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POLICY ON MOBILE COSMETOLOGY AND BARBERING SERVICES

The Board of Registration of Cosmetology and Barbering ("Board") issues this Policy to complement the Board's current regulations. This Policy replaces the Board's Policy regarding Mobile Manicuring Services, which is revoked.

Issued: June 6, 2017
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A. General Requirements.

(1) Definitions. For the purposes of this Policy, the following terms shall have the meanings indicated below.

(a) **"Business Address"** means a permanent street address in Massachusetts where the records required by this Policy shall be kept.

(b) **"Mobile Business"** shall mean an enterprise, which may include a licensed shop, that is authorized by the Board to provide Mobile Services and includes more than one person.

(c) **"Mobile Services"** means those practices within the definitions of aesthetics, barbering, cosmetology, hairdressing and manicuring that the Board authorizes to be provided in Remote Locations and Mobile Units, but does not include electrolysis services.

(d) **"Mobile Unit"** means a vehicle approved by the Board in which interior space is designed and equipped for Mobile Services.

(e) **"Registrant" and "Registrants"** shall refer only to those individuals who are licensed by the Board and approved under this Policy to provide Mobile Services.

(f) **"Remote Location"** means an indoor room in a permanent building selected by the consumer that is neither a Mobile Unit nor a shop or salon licensed by the Board.

(2) Requirement of License and Registration.

(a) All persons and businesses that offer Mobile Services shall register with the Board by completing a Registration Form provided by the Board, and shall be approved by the Board before providing Mobile Services.

(b) Except as provided in subsection A(2)(c) below, Mobile Services may be provided to a consumer only by an individual licensed Cosmetologist, Aesthetician, Manicurist or Barber who:

i. Has registered with the Board to provide Mobile Services; and

ii. Has been approved by the Board, which may require an appearance before the Board under the Board's Policy regarding review of applicants with criminal history or pending criminal charges.

(c) While providing Mobile Services, every Registrant must have his or her original license visible to the consumer, and must have in his or her possession a copy of his or her approved registration to provide Mobile Services and a government-issued identification card with photograph.

(d) All persons or entities registering to provide Mobile Services shall provide a Business Address where they shall maintain the records required by this Policy, including but not limited to their original approved Mobile Registration, license numbers and copies of the Mobile Registrations of every Registrant engaged by a Mobile Business to provide Mobile Services, records of dates, times and locations of Mobile Services appointments, itineraries and Mobile Unit vehicle registration and insurance certificates.

(e) Every registration to perform Mobile Services is valid only for the person, entity or Mobile Unit stated on the approved registration and is not transferable or assignable. The purchaser of an entity or Mobile Unit that has previously been registered and approved to provide Mobile Services must submit a new registration at least 30 days in advance of the sale or change in ownership and obtain Board approval in writing before providing Mobile Services.

(f) Mobile Individual Registrations are only valid if the licensee maintains their cosmetologist, aesthetician, manicuring or barber license that corresponds with their specific registration type. If the licensee lets their personal license expire, their mobile registration will immediately become invalid.

(3) Mobile Business Registration. All businesses that engage individual Registrants to provide Mobile Services and are not registered as a Mobile Unit shall register and be approved by the Board as a Mobile Business before providing Mobile Services.

(4) Mobile Unit Registration. A Mobile Unit must be registered, inspected and approved by the Board before Mobile Services may be provided in it, and must comply with all requirements for fixed shops applicable to Mobile Services.

(a) A Mobile Unit shall provide a permanent Business Address where all records relating to its Mobile Services shall be maintained.

(b) A Mobile Unit shall possess all of the following:

i. A self-contained, potable water supply including continuous, on-demand hot water, with potable water tanks of not less than 25 gallons for each work station in the Mobile Unit;
ii. A self-contained (not connected to public sewage or water supply), flush chemical toilet with holding tank, fully enclosed by floor-to-ceiling, non-porous walls which can include a door;
iii. A covered galvanized, stainless steel or other non-corrosive metal container for purposes of depositing hair clippings and other waste materials;
iv. Stabilizing jacks; and
v. A sign stating "No Services May Be Provided While This Mobile Unit is In Motion" in letters no less than one inch high, displayed in a conspicuous place in the Mobile Unit.
vi. Hand sanitizer within the room containing a toilet, and additional hand sanitizer located outside the toilet facilities
vii. Sink and shampoo bowl requirements:
    1. For Cosmetology and Barbering Mobile Units, one shampoo bowl with hot and cold running water for providing all services, and one handwashing sink with hot and cold running water outside of the room with the toilet;
    2. For Aesthetics and Manicuring Mobile Units, one services sink with hot and cold running water, and one handwashing sink with hot and cold running water outside of the room with the toilet;

(c) The potable water supply in a Mobile Unit must be adequate for sanitation and the services provided; if the potable water is depleted, operations shall cease until the supply is replenished.

