functioning restroom within its perimeter to include a self-contained flush toilet and a sink with holding tank.
- 26.298 Services may not be performed while the mobile establishment is in motion or outside the mobile establishment.
- 26.299 A mobile establishment may not be used as a residence or for any purpose other than services provided by practitioners licensed under 32 MRS, chapter 126.

STATUTORY AUTHORITY: 32 M.R.S. § 14212-A(2)

EFFECTIVE DATE:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION****BARBERING AND COSMETOLOGY LICENSING PROGRAM****Chapter 27: RULES FOR LICENSURE AND OPERATION OF SCHOOLS OFFERING ONE OR MORE COURSES OF STUDY IN AESTHETICS, BARBERING, COSMETOLOGY, LIMITED BARBERING, NAIL TECHNOLOGY AND INSTRUCTING**

Summary: This chapter establishes the criteria to be met in order to obtain a license to operate a school and to offer and teach one or more courses of study in aesthetics, barbering, cosmetology, limited barbering, nail technology and instructing. This chapter also sets standards for the operation of an off-site [satellite] classroom.

SUBCHAPTER 1**(DEFINITIONS)**

Unless otherwise specified below, the terms used throughout this chapter may be found in 32 M.R.S. §14202 and throughout chapters 20 through 31 of this Program's rules.

1. **Clinic.** "Clinic" is a room or area of the school where aesthetics, barbering, cosmetology, limited barbering and nail technology services are performed by students enrolled at the school on clients as part of the students' practice clinical training curriculum.
2. **Clock hour.** "Clock hour" is the academic measurement in terms of clock minutes and hours.
3. **Direct Supervision.** "Direct supervision" means the physical presence on the school's premises of a licensed instructor in the clinic, practice lab or theory classroom to instruct, teach, direct, guide, demonstrate, evaluate or supervise student practice.
4. **Distance education or learning.** "Distance education" or "learning" means education in which instruction does not take place in a traditional classroom setting, but through other media such as computer-based training, Internet, video recording, or other mode of distance delivery where the instructor and student are separated by distance and, in some cases, time.
5. **Enrollment Contract.** "Enrollment contract" means the contract agreement document by which a student agrees to enroll in a licensed school.
6. **Instructor.** "Instructor" means a person who holds a license to instruct and teach a designated practice, such as aesthetics, barbering, cosmetology, limited barbering, or nail technology.
7. **Minor Student.** "Minor student" is a person under the age of 18.
8. **Practice Laboratory or Practical Laboratory.** "Practice laboratory" or "practical laboratory" is an area of the school where students learn and practice the skills of their chosen professional practice on other students or mannequins under the supervision of a licensed instructor.

9. **Off-Site Classroom, Classroom Expansion or Satellite Classroom.** “Off-Site classroom,” “classroom expansion,” or “satellite classroom” is space suitable for purposes of conducting classroom sessions at a location outside and away, but within a reasonable distance, from a licensed school for purposes of handling excess student population on a temporary basis. The facility may eventually become a permanent fixture if the facility meets all school licensing requirements for the type of service rendered, such as theory classroom, practice laboratory and/or client-based clinic.
10. **Records.** “Records” means any information or data recorded in any medium including, but is not limited to: handwriting; print; tapes; film; microfilm; microfiche and any electronic storage or retrieval media.
11. **Student Records.** “Student records” are those records directly related to a student and which are maintained by the school, or by a party acting for the school, and includes student academic records and enrollment and financial information.
12. **Student Academic Records.** “Student academic records” means information relating to a student's admission to the school and academic performance at school.
13. **Student.** “Student” means any person who is enrolled in a licensed school in a course of study to acquire the knowledge and skills to obtain a license to practice aesthetics, barbering, cosmetology, limited barbering, nail technology, or instructing.
14. **Student Instructor.** “Student instructor” is a person who holds a valid Maine aesthetician, barber, cosmetology, limited barber or nail technologist license and is enrolled in a course of study to learn and acquire the knowledge and skills to obtain a license to instruct a course of study specifically related to the type of license held.
15. **Theory.** “Theory” means the classroom where interactive subject matter instruction, lessons and education principles is provided to students.

SUBCHAPTER 2

(APPLICATION AND LICENSING)

1. **Application for Initial Licensure of a School**

The applicant shall submit the information and documentation described below on forms provided by the Director, along with the fee required by chapter 10, section 5(8) of the rules of the Office of Professional and Occupational Regulation, “Establishment of License Fees,” and such other information as the Director may require:

1. The owner’s name, or the name of the Maine Department of Education approved Career and Technical Education (CTE) secondary school of learning, and contact person, contact address, telephone number and email address;
2. The trade name or business name under which the school will operate;
3. The school’s physical and contact address, telephone number, email and if applicable, world wide web address;
4. Type of ownership or operation (i.e., partnership, corporation, limited liability company or sole proprietorship), to include the following:

- A. If a sole proprietor, the name, contact address, telephone number, fax number, email address and social security number of the applicant.
- B. If a partnership, the name, contact address, telephone number, fax number, email address and federal employer identification number of the partnership; the name and contact address of each partner; and the name of the partner who will be representing the applicant in matters relating to licensure by the Director.
- C. If a corporation, the name, contact address, telephone number, fax number, email address and federal employer identification number of the corporation; the name of the parent company, if any; the name, title and contact address of each corporate officer and director; the name and contact address of each shareholder owning 10 percent or more of the voting stock of the corporation; a certificate of existence from the corporation's state of organization and, for corporations not organized under Maine law, a certificate of authority from the Maine Secretary of State, if such certificate is required by 13-C M.R.S. § 1501; and the name of the corporate officer who will be representing the applicant in matters relating to licensure by the Director.
- D. If a limited liability company, the name, contact address, telephone number, fax number, email address and federal employer identification number of the limited liability company; the name and contact address of each member and manager; a certificate of existence from the Maine Secretary of State or, for limited liability companies not organized under Maine law, a certificate of authority or certificate of qualification from the Maine Secretary of State; and the name of the member or manager who will be representing the applicant in matters relating to licensure by the Director.

This subsection does not apply to a Maine Department of Education approved Career and Technical Education school.

- 5. Course(s) of study to be offered by the school, such as: 1) aesthetics; 2) barbering; 3) cosmetology; 4) limited barbering; 5) nail technology; and/or 6) instructing.
- 6. The school's daily hours of operation.
- 7. A scaled floor plan of the school that details the purpose of each area of the school including, but is not limited to: entrances; exits; dispensary; clinic; student practice laboratory; theory classroom; public reception area; product retail center; shampoo sinks; utility sinks; work stations; student library; student lounge center; product and equipment stock; supply and storage room; offices and public restroom facilities. If the school is part of a commercial building, the applicant shall include an additional scaled drawing and floor plan of the entire premises showing the relative position of the prospective school area and the location of all entrances, restrooms and storage areas.
- 8. A self-completed checklist attesting to compliance with requirements. A license is issued in reliance on the truthfulness and accuracy of the checklist. The information reported on the checklist is subject to verification upon inspection. Sanctions may be imposed, including suspension or revocation of licensure, if the information reported is found to be false.
- 9. Schools not served by a Public Water System, as defined in 22 M.R.S. § 2601(8), shall have the water supply tested for Total Coliform bacteria and nitrates by a laboratory

certified by the Department of Health and Human Services Drinking Water Program within six (6) months of application for initial licensing. A current list of certified laboratories can be found at www.medwp.com.

Water quality must meet the following standards to be considered satisfactory:

- A. Total Coliform bacteria - Zero (0) colony forming units of Coliform bacteria per 100 milliliters of sample; and
- B. Nitrates - A maximum of ten (10) milligrams per Liter.

Water supplies found to be unsatisfactory will require another test within six (6) months of the date of any unsatisfactory test. The results of the water test shall be submitted to the Director within ten (10) days of receipt. In the interim, a sign shall be posted indicating that the water is unsatisfactory until the water has been tested and is proven to be satisfactory.

- 10. A current certificate of occupancy, where required by local ordinance, or a copy of the plumbing certificate, or a copy of the establishment's internal plumbing permit signed by the local plumbing inspector affirming that the plumbing for the establishment is compliant with the Uniform Plumbing Code as adopted by the Plumbers' Examining Board, and a copy of the certificate affirming that the electrical for the establishment is compliant with the National Electrical Code as adopted by the Electricians' Examining Board.
- 11. Evidence of a surety bond in accordance with 32 M.R.S. § 14246.
- 12. Financial statement in accordance with 32 M.R.S. § 14246(2)
- 13. Evidence of professional liability insurance for each school licensed that covers students and employees and public liability insurance, each for at least \$300,000 per occurrence/ \$600,000 aggregate limits.
- 14. Schedule of the tuition rate for each course offered, and a schedule of all other fees that may be assessed to the student including, but is not limited to: fees related to registration; enrollment; books; supplies; practice kit; product; other tools and equipment costs and document fees.
- 15. For each planned course of study that will be offered, the school shall submit the following:
 - A. Curriculum, course outline, instructional schedule and daily lesson plan;
 - B. Orientation materials and overview of all subjects taught;
 - C. Testing and assessments;
 - D. Teaching aids; and
 - E. The name of the licensed instructor(s) who will teach the course, including the instructor's license number and license expiration date.

16. Copy of the admission requirements for students, which demonstrate conformity with the requirements set forth in subchapter 3, section 14 of this chapter.
17. Copy of the student enrollment application form and enrollment contract form that are consistent with the requirements of this chapter.
18. Copy of the school's student refund policy, class attendance policy, harassment policy, student and school employee conduct policies, student record keeping and requests for records access policies and procedures, school catalog, promotional materials and circulars.
19. A roster of instructional and faculty staff members, to include each staff member's full name, contact address, email address, job title and short job description, date of hire, and type of Maine practice and instructor license with the license number and license expiration date. Any changes to this roster must be reported, in writing, within ten (10) days of the change.
20. Consistent with the requirements set forth in subchapter 3, section 8(5) of this chapter, a copy of the teach-out plan for the closure of a school.

2. Action on Application

1. Following review of the application, the Director may approve the application, preliminarily deny the application, approve the application with conditions, direct the applicant to resubmit the application with specific modifications, request further information from the applicant, or investigate any of the information contained in the application.
2. Conditional License. To avoid any loss in school time for currently enrolled students, an applicant submitting an application based on a change in ownership may request and be issued a conditional license to allow time for a new school owner to complete the application process and obtain a permanent license. A conditional license shall be for a period no longer than ninety (90) days upon which the applicant shall have fully completed the application filing for issuance of the permanent license. A conditional license is not renewable.

