

240 CMR 5.00: OPERATION OF AESTHETICS SCHOOLS AND POST-SECONDARY INSTITUTIONS

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5.01: Definitions

As used in 240 CMR 5.00:

Aesthetics means cleansing, stimulating, manipulating and beautifying of the skin using hands, mechanical or electrical apparatus or appliances, cosmetic preparations, tonics, lotions or creams; or performing or offering to perform, with or without compensation, any of the above-mentioned services for the public generally; provided however, that aesthetics only includes methods that are minimally invasive and pose a minimal risk to the public's health as defined by the board; provided further, that the practice of aesthetics includes holding oneself out as an aesthetician or as someone engaged in the practice of aesthetics or in any manner offering to practice as an aesthetician.~~the practice for compensation of cleansing, stimulating, manipulating and beautifying skin with hands or mechanical or electrical apparatus or appliances or by the use of cosmetic preparations, tonics, lotions, or creams.~~

Board ~~means the Board of Registration of Cosmetology.~~

School ~~means shall include "post-secondary institution" as defined by General Laws c. 112, §§ 87T and 87JJ as amended. a school or other institution privately owned and conducted for the purpose of teaching aesthetics.~~

5.02: Application for Licensure

- (1) No person or entity shall operate an aesthetics school without a license issued by the Board or by the Division of Professional Licensure Office of Private Occupational School Licensure.
- (2) Each applicant for a license to operate an aesthetics school shall submit to the Board:
 - (a) a certificate of occupancy or other authentic form issued by the appropriate city or town approving the premises to be used as a school. Such certificate or form shall be submitted to the Board prior to final inspection and approval by the Board;

- (b) ~~a bond of \$10,000 if enrollments do not exceed 25 students, which bond shall be subject to the approval of the Board;~~
- ~~(c) a bond of \$20,000 if enrollments are 25 students or more;~~
- (d) a detailed outline of the school curriculum;
- (e) a proposed schedule of hours;
- (f) detailed professional floor plans;
- (g) a list of equipment;
- (h) a statement signed by the applicant that the school shall have an adequate library;
- (i) a true copy of the student contract; and
- (j) such other information as the Board may require.

5.03: Licensure and Approval

(1) Any school ~~which that~~ already holds a license ~~to conduct a school for the purpose of teaching hairdressing and its branches — cosmetology~~ must comply with all provisions of 240 CMR 5.00, except ~~the provisions of~~ 240 CMR 5.02(2)(a) ~~and~~ in order to be approved by the Board for the teaching of aesthetics. Upon approval, the school will be notified by the Board and a separate license shall be issued.

(2) All other schools shall be separately licensed when approved and shall pay the license fee prescribed by M.G.L. c. 112, § 87CC.

~~5.03: continued~~

(3) A school license is valid only for the location named in the license and is not transferable. School licensees must immediately notify the Board in writing of the sale or change in ownership or management of a school. A school licensee seeking to change the location of the school shall notify the Board in writing at least 30 days before any such change. Upon approval of a new location by the Board, the Board shall cancel the license for the previous location and re-issue a license to the licensee bearing the same number as the license for the previous location and indicating the new location. Each school shall display its license in a conspicuous place near its administrative area.

(4) No school shall be conducted or advertised as a salon. No salon shall be conducted or advertised as a school.

5.04: Instructors

(1) Every school shall at all times be in the charge of and under the immediate supervision of licensed instructors.

(2) Instructors in schools shall be licensed instructors or approved lecturers competent to impart instruction in the branches of aesthetics or skin care which they teach. Instructors and lecturers shall not be permitted to perform any work on a paying customer on school premises except incidentally to assist students working in the school clinic.

(3) Every school must regularly employ or have in attendance during ~~the~~ school hours at least one registered-licensed instructor for every 12 students or less.

~~(4) A person who is licensed as an aesthetician, who has at least two years of practical experience as a Type 6 aesthetician, and who meets the requirements for licensure as an instructor in aesthetics in Massachusetts, may be authorized by the Board to instruct in aesthetics without supervision by a licensed instructor until the announcement of the results of the first examination for instructors given after such person has filed an application for an instructor's license with the Board.~~

5.05: Premises

School premises shall contain the following:

- (1) A clinic room of no less than 600 square feet, to be used exclusively for the teaching of aesthetics, and containing all necessary equipment for clinical training.
- (2) A lecture room of no less than 400 square feet, with arm chairs or desks and chairs for a minimum of 12 students. The lecture room must be available for at least one period per day for exclusive use for instruction in aesthetics.
- (3) A reception area and an office area.

5.06: Equipment

Every school shall have, and shall maintain in good working condition, appropriate and sufficient equipment for its entire student body. A list of all equipment shall first be submitted to the Board for its approval. The following equipment is the minimum required for an aesthetics school and, unless otherwise noted, for every six students enrolled in an aesthetics course:

brush massage unit for face, neck, ~~decolletage~~décolletage, body treatment, abrasive treatment and peeling (one unit for every 12 students)
two cold light magnifying lamps
two infra-red lamps
two treatment chairs
one unit for iontophoresis and desincrustation for every 12 students
two vaporizer machines
UV sterilizer for complete disinfection of instruments or hot-air sterilizer
depilator for wax melting for depilation of the face and body

~~5.06: continued~~

one high frequency unit with electrodes for every 12 students
sink with hot and cold running water separate from the lavatories

5.07: Course of Study

- (1) Each school teaching aesthetics shall maintain a course of study of not less than ~~300~~600 hours, extending over a period of not less than ~~eight weeks~~four months.
- (2) No student shall be required to attend classes more than five days per week (Monday through Saturday).