(d) The wastewater holding tank and chemical holding tank of a Mobile Unit shall be of adequate capacity. Wastewater and chemical discharge shall be disposed of at discharge points that comply with applicable federal, state, local and municipal law or regulation.

(e) No services shall be performed and no consumers shall be in the Mobile Unit while it is in motion. Before any service is rendered in the Mobile Unit, the Mobile Unit shall be parked and stabilizing jacks shall be deployed.

(f) An itinerary showing the vehicle license plate number of the Mobile Unit and the dates, locations, and times of service for at least the previous week of service shall be made available in the Mobile Unit, upon request, to an authorized representative of the Board.

(g) A copy of the Board's approval of the Mobile Unit registration must be displayed in a conspicuous place in the Mobile Unit, and the original approval must be maintained at the Business Address.

(h) A Mobile Unit shall obtain applicable local licenses or permits to provide Mobile Services in each city or town.

(i) A Mobile Unit shall comply with all applicable requirements of the Registry of Motor Vehicles, including but not limited to inspection, registration and insurance requirements. Copies of vehicle registration and insurance certificates shall be

provided to the Board with the application for registration as a Mobile Unit and shall be maintained at the Business Address. The vehicle's annual inspection must be up to date at the time of the Board's inspection.

(j) A Mobile Unit shall comply with any and all applicable federal, state, local and municipal laws, regulations, ordinances and codes related to the operation of vehicles to be used as Mobile Units, insurance, safety, health, plumbing, water supply, disposal of wastewater and waste materials, electricity and fire.

B. <u>Location and Scope of Mobile Services</u>

(1) Mobile Services may be provided in a Remote Location or a Mobile Unit only.

(2) Other than wheelchairs, no chair with wheels may be used for Mobile Services. Wheelchair wheels must be locked during Mobile Services.

(3) No Remote Location may be used repeatedly as a *de facto* shop without complying with the Board's regulations in 240 CMR 3.00 regarding licensing of shops and Home Salons. The act of holding oneself out as a Cosmetologist, Aesthetician, Manicurist or Barber continuously providing services at a fixed location/space as a Mobile Registrant will constitute a violation of this Policy, and shop license will be required for the fixed location. However, Mobile Registrants may repeatedly visit client's homes, event venues, and nursing homes to provide Mobile Services to clients.

(4) Manicuring services at Remote Locations are limited to basic manicures and pedicures, including gel polish. All manicuring services may be provided in Mobile Units.

(5) Mobile Aesthetics services in Remote Locations and in Mobile Units may include basic facials, facial waxing and makeup application.

a. Mobile Aesthetics in Remote Locations shall not include microdermabrasion, chemical peels, comedone extraction, body waxing, or hair removal using intense pulsed light equipment.
b. Aesthetics services in Mobile Units may include microdermabrasion, chemical peels, comedone extraction, body waxing and hair removal using intense pulsed light equipment so long as all other requirements related to Mobile Units are met.

(6) Mobile Hairdressing services in Remote Locations and Mobile Units may include hair washing, arranging or styling, cutting and drying.

a. Mobile Hairdressing in Remote Locations shall not include hair coloring, waving, straightening or other chemical processes.
b. Hairdressing services in Mobile Units may include hair coloring, waving, straightening and other chemical processes so long as all other requirements related to Mobile Units are met.

(7) Mobile Cosmetology services shall be subject to the requirements of sections B(1) through B(6) of this Policy.

(8) Mobile Barber services at Remote Locations and Mobile Units may include basic hair washing, arranging, cutting, drying, styling and shaving only with an electric razor.
    a. Mobile Barber services in Remote Locations shall not include hair coloring, waving, straightening or other chemical processes, and use of a straight razor on the skin.
    b. Mobile Barber services in Mobile Units may include hair coloring, waving, straightening and other chemical processes so long as all other requirements related to Mobile Units are met.