3. Alterations or Modifications to the School's Facility and Floor Plan

A school may not alter the physical dimensions of the school facility or in any way modify the space within the school as initially approved for licensure prior to receiving approval from the Director. A request, describing in detail the proposed alteration or modification together with a scaled floor plan that clearly details the proposed changes and a proposed start date for construction to begin and an estimated date of completion, shall be submitted at least twenty (20) days prior to the beginning of anticipated work. Upon project completion, an inspection shall be conducted to affirm that the changes maintain compliance with laws and rules. If electrical or plumbing alterations are required, a copy of the plumbing or electrical certificate of approval shall be presented. This does not apply to minor cosmetic or non-structural modifications. A structural remodel includes, but is not limited to, plumbing and electrical changes, and external or internal structural construction.

4. License Renewal

1. Licensees shall submit a completed renewal application prior to the date of expiration on the license, along with the fee required by chapter 10, section 5(8) of the rules of the Office of Professional and Occupational Regulation, “Establishment of License Fees.” A license expires on the stated date of expiration. The ninety (90) day late renewal period should not in any way be construed to permit practice after the date of expiration. Failure to receive a courtesy renewal reminder notice does not waive the licensee’s responsibility to renew in a timely manner.
2. Licensees shall comply with renewal requirements described in 32 M.R.S. § 14246(2).

5. Change of Owner or Location

1. Upon a change of ownership, the original owner of the school shall submit a written notice of the ownership change together with the anticipated last day of ownership. The new school owner(s) shall file a new application with the Director no less than thirty (30) calendar days prior to the anticipated ownership change. A license is only valid for the specified entity to which the license was issued to and is not transferable.
2. Upon a change of location, a school shall file a new application with the Director no less than thirty (30) calendar days prior to the change. A license is only valid for the location for which the license was issued for and is not transferable.

6. Off-site Classroom, Classroom Expansion, or Satellite Classroom

If an overrun of student population or a shortage of space occurs, the school owner shall submit a request for authorization for a satellite classroom at another location. At a minimum, a request for approval of a satellite classroom shall include the following:

1. Detailed reason(s) for the off-site classroom, including the type of course work for which the classroom will be utilized such as theory classes, practice lab or client-based clinic;
2. The number of students expected to utilize the off-site classroom;
3. Anticipated beginning date and end date of the off-site classroom;
4. Physical location and address of the off-site classroom; and
5. A detailed scaled floor plan that describes the expected space usage including, but is not limited to: entrances; exits; rest rooms and how the space will be utilized pursuant to subchapter 2, section 1(7) of this chapter.

The off-site classroom shall be inspected for compliance with applicable laws and rules and may not be utilized until it passes inspection.

7. School/Facility Inspection

A school shall be inspected prior to opening. Thereafter, the school is subject to random inspections.

8. Recruitment

A person, firm or corporation may not offer any course of instruction, solicit students or enroll students in any course of study until the school holds a valid license issued by the Director.

SUBCHAPTER 3

(SCHOOL OPERATION, COURSE OF STUDY, HEALTH, SANITATION AND SAFETY)

1. Physical Requirements

1. School Facility

A. Separation From Establishments, Independent Booths and Unrelated Businesses; Signage

The school shall:

- 1) Maintain complete physical separation between a licensed establishment, independent booth or mobile establishment and any other business that is unrelated to the school for which the license is issued;
- 2) Post a sign visible to the public of sufficient size near the entrance of the school that clearly identifies the school and differentiates entrances of the school from any other business. Nothing herein shall prevent a licensee from also owning or operating an establishment, independent booth or business unrelated to the school; and
- 3) Disclose to the public any unrelated business not regulated or recognized under the school's license issued by the Barbering and Cosmetology Practice Act, Title 32, chapter 126. Any unrelated business shall be physically separate from the school by floor to ceiling walls and closed entrances.

B. Facility Requirements.

At a minimum, each school shall provide the following:

- 1) One (1) classroom for supervised instruction in the theoretical components of the curriculum;
- 2) One (1) practice laboratory classroom for supervised practice skills training;
- 3) One (1) clinical classroom fully equipped with the necessary furniture, sinks, chairs, tools, equipment and devices and any other items or materials necessary for the applicable services that may be expected to be performed by students on clients;
- 4) A sufficient number of eye wash stations or units to accommodate the size of the school readily available for students, faculty and clients as described in chapter 26 section 26.013;

- 5) One (1) restroom facility to accommodate the students, staff and public population;
- 6) One (1) dispensary adequately equipped for mixing chemicals and product and performing sanitation procedures. The dispensary, at a minimum, shall have one (1) utility sink of sufficient size to meet the needs and size of the student population;
- 7) One (1) supply/stock room which shall be adequately stocked and supplied to meet the needs of the student population. The school shall stock a variety of product brands, practice supplies and equipment to provide students with a well-balanced opportunity to obtain experience with a variety product lines, tools and equipment. The supply/stock room may be blended with the dispensary, providing that it is sufficient in size;
- 8) One (1) enclosed office for instructors to meet with a student in confidence;
- 9) One (1) room or work area designated for instructors to perform duties associated with teaching such as student and lesson planning, record keeping, counseling, consultations and other administrative tasks. This room may be consolidated with the office described in Subparagraph 8 directly above, provided that the room is generally available without hindering a student's need to meet with an instructor in private;
- 10) One (1) private student lounge of an adequate size to serve the student population;
- 11) A public reception area, which may include retail product sales for purposes of training students in retail sales;
- 12) One (1) drinking water dispensing system with sanitary fixtures. The system shall not be in combination with a sink used in the dispensary or part of the restroom facility;
- 13) One (1) reasonably sized student locker for each student enrolled, to be located in an area of the school that will not disrupt ongoing classes;
- 14) An educational library that provides quiet study space for students and is suitably equipped with specific course-related resources such as copies of textbooks, articles, journals and other resource material;
- 15) Fire extinguishers in sufficient quantity and size for the size of the school. A sign shall be visible and posted at each location where a fire extinguisher is placed. Fire extinguishers shall be current and operable at all times; and
- 16) First aid supply. The school shall have an adequately supplied first aid kit. A sign stating the location of the first aid kit shall be posted in the practice laboratory, the clinic and in the dispensary. The following is recommended:

<i>ITEM</i>	<i>UNDER 20 STUDENTS</i>	<i>21-50 STUDENTS</i>	<i>51-100 STUDENTS</i>	<i>OVER 100 STUDENTS</i>
Adhesive Bandages	50	150	175	200
Elastic Bandage	1	1	1	1
Gauze Pads	10	10	20	25
Adhesive Tape (Roll)	1	1	2	2
Rubbing Alcohol 8 oz	1	1	1	1
Iodine 3 oz	1	1	1	1
Antiseptic Wipes	10	20	30	40
Disposable Gloves	2	2	4	4
CPR Mask	1	1	1	1
Burn Cream Ointment (8 oz tube or equal)	1	2	2	3
Antibiotic Ointment (8 oz tube or equal)	1	1	2	2
Cold Pack(s)	1	1	2	2
Ipecac	1	1	1	1
Scissors	1	1	1	1
Eye Wash Solution (8 oz)	1	1	2	2
Eye Pads	2	2	4	8
Eye Cup(s) – Not required if eye wash station or unit is provided	1	2	3	4
Dressings	10	10	20	20
Tourniquet	1	1	1	1
Ammonia Inhalant	1	1	1	2
First Aid Guide	1	1	1	1
Tongue Depressor(s)	1	1	2	2
Tweezer	1	1	1	1
Personal Protection Clean-up Kit(s): a kit for cleaning blood and other bodily fluid spills to prevent disease and contamination. Shall meet OSHA Standards and at a minimum include: disposable gloves, red biohazard bag with twist tie, blotting towel, and germicidal wipe.	1	2	3	4

17) Environment and water supply

- a) The school shall be adequately lighted, ventilated, and temperature-controlled in order to promote a suitable working environment, health and safety, and for the comfort of staff, students and clients.
- b) The school shall have plumbing that provides immediate and continuous access and supply of hot and cold running water to all sinks, lavatories and shampoo bowls. Shampoo bowls shall be equipped with appropriate back flow preventers as required by the Maine Plumbing Code.

18) Signage

Signs shall be prominently displayed in the reception, entrance or public area of the school. Print size shall be at least one (1) inch.

The school shall display a sign:

- a) Near the exterior main entrance of the school that identifies the facility as an educational institution. Identifying the school, or any part of the school, as an establishment, salon, or shop is prohibited.
- b) In the reception area that states the clinic is operating under the auspices of the school and that all work is performed by a student under the direct supervision of a licensed instructor.
- c) In the reception area that provides a clinic service pricing schedule.
- d) In the reception area that informs clients that a patch test is required twenty-four (24) to forty-eight (48) hours before the application of any product that contains an aniline derivative. Records of such tests shall be signed by the client who will receive the service and the student who will provide the service to the client.
- e) In the reception area that states students are booked for client services according to a student's training needs to fulfill their course requirements. Booking students by client request should only be done when other students are not placed in jeopardy of failing to meet course requirements.
- f) In the reception area that provides the public, clients, students and school faculty and staff members with the following contact information:

This school and its instructors are licensed by the Office of Professional and Occupational Regulation. Anyone may file complaints about the operation of this school to:

Office of Professional and Occupational Regulation
Barbering and Cosmetology Licensing Program
35 State House Station, Augusta ME 04333

Or visit the Office's website at:

www.maine.gov/professionallicensing

C. Minimum Space Requirements

The school shall be of a size to sufficiently accommodate the student population, or in the case of a new school, the anticipated enrollment.

Excluding the office space, dispensary, storage areas, lounge, library, restrooms, and other general areas of the school, the school shall provide the following minimum square footage in any theory classroom, practice laboratory and clinical classroom for each student enrolled:

- 1) Theory and practice laboratory. Minimum of twenty (20) square feet for any course of study offerings; and

- 2) Clinical classroom.
 - a) Aesthetic course of study. Minimum of forty (40) square feet per table set up to adequately accommodate the client aesthetic facial bed, student seating, necessary equipment and space around the work area for the student to work on a client.
 - b) Cosmetology, barbering, limited barbering course of study. Minimum of thirty (30) square feet per station to adequately accommodate the working station, client seating and space around the work area for the student to work on a client.
 - c) Nail technology. Minimum of twenty (20) square feet each per nail service station and pedicure station to accommodate the nail service table, the pedicure station, student seating and space around the work area for the student to work on a client.

The clinical classroom may double as a student practice laboratory classroom providing that the public clinic is not in operation.

2. Cleanliness

1. The overall premises of the school including, but is not limited to: entrances; exits; walls; floors; ceilings; windows; sinks; restroom facilities and other fixtures shall be kept in a clean, sanitary, functional and orderly condition at all times.
2. Furniture, equipment and tools shall, at all times, be kept clean and free from dust, debris, dirt, rips and tears.
3. Equipment and tools shall be sanitized and appropriately stored as described in chapter 26, section 26.110 of this Program's rules.
4. Waste receptacles shall be covered as appropriate and emptied as described in chapter 26, section 26.144 and 26.145 of this Program's rules.

3. Compliance with All Applicable Regulations

1. A school shall comply with all the sanitation, disinfecting, infection control standards and safety requirements stated in chapter 26 of this Program's rules.
2. A school shall comply with all applicable State and local laws, regulations and ordinances.