(3) ~~New s~~Students shall ~~may~~ be enrolled on a monthly basis. ~~Transfer students may be enrolled at any time.~~

(4) Every school shall maintain regular class hours with a daily schedule, ~~to be submitted to the Board for its approval.~~

(5) Each school shall include the following subjects as part of its basic aesthetics course of study:

<u>Subject</u>	<u>Schedule of Hours</u>
Anatomy and Physiology	1020
Diseases and Disorders of the Skin	1020
Cosmetic Chemistry Ingredients and Product Knowledge	2550
Sterilization, Sanitation and Bacteriology	3060
Management, Laws, Communication and Ethics	2040
Massages	3570
Application of Makeup and Sales Product Knowledge	2550
Electricity and Aesthetics Equipment	1020
Depilation and Waxing, Eyebrow and Eyelash Tinting	3060
Clinical Practice, Record Keeping and Treatment Procedures	105210
Total	<u>300600</u>

Each school shall submit to the Board for its approval a copy of the program curriculum.

(6) Board approval of curriculum and schedule of hours shall not be considered permanent and may be subject to expiration and re-approval as prescribed by the Board.

5.08: Records

(1) Each school shall keep a daily record of the attendance of each student and a record of studies completed and shall record earned credits and hold examinations before issuing diplomas.

(2) Each school shall maintain records indicating the amount of instruction completed by each student in each subject.

(3) All school records shall be made available for inspection by the Board or its designated agents.

5.09: Sanitary Conditions

(1) Each school shall follow procedures to ensure that school premises, equipment and personnel meet reasonable sanitary and safety conditions. All sanitary regulations applicable to salons (240 CMR 3.00) shall in every respect apply to schools.

(2) Each school shall provide each student with a separate locker large enough to keep the

student's effects.

~~5.09: continued~~

~~(3) No students shall be permitted to enter a classroom unless their attire complies with the dress code established by the school.~~

(43) Every school shall maintain ~~separate~~ lavatories for men and women in accordance with applicable law and regulation.

5.10: Performance of Services by Students

(1) No school shall, directly or indirectly, accept any ~~renumeration~~ remuneration or make any charge for services rendered by its students in the course of their practical training. However, a school may impose a reasonable charge for ~~materials used only~~ costs related to services.

(2) No school shall permit any student to practice aesthetics on a person paying for the work.

(3) Every school shall display in conspicuous places or at each of its entrances, signs in display lettering at least two inches in height stating the following:

ALL WORK IN THIS SCHOOL IS DONE BY STUDENTS. CHARGE FOR ~~MATERIALS USED ONLY~~ COSTS RELATED TO SERVICES. NO CHARGE FOR SERVICES.

~~(4) Any and all injuries to a person which occur as a result of services rendered or as a result of the application of products shall be reported to the Board immediately.~~

~~(5) Students who have graduated from an approved school may work in licensed salons pending examination only after obtaining a temporary permit from the Board to do so.~~

5.11: Minimum Hours for Examination Qualification

Students successfully completing the minimum required number of earned credit hours for an aesthetics program (~~300~~600 hours) must be permitted to take the Board examination for licensure as an aesthetician. Completion of any additional program hours above the required minimum ~~300~~600 hour course of study may not be required of a student prior to being granted access to the licensure examination.

5.12: Licensed private occupational schools

(1) Private occupational schools licensed pursuant to M.G.L. c. 112, §263 may offer aesthetics programs without being licensed by the Board or otherwise meeting the requirements of 240 CMR 5.02. However, no aesthetics program offered by a private occupational school shall be accepted for credit toward a Board issued license unless said program is first approved by the Board as having met all other provisions of 240 CMR 5.03 to 5.11.

(2) Notwithstanding the provisions of 240 CMR 5.12(1), the Board may waive any requirements of 240 CMR 5.03 to 5.11 for private occupational schools if the Board determines that said requirements are duplicative of, or in conflict with, requirements imposed by the Division of Professional Licensure Office of Private Occupational School Education.

(3) If required in order to obtain a private occupational school license pursuant to M.G.L. c. 112, §263, a prospective (not yet licensed) aesthetics school may have its programs approved by the Board under the same conditions granted to private occupational schools pursuant to 240 CMR 5.12(1) and (2) so long as said school agrees, as a condition of the Board's approval, that the school will obtain a license pursuant to M.G.L. c. 112, §263 prior to commencing any aesthetics programs.

REGULATORY AUTHORITY

240 CMR 5.00: M.G.L. c. 112, §§ ~~87BB~~ and ~~87CC~~87V, 87BB, 87JJ.

DRAFT