(9) Mobile Services must be performed with a level of care appropriate to conditions of risk specific to the Remote Location or Mobile Unit.

C. Sanitation and Safety for Mobile Services

(1) Registrants shall comply with all requirements of the Board's regulations and policies applicable to Mobile Services, including but not limited to the requirements of 240 CMR 3.00 for cleaning and disinfection, the Board's Policy regarding Practices Outside the Scope of Licensure, and the prohibition against narcotics, alcohol, marijuana and tobacco while providing Mobile Services, in the immediate vicinity of Mobile Services and in Mobile Units.

(2) Mobile Units shall observe all sanitation requirements applicable to shops, including but not limited to the provisions of 240 CMR 3.00 regarding cleaning and disinfection, lighting and ventilation, washable floors and furniture, toilet and hand-washing facilities, and the prohibitions against food, narcotics, alcohol, marijuana, tobacco, sleeping or living quarters and animals except service animals authorized by law to be in places of public accommodation.

(3) Registrants providing Mobile Services at Remote Locations shall wipe the surfaces of the Remote Location on which the Registrant will be working with antiseptic and place a disposable sanitary cover on the surfaces before providing services to each and every consumer.

(4) All Remote Locations must have a clean, empty sink with hot and cold running water easily accessible to the consumer receiving services.

(5) Towels, sheets, and similar items must be placed in closed containers and laundered after use on each consumer; after being laundered, all towels and linens shall be placed in disinfected drawers or containers.

(6) Mobile Services shall be performed with single-use disposable tools to the greatest extent feasible.

(7) Registrants providing Mobile Services must dispose of single-use tools and clean and disinfect all authorized reusable tools and items that come into contact with a consumer as follows:

(a) After the first use at a Remote Location or Mobile Unit, all single-use disposable tools shall be placed in a disposable bag and disposed of in a proper trash receptacle in accordance with applicable laws and regulations;

(b) After being used for Mobile Services on one consumer, reusable tools shall be placed in a closed container and shall be cleaned and disinfected by the methods prescribed by the Board's regulations, except that: (i) used tools may not be placed in ultraviolet light boxes until they have been cleaned and disinfected using other methods authorized by the Board's regulations, and (ii) formalin or formaldehyde shall not be used for any purpose; and

(c) After being cleaned and disinfected, all reusable tools shall be placed in disinfected drawers or containers.

(8) A Registrant providing Mobile Services shall possess a basic first aid kit on site and shall use universal precautions against blood-borne pathogens when treating a consumer.

D. Disclosures

(1) A Registrant shall provide consumers with a Disclosure that shall be visible during Mobile Services in substantially the form below:

> **Notice: Mobile Services provided in locations that are not licensed shops or salons are subject to sanitation and safety requirements established by the Board of Registration of Cosmetology and Barbering.**
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> **Any complaints relating to the services performed can be filed with the Division of Occupational Licensure at:**
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> **Division of Occupational Licensure**
> **One Federal Street, Suite 600**
> **Boston, MA 021102012**
> **617-701-8792**
>
> **The Complaint Form is available at the Division's website at:**
> **www.mass.gov/cosmetology**

E. Records and Inspections of Mobile Services

(1) All Registrants approved to provide Mobile Services on their own account and all Mobile Businesses and Mobile Units registered to perform Mobile Services shall maintain the following records at the Business Address:

(a) The original approval of the Mobile Business or Mobile Unit registration or approval to provide Mobile Services;

(b) For Mobile Businesses and Mobile Units, a list of all Registrants who provide and have provided Mobile Services and for each Registrant, copies of their license, approved registration to provide Mobile Services and a government-issued photo ID;
(c) Dates, times and locations of appointments; and
(d) Mobile Unit itineraries, vehicle inspection, registration and insurance certificates, and vehicle identification numbers.

(2) All records of Mobile Services shall be available for inspection by the Board or the Division of Professional Licensure at the Business Address upon request without prior notice.
(a) Whenever the Board conducts an inspection related to Mobile Services, an authorized representative must sign the inspection slip.

The holder of an approved registration to provide Mobile Services shall maintain the records relating to the Mobile Services for five years.