4. Instructional Staff

1. Licenses Required
 - A. An instructor shall hold a valid instructor license to teach in the designated area of practice as described in subsection 2 below. A demonstrator may provide instructional services as described in 32 M.R.S. § 14202(3-A). In addition to the license holder's responsibility to hold a valid license to teach, it is the responsibility of the school to insure that the instructor or demonstrator who teaches at the school holds a valid license.

- B. An instructor shall wear a name badge (first name only is acceptable) during school hours that identifies the individual as an instructor.
- C. A student instructor shall wear a name badge (first name only is acceptable) during school hours that identifies the individual as a student instructor.

2. Area of Instruction

A person who holds a license to instruct may teach a designated course of study as follows:

- A. Aesthetic Instructor. May instruct only the aesthetic practice course of study and the instructor course of study for that practice;
- B. Barber Instructor. May instruct the barbering and limited barbering practices courses of study and the instructor course of study for each of those practices;
- C. Cosmetology Instructor. May instruct the barber, cosmetology, nail technology, and limited barber practices courses of study and the instructor course of study for each of those practices. A cosmetology instructor may also instruct and teach the aesthetic practice course of study, provided that he or she has demonstrable formal training in aesthetics;
- D. Limited Barber Instructor. May instruct only the limited barber practice course of study and the instructor course of study for that practice; or
- E. Nail Technology Instructor. May instruct only the nail technology practice course of study and the instructor course of study for that practice.

3. Unlicensed Staff

- A. A student instructor shall not be used in place of an instructor, except as described in subsection (4)(B) below.
- B. A school may obtain services from a person such as a medical practitioner, accountant, person with business and/or financial management experience, financial or legal advisor, or secondary or post-secondary teachers with specialized experience to instruct in an area that directly relates to a specific area of the curriculum.
- C. A licensed aesthetician, barber, cosmetologist, limited barber or nail technologist may temporarily substitute in a licensed school, under the supervision of a licensed instructor, for no more than five (5) days during a calendar year. The school shall maintain a record, which shall include at a minimum the name of the substitute, license held, and the course of study class(es) and the date(s) of the temporary substitution. The school shall present the record to the Director upon request. A person who substitutes shall wear a name badge during school hours that identifies that person as a temporary substitute.

4. Instructor to Student Ratios

A. Each school shall provide a licensed instructor in each theory classroom, practice laboratory and clinic classroom when instructional activity is taking place for purposes of directly supervising students.

B. The minimum student to instructor ratio is as follows:

1) Theory Classroom

When instructional activity is taking place, a licensed instructor must be present in the classroom. A school may utilize a qualified student instructor whose practice license is related to the course of study area and who is under the direct supervision of the qualified instructor; and

2) Practice Laboratory and Client-based Clinical Classroom

The ratio of students to instructor shall be 25:1 at all times. A school may utilize a student instructor whose practice license is related to the course of study area and who is under the direct supervision of the qualified instructor.

5. Roster of Student Enrollment and Instructors Employed by the School

The school shall submit, in a format designated by the Director, a report of students enrolled and instructors employed by the school as described below.

1. The student report shall contain the following minimum information: student's full name, student's mailing address and email address, student's date of birth, name of the course the student is enrolled in and date of enrollment; and name of any student(s) who withdrew and any student(s) who was terminated since the last student roster report.
2. The licensed instructor report shall contain the following minimum information: full name of each instructor employed at the time of the report, instructor's license number and license expiration date, instructor's initial date of employment, instructor's work schedule and course(s) of study taught. The report shall list any instructor(s) who left employment since the last report with the final date of employment. New hires shall be reported on the next roster report.
3. The schedule for filing reports is Quarterly: January 1, April 1, July 1, and October 1, within six months after adoption of these rules.

6. Instructional Materials

Printed Materials

1. Make available to students, textbooks and/or text material in order to fulfill course and/or program requirements.
2. A reference library shall be available to students and instructors that encompasses an adequate supply of current reference books, technical journals and professional magazines related to the course(s) or practice taught at the school.

7. Course of Study Equipment and Student Kit

1. Basic Clinic Equipment for the **Cosmetology Course of Study**

- A. Clinical and Practice Laboratory Classroom. The following is a list of the minimum required equipment, tools and implements that the school shall maintain at all times. Beyond the minimum, the school shall provide a sufficient number of the work stations and equipment listed below to meet the school's current student enrollment needs at all times.
- 1) Six (6) work stations with mirror;
 - 2) One (1) adjustable hydraulic client chair with head rest per station;
 - 3) Four (4) shampoo bowls;
 - 4) One (1) stationary, hooded hair dryer per six (6) clinic stations;
 - 5) One (1) facial chair;
 - 6) Six (6) dozen towels;
 - 7) One (1) adequately sized covered hamper for soiled towels, with additional hampers required at the ratio of one (1) to every six (6) stations, or part thereof;
 - 8) One (1) plumbed pedicure foot bath, or two (2) manual fill foot basin soak baths;
 - 9) One (1) paraffin bath and wax unit or system;
 - 10) Electric massager and adequate equipment for facial-related practice;
 - 11) A variety of combs and brushes, sufficient in quantity, if not already supplied in each student's kit;
 - 12) Vibrators, electric tapering clippers and strops and hones, in sufficient quantity for student's enrolled;
 - 13) One (1) razor (injectable blade);
 - 14) One (1) adequately sized covered refuse container for every six (6) stations, or part thereof;
 - 15) A mannequin of first quality hair shall be furnished by the school for each student or included in the student kit;
 - 16) Five (5) dozen rollers and permanent wave rods of varying sizes for every two (2) stations shall be available for student use, or part thereof, if not already supplied in each student's kit;
 - 17) Four (4) manicure finger bowls, if not already supplied in each student's kit;

- 18) One (1) covered container for cotton, sufficient in size; and
 - 19) Four (4) sets of manicuring and pedicuring implements, if not already supplied in each student's kit.
- B. Cosmetology Student Kit. Each school shall provide and ensure that cosmetology students obtain and maintain at least the following tools during enrollment at the school:
- 1) One (1) or more textbooks on the practice of cosmetology;
 - 2) Haircutting shears;
 - 3) Hair shaper and blades;
 - 4) Styling combs, minimum of six (6);
 - 5) Tail combs, minimum of six (6);
 - 6) Round brushes, minimum of one (1) small and one (1) large;
 - 7) Five-row brushes, minimum of two (2);
 - 8) A set of rollers and permanent wave rods of varying sizes, unless already made available to student's by the school;
 - 9) Protective gloves;
 - 10) Tint brush and tint bottle;
 - 11) Shampoo cape;
 - 12) Neck strips;
 - 13) Duckbill or other comparable clips, minimum one (1) package;
 - 14) Applicator bottle;
 - 15) Double prong clips, one (1) box of one hundred (100);
 - 16) Permanent rods, six (6) dozen of assorted sizes;
 - 17) Comb out cape;
 - 18) A mannequin of good quality, if not part of the school's basic equipment;
 - 19) Hand held or gun type hair dryer;
 - 20) Curling iron; and
 - 21) Complete manicure kit, to include:
 - a) Cuticle nipper or cuticle scissors;

- b) Finger bowl;
- c) Tweezers;
- d) Nail file;
- e) Cuticle pusher;
- f) Emery board;
- g) Buffer;
- h) Starter polish kit;
- i) Orange wood sticks;
- j) Manicure brush; and
- k) Manicure wet disinfectant.

2. **Basic Clinic and Practice Laboratory Equipment for the Aesthetic Course of Study**

A. **Clinical Classroom.** The following is a list of the minimum required equipment, tools and implements that the school shall maintain at all times. Beyond the minimum, the school shall provide a sufficient number of work stations and the equipment listed below to meet the school's current student enrollment needs at all times.

- 1) Four (4) aesthetic procedure chairs;
- 2) Four (4) chairs for the student providing client treatment;
- 3) One (1) sink within easy access of the treatment chair;
- 4) One (1) cold light magnifying lamp;
- 5) Eight (8) dozen towels;
- 6) One (1) unit for galvanic treatment;
- 7) One (1) vaporizer machine or facial system;
- 8) One (1) high frequency unit;
- 9) One (1) paraffin bath and wax unit or system;
- 10) One (1) adequately sized covered refuse container for every six (6) aesthetic procedure chairs, or part thereof; and
- 11) One (1) adequately sized covered hamper for soiled towels with additional hampers required at the ratio of one (1) to six (6) aesthetic chairs, or part thereof.

- B. Student Kit for the Aesthetic Course of Study. Each school shall provide and ensure that aesthetician students obtain and maintain at least the following tools during enrollment at the school:
- 1) One (1) or more textbooks on the practice of aesthetics; and
 - 2) One (1) complete aesthetic kit including, but is not limited to:
 - a) Cleansers for all skin types;
 - b) Toner for all skin types;
 - c) Masks for all skin types;
 - d) Moisturizer;
 - e) Disposable sponges;
 - f) Spatulas;
 - g) Applicators;
 - h) Tweezers;
 - i) Makeup kit and brushes; and
 - j) Protective disposable gloves.
3. **Basic Clinic and Practice Laboratory Equipment for the Barbering and Limited Barbering Course of Study**
- A. Clinical Classroom. The following is a list of the minimum required equipment, tools and implements that the school shall maintain at all times. Beyond the minimum, the school shall provide a sufficient number of the work stations and equipment listed below to meet the school's current student enrollment needs at all times. For purposes of meeting the minimum requirements of this paragraph, a school that offers the cosmetology course of study in addition to the barbering course of study may request a waiver to allow for cosmetology equipment and tools to be used in place of some of the equipment and tools listed below.
- 1) Six (6) clinic work stations with mirror;
 - 2) One (1) adjustable hydraulic client chair with headrest per station;
 - 3) Four (4) shampoo bowls;
 - 4) One (1) stationary, hooded hair dryer per six (6) clinic stations;
 - 5) Electric massager, electric tapering clipper, strops and hones, in sufficient quantity for student's enrolled;

- 6) A variety of combs and brushes of a sufficient quantity for student's enrolled, if not already supplied in each student's kit;
- 7) Five (5) dozen rollers and permanent wave rods of varying sizes for every two (2) stations shall be available for student use, or part thereof, if not already supplied in each student's kit;
- 8) One (1) adequately sized covered hamper for soiled towels with additional hampers required at the ratio of one (1) to six (6) stations, or part thereof;
- 9) Four (4) nail technology tables with stools for the student and client chair (not required if the school offers only the limited barber course of study);
- 10) One (1) adequately sized covered refuse container for every six (6) stations, or part thereof;
- 11) A mannequin of first quality hair shall be furnished by the school for each student or included in the student's kit; and
- 12) A minimum of four (4) manicure finger bowls (not required if the school offers only the limited barber course of study).

B. Barber and Limited Barber Student Kit. Each school shall provide and ensure that barber and limited barber students obtain and maintain at least the following tools during enrollment at the school:

- 1) One (1) or more textbooks on the practice of barbering;
- 2) One (1) electric clipper (tapering);
- 3) One (1) apron clip;
- 4) Variety of combs;
- 5) One (1) razor (injectable blade);
- 6) One (1) electric edger;
- 7) One (1) hand held or gun type hair dryer;
- 8) One (1) tool case;
- 9) Shampoo cape;
- 10) One (1) pair each of cutting and blending shears;
- 11) A set of rollers and permanent wave rods of varying sizes, unless already made available to student's by the school;
- 12) One (1) regular hair brush;
- 13) One (1) round hair brush;

- 14) One (1) clipper brush;
 - 15) Hair cloth; and
 - 16) One (1) curling iron.
4. **Basic Clinic and Practice Laboratory Equipment for the Nail Technology Course of Study**
- A. Clinic Classroom. The following is a list of the minimum required equipment, tools and implements that the school shall maintain at all times. Beyond the minimum, the school shall provide a sufficient number of work stations and the equipment listed below to meet the school's current student enrollment needs at all times.
- 1) Four (4) nail technology tables with stools for the student and client chair;
 - 2) One (1) adequately sized covered hamper for soiled towels with additional hampers required at the ratio of one (1) to six (6) stations, or part thereof;
 - 3) One (1) adequately sized covered refuse container for every six (6) stations, or part thereof;
 - 4) A hand mannequin shall be furnished by the school for each student or included in the student's kit; and
 - 5) A minimum of four (4) manicure finger bowls.
- B. Nail Technology Student Kit. Each school shall provide and ensure that nail technology students obtain and maintain at least the following tools during enrollment at the school:
- 1) One (1) or more textbooks on the practice of cosmetology and/or nail technology; and
 - 2) A complete manicure kit including, but is not limited to:
 - a) Manicure brush;
 - b) Finger bowl;
 - c) Manicure wet disinfectant;
 - d) Nipper;
 - e) Tweezers;
 - f) Cuticle scissors;
 - g) Nail file;

- h) Cuticle pusher;
- i) Two (2) emery boards;
- j) Two (2) orange wood sticks;
- k) Buffer;
- l) Starter polish kit;
- m) Artificial nail kit;
- n) Protective gloves; and
- o) Covered contain for cotton.

8. Tuition, Fees and Refunds

All information in publications and communications shall be current and up-to-date at all times.

1. **Publication of Financial Obligations.** Student tuition, fees and refund policies shall be clearly and completely stated in the school's catalog and on the enrollment contract. This information shall also be included on any world wide web school advertisements.
2. **Enrollment Contracts.** The school's enrollment contract shall clearly describe the obligations of the school and the student. A copy of the enrollment contract shall be made available to the student prior to his or her signing, and a copy of the completed enrollment contract shall be given to the student immediately upon final execution of the enrollment contract.
3. **Fees and Charges.** A student shall not be charged for any supplies, material, apparatus, tools or equipment provided in the student kit or used in the clinic unless the enrollment contract clearly contains a list of these charges, except that students may be charged for supplies or materials furnished for the student's personal use.
4. **Refund Policies.** Every school shall adopt a refund policy for cancellation and termination which shall comply with the following:
 - A. An applicant not accepted by the school shall be entitled to a refund of all monies paid;
 - B. If a student (or minor student) cancels his or her contract and demands his or her money back in writing within three (3) business days of the signing of the enrollment contract, all monies collected by the school shall be refunded. The cancellation date will be determined by the postmark on the written notification, or the date said information is delivered to the school's director/owner in person. This policy applies whether or not the student has actually started training;
 - C. If a student (or minor student) cancels his or her contract more than three (3) business days after signing but prior to entering classes, he or she shall be entitled to a refund of all monies paid to the school, less a registration or enrollment fee, as disclosed in the enrollment contract. A school can charge pre-

- enrollment fees such as a registration fee, application fee, enrollment fee, matriculation fee, etc., provided that the total sum of all such pre-enrollment fees does not exceed \$100.00 or 15 percent of the contract price of the course, whichever is less;
- D. The Director considers any refund policy to be fair and equitable if it provides for a refund of tuition at least as large as tuition adjustment guidelines promulgated by the National Accreditation Commission of Cosmetology Arts and Sciences;
 - E. Enrollment time is defined as actual clock hours in attendance to the date of the student's last day of physical attendance in the school. Any monies due the applicant or student shall be refunded within thirty (30) days of formal cancellation by the student, as outlined in paragraphs B and C above, or formal termination by the school, which shall occur no more than thirty (30) days from the last day of physical attendance, or in the case of a leave of absence, the documented date of return;
 - F. In situations where mitigating circumstances exist, schools are encouraged to adopt a policy whereby the refund to the student may exceed the minimum cancellation and settlement policy;
 - G. All extra costs that are not included in the tuition price, such as books, equipment and graduation fees, shall be stated in the catalog and contract, and any non-refundable items shall be identified; and
 - H. Any reasonable termination/withdrawal fee shall be identified in the catalog and on the contract.
5. School Closure Teach-Out Policy. The school shall notify the Director, in writing, within twenty (20) days prior to closure or anticipated closure of the school, together with the reason for the school's closure and the teach-out plan agreement with the receiving school. If a school closes after students have enrolled, or if a course is canceled after students have enrolled and instruction has begun, an applicable teach-out plan for students participating in Title IV student financial assistance programs shall comply with the following requirements:
- A. The school shall submit to the Director for approval a sample teach-out plan at the time of initial application. The teach-out plan shall for currency of the plan, be reviewed annually. Any modification to the teach-out plan shall be submitted to the Director for re-approval at least thirty (30) days prior to the anticipated change;
 - B. The teach-out plan shall offer the student a reasonable opportunity to promptly resume and complete the canceled course(s) of study or substantially similar courses of study at a school(s) that offers similar educational programs and has no business connection with the original institution. The student's academic and financial records shall be transferred to the receiving school;
 - C. The receiving teach-out school shall not charge the student an amount greater than that for which the student was responsible and has not yet paid to the original school for the period covered by the teach-out plan;

- D. In the event of a school closure, the school shall send a written notice to each student at least twenty (20) days prior to the anticipated date of the school's closure. The school shall provide the student with an affidavit of accumulated course credit hours and financial standing report. The school shall publish a notice of the school's closure on the school's website;
- E. The school shall work with other licensed schools to establish an agreement by which students will be accepted by the receiving school and the financial amount the receiving school will receive on behalf of the transferring student. The agreement must clearly describe what will be provided to the receiving school regarding each student's financial aid status and condition;
- F. A copy of the approved teach-out plan shall be provided to each student at the time of enrollment. If the original teach-out plan is changed after enrollment, the revised plan shall be provided to each student enrolled within ten (10) days of the change; and
- G. Students who are not recipients of Title IV federal financial aid shall be entitled to a pro-rata refund of tuition as stated in section 11 of this subchapter.

9. Course Cancellation Policy

The school shall notify the Director, in writing, of the course cancellation at least twenty (20) days prior to cancellation. If a course is canceled after a student's enrollment but before instruction in the course has begun or been fully completed, the school shall, at its option:

- 1. Provide a full refund of all monies paid; or
- 2. Initiate the objective stated in the teach-out plan for student placement.

10. Notice of School Policies

The enrollment contract shall outline clearly the obligations of both the school and the student and provide details of the course cancellation and refund policy of the school. A copy of the enrollment contract and other information covering student costs shall be furnished to the applicant before any payment is made. The school's course cancellation and refund policy shall also be included in the school catalog.

11. Tuition Adjustment Guidelines

For students who enroll in and begin classes, the following schedule of tuition adjustment will be considered as meeting minimum standards for refunds:

PERCENTAGE TIME TO TOTAL TIME OF COURSE	AMOUNT OF TOTAL TUITION OWED TO THE SCHOOL
0.01 to 4.9 percent	20 percent
5 to 9.9 percent	30 percent
10 to 14.9 percent	40 percent
15 to 24.9 percent	45 percent
25 to 49.9 percent	70 percent
50 percent and over	100 percent

12. No Penalties

No school shall penalize a student through monetary means for days absent due to illness verified by a doctor's certificate, and no school shall withhold transcripts or course hours after satisfactory academic completion of the course of study in full, or in part, providing that financial obligations to the school have been met by the student. In such cases, the school shall provide the student a detailed written financial accounting within three (3) days of the student's last date of attendance.

13. Third Party Assignments

If promissory notes or contracts for tuition are sold to third parties, the school shall insure that the third party shall comply with the cancellation and settlement requirements identified in this subchapter.

14. Admissions

1. **Minimum Age and Educational Qualifications.** A school shall enroll only those students who meet the criteria set forth in 32 M.R.S. § 14233, which includes the following:
 - A. Sixteen (16) years of age;
 - B. Has demonstrated to the school of having completed the 10th grade in a secondary school of learning, or its equivalent; and
 - C. Is currently enrolled in a public school program in which he or she has been approved for alternative instruction in a program of work, work-study or training.
2. **Nondiscrimination.** Student enrollment decisions will be based on nondiscrimination principles without regard to race, color, ancestry or national origin, religion, sex, sexual orientation, or marital status.
3. **Enrollment.** Enrollment periods shall be set by the school. However, the total number of enrollment openings shall be consistent and comply with the minimum square footage per student and the instructor/student ratio as required in this chapter.
4. **Minors.** The school shall not enroll any minor student, or enter into any enrollment contract with a minor student, without the informed consent of the student's parent or legal guardian.

15. Publication of Admissions and Eligibility Requirements

1. School requirements for initial admission and transfer, and general eligibility for continuing enrollment, shall be clearly stated and made available, in writing, to each prospective student prior to enrollment.
2. Applicants for enrollment shall be informed, in writing, of the financial obligations he or she is undertaking upon enrollment at the school, the content and expectations of the course of study, attendance requirements, standards of student conduct (academic and general conduct), and the names and qualifications of instructors.

16. Transfers

1. **In-State Transfers.** If a student transfers from one school to another within the State, the student shall provide an official transcript to the receiving school. The transcript shall contain a detailed record of subject areas and hours satisfactorily completed and all related instructional information pertaining to the student's progress in the course in which the student was enrolled. The receiving school shall credit the hours satisfactorily completed. If the student has not satisfied his or her financial obligation to the original school, the original school may hold the transcript until the payment is made. The original school shall provide written notice to the student within ten (10) days of the student's request for the transcript that explains why the transcript will not be provided and what the student must do to obtain the transcript.
2. **Out-of-State Transfers.** If a student transfers to a school licensed in this State from a school licensed in another jurisdiction, the student shall provide an official transcript to the receiving school. The transcript shall contain a detailed record of subject areas and hours satisfactorily completed and all related instructional information pertaining to the student's progress in the course in which the student was enrolled. The receiving school shall credit the hours satisfactorily completed. Subject areas unrelated to the curriculum requirements are not eligible for credit. The receiving school may consult with the Director on hours to be credited.
3. **Instructional Areas.** The school may only offer a course of study in a practice area described in Title 32, chapter 126 that has been approved by the Director.

17. Advertising

1. Advertising materials sponsored by the school shall describe the facility as a school. The wording and placement in advertising media must not confuse the services of a school with the services of an establishment. The school shall state that all services performed in the clinic are performed by students under direct supervision.
2. Published materials, oral statements or other advertisements sponsored by the school shall contain factually accurate descriptions and shall avoid superlatives that cannot be objectively measured or verified.
3. The school catalog shall contain information explaining how to file a complaint with the Program. The school catalog must reference the Program's web address, mailing address and phone number.

18. Records

1. **Student Academic and Financial Records**
 - A. A school shall keep accurate records that show the instruction in each subject successfully completed by the student. Upon completion of a course, the school shall provide the student with a transcript that describes the course and breakdown of subjects and dates of enrollment and course completion. A transcript shall be provided in the same manner to a student who terminates.
 - B. The official student academic records contain information relating to a student's academic performance such as, but is not limited to:

- 1) Application for enrollment and supporting documentation;
 - 2) Enrollment contract, the student's fees for the course of study and any related costs and relevant financial information;
 - 3) The student's progress and improvement reports;
 - 4) Narrative evaluations of the student's academic performance used to assess his or her progress through his or her course of study;
 - 5) Record of failures and results of supplemental examinations, as may be applicable.
 - 6) Log of hours of attendance and hours accumulated;
 - 7) Any petition and appeal filed by the student and the final disposition;
 - 8) Confidential medical information relative to a student's academic performance, which has been furnished at the request of the school with the consent of the student concerned; and
 - 9) Identifying information about the student that is required in the administration of academic records such as name, contact address, telephone number and email address (if available).
- C. To ensure that a student has completed the minimum course requirements prior to providing services directly on a client, a school shall maintain a transcript, signed by the student and the instructor(s) or school's official designee, indicating successful completion for each course of study as follows:
- 1) Aesthetics: seventy-five (75) hours of instruction and twenty (20) percent of each component of the practice curriculum;
 - 2) Barbering and Cosmetology: two hundred (200) hours of instruction and twenty (20) percent of each component of the practice curriculum;
 - 3) Limited Barbering: eighty-five (85) hours of instruction and twenty (20) percent of each component of the practice curriculum; and
 - 4) Nail Technology: twenty-five (25) hours of instruction and twenty (20) percent of each component of the practice curriculum.
- D. A school shall maintain student records on site for a period of five (5) years from the date of the last entry. The record must include the date of enrollment, a copy of the enrollment contract, time records of daily attendance, records and documentation of the student's progress through the course of study, including written communications related to the student, detailed record of hours completed in theory, practice or laboratory work and clinical instruction, the graduation date or date of withdrawal or termination, transcript and a record of the student's financial aid accounting and payment of tuition and fees.

- E. A school that changes ownership shall transfer all student academic and financial records, and any other record or document that directly relates to students, to the new school owners upon sale of the school.
- F. A school that permanently closes shall notify the Director, in writing, of the school closure in accordance with section 20 of this subchapter. In the case of a school closure, the school shall provide a copy of all pertinent student records to the receiving school. If the school does not expect to turn over all student records to another school, it is the school's responsibility to make arrangements to turn over all student academic and financial records, and any other record or document that directly relates to student to the Director.

2. All Other Records

Unless otherwise specified in this Program's rules, the retention period for all other records that a school official or instructor is required to create, including a student's practice experience report, shall be retained for a period of no less than five (5) years from the date of creation.

3. Producing Records; Storage; Backup

- A. **Producing Records.** All school and student records, academic and financial, shall be made available to the Director upon request. Records described in this chapter that are kept at the school's physical site or retrieved by computer or other electronic means shall be presented immediately. Records kept at a central location apart from the physical site of the school and not electronically retrievable shall be made available for inspection within three (3) working days of a request.
- B. **Backup.** The school owner shall implement reasonable data backup, protection and recovery protocols to retrieve electronically-stored student records, including financial records, in the event of human error, power failure, computer malfunction, accident or catastrophe resulting in the loss, destruction or corruption of data. The measures implemented shall be sufficient to provide reasonable continuity of service.
- C. **Placement Records.** If the school provides placement services, placement records shall be kept current and shall include such information as job opportunities, job placements and follow-up activities.
- D. **General Data.** General data and statistics (not identifiable as to specific individual students) concerning the success of school graduates on state licensing examinations shall be recorded systematically on an annual basis.
- E. **Storage.** Fire-resistant filing cabinets shall be used for storing student and financial records for protection against fire loss, tampering and vandalism. The use of an "electronic device" such as a computer system, portable device or other system or equipment approved by the Director, may be substituted for paper filing systems. Records retained by electronic devices shall be capable of being read from a computer screen, microfiche, microfilm, printout or other method approved by the Director. For purposes of this paragraph, "printout" is a hard copy produced by computer or other means that is readable without the aid of any special device.

4. Student Access

Upon forty-eight (48) hours' notice to the school, a student shall have the right, at all reasonable times during normal school hours, to inspect, review and copy all educational records concerning the student held by the school.

If the student is a minor, a parent or legal guardian shall have the right to inspect, review and copy all educational records of his or her minor child.

Consistent with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), which governs the disclosure of student records, all student academic and financial records, placement records and other records retained by the school shall be available to the Director.

19. Course of Study/Program

1. Subject to approval of the course of study by the Director, a school may offer one or more courses of study consisting of theory classroom, practice laboratory and client-based clinical work distributed over the minimum period allowed for the course of study to prepare students to achieve licensure in their chosen profession. Unless otherwise stated in this chapter, the length of time for a practice course of study is set forth in 32 M.R.S. §§ 14226, 14227, 14227-A, 14228 and 14229.

At the time of initial application, the school shall disclose the course(s) of study it will offer and teach and submit all necessary documents associated with the course(s) named, which shall minimally include, but is not limited to, course curriculum outline, learning objectives, daily lesson plans for teaching theory, practice laboratory and clinical training, class schedules, teaching aids, and text and resource materials that will be used. Any modifications, or the addition of a course of study, shall be submitted to the Director with all necessary documents for review and approval prior to implementation and advertisement.

2. Courses Offered by a Maine Department of Education Approved Career and Technical Education School

A. Early Career Opportunity

A Maine Department of Education approved Career and Technical Education (CTE) school may submit an application to the Director for a school license issued under Title 32, chapter 126 in order to offer a full or partial course of study. Approval of a partial course of study does not qualify a student to sit for examination or to obtain a practice license under Title 32, chapter 126.

B. Application

The applicant shall describe the manner in which the partial course of study will be taught, including information to be provided to the student and the student's parent or legal guardian on how the student may obtain the remaining hours necessary to complete the full course of study.

C. Accrued Course of Study Hours

Satisfactorily completed hours under a partial course of study are transferrable to another licensed school where the remainder of the full course may be completed. The CTE school shall issue an official school transcript using the approved form provided by the Director. The school transcript shall contain, at a minimum, the student's full name, the official name of the school and contact address, a breakdown of hours accrued by course of study subjects, the total number of hours credited, the student's date of enrollment and date of matriculation, and the signature of the school official authorized to sign transcripts and date signed. The completed transcript shall be provided to the student and copies provided to the Director and receiving school, if known. The receiving school shall accept the transfer hours in full but may perform a placement assessment for purposes of determining course content required for completion of the remaining course hours.

D. Option for Trainee Pathway

A student may request to have hours accrued in a licensed school credited toward a trainee course of study. This option may apply to a student who does not complete a full course of study in a private school or CTE school setting, provided that the student has met all financial obligations to the existing licensed school.

E. A Maine Department of Education approved Career and Technical Education school is required to comply with Title 20-A, chapter 313 and Maine Department of Education rule chapters 125, 231 and 232. For good cause shown, the Director may consider a request for a variance to the physical requirements set forth in this subchapter, provided that the requested variance is reasonably comparable to the intent of these rules. A variance request must be submitted in writing at the time of application, and must describe the reason for and details of the variance being requested.

3. Course of Study General Requirements (applicable to any course of study offered)

- A. Each school shall maintain regular class hours with a daily schedule. Theory, practice laboratory classes and client-based clinical schedules shall be established at the start of the course of study and posted for students and instructors. In cases in which a student requires additional time to complete a clinic or practice service or make up work, the student must be credited with actual hours completed.
- B. Curriculum and instruction shall be presented in an orderly, sequential development.
- C. Student instructional time shall not exceed forty-five (45) hours per week, including theory, practice laboratory classes and client-based clinical activity.
- D. All accumulated instructional time shall be applied to each student's total clock hour requirement.
- E. A student within 20 percent of the course of study completion may be approved for practice experience training in a licensed establishment under the direct supervision of a qualified licensee. Practice experience is part of a student's course of study where the student observes and performs services in a licensed

establishment. Practice experience activities shall be supervised by a practitioner who holds a valid Maine license in the practice experience relating to the student's course of study. The licensee assumes responsibility for work performed by the student on members of the public. The school's designated licensed instructor is responsible for monitoring and guiding the student. For purposes of practice experience, an instructor is not required to be physically present at the establishment but shall be reachable and available to the licensee supervising the student at the establishment.

The school shall develop a clear and detailed written agreement with the establishment's on-site supervising licensee on permitted practice areas, requirements for tracking accumulated hours by the student and reporting these hours to the school. The establishment shall retain a copy of the agreement on-site for the duration of the practice experience training. The school shall retain in the student's academic record the name of the school instructor responsible for overseeing the student's practice experience, the name, location and license number of the establishment, the on-site licensed supervisor, activities and services performed, accumulated hours and a copy of the practice experience training agreement.

A student may perform all services for the applicable practice course of study as determined by the school providing that the school has determined the student's reasonable competency to provide services, including services involving chemicals that may be expected to be performed within the establishment on clients. All work shall be under the direct supervision of the designated on-site supervising licensee who shall be responsible for all work performed. The supervising licensee is responsible for disclosing to the public that the service being performed is by a student.

4. Course of Study Time Requirements (applicable to any course of study offered)
 - A. Minimum Theory Instruction. Each student shall complete at least twenty-five (25) percent, but not more than fifty (50) percent, in classroom theory instruction, with the remainder of the time used for practical and clinical work.
 - B. Minimum Clinic Preparation. Each student shall complete the beginner or freshman level as described below applicable to the course of study, and at least twenty (20) percent of each component of the practical curriculum before being allowed to perform services on clients.

COURSE OF STUDY	BEGINNER/FRESHMAN LEVEL
Aesthetics	75 hours
Barbering	200 hours
Cosmetology	200 hours
Limited Barbering	85 hours
Nail Technology	25 hours

5. Assessment Requirements
 - A. Each student shall be tested periodically to determine the student's course of study progress.

- B. Students shall receive no less frequently than quarterly an official school report on their progress and standing in classroom theory, practical instruction and clinic work.
 - C. A student shall have the opportunity to meet with instructors to discuss his or her academic progress, including any deficiencies.
6. Client Services by Students
- A. Evaluation. All services performed on clients shall be evaluated and recorded by an instructor.
 - B. Scheduling. Students participating in clinic services shall be scheduled on a regular basis for theory and practical classroom instruction and may not be excused from regularly scheduled classes for on-demand client services.
7. Prohibitions
- A. Instructors shall not perform any services on clients, except for instructional purposes.
 - B. A clinic may not be labeled as, referred to or advertised as an “establishment,” “salon,” “shop” or any title other than one that clearly indicates that the facility is a place of learning such as a “school,” “institute,” “conservatory,” or other term that relates to the facility as a place of learning. All school literature shall clearly refer to the clinic as a part of the school and shall state that services performed in the clinic are done by students under supervision of licensed instructors.
 - C. The school shall not deduct earned clock hours arbitrarily or assign additional clock hours beyond the number of actual student clock hours identified in the enrollment contract.
 - D. The school shall not assign additional clock hours as a penalty for any student actions not directly related to proficiency in the student’s studies.
8. State Licensing Examination
- One of the qualifications for licensure in Maine is passing a State licensing examination. A student who has completed at least 80 percent of the course of study hour requirement may apply to take the Maine State Licensing Examination upon determination by the designated school official that the student has satisfactorily completed the course requirement at the eighty percent mark. Passing the examination is not a guarantee to licensure. The student must meet all licensing requirements, including having fully completed the course of study hour requirement satisfactorily.
9. **Aesthetic** Course of Study
- A. Curriculum Component. Every school shall furnish theory, practice and clinical experience and instruction, to include the following components:
 - 1) Principles and practices of infection control, disinfecting, sterilization and sanitation;

- 2) Anatomy, chemistry, physiology and histology of the skin;
- 3) Hygiene, bacteriology, health and nutrition of the skin, and basic first aid including, emergency eye flushing and drenching;
- 4) Skin analysis, disorders and diseases;
- 5) Facial and skin therapy machines, apparatus and devices, equipment, tools, and implements, as these apply to the aesthetic practice services;
- 6) Electricity, machines and apparatus;
- 7) Massage techniques;
- 8) Facials and skin treatment with and without the use of machines including, but is not limited to: hair removal; waxing; extractions; make-up application and removal; artificial lash applications and lash and brow tinting;
- 9) Client consultation, client intake and records and client preparation; human relations and professional ethics; and
- 10) Establishment management; state laws and applicable rules.

B. Recommended Curriculum Breakdown. The following is the recommended curriculum breakdown and hours guideline for theory, practice laboratory and clinical training for an accepted and adequate course of study. For purposes of cross over credit hours, areas identified with a “C” may be considered for credit toward another course of study under or obtained in a medical course of study from a college or university.

HOURS	AESTHETICS STUDY
50	Anatomy, histology, physiology of the skin, and chemistry including, but is not limited to: bone muscles; nerves; arteries; and glands as applied to the practice of aesthetics. (“C”)
50	Skin structure, analysis and growth; skin health and nutrition, diseases and disorders; recognizing treatable cases and those requiring referral for medical treatment. (“C”)
130	Bacteriology, hygiene, principles and practices of infection prevention and control, exposure to blood and bodily fluids, sterilization, disinfecting, sanitation, universal precautions, basic first aid and benefits and differences of cleaning, sanitation, disinfecting and sterilizing. (“C”)
20	Business and salon/establishment management including, but is not limited to: the Program laws and applicable rules; unassigned, the study of theory and subjects in which an individual student may be deficient and elective subjects related to the practice of aesthetics.
70	Massage techniques, basic facial, and spa body treatments.
180	Facial and skin treatment with and without the use of machines including, but is not limited to: hair removal; eyebrow tweezing; body waxing; cleansing; extractions; make-up application and removal; artificial lash applications and lash and brow tinting.
75	Facial and skin therapy equipment, machines, devices, equipment, tools, and implements, as these apply to the practice of aesthetics including, but is not limited to: basics of electricity as applied to the practice of aesthetics; service tables and

	equipment; foot baths and spas; re-usable and disposable implements and tools; ultraviolet light units and lamps; electrical and non-electrical devices and venting system.
25	Client consultation, client intake and records and client preparation, human relations and professional ethics.
600	TOTAL HOURS

C. Aesthetics Clinic. The clinic area for aestheticians shall be a separate room and it shall be equipped with:

- 1) Aesthetic lounge chair;
- 2) Steamer and vaporizer;
- 3) High frequency machine (galvanic and vacuum);
- 4) Floor model magnifying lamp;
- 5) Cabinets;
- 6) Utility stool;
- 7) Utility table;
- 8) Protective gloves; and
- 9) Any other materials and equipment deemed necessary by the school.

10. **Barbering** Course of Study/Program

A. Curriculum Component. Every school shall furnish theory, practice and clinical experience and instruction to include the following components:

- 1) Anatomy, hygiene, bacteriology, infection control, disinfecting, sterilization and sanitation and basic first aid including, emergency eye flushing and drenching;
- 2) Barbering implements, tools and equipment;
- 3) Shampooing;
- 4) Scalp and skin disorders and diseases;
- 5) Haircutting;
- 6) Hairstyling;
- 7) Arranging, care and styling of wigs and hairpieces;
- 8) Shaving, trimming beards and mustaches;
- 9) Thermal waving, curling and blow dry styling;
- 10) Manicuring;

- 11) Permanent waving;
- 12) Chemical hair relaxing;
- 13) Hair coloring, tinting and bleaching;
- 14) Facials and scalp massage and treatment; and
- 15) Establishment management; state laws and applicable rules.

- B. Recommended Curriculum Breakdown. The following recommended curriculum breakdown and hours is a guideline for an accepted and adequate course of study. For purposes of cross over credit hours, areas identified with a “C” may be considered for credit when crossing over to another practice area or obtained in a medical course of study from a college or university.

HOURS	BARBERING STUDY
35	Bacteriology, hygiene, principles and practices of infection prevention and control, exposure to blood and bodily fluids, sterilization, disinfecting, sanitation, universal precautions, basic first aid and benefits and differences of cleaning, sanitation and sterilizing. (“C”)
85	General sciences including, but is not limited to the following: hygiene; anatomy and physiology; skin and nail structure; growth; nutrition; disorders and diseases; properties of the hair and scalp and basics of chemistry and electricity. (“C”)
115	Business and salon/establishment management to include, but is not limited to: the Program laws and applicable rules; unassigned; the study of theory and subjects in which an individual student may be deficient and elective subjects related to the practice of barbering.
25	Barbering practice equipment, tools, implements, and devices including, but is not limited to: styling; manicuring; facial and scalp treatment equipment; scissors; razors; clippers; trimmers; devices; dryers; thermal and other irons and their use; safety; sanitation; sterilization and precautions.
500	Haircutting principles and techniques.
105	Hairstyling including, but is not limited to: thermal hair styling and straightening; finger waving; pin and roller curls; wrapping; blow-dry styling and comb out techniques.
445	Permanent waving, hair coloring, tinting, bleaching and chemical straightening.
40	Shampooing, conditioning and scalp care.
90	Trimming beards and mustaches, shaving and facials.
40	Manicuring, limited to fingernails.
20	Cutting, fitting, coloring or styling hairpieces or wigs.
1,500	TOTAL HOURS

11. Cosmetology Course of Study/Program

- A. Curriculum Components. Every school shall furnish theory, practice and clinical experience and instruction, to include the following components:
- 1) Anatomy, hygiene, bacteriology, infection control, disinfecting, sterilization and sanitation and basic first aid including, emergency eye flushing and drenching;

- 2) Chemistry, electricity and light therapy;
- 3) Shampooing;
- 4) Scalp and skin disorders and diseases;
- 5) Hair shaping;
- 6) Finger waving;
- 7) Hairstyling;
- 8) Arranging, care and styling of wigs and hairpieces;
- 9) Permanent waving;
- 10) Hair coloring, tinting and bleaching;
- 11) Chemical hair relaxing;
- 12) Thermal hair straightening;
- 13) Thermal waving, curling and blow dry styling;
- 14) Manicuring;
- 15) Facials; and
- 16) Establishment management; state laws and applicable rules.

- B. Recommended Curriculum Breakdown. The following recommended curriculum breakdown and hours is a guideline for an accepted and adequate course of study. For purposes of cross over credit hours, areas identified with a “C” may be considered for credit when crossing over to another practice area or obtained in a medical course of study from a college or university.

HOURS	COSMETOLOGY STUDY
35	Bacteriology, hygiene, principles and practices of infection prevention and control, exposure to blood and bodily fluids, sterilization, disinfecting, sanitation, universal precautions; basic first aid and benefits and differences of cleaning, sanitation, disinfecting and sterilizing. (“C”)
85	General sciences including, but is not limited to the following: hygiene; anatomy and physiology; skin and nail structure, growth, nutrition, disorders and diseases; properties of the hair and scalp and basics of chemistry and electricity. (“C”)
80	Business and salon/establishment management including, but is not limited to: the Program laws and applicable rules; unassigned; the study of theory and subjects in which an individual student may be deficient and elective subjects related to the practice of cosmetology.
225	Chemical texture services including, but is not limited to: soft curl permanents; permanent waving and chemical hair relaxing/straightening.
25	Cosmetology practice equipment, tools, implements, and devices including, but is not limited to: styling; manicuring; skin care and scalp treatment equipment; scissors; razors; clippers; trimmers; devices; dryers; thermal and other irons and their use and safety, sanitation, sterilization and precautions.

285	Hair coloring, tinting and bleaching
300	Haircutting principles and techniques (all implements).
225	Hairstyling including, but is not limited to: thermal hair styling and straightening; finger waving; pin and roller curls; wrapping; blow-dry styling and comb out techniques.
80	Nail technology including, but is not limited to: manicuring; pedicuring; nail enhancements and their various applications, sanitation, safety and precautions.
40	Shampooing, conditioning and scalp care.
100	Skin care including, but is not limited to: facials and facial massage; hair removal; scalp treatments; use of cosmetics and art of make-up applications.
20	Cutting, fitting, coloring or styling hairpieces or wigs.
1,500	TOTAL HOURS

12. **Limited Barbering** Course of Study/Program

- A. Curriculum Components. The course work shall consist of theory, practice laboratory, and client-based clinical practice in the following subject areas:
- 1) Anatomy, hygiene, bacteriology, infection control, disinfecting, sterilization and sanitation and basic first aid including, emergency eye flushing and drenching;
 - 2) Barbering implements, tools and equipment and general safety and safe use standards;
 - 3) Shampooing;
 - 4) Scalp and skin disorders and diseases;
 - 5) Haircutting;
 - 6) Hairstyling;
 - 7) Hairpiece fitting, styling and care;
 - 8) Shaving and trimming beards and mustaches;
 - 9) Thermal styling, curling and blow dry styling;
 - 10) Facials and scalp massages;
 - 11) Establishment and business management; and
 - 12) Program laws and applicable rules.
- B. Recommended Curriculum Breakdown. The following recommended curriculum breakdown and hours is a guideline for an accepted and adequate course of study. For purposes of cross over credit hours, areas identified with a “C” may be considered for credit when crossing over to another practice area or obtained in a medical course of study from a college or university.

HOURS	LIMITED BARBERING STUDY
65	Bacteriology, hygiene, principles and practices of infection prevention and control, exposure to blood and bodily fluids, sterilization, disinfecting, sanitation, universal precautions; basic first aid and benefits and differences of cleaning, sanitation, disinfecting and sterilizing. (“C”)
85	General sciences including, but is not limited to the following: hygiene; anatomy and physiology; skin structure, hair structure and growth, nutrition, disorders and diseases; properties of the hair and scalp and basics of chemistry and electricity. (“C”)
75	Barbering practice equipment, tools, implements, and devices including, but is not limited to: styling; facial and scalp treatment equipment; scissors; razors; clippers; trimmers; devices; dryers; thermal and other irons their use, safety, sanitation, sterilization and precautions.
30	Shampooing, conditioning and scalp care.
275	Basic haircutting principles and techniques.
115	Hairstyling, cutting, arranging and styling, blow-dry styling, and comb out techniques.
60	Barbering facial and scalp massage and trimming and shaving beards and mustaches.
20	Cutting, fitting or styling hairpieces or wigs.
75	Business and salon/establishment management including, but is not limited to: state laws and applicable rules; the study of theory and subjects in which a student may be deficient and elective subjects related to the practice of limited barbering.
800	TOTAL HOURS

13. **Nail Technology** Course of Study/Program

A. Curriculum Components. Every school shall furnish practical experience and theory instruction, to include the following components:

- 1) Sterilization, disinfecting, sanitation, infection control, antiseptics, hygiene, bacteriology and basic first aid including, emergency eye flushing and drenching;
- 2) Physiology;
- 3) Anatomy of the hands, arms and feet;
- 4) Bone muscles, nerves, arteries, and glands, as applied to nail technology and pedicuring;
- 5) Structure of the skin and nails;
- 6) Nail disorders, how to treat those that can be treated and recognizing those not to be treated;
- 7) Nail technology and pedicuring tools and equipment and their use;
- 8) Application of polish (liquid or powder);
- 9) Science and theory of nail technology and pedicuring;
- 10) Application and removal of various types of artificial nails;

- 11) Establishment/Shop management; and
- 12) The Program laws and applicable rules.

B. Recommended Curriculum Breakdown. The following recommended curriculum breakdown and hours is a guideline for an accepted and adequate course of study. For purposes of cross over credit hours, areas identified with a “C” may be considered for credit when crossing over to another practice area or obtained in a medical course of study from a college or university.

HOURS	NAIL TECHNOLOGY STUDY
30	Bacteriology, hygiene, principles and practices of infection prevention and control, exposure to blood and bodily fluids, sterilization, disinfecting, sanitation, universal precautions, basic first aid and benefits and differences of cleaning, sanitation, disinfecting and sterilizing. (“C”)
20	General sciences including, but is not limited to the following: hygiene; anatomy and physiology and nail structure, nutrition, disorders and diseases. (“C”)
10	Nail technology practice equipment, implements, tools and devices, and their use, safety, sanitation, disinfection and precautions.
65	Nail technology, including artificial nails.
55	Pedicuring.
20	Business and establishment management including, but is not limited to: state laws and rules; the study of theory in subjects in which a student may be deficient and elective subjects related to the practice of nail technology.
200	TOTAL HOURS

14. **Student Instructor** Course of Study/Program

A. Generally

- 1) License Required. Upon enrollment in the instructor course of study, a person must demonstrate a valid practice license appropriate to the course that will be taught.
- 2) Supervision. A student instructor enrolled in a school and engaged in learning to teach shall be under the direct supervision of a licensed instructor. A student instructor is not considered a fully licensed instructor and may not independently teach or oversee a theory, practice laboratory or clinical class. An exception is that a student instructor may independently teach a theory or practice laboratory class during the final one hundred (100) hours of the student instructor course, providing that a licensed instructor is on the premises and readily available to assist the student instructor as needed.
- 3) Total Hours. The course of study in preparation to instruct in the authorized practice of study shall total at least six hundred (600) hours in no less than fifteen (15) weeks of classroom theory and practice instruction.
- 4) Curriculum Components. The course of study shall include the following components:

- a) Orientation and review of all subjects taught in the aesthetic, barbering, cosmetology, limited barbering or nail technology course of study, whichever is applicable based upon enrollment;
- b) Introduction to teaching including theory, demonstration and lecture lesson plan development, student assignments and follow-up, method(s) of assessment to evaluate students' retention of topics, student learning objectives, teaching techniques and methods, teaching aids and classroom management;
- c) Public and practice safety precautions and infection control procedures including, but is not limited to: procedures for blood exposure or chemical exposure;
- d) The Program laws and applicable rules; and
- e) Related laws and rules of the State including, but is not limited to: health and sanitation; fire safety; labor laws; unemployment compensation laws; workers' compensation and equal opportunity employment laws.

B. Recommended Curriculum Breakdown. The following recommended curriculum breakdown and hours is a guideline for an accepted and adequate course of study. Teaching courses obtained from a college or university may be considered and credit applied toward the areas of study noted below with a ("C").

HOURS	INSTRUCTOR STUDY
100	Review of all subjects applicable to the practice course of study for which the instructor license is intended.
50	Health, safety standards and infection control standards, blood exposure procedures, safety procedures for chemical exposure, basic first aid, sterilization, sanitation and wet and dry disinfection standards.
175	Curriculum theory and demonstration lesson plan development; curriculum delivery and learning styles applicable to theory, laboratory and clinical; managing learning environment such as classroom and clinic floor environment, professional and student conduct, supervision, student advising and counseling and time management techniques. ("C")
175	Methods of instruction and assessment such as: demonstration, discussion, assignments and follow up and other learning methods; materials of instruction such as tools, equipment and technology; and obstacles to learning. ("C")
25	Communication skills and lesson delivery. ("C")
25	Creating, managing and retention of student records and student enrollment, collections, and office work. ("C")
25	Achieve knowledge and ability to teach the Program laws and related rules and other laws and rules including, but is not limited to: health and sanitation; infection control standards; fire safety; labor laws; unemployment compensation laws; workers' compensation and equal opportunity employment laws.
25	Business planning, finances, ownership, booths, operation, personnel, public relations, appointments, retail sale, consumption and inventory of supplies and product, insurance, establishment policies and record keeping.
600	TOTAL HOURS

20. Permanent Closure of a School; Records

The school shall:

1. Give matriculated students and employees of the school written notice at least thirty (30) days prior to the closure of the school.
2. Post a sign with at least 2-inch lettering on the main entrance of the school giving notice of the schools permanent closure, the date of closure and information on how students may contact school officials and the Program.
3. At least twenty (20) days prior to permanently closure, notify the Director by mail or email of the impending permanent closure of the school, initiate the teach-out plan as described in section 8(5) of this subchapter, and provide necessary supplemental information on the steps that will be taken to assist students currently enrolled at the school to relocate to a receiving school.
4. Ensure the security of the school's records and files at all times during the closure process.
5. If school records are being sold to another existing licensed school, or are being transferred to another branch of the school, the school that is closing shall transfer the records and files by the date of closure, which shall be memorialized by an inventory statement with copies provided to each party. Records include, but are not limited to, electronically-stored or hardcopy records of each student's academic and financial records, including financial aid information, debt information, student transcript detailing credited hours by subject, attendance records, school instructional materials, and other operational records going back five (5) years from the date of the school closure. For electronically-stored records that require specialized equipment to access shall be provided in paper form. The receiving school shall keep the records and files for the time required for recordkeeping under this chapter.
6. If school records (as described in subsection 5 directly above) are not transferred to another school, the school shall turn over all records and files in its possession, custody or control, together with an appropriate inventory statement, to the Director by closing day. All costs associated with the transfer are the sole responsibility of the school.
7. Within thirty (30) days after closure, the school shall make the following reports and returns to the Director:
 - A. Attest that all signs indicating the presence of the closed school have been removed, or that the school sign indicates the school will remain but under new ownership; and
 - B. Attest that refunds due to students have been issued, to include the student's name and address, amount of refund, date the refund was issued and method sent to the student.

STATUTORY AUTHORITY: 32 M.R.S. §§ 14212-A(2), 14228(3), 14233, 14246(1)

EFFECTIVE DATE:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION****BARBERING AND COSMETOLOGY LICENSING PROGRAM****Chapter 28: SPECIAL EVENT SERVICES PERMIT**

Summary: This chapter sets forth requirements for issuance of a special event services permit pursuant to 32 M.R.S. § 14203(2)(J).

1. Special Events

For purposes of this chapter, a special event is a function or gathering that takes place off the premises of a licensed establishment, independent booth, or other location described in 32 M.R.S. § 14203(2)(A)-(I), at which the various services regulated under Title 32, chapter 126 are performed. Special events include, but are not limited to, any type of party (e.g., birthday, wedding, bachelor/bachelorette, spa), family reunion, fundraising event, exhibition or trade show.

2. Permit Required

A licensee may not perform barbering or cosmetological services at a special event without first having obtained a special event services permit from the Director. Each individual licensee who desires to perform services at a special event shall individually apply for a special event services permit.

3. Eligibility For Permit; Application

An applicant for a special event services permit shall hold a valid Maine aesthetician, barber, limited barber, cosmetologist, or nail technologist license. The applicant shall complete the appropriate application, remit the fee required by chapter 10, section 5(8) of the rules of the Office of Professional and Occupational Regulation, "Establishment of License Fees," and provide such other information as may be required. Incomplete applications will be considered invalid and will not be acted upon. If the application is invalid, a new application and fee will be required. The applicant may not perform special event services under a permit until the permit has been issued.

4. Scope of Permit; Compliance With Laws

A special event services permit authorizes the licensee to whom the permit is issued to perform services that fall within the scope of practice of the license held. In performing services under the permit, the licensee shall comply with the laws and rules governing the practice of barbering and cosmetology, all public health and safety requirements, and all federal, state and local laws.

5. Sanitation, Infection Control and Safety Precautions

When performing services at a special event, a licensee shall comply with the practice standards and requirements relating to sanitation, safety and infection control contained in chapter 26 of this Program's rules.

6. Presentation of License and Permit

A licensee shall carry his or her practice license and special event services permit (or confirmation that the permit was issued) to a special event at which the licensee is performing services and shall produce the license and permit upon request to a client or the Director.

7. Notice of Availability of Complaint Process

Each licensee who performs services at a special event shall give the following written notice to each client the licensee serves at the event:

All aestheticians, barbers, limited practice barbers, cosmetologists and nail technologists shall be licensed by the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation to perform services in the State of Maine. A licensee who performs services at a special event shall make available his or her practice license and special event services permit upon request.

A client who receives services at a special event may file a complaint against a licensee online at www.maine.gov/professionallicensing or by letter addressed to:

Office of Professional and Occupational Regulation
Barbering and Cosmetology Licensing Program
35 State House Station, Augusta, ME 04333

STATUTORY AUTHORITY: 32 M.R.S. § 14212-A(2)

EFFECTIVE DATE:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION****BARBERING AND COSMETOLOGY LICENSING PROGRAM****Chapter 29: GROUNDS FOR DISCIPLINE**

Summary: This chapter references the statutory grounds for discipline against licensees and includes examples of prohibited conduct that may result in discipline.

1. Grounds for Discipline

Grounds for discipline are set forth in 10 M.R.S. § 8003(5-A)(A) and 32 M.R.S. § 14236-A.

2. Examples of Grounds for Discipline

The following grounds for discipline in 10 M.R.S. § 8003(5-A)(A) include, but are not limited to, the conduct described below.

1. The practice of fraud, deceit or misrepresentation in obtaining a license pursuant to Title 32, chapter 126 is defined as, but is not limited to, the following:
 - A. Cheating on a licensure examination;
 - B. Misrepresentation of identification for purposes of taking the examination or sharing examination content;
 - C. Falsification or misrepresentation of education or practice experience by an applicant for licensure;
 - D. Withholding or misrepresenting any information requested on the application, including any information regarding conviction of a crime or disciplinary action taken by any jurisdiction against the applicant; and
 - E. Impersonating another examinee, applicant or licensee.
2. The practice of fraud, deceit or misrepresentation in connection with services rendered as a person licensed pursuant to Title 32, chapter 126 is defined as, but is not limited to, the following:
 - A. Misrepresenting the type or status of license held, the professional designation for the license held, or qualifications to practice;
 - B. Committing or aiding another to commit fraud, deceit or corruption in financial disbursement, billing and refunds as these apply to student finances and financial aid;
 - C. Engaging in false, misleading or deceptive advertising; and
 - D. Impersonating another licensee.

3. Professional Incompetence or Misconduct

Professional incompetence or misconduct while engaged in practice for which the person is licensed pursuant to Title 32, chapter 126 is defined as, but is not limited to, the following:

- A. Practicing aesthetics, barbering, cosmetology, limited barbering, nail technology or instructing when the licensee is unable to practice and provide services to clients with reasonable skill and safety due to impairment by the use of alcohol, drugs or any other intoxicants;
- B. Failing to render adequate supervision, management, training, or control of students, trainees or licensees;
- C. Failing to provide clients, where appropriate, practice appropriate linens or clothing for purposes of safeguarding a client's clothing or covering body parts;
- D. Conviction of a crime relating to or committed during the course of practice involving violence, use or sale of drugs, fraud, deceit or theft;
- E. Misappropriating funds or property, or theft of money or credit/debit card data, from a client, employee or the workplace;
- F. Offering, giving or promising anything of value or benefit to a government official for the purpose of influencing or circumventing a law, rule or policy governing the profession;
- G. Failing to establish, practice, apply and maintain effective infection control standards or blood exposure procedures;
- H. Failing to properly identify or label product that has been transferred to a container from its original container;
- I. Failing to file timely notices and required reports;
- J. Failing to maintain accurate and complete client service records;
- K. Failing to maintain accurate and complete trainee or student records;
- L. Failing to present to the Director proof of licensure or identification while practicing as an aesthetician, barber, cosmetologist, limited barber, nail technologist or instructor, or as an owner of an establishment, independent booth or school;
- M. Failing to develop and implement policies, standards and procedures to protect and secure student information and records, and any health related information obtained from a client for purposes of a service, from negligent, inappropriate or unlawful use or disclosure; and
- N. Failing to adequately perform the obligations of an arrangement or agreement during the course of acting as a consultant, peer monitor or supervisor in connection with an order by the Director or a consent agreement.

4. Professional Gross Negligence

Professional gross negligence while engaged in practice for which the person is licensed pursuant to Title 32, chapter 126 is defined as, but is not limited to, the following:

- A. Knowingly, intentionally or recklessly causing physical harm or endangering a client during the course of rendering a service;
- B. Engaging in conduct that evidences a lack of knowledge or ability to apply principles or skills to carry out the practice licensed;
- C. Functioning outside of one's professional competence established by education, training or experience and license held in Maine;
- D. As applied to the practice of skin care or a chemical service involving adverse effects, lacking education and understanding of the physiological effects of the specific skin care techniques utilized in order to determine whether a treatment or application is contraindicated and/or to determine the most beneficial techniques to apply to a given individual and/or failure to follow a medically ordered treatment plan; and
- E. Failing to properly use professional products, equipment or devices according to a manufacturer's instructions.

5. Aiding or Abetting Unlicensed Practice

Aiding or abetting a person not duly licensed to represent him or herself as a practitioner licensed in any of the practices, or as an instructor or qualified supervisor, is defined as, but is not limited to, the following:

- A. Assisting another to perform services beyond the scope of the person's license or without a license;
- B. Reasonable knowledge of supervising or providing oversight to an unlicensed person representing him or herself as licensed, or to a licensed person practicing beyond the scope of the license; and
- C. Knowingly making referrals to an unlicensed person representing him or herself as licensed, or to a licensed person practicing beyond the scope of the license.

3. Licensure Action by Another Licensing Authority

Disciplinary action, in this state or in another jurisdiction outside this state, against a licensee's license that is related to the licensee's practice constitutes a ground for discipline.

STATUTORY AUTHORITY: 10 M.R.S. § 8001 (5-A)(A); 32 M.R.S. §§ 14212-A(2), 14236-A

EFFECTIVE DATE:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**041 BARBERING AND COSMETOLOGY PROGRAM****Chapter 30: CITATIONS**

Summary: This chapter lists the violations for which a citation may be issued pursuant to 10 M.R.S. § 8003-E, describes the licensee's right to request a hearing, and describes the time and manner in which the fine shall be paid or a hearing requested.

1. List of Violations

A citation may be issued for the violations listed in Appendix A to this chapter upon personal observation or discovery of the violation charged. The fine for each first offense violation is \$100, and the fine for each second offense violation is \$200.

2. Service of Citation; Notice to Owner

A citation may be served to a licensee by hand delivery of the citation to the licensee. In the absence of the licensee at the time of inspection, the citation will be served to the responsible individual or designated agent of the establishment, independent booth or school who is present at the time of inspection at which the violation occurred, and a copy of the citation shall be sent to the licensee being cited by mail or electronic means.

3. Right to Hearing

A citation shall inform a licensee that the licensee may pay the fine or may request a hearing before the Director regarding the violation. If the licensee requests a hearing, the citation shall be processed in the same manner as a complaint, except that the licensee's written response to the citation shall be filed with the Director along with the request for hearing.

4. Time for Payment or Request for Hearing

The licensee shall either pay the fine or request a hearing within thirty (30) days following issuance of the citation. Failure to take either action within this thirty (30) day period is a violation of this Program's rules that may subject the licensee to further disciplinary action, including but is not limited to: an additional fine and possible action against the license.

5. Director Action Following Hearing

The Director may not impose a penalty following hearing other than the stated fine in the citation.

6. Filing a Complaint Instead of Issuing a Citation

Nothing in this chapter shall prohibit the Director from filing a complaint in lieu of a citation.

7. Citation Violations Made Available to the Public

Citations issued and fines paid pursuant to this chapter may be published on the world wide web to allow for public access to this information.

8. Citation Violations Constitute Discipline

Fines paid in response to citations issued pursuant to this chapter constitute discipline. The citations and records of fines paid shall be maintained by the Office and shall be treated as public records to the extent permitted by law.

Schedule of Citationable Violations		
Chapter	Section	Description
22	Demonstrators	
	3	Sanitation, infection control and safety precautions
23	Trainees	
	3(1)(B)	Pre-clinical training documentation (aesthetician)
	3(2)(B)	Pre-clinical training documentation (barber)
	3(3)(B)	Pre-clinical training documentation (cosmetologist)
	3(4)(B)	Pre-clinical training documentation (limited barber)
	3(5)(B)	Pre-clinical training documentation (nail technologist)
	4(3)(E)	Trainee supervision
	4(4)(A)	Trainee training log
	4(4)(C)	Trainee records retention
25	1(5)	Establishment/booth self-checklist compliance
26	26.002	Present license/valid identification
	26.012	Disrepair of fixtures and sinks
	26.013	Wash station
	26.023	Use of bar soap in restroom
	26.024	Restroom hand drying equipment
	26.032	Chlorine bleach solution debris; diluted
	26.034	Disinfectant solutions diluted; soiled
	26.040	Universal precautions
	26.052	Blood and body fluids visible
	26.080	First aid kit
	26.090	Safety Data Sheets (“SDS”)
	26.100	Disinfecting tools and implements (26.101 through 26.104)
	26.110	Sanitizing/sterilizing tools and implements
	26.120	Sanitary standards for creams, cosmetics and applicators (26.121 through 26.123)
	26.130	Establishment; health and safety standards (26.131 through 26.136)
	26.141	Rules available on premises of licensed establishment/independent booth
	26.144	Cleanliness of floors; hair clippings
	26.145	Waste and trash removal
	26.147	Covered container for soiled linens
	26.148	Tightly closed container or cabinet for storing clean linens
	26.149	Substitute bottles and containers properly labeled; original manufacturer bottle or container retention
	26.151	Prohibited products containing MMA
	26.152	Prohibited instrument/tool; credo blade or similar tool for removing corns and calluses
	26.153	Prohibited removal of skin tags or moles
	26.154	Prohibited use of alum or other astringent in stick or lump form
	26.155	Prohibited product containing formalin or formaldehyde
	26.156	Prohibited use of live fish to perform skin services

	26.157	Prohibited use of chamois buffers as a multi-use item
	26.158	Prohibited rodents, reptiles and birds
	26.170	Signage (26.171 through 26.176)
	26.180	Health and safety standards; hair cutting, styling, treatment services (26.181 through 26.183)
	26.240	Health and safety standards; hair removal services (26.241 and 26.242)
	26.250	Health and safety standards; manicure and pedicure services (26.251 through 26.253)
	26.260	Health and safety standards; electric files and drill bits (26.261 and 26.262)
	26.270	Health and safety standards; foot spas, foot basins and spa lines (26.271 through 26.282)
	26.290	Responsibilities of a mobile establishment (26.291 through 26.301)
28	Special Event Permits	
	5	Sanitation, infection control and safety precautions
	6	Recordkeeping
	7	Record retention
	7	Producing records
	8	Producing license or permit

STATUTORY AUTHORITY: 10 M.R.S. § 8003-E; 32 M.R.S. § 14212-A(2)

EFFECTIVE DATE: