

240 CMR 2.00: LICENSURE OF COSMETOLOGISTS, MANICURISTS, AESTHETICIANS,
DEMONSTRATORS AND INSTRUCTORS

Section

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2.01: Licensure Requirements for Cosmetology, Aesthetics and Manicuring

(1) Cosmetologist. A person who has successfully completed a course of at least 1,000 hours of professional training in a cosmetology school approved by the Board may apply to the Board for examination and licensure as a cosmetologist. The applicant must file an application with the Board accompanied by required fees and achieve a passing score on an examination satisfactory to the Board. The license must be renewed on the date determined by the Board.

(2) Aesthetician. A person who has successfully completed a course of at least 600 hours of professional training in an aesthetics school approved by the Board may apply to the Board for examination and licensure as an aesthetician. The applicant must file an application with the Board accompanied by required fees and pass an examination satisfactory to the Board. The license must be renewed on the date determined by the Board.

(3) Manicurist. A person who has successfully completed a course of at least 100 hours of professional training in manicuring in a school approved by the Board may apply to the Board for examination and licensure as a manicurist. The applicant must file an application with the Board accompanied by required fees and must achieve a passing score on an examination satisfactory to the Board. A manicurist may be employed in a cosmetology salon, manicuring salon, an aesthetics salon or a barber shop. The license must be renewed on the date determined by the Board.

(4) Demonstrator. Any person who desires to demonstrate the use of any machine or other article pertaining to cosmetology without charge on behalf of a manufacturer, wholesaler, retailer or distributor must file an application with the Board and pay required fees for a demonstrator license.

(5) Cosmetology Instructor. A person who has a high school degree or equivalent, graduated from a cosmetology program satisfactory to the Board and has had a minimum of two years of experience as either a Massachusetts licensed cosmetologist or an assistant cosmetology instructor may apply to the Board for licensure as a cosmetology instructor. The applicant must file an application with the Board accompanied by required fees and achieve a passing score on an examination satisfactory to the Board. A cosmetology instructor may be employed in a cosmetology school, aesthetics school, manicuring school, cosmetology salon, manicuring salon or aesthetics salon. The Instructor's license must be renewed on the date determined by the Board.

(6) Assistant Cosmetology Instructor. A Massachusetts licensed cosmetologist who has a high school degree or equivalent and graduated from a cosmetology program satisfactory to

the Board may apply to the Board and pay required fees for licensure as an assistant cosmetology instructor. The license is valid for a maximum of two years and may not be renewed.

(7) Aesthetics Instructor. A person who has a high school degree or equivalent, graduated from an aesthetics program satisfactory to the Board and has a minimum of two years of practical experience as either a Massachusetts licensed aesthetician or assistant aesthetics instructor may apply to the Board for licensure as an aesthetics instructor. The applicant must file an application with the Board accompanied by required fees and pass an examination satisfactory to the Board. The license must be renewed on the date determined by the Board. An aesthetics instructor may also be employed as an aesthetician in a cosmetology salon or aesthetics salon.

(8) Assistant Aesthetics Instructor. A Massachusetts licensed aesthetician who has a high school degree or equivalent and graduated from an aesthetics program satisfactory to the Board may apply to the Board and pay required fees for licensure as an assistant aesthetics instructor. The license is valid for a maximum of two years and may not be renewed. An assistant aesthetics instructor may only be employed to instruct in an aesthetics school, unless he or she also obtains a license in another cosmetology profession.

(9) Manicuring Instructor. A person who has a high school degree or equivalent, graduated from a manicuring program satisfactory to the Board and has a minimum of three years of practical experience as a Massachusetts licensed manicurist may apply to the Board for licensure as a Manicuring Instructor. The applicant must file an application with the Board accompanied by required fees and achieve a passing score on an examination satisfactory to the Board. A manicuring instructor may also be employed as a manicurist in a cosmetology salon, manicuring salon or aesthetics salon.

(10) Assistant Manicuring Instructor. A Massachusetts licensed manicurist who has a high school degree or equivalent and graduated from a manicuring program satisfactory to the Board may apply to the Board and pay required fees for licensure as an assistant manicuring instructor. The license is valid for a maximum of three years and may not be renewed. An assistant manicuring instructor may only be employed to instruct in a manicuring school, unless he or she also obtains a license in another cosmetology profession.

(11) Approval of Lecturers.

(a) A person may be approved by the Board to serve as a lecturer and provide training in a specific subject area, provided that he or she meets one of the following requirements:

1. Has had at least five years of experience in a profession, trade, industry or occupation which requires regular use of the knowledge and skills to be taught, and, where applicable, possesses a current, valid license to practice that profession, trade or occupation issued by any state or territory of the United States; or
2. Demonstrates to the satisfaction of the Board that he or she, by virtue of education, practical experience or any combination thereof, possesses sufficient knowledge of the subject matter to be taught.

(b) Application for approval as a lecturer pursuant to 240 CMR 2.01(11) shall be made by the school seeking to employ the lecturer, on forms prescribed and furnished by the Board. The prospective lecturer shall sign the application under the pains and penalties of perjury, and shall submit written documentation of the prospective lecturer's qualifications required by the Board, together with the required fee.

(c) Approval as a lecturer pursuant to 240 CMR 2.01(11) be renewed thereafter on the date determined by the Board.

(d) A person who has been approved as a lecturer pursuant to 240 CMR 2.01(11) shall provide training only in the subject area for which he or she has been approved.

2.02: General Requirements for All Board Licenses

The following requirements apply to all licenses issued by the Board to individuals.

- (1) Practical Experience. The Board shall determine the practical experience requirement for application and/or examination for all license types issued by the Board.
- (2) Licensees who hold more than one license are only authorized to provide services within the scope of the licenses that are current and in good standing.
- (3) An individual seeking licensure in multiple professions licensed by the Board must submit a separate application and a separate application fee for each license.
- (4) For the purposes of all provisions of 240 CMR, and unless otherwise stated, the term “school” shall include “post-secondary institution ” as defined by General Laws c. 112, § 87T as amended.

2.03: Reciprocity Licenses

(1) Out-of-State Applicants

(a) The Board may, after receiving an approved application form and fee, license any person who shows proof acceptable to the Board that he or she holds a current license in good standing as a cosmetologist, aesthetician or manicurist in another state of the United States which maintains a standard substantially equivalent to that of the commonwealth.

(b) Examinations. Out-of-state applicants who do not hold a current license in good standing must pass an examination satisfactory to the Board.

(2) Out-of-Country Applicants

(a) An applicant for licensure who has received his or her qualifying education and/or experience in another country shall file an application and pay any required fees. This application must include transcripts of education or documentation of two years of experience working as a cosmetologist, aesthetician or manicurist obtained by the applicant in the country from which the applicant is seeking credit. The transcript or documentation shall be translated into the English language if it is not in the English language.

(b) Examinations. Out-of-country applicants must pass an examination satisfactory to the Board.

REGULATORY AUTHORITY

240 CMR 2.00: M.G.L. c. 112, §§ 87T-87KK, as amended.

240 CMR 3.00: COSMETOLOGY SALONS

Section

- 3.01: Licensure of Salons
- 3.02: Operation of Salons
- 3.03: Equipment and Hygiene Procedures
- 3.04: Advertising and Pricing

3.01: Licensure of Salons

(1) References herein to "salon" shall mean a "shop," as defined in M.G.L. c. 112, § 87T and referred to in M.G.L. c. 112, §§ 87T through 87KK.

(2) Types of Salon Licenses.

(a) The following salon licenses are issued by the Board:

1. Cosmetology Salon;
2. Manicuring Salon; and
3. Aesthetics Salon.

(b) A salon license may be issued to an individual or a natural person who is an authorized representative of a partnership, corporation or limited liability corporation.

(3) No person shall operate a cosmetology salon, manicuring salon or aesthetics salon without first obtaining from the Board a license to operate such salon.

(4) Every person contemplating the opening of a cosmetology salon, manicuring salon or aesthetics salon shall file the appropriate application for a salon license with the Board, pay required fees, and arrange for the premises to be inspected and approved by the Board. The Board will not issue a license for any premises if required local permits and certificates have not been obtained or if the Board's inspection reveals that the premises are in violation of 240 CMR 3.00.

(5) A salon license is valid only for the location stated on the license and is not transferable or assignable.

(a) Salon owners must submit an application to the Board for a new license at least 30 days in advance of the sale or change in ownership of a salon. The purchaser of a salon which has previously been licensed by the Board must file a new application for salon license with the Board, pay required fees, and have the premises inspected and approved by the Board.

(b) A salon owner seeking to change the location of a salon shall notify the Board in writing at least 30 days before any such change in location. The owner of the salon must file a new application for a salon license with the Board, pay required fees and have the premises inspected and approved by the Board. Upon approval of the new location by the Board, the license for the previous location will be canceled and the Board will issue a new salon license for the new location.

(6) Original salon licenses must be displayed in a conspicuous place in the salon.

(7) All cosmetologists, operators, instructors, manicurists, aestheticians, and demonstrators

must conspicuously post a copy of their current individual license at their place of employment, and while working must have in their physical possession their original license and a government-issued identification card with photograph.

3.02: Operation of Salons

(1) Premises.

- (a) All new salons must have their electrical and plumbing installations approved by an inspector of wires and a plumbing inspector prior to being inspected by the Board.
- (b) After the floor plan for the salon has been approved by the Board and all required equipment has been installed and permits obtained, an applicant for a salon license shall notify the Board that the premises are ready for inspection by the Board.
- (c) All salons shall display a sign at their entrance, or a sign sufficiently large to be clearly visible from the street.
- (d) Every salon shall be equipped with proper and adequate lighting and ventilation and kept in clean, orderly and sanitary condition.
- (e) Home Salons.
 1. No branch of cosmetology shall be practiced in any room or rooms of living quarters other than the room or rooms designated and licensed as a cosmetology salon, except for sick or infirm persons in homes or hospitals.
 2. In every salon maintained in a home, a separate room or rooms shall be provided and licensed for the performance of cosmetology services. Every salon maintained in a home shall provide a separate entrance to such salon which shall lead directly from the front or immediate side of the home to the salon and shall be clearly visible from the street. A hard surface walk shall lead from the street to the salon entrance. Interior doors leading to a salon from an adjacent room or any part of the home other than the entrance of the building shall be securely locked and not used.
 3. Every salon maintained in a home must be equipped with proper toilet and hand-washing facilities which are separate from the facilities used by the residents of the premises adjacent to the salon and must be accessible by patrons without passing through any part of the living quarters.
 4. The provisions of 3.02(e)(1)-(3) do not apply to Mobile Services pursuant to a Policy issued by the Board regarding Mobile Services.
- (f) All floor coverings, walls, ceilings, woodwork, furniture, fixtures, curtains and draperies in a salon shall be maintained in a clean and sanitary condition. All equipment installed must meet with the requirements of public safety regulations.
- (g) Every salon shall be equipped with proper toilet and hand-washing facilities which shall be easily accessible and kept in a sanitary condition, and located in the salon or conveniently adjacent thereto.
- (h) Every salon shall be equipped with a suitable and adequate supply of hot and cold water. The source of this water must be approved by the local board of health where no public water supply is available.
- (i) No animals except service animals authorized by law to be in places of public accommodation shall be present on the salon premises.

(2) Conduct of Operations.

- (a) Whenever an inspection of a salon is made by an investigator or other agent of the Board, the owner or representative of the salon must sign the inspection slip.
- (b) No salon shall be operated or maintained in any room or place where food is

prepared, sold or offered for sale. No dishes shall be washed in any shampoo sink or sinks located with the toilet facilities.

(c) Narcotics, alcohol, marijuana and tobacco are prohibited in all cosmetology salons.

(d) Other than the services specified in a Policy issued by the Board regarding Mobile Services, all "Cosmetology" services, as defined in M.G.L. c. 112, § 87T, including those rendered in connection with the arrangement of any wig or hair piece upon the head of any patron, must be performed in a licensed salon by licensed personnel only.

(e) Dual Use of Room for Cosmetology or Barbering and Licensed Massage Therapy Services.

1. Individuals licensed by the Board of Registration of Massage Therapy pursuant to Massachusetts General Laws c. 13, §98 may provide services within the scope of their massage license in the same space as cosmetology and barbering services so long as they meet the requirements of this 240 CMR 3.02(2).

2. The area in which the massage service is to be performed must be issued an establishment license from the Board of Registration of Massage Therapy. This license must be issued to the same person or entity that was issued the license to operate a Cosmetology Salon or Barber Shop.

3. All massage services must be identified on a Board-approved floor plan that is posted in a conspicuous place in the Salon. Any changes to this floor plan must be approved by the Board.

4. When providing massage services within a Cosmetology Salon or Barber Shop, all massage practitioners must hold the appropriate level individual license from the Board of Registration of Massage Therapy and may not delegate massage services to unlicensed individuals.

5. Notwithstanding the scope of practice of the massage license, all services performed in a Cosmetology Salon or Barber Shop shall remain subject to the safety and sanitary provisions of 240 CMR 3.00.

6. The holder of the Cosmetology Salon license or Barber Shop license shall remain responsible for all services provided in the Salon or Shop, whether or not those services are cosmetology or barbering, and must cooperate fully with Board inspectors, who may inspect any service being provided in the Salon or Shop.

3.03: Equipment and Hygiene Procedures

(1) All licensees, students and lecturers shall wash their hands thoroughly with liquid soap and hot water immediately before and after rendering service to each and every patron or model.

(2) All licensees, students and lecturers shall wear proper attire that is opaque, washable or chemically cleanable. Footwear must be worn at all times.

(3) A clean towel shall be used for each patron or model.

(4) Closed cabinets, drawers or containers shall be provided for clean towels.

(5) A covered container shall be provided for all soiled towels.

(6) Whenever a hair cloth or cape is used for any purpose, including cutting hair, shampooing, or any other hair treatments, a clean towel or other protection shall be placed around the neck of the patron to prevent the hair cloth or cape from touching the skin.

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- (7) Dipping towels, including paper towels, in receptacles containing water or other liquids and using them on a patron is prohibited.
- (8) All hair must be swept from the floor and properly disposed of after services are provided to a patron or model.
- (9) Fluids, powders, emulsions and comparable cosmetics must be applied from sanitized containers.
- (10) The use of common powder puffs is prohibited.
- (11) Creams and other solid substances must be removed from containers with a clean spatula or similar article. The instrument used for the removal of such substances shall not be allowed to come in contact with any patron. Removing such substances with the fingers is prohibited.
- (12) Cream containers must be kept covered when not in use.
- (13) All permanent waving equipment, nets, clips, pins, rollers, brushes, combs, clippers, scissors, razors, tweezers, comedone extractors, cape coverings, files, spatulas, applicators and any other item which comes in contact with a patron or model must be thoroughly cleaned and disinfected after each and every separate use. The use of any implement that cannot be disinfected is prohibited.
- (14) After being cleaned and disinfected, all equipment must be kept in airtight sanitary containers, cabinets or sterilizers.
- (15) Pump-type dispenser cosmetics may be provided in make-up rooms for use by patrons.
- (16) Brushes, combs and neck dusters may not be re-used until properly cleaned and disinfected. The use of brush or hook and pile rollers is prohibited.
- (17) One of the following methods must be used to disinfect instruments and equipment after use on any patron or model:
 - (a) FDA-approved dry heat sterilizer;
 - (b) Autoclave;
 - (c) 70% isopropyl alcohol for at least ten minutes;
 - (d) Antiseptics and disinfectants (hospital grade required); or
 - (e) A 10% solution of chlorine bleach mixed with water and no other chemicals.
- (18) (a) In cosmetology salons, there must be at least one covered waste receptacle and at least one air-tight container for storing disinfected instruments. There must be a minimum of one shampoo bowl, and there must be one sink accessible from all areas where services may be performed in addition to the shampoo bowl(s) and the sink(s) located with toilet facilities. There must be at least one hair dryer in each cosmetology salon.

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(b) In manicuring salons, there must be at least one sink accessible from all areas where services may be performed in addition to the sink(s) located with the toilet and hand-washing facilities. There must be at least one covered waste receptacle and at least one air-tight container for storage of disinfected instruments. All foot baths must be cleaned and disinfected after each and every separate use on a customer.

(c) In aesthetics salons, there must be at least one sink accessible from all areas where services may be performed in addition to the sink(s) located with the toilet and hand-washing facilities. There must be at least one covered waste receptacle and at least one air-tight container for storage of disinfected instruments.

(19) No cosmetologist, manicurist, demonstrator, instructor, aesthetician or student shall have, or provide services to a person who is afflicted with, impetigo, pediculosis (lice and nits), or contagious bacterial or fungal infection (such as ringworm) of the face, eyes, scalp, nails or area being treated. Upon identification of any of the above, services must be immediately discontinued and all implements, equipment and areas be promptly cleaned and disinfected in compliance with these regulations.

3.04: Advertising and Pricing

(1) No salon may use any advertising which is misleading or inaccurate, nor shall any salon in any way misrepresent any materials, services or policies.

(2) "Advertising" shall include any form of printed or electronic or digital media and any means or methods employed to bring to the attention of the public the practice of cosmetology, manicuring, aesthetics, barbering or the sale of related accessories.

(3) No cosmetology, aesthetics or manicuring shop may arrange for, permit or advertise the practice of barbering in the shop unless the shop is a licensed barber shop and employs a licensed barber. No cosmetology, aesthetics or manicuring shop may display a barber pole or any representation of a barber pole unless it is licensed as a barber shop and employs a licensed barber.

(4) The price advertised for a service shall include the price of all operations necessary to complete the service. For example, if a "permanent wave" is advertised at a specific price, the price advertised shall include the price of all operations necessary for completing the permanent wave. If a haircut and styling is to be paid for separately, the advertising must so state.

(5) Gender-based pricing is prohibited by the Massachusetts Public Accommodations Act (M.G.L. c. 272, §§ 92A and 98). Prices must be based on factors such as hair length or difficulty of styling.

(6) A price list must be displayed in a conspicuous place in the salon.

REGULATORY AUTHORITY

240 CMR: BOARD OF REGISTRATION OF COSMETOLOGY AND BARBERING
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240 CMR 3.00: M.G.L. c. 112, §§ 87V and 87AA.

DRAFT

240 CMR 4.00: OPERATION OF COSMETOLOGY SCHOOLS AND POST-SECONDARY INSTITUTIONS

Section

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4.01: Licensure

- (1) For purposes of 240 CMR 4.00, and unless otherwise stated, the term “school” shall mean a school or other institution or program privately owned and conducted for the purpose of teaching cosmetology, and shall include “post-secondary institution” as defined by General Laws c. 112, §§ 87T and 87JJ as amended.
- (2) No person or entity shall operate a cosmetology school without a license issued by the Board.
- (3) Each applicant for a license to conduct a cosmetology 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 intended 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 \$20,000;
 - (c) A copy of the enrollment agreement including a refund policy which complies with G.L. c. 255, § 13K;
 - (d) A detailed outline of the school curriculum;
 - (e) A detailed professional floor plan; and
 - (f) An initial enrollment report signed by the applicant which shall contain a list of at least 25 students.
- (4) No school shall be conducted or advertised as a salon or shop. No salon or shop shall be conducted or advertised as a school.
- (5) With the exception of annexes described in 240 CMR 4.02(12), a school license is valid only for the location named in the license and is not transferable. School licensees must notify the Board by submitting an application for a new license at least 30 days in advance of the sale or change in ownership or location of a school, or notify the Board immediately in case of closure of a school or program. Each school shall display its license in a conspicuous place.

4.02: Premises

- (1) Cosmetology school premises shall be large enough to accommodate:
 - (a) a clinic area for at least 25 students, with not less than 20 square feet of area for each student;
 - (b) a lecture room properly equipped for demonstration or practical purposes, with arm chairs or desks and chairs for a minimum of 25 students; and
 - (c) a basic room completely separated from the lecture and clinic rooms sufficiently large to accommodate 25 students.

- (2) Every school shall have, and maintain in good working condition, equipment sufficient to support the curriculum for its student body. The following shall be the minimum equipment required at all times at a licensed cosmetology school:
 - Ten Shampoo Sinks and Chairs;
 - 25 All-Purpose Chairs;
 - Ten Dryers with Accompanying Chairs;
 - Ten Manicure Tables;
 - Cold Waving Equipment; and
 - Cleaning and disinfection supplies and equipment sufficient to comply with all applicable regulations.

- (3) Every school shall provide each student with an individual, secure space sufficiently large to keep students' effects.

- (4) Every school shall maintain accessible lavatories in accordance with applicable law and regulation.

- (5) All cleaning and disinfection regulations applicable to salons shall apply to schools. Each school shall follow procedures to ensure that school premises, equipment and personnel meet reasonable sanitary and safety conditions.

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

- (7) Every school shall regularly have in attendance during school hours at least two approved instructors for 25 students or less, and shall have in attendance one approved instructor or assistant instructor for each additional 25 students or less. No instructor, assistant instructor or lecturer may supervise or teach more than one class at the same time.

- (8) Instructors in schools shall be licensed instructors, assistant instructors or approved lecturers competent to impart instruction in those branches of cosmetology which they teach. Instructors, assistant instructors and lecturers shall not be permitted to perform any work on a paying customer on school premises except incidentally to instruct students in the school clinic.

- (9) No school shall, directly or indirectly, accept any 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 and clinic operation costs.

(10) No school shall permit any student to practice hairdressing, manicuring or aesthetics on a person paying for services.

(11) 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. CHARGES ARE FOR MATERIALS USED AND CLINIC OPERATION COSTS ONLY. NO CHARGE FOR SERVICES.

(12) Annexes. After obtaining Board approval, any school licensed by the Board may offer instruction at a separate street address in addition to the street address indicated on its license, and such additional street address shall be referred to as an “Annex” in 240 CMR and shall be subject to the following requirements:

(a) A school wishing to obtain Board approval to operate an Annex must submit an application completely and properly filled out in the manner prescribed by the Board, attested to under the pains and penalties of perjury by the same individual who has obtained the license to operate the school. The application must include a complete description of the intended use of the Annex.

(b) Applications for an Annex must include a floor plan meeting the following requirements:

1. The floor plan must identify the function the Annex is being used for, such as for lecture/basic room purposes.
2. Annexes may not be utilized for clinics.
3. Publicly available lavatories that are easily accessible to students must be open for use at all times the Annex is utilized.

(c) Applications must include a copy of a local occupancy certificate, building permit, or Board approved equivalent.

(d) The Board may require a site visit prior to approving the use of an Annex.

(e) Schools must be licensed for at least six months prior to seeking approval for the use of an Annex. However, in the event an existing school with a Board approved Annex requires a new license due to a proposed change of ownership, the new owner, once licensed, may continue to utilize the existing Annex.

(f) No schools may utilize an Annex to meet the basic premises requirements of 240 CMR 4.02(1)-(11). However, a school that is unable to utilize its main location due to a renovation or other documented hardship may petition the Board for a temporary exemption from this requirement for good cause.

(g) A school may be approved to use multiple Annexes.

(h) Annexes must operate under the same ownership, authority, and administrative policies and procedures as the originally licensed school facility. Any operations in a Board approved Annex shall be deemed as operations under the school’s license. In

addition, Annexes shall observe the following operational requirements:

1. Annexes may be utilized for administrative processes such as student support services and maintenance of student records only if identified on the floor plan. Records must always be available for Board inspection.
2. Annexes are subject to Board inspection at any time, and a schedule describing the times and specific uses of Annexes must be available at all times and provided to the Board upon request.
3. Annexes must be no more than one mile from the originally licensed facility.
4. The use of an Annex must be conspicuously disclosed to students in all Board approved enrollment agreements. Students whose enrollment agreements predate Board approval of an Annex may not be required to utilize an Annex unless they first agree to amend their enrollment agreement.
5. It shall be the duty of the school to notify students in writing that they will not be granted educational credit or hours for any travel to or from an Annex.
6. No Annex shall be conducted or advertised as a salon, shop or electrolysis office. No salon, shop or electrolysis office shall be conducted or advertised as an Annex of a licensed school.
7. When students are present, any Annex shall be in the charge of and under the immediate supervision of at least one licensed Instructor or school administrator.
 - (i) The Board will deny the use of an Annex if it deems that the use of the location would interfere in the educational progression of students. Further, the Board may restrict or prohibit the use of Annexes if, after the school is given the opportunity for an adjudicatory hearing, the Board has determined that a school has committed a violation subjecting it to sanctions pursuant to Massachusetts General Laws c. 112, § 61.

4.03: Conduct of Operations

- (1) Each school shall keep a daily record of the attendance of each student, and a record of academic and hourly progress, and shall record earned credit hours and hold examinations before issuing diplomas. Upon termination of a student's attendance at a school, the school shall forward to the Board a record of the student's earned hours and the date of the termination of attendance.
- (2) Students may be enrolled on a monthly basis.
- (3) No school shall permit a student to act as an instructor.
- (4) Each school may establish the attire to be worn by students and require its students to dress in compliance with school requirements.

4.04: Curriculum

(1) Cosmetology Program.

(a) Each school teaching cosmetology shall maintain a course of study of not less than 1,000 hours, extending over a period of not less than six months.

(b) Every school shall maintain regular class hours with a daily schedule.

(c) Every school shall maintain a course of practical training in:

Shampooing;

Hairdressing;

Marcel Waving (optional);

Finger Waving;

Permanent Waving;

Hair Coloring;

Hair Cutting;

Skin Care/Facial Grooming/Eyelash & Eyebrow Extensions & Tinting, Eyelash Perming;

Scalp Massage;

Wig Instruction;

Hair Straightening; and

Thermal Styling

(d) Every school shall furnish instruction in antisepsis, sterilization, cleaning, disinfection and the use of electrical apparatus and electricity as applicable to the practice of the various branches of cosmetology, and shall arrange courses devoted to each branch of cosmetology in accordance with the following outline of study and schedule of hours:

1. Outline of Study

Theory

Cleaning

Disinfection

Hygiene

Bones

Muscles

Nerves

Vascular System

Circulation

Skin

Eyelash & Eyebrow Extensions & Tinting,

Eyelash Perming

Nails

Electricity

Shop Management

Personal Hygiene

Practical

Shampooing

Hairdressing

Marcel Waving (optional)

Finger Waving

Permanent Waving

Wig Instruction

Hair Straightening

Hair Coloring (dyeing,
tints rinses, bleaching pack,

reconditioning)

Eyelash & Eyebrow Extensions,

& Tinting, Eyelash Perming

Hair Cutting

Manicuring

Skin Care/Facial Grooming

Scalp Massage

2. Schedule of Hours

Manicuring (including 12.5 hrs. of Artificial
Nail Techniques)

50

Hair Straightening and Permanent Waving	250
Shampooing	25
Finger Waving	50
Iron Curls	45
Skin Care/Facial Grooming /Eyelash & Eyebrow Extensions & Tinting, Eyelash Perming	80
Wig Instruction and Scalp Treatments	50
Dyes and Bleaching (packs, tints, rinses, reconditioning)	150
Hair Cutting	125
Oral, Written and Practical Tests, Sterilization, Hygiene and Anatomy	125
Instruction and Lecture on Cleaning and Disinfection	25
Ethics, Salesmanship, Courtesy and Conduct	25
Unassigned Hours	<u>None</u> 1,000

(e) Each school shall submit to the Board its schedule of hours in each category to be covered totaling 1,000 hours. All changes must likewise be submitted to the Board. A school may deviate from the submitted schedule of hours by a maximum range of plus or minus 10% of the hours scheduled for any individual subject, provided however that the total hours presented for the entire curriculum shall in no event be less than 1,000 hours.

(f) 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.

(g) Schools must maintain records indicating that students have completed the required amount of instruction in each subject. Such records must be available for inspection by any member of the Board or agents of the Board.

(2) Manicuring Program

(a) Each school offering a manicuring program shall maintain a course of study of not less than 100 hours, extending over a period of not less than four weeks.

(b) Each school shall maintain a daily schedule of regular class hours.

(c) Each school shall include the following curriculum as part of its course of study:

	HOURS
Safety/Sanitation	10 hours
Artificial Nail Techniques	25 hours
First Aid	2.5 hours
Basic Manicuring with Hand and Arm Massage	40 hours
Professional Ethics, Salon Management & State Laws	12.5 hours
Oral-Written Practical Examinations Hygiene and Anatomy	10 hours
Total	100 Hours

(d) Each school shall submit to the Board its schedule of hours in each category to be covered totaling 100 hours. All changes must likewise be submitted to the Board. A school may deviate from the submitted schedule of hours by a maximum range of plus or

minus 10% of the hours scheduled for any individual subject, provided however that the total hours presented for the entire curriculum shall in no event be less than 100 hours.

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

(f) Schools must maintain records indicating the students have completed the required amount of instruction in each subject. Such records must be available for inspection by any member or agent of the Board.

(g) No student shall work on a model or a customer paying for materials used and clinic operation costs until after he/she has completed not less than 25 hours of class training. Between 25 and 50 hours of training, a student shall be permitted to perform work on models or persons paying for materials used and clinic operation costs for a basic manicure. Upon completion of 50 hours of training, a student may be permitted to perform artificial nail techniques on models or customers paying for materials used and clinic operation costs.

4.05: Brush-Up and Advanced Training

(1) Any school duly licensed by the Board may offer brush-up or advanced training courses, provided that such school has been licensed for at least six months.

(2) For purposes of 240 CMR 4.00 the term "brush-up training" means any and all instruction in any branch of cosmetology (as defined in M.G.L. c. 112, § 87T) that reviews the basic course of instruction offered for a fee to persons who have completed at least 1,000 hours of cosmetology instruction, 600 hours of aesthetics instruction or 100 hours of manicuring instruction ; and the term "advanced training" means any and all instruction, class or seminar in any branch of cosmetology (as defined in M.G.L. c. 112, § 87T) excluding a review of the basic course of instruction, offered for a fee to cosmetologists, aestheticians, manicurists and barbers who hold a current license, including a license issued by another state.

(3) Advanced training courses shall be taught only by persons licensed or approved by the Board as instructors or lecturers pursuant to M.G.L. c. 112, § 87BB.

(4) Any school desiring to offer advanced training courses shall submit the following information to the Board at least one month prior to the offering of any such course:

- (a) the title of the course;
- (b) the objective of the course;
- (c) the number of course hours;
- (d) the name, license number, educational background and experience of the instructors;
- (e) a detailed curriculum of the course; and
- (f) a copy of the enrollment agreement, including a refund policy that complies with G.L. c. 255, § 13K.

The Board shall notify the school whether or not the Board has approved the advanced training courses sought to be offered. Approval of the Board shall not be unreasonably withheld.

(5) Certificates of Completion shall be issued to each participant who has attended through its conclusion an advanced training course. Such certificates shall not contain language which implies in any way the attainment of higher or greater degrees of professional competence or skill by the individuals who receive such a certificate. No certificate and no credits shall be

granted to participants in brush-up courses.

4.06: Crossover Licensure

(1) A person who has successfully completed a course of instruction at a barber school licensed to operate by the Board or by the regulatory body governing the operation of barber schools where the school is located may be credited a maximum of 500 hours toward the 1,000 hour cosmetology school course of instruction requirement for licensure. The required 500 hours of cosmetology school course of instruction for any such person must be completed in a minimum three month period. Evidence of any such person's successful completion of a licensed barber school program (copy of diploma or certificate of completion) must be submitted to the Board upon such person's enrollment in a cosmetology school.

4.07: Public Vocational Secondary and Public Post-Secondary School Programs

(1) Credit for hours completed in public vocational secondary and public post-secondary school programs shall only be granted by the Board when the requirements of 240 CMR 4.02(2) through 4.04 and 4.07 are met by such programs.

(2) No vocational student may be granted credit for hours completed in a program prior to attaining the age of 15 years. No vocational student may be granted credit for hours completed as part of an "exploratory" or similarly titled program. Vocational students must complete 1,000 hours in order for the Board to recognize hours earned prior to attaining 16 years of age.

(3) No student may provide services outside of the program setting premises prior to obtaining a cosmetology license issued by the Board.

(4) Only those hours which are taught or overseen by instructors currently licensed by the Board may be granted credit towards licensure qualification.

4.08: Minimum Hours for Examination Qualification

Completion of any additional program hours above the required minimum curriculum hours may not be required of a student before being provided access to a licensure examination.

REGULATORY AUTHORITY

240 CMR 4.00: M.G.L. c. 112, §§ 87V, 87BB and 87JJ.

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

Section

- 5.01: Definitions
- 5.02: Application for Licensure
- 5.03: Licensure and Approval
- 5.04: Instructors
- 5.05: Premises
- 5.06: Equipment
- 5.07: Course of Study
- 5.08: Records
- 5.09: Sanitary Conditions
- 5.10: Performance of Services by Students
- 5.11: Minimum Hours for Examination Qualification

5.01: Definitions

As used in 240 CMR 5.00:

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

5.02: Application for Licensure

- (1) No person or entity shall operate an aesthetics school without a license issued by the Board.
- (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 24 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 true copy of the student contract;
 - (h) an initial enrollment report signed by the applicant, which shall contain a list of enrolled students;
 - (i) a copy of the enrollment agreement, including a refund policy that complies with G.L. c. 255, § 13K; and
 - (j) such other information as the Board may require.

5.03: Licensure and Approval

- (1) Any school that already holds a license for teaching cosmetology must comply with all provisions of 240 CMR 5.00 except 240 CMR 5.02(2)(a) 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.
- (3) A school license is valid only for the location named in the license (including any Annex in compliance with the Board's regulations 240 CMR 4.02(12)) and is not transferable. School licensees must immediately notify the Board of the sale or change in ownership of a school by immediately submitting an application for a new license, or in the case of closure of a school or program, notifying the Board in writing immediately. A school licensee seeking to change the location of the school shall notify the Board by submitting an application for a new license 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 main entrance.
- (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 customer on school premises except incidentally to assist students working in the school clinic.
- (3) Every school must regularly have in attendance during school hours at least one licensed instructor for every 12 students or less.

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, and the lecture room must be available for at least one period per day for exclusive use for instruction in aesthetics; and

- (3) A reception area and an office area.

5.06: Equipment

(1) Every school shall have, and shall maintain in good working condition, appropriate equipment sufficient to support the curriculum for its entire student body. The following equipment is the minimum required for an aesthetics school and, unless otherwise noted, for every six students enrolled in an aesthetics course:

- One galvanic-high frequency-steam vaporizer- brush-facial machine;
- 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;
- Wax melting equipment to accommodate single-use wax application for depilation of the face and body;
- One high frequency unit with electrodes for every 12 students; and
- Sink with hot and cold running water separate from the lavatories

(2) One of the following methods must be used to disinfect instruments and equipment after use on any patron or model:

- (a) FDA-approved dry heat sterilizer;
- (b) Autoclave;
- (c) 70% isopropyl alcohol for at least ten minutes;
- (d) Antiseptics and disinfectants (hospital grade required); or
- (e) A 10% solution of chlorine bleach mixed with water and no other chemicals.

5.07: Course of Study

(1) Each school teaching aesthetics shall maintain a course of study of not less than 600 hours, extending over a period of not less than four months.

(2) Students may be enrolled on a monthly basis.

(3) Every school shall maintain regular class hours with a daily schedule.

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

<u>Subject</u>	<u>Schedule of Hours</u>
Human Biology, Anatomy and Physiology	30
Histology, Diseases and Disorders of the Skin	30
Nutrition	10
Cosmetic Chemistry, Ingredients and Product Knowledge	30
Cleaning, Disinfection and Bacteriology	40
Business Management, Sales, Law, Communication and Ethics	30
Massage	40
Application of Makeup, Product Knowledge and Sales	60

Electricity and Aesthetics Equipment	50
Depilation and Waxing, Eyelash & Eyebrow Extensions & Tinting, Eyelash Perming	60
Clinical Practice, Treatment Procedures and Record Keeping	<u>220</u>
Total	600

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

(5) 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 academic and hourly progress and shall record earned credit hours and hold examinations before issuing diplomas.

(2) 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 cleaning and disinfection regulations applicable to salons (240 CMR 3.00) shall apply to schools.

(2) Each school shall provide each student with an individual, secure space large enough to keep the student's effects.

(3) Each school may establish the attire to be worn by students and require its students to dress in compliance with school requirements.

(4) Every school shall maintain lavatories in accordance with applicable law and regulation.

5.10: Performance of Services by Students

(1) No school shall, directly or indirectly, accept any 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 and clinic operation costs.

(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 signs in display lettering at least two inches in height stating the following:

ALL WORK IN THIS SCHOOL IS DONE BY STUDENTS. CHARGES ARE FOR MATERIALS USED AND CLINIC OPERATION COSTS ONLY. NO CHARGE FOR SERVICES.

5.11: Minimum Hours for Examination Qualification

Completion of any program hours above the required minimum 600 hour course of study may not be required of a student before being granted access to the licensure examination.

REGULATORY AUTHORITY

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

DRAFT

Section

- 6.01: Definitions
- 6.02: Licensure
- 6.03: Premises
- 6.04: Participants
- 6.05: Instructors
- 6.06: Provision of Services by Participants
- 6.07: Records
- 6.08: Advertising

6.01: Definitions

As used in 240 CMR 6.00, the term "advanced seminar" means any and all instruction, course, class or seminar in any area of cosmetology, aesthetics, manicuring or barbering, as defined in M.G.L. c. 112, § 87T, which is offered for a fee by a privately owned entity, other than a cosmetology, aesthetics, manicuring or barbering school, constituted for the purpose of offering advanced instruction to persons who hold a current cosmetology, aesthetics, manicuring or barbering license, including a license issued by another state.

6.02: Licensure

- (1) No person or privately owned entity constituted for the purpose of offering advanced seminars in cosmetology, aesthetics, manicuring or barbering shall operate without a license issued by the Board. Non-profit professional associations offering educational training sessions are not subject to the requirements of 240 CMR 6.00.
- (2) Prior to final inspection and approval by the Board, an applicant for a license to offer advanced seminars shall submit to the Board the following information:
 - (a) A certificate of use and/or occupancy or other authentic form from the appropriate city or town approving the premises at which the seminars will be offered;
 - (b) A bond in the amount of \$5,000 subject to the approval of the Board;
 - (c) The name, license number, educational background and experience of at least one instructor who will provide instruction;
 - (d) The title and detailed outline of any seminars to be offered, and all new titles, curricula or changes thereto shall likewise be filed with the Board;
 - (e) A copy of the enrollment agreement, including a refund policy that complies with G.L. c. 255, § 13K; and
 - (f) Detailed floor plans indicating complete separation from any adjacent salon.
- (3) No entity constituted for the purpose of offering advanced seminars may call itself a school.
- (4) Licenses issued by the Board are valid only for the location named in the license and are not transferable. Licensees must notify the Board by submitting an application for a new license at least 30 days in advance of the sale or change in ownership or location of an

advanced school, or notify the Board immediately in case of closure of an advanced school or program.

6.03: Premises

- (1) Premises on which advanced seminars are to be offered shall be sufficiently large to accommodate not more than one participant per 20 square feet of area.
- (2) The premises on which advanced seminars are offered shall have accessible lavatories in accordance with applicable law and regulation.
- (3) At a minimum, any premises on which advanced seminars are offered by an entity constituted for the purposes of offering such seminars shall have equipment adequate to support the seminar offered and seating accommodations for all participants.
- (4) No premises at which advanced seminars are offered may be used as a shop, and no premises used as a shop may be used to offer advanced seminars.
- (5) The premises on which advanced seminars are offered shall be available for inspection by any member of the Board or its investigators during business hours.

6.04: Participants

- (1) All participants enrolled in advanced seminars shall hold a valid license corresponding to the seminar being offered. For example, a manicurist license is not acceptable for the purpose of attending an advanced seminar in hairdressing.
- (2) Participants in advanced seminars shall receive a certificate at the completion of the seminar. The certificate shall indicate the title of the seminar attended and the number of hours attended. The certificate shall not contain language which implies in any way the attainment of high or greater professional competence or skill by the participant, nor shall the certificate be termed a diploma.
- (3) No participant shall receive any credits towards any diploma for attending an advanced seminar.

6.05: Instructors

Advanced seminars shall be taught only by persons registered by the Board of Registration of Cosmetology and Barbering as instructors or lecturers or by such licensed cosmetologists, aestheticians, manicurists or barbers as the Board may deem qualified by expertise or experience to teach advanced seminars.

6.06: Provision of Services by Participants

Any location at which advanced seminars are offered shall display conspicuously signs in display lettering at least two inches in height stating the following:

ALL WORK IN THESE SEMINARS DONE BY LICENSED
[COSMETOLOGISTS/AESTHETICIANS/MANICURISTS/BARBERS]. CHARGES ARE FOR
MATERIALS USED AND CLINIC OPERATION COSTS ONLY. NO CHARGE FOR SERVICES.

6.07: Records

Any entity licensed to offer advanced seminars shall keep records indicating the names of all participants and a copy of their licenses. Such records shall be kept for the period required by law and shall be open to inspection by the Board or its designated agents.

6.08: Advertising

Any advertisement used by an entity licensed to offer advanced seminars shall specify that the seminars are available to licensed cosmetologists, aestheticians, manicurists or barbers only. No advertisement shall use the term "school" to designate the entity offering advanced seminars.

REGULATORY AUTHORITY

240 CMR 6.00: M.G.L. c. 112, §§ 87T-87V, 87X-87KK, as amended.

240 CMR 7.00: OPERATION OF MANICURING SCHOOLS

Section

- 7.01: Definitions
- 7.02: Application for Licensure
- 7.03: Licensure and Approval
- 7.04: Instructors
- 7.05: Premises
- 7.06: Equipment
- 7.07: Course of Study
- 7.08: Records
- 7.09: Sanitary Conditions
- 7.10: Performance of Services by Students

7.01: Definitions

As used in 240 CMR 7.00:

School. A school means a school or other institution or program privately owned and conducted for the purpose of teaching manicuring, and shall include “post-secondary institution” as defined by General Laws c. 112, § 87T as amended.

7.02: Application for Licensure

- (1) No person or entity shall operate a manicuring school without a license issued by the Board.
- (2) Each applicant for a license to operate a manicuring 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, and 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 which bond shall be subject to the approval of the Board;
 - (c) A detailed outline of the school curriculum;
 - (d) A proposed schedule of hours;
 - (e) A detailed professional floor plan;
 - (f) A copy of the school catalog;
 - (g) A copy of the school enrollment agreement, including a refund policy that complies with G.L. c. 255, § 13K;
 - (h) An initial enrollment report signed by the applicant, which shall contain a list of enrolled students; and
 - (i) A completed application, licensure fee and such other information as the Board may require.

7.03: Licensure and Approval

- (1) A cosmetology school which is currently licensed by the Board shall not be required to obtain a separate license to operate a manicuring school or offer a manicuring program. 240 CMR 7.00 shall not apply to cosmetology schools.
- (2) Each school shall be required to renew the school license every two years and pay the required renewal fee.
- (3) A school license is valid only for the location named in the license (including any Annex in compliance with the Board's regulations 240 CMR 4.02(12)) and is not transferable. School licensees must notify the Board by submitting an application for a new license at least 30 days in advance of the sale or change in location or ownership, or immediately notify the Board in case of closure of a school or program. Each school shall display its license in a conspicuous place.
- (4) No school shall be conducted or advertised as a shop, and no shop shall be conducted or advertised as a school.

7.04: Instructors

- (1) Every school shall at all times be in the charge of and under the immediate supervision of instructors currently licensed by the Board.
- (2) Instructors in schools shall be currently licensed cosmetology instructors, licensed manicuring instructors or lecturers and shall be competent to impart instructions in manicuring. Instructors shall not be permitted to perform any work on paying customers on school premises except incidentally to instruct a student.
- (3) Every school must regularly have in attendance during school hours at least one instructor for every 12 students or less. Use of demonstrators or lecturers shall not reduce the ratio of one instructor for every 12 students.

7.05: Premises

School premises shall contain, at a minimum, the following:

- (1) A clinic room of not less than 600 square feet, to be used exclusively for the teaching of manicuring and containing all necessary equipment for practical training;
- (2) A lecture room of not less than 400 square feet, with a minimum of 12 arm chairs or desks and chairs, and the lecture room must be available for at least one period per day for exclusive use for instruction in manicuring;
- (3) A reception area; and
- (4) An office area.

7.06: Equipment

(1) Every school shall have and maintain in good working condition appropriate and adequate equipment for its entire student body. The following equipment is the minimum equipment required for a school and, unless otherwise noted, for every 12 students enrolled in a manicuring course:

- 12 manicuring tables with lamps, drawers and chairs/stools;
- 12 wet hospital-grade sanitizers;
- 1 FDA-approved heat sterilizer;
- 3 sinks/hot/cold running water;
- 12 covered waste containers;
- 1 first aid kit;
- 12 finger bowls;
- 12 nail brushes;
- 1 electrical hand held manicuring tool with bits;
- 1 hot oil manicuring unit;
- 4 dozen towels; and
- 12 foot basins.

(2) Every school shall provide students with supplies that adequately support the curriculum.

7.07: Course of Study

- (1) Each school shall maintain a course of study of not less than 100 hours.
- (2) New students shall be enrolled on a weekly basis. After a school's first class has graduated, transfer students may be enrolled at any time.
- (3) Each school shall maintain a daily schedule of regular class hours.
- (4) Each school shall include the following curriculum as part of its course of study:

	HOURS
Safety/Sanitation	10 Hours
Artificial Nail Techniques	25 Hours
First Aid	2.5 Hours
Basic Manicuring with Hand and Arm Massage	40 Hours
Professional Ethics/Salon Management/ State Laws	12.5 Hours
Oral-Written-Practical Examinations Hygiene and Anatomy	<u>10 Hours</u>
TOTAL	100 Hours

(5) 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.

7.08: Records

- (1) Each school shall keep a daily record of the earned hours of each student. This record shall be submitted to the Board on a monthly basis.
- (2) Each school shall maintain records of satisfactory progress for each student throughout the course of study.
- (3) All school records shall be made available for inspection by the Board or its designated agents.

7.09: Sanitary Conditions

- (1) Each school shall follow proper procedures to ensure that school premises, equipment and personnel meet the safety and sanitary conditions required by the Board. All sanitary regulations (240 CMR 3.00) applicable to salons shall apply to schools.
- (2) Each school shall provide each student with an individual secure space sufficiently large to store the student's effects.
- (3) Each school may establish the attire to be worn by students and require its students to dress in conformance with school requirements.
- (4) Each school shall maintain lavatories as required by applicable law and regulations, and shall provide an adequate supply of hospital grade antibacterial soap which must be used by all students before any manicuring procedure.

7.10: Performance of Services by Students

- (1) No school may, directly or indirectly, accept any remuneration or charge any fee for services by its students in the course of their practical training. A school may impose a reasonable charge for materials used and clinic operation costs.
- (2) Every school shall display in conspicuous places or at each of its entrances, signs with lettering at least two inches in height stating the following:

ALL WORK IN THIS SCHOOL IS DONE BY STUDENTS.
CHARGES ARE FOR MATERIALS USED AND CLINIC OPERATION COSTS ONLY.
NO CHARGE FOR SERVICES.

REGULATORY AUTHORITY

240 CMR 7.00: M.G.L. c. 112, §§ 87V, 87BB and 87JJ.

240 CMR 8.00: BARBER REGULATIONS

Section

8.01: Barber Personal Licensure Eligibility

8.02: General Provisions Applicable to Barber Shops and Barber Schools

8.03: Licensure of Barber Schools

8.04: Licensure of Barber Shops

8.01: Barber Personal Licensure Eligibility

- (1) Barber License. To be eligible to be issued a license as a barber, an individual must meet the following requirements:
 - (a) Successfully complete a course of at least 1,000 clock hours of professional training in a barber school approved by the Board;
 - (b) File an application with the Board with all required fees; and
 - (c) Achieve a passing score on an examination satisfactory to the Board.
- (2) Barber Instructor License.
 - (a) To be eligible to be issued a license as a Barber Instructor, an individual must meet the following requirements:
 - (1) Have a high school degree or equivalent and be a graduate of a barber school or program satisfactory to the Board;
 - (2) Be licensed as a Barber and have a minimum of two years Practical Experience as a Barber or an Assistant Barber Instructor;
 - (3) File an application with the Board with all required fees; and
 - (4) Achieve a passing score on an examination satisfactory to the Board.
 - (b) A barber instructor may also be employed in a barbershop.
 - (c) The instructor's license must be renewed on a date determined by the Board.
- (3) Assistant Barber Instructor.
 - (a) To be eligible to be issued a license as an Assistant Barber Instructor, an individual must meet the following requirements:
 - (1) Have a high school degree or equivalent and be a graduate of a Barber School or program approved by the Board; and
 - (2) Be licensed as a Barber.
 - (b) An Assistant Barber Instructor License will expire in two years and cannot be renewed.
- (4) Out-of-State Applicants
 - (a) The Board may, after receiving an approved application form and fee, license any person who shows proof acceptable to the Board that he or she holds a current license in good standing as a barber in another state which maintains a standard substantially equivalent to that of the commonwealth.
 - (b) Examinations. Out-of-state applicants who do not hold a current license in good standing must pass an examination satisfactory to the Board.
- (5) Out-of-Country Applicants
 - (a) An applicant for licensure who has received his or her qualifying education and/or experience in another country shall file an application and pay any required fees. This

application must include transcripts of education or documentation of two years of experience working as a barber in the country from which the applicant is seeking credit. The transcript or documentation shall be translated into the English language if it is not in the English language.

(b) **Examinations.** Out-of-country barber applicants must pass an examination satisfactory to the Board.

8.02: General Provisions Applicable to Barber Shops and Barber Schools

(1) The provisions of 240 CMR 8.02 are applicable to both barber shops and barber schools, except where a regulation specifically states otherwise. For purposes of 240 CMR 8.01-8.03, and unless otherwise stated, the term “barber school” shall include “post-secondary institution” as defined by General Laws c. 112, § 87T as amended.

(2) **Inspections.** All barber shops and barber schools shall be open to any member of the Board or its investigators during business hours.

(3) **Display Sign and Barber Pole.** Every barber shop open to the public shall conspicuously display a sign and a barber pole or a barber pole decal, indicating it is a barber shop.

(4) No barber shop may arrange for, permit or advertise the practice of any branch of cosmetology in the shop unless the shop is licensed as a cosmetology shop and the service is provided by a licensed cosmetologist.

(a) No barber shop may advertise as a “salon” or “beauty shop” unless it is licensed as a cosmetology salon and employs a licensed cosmetologist.

(5) **Licenses.**

(a) In every barber shop, the holder of a barber license shall post a copy of his or her license in a conspicuous place in front of his/her working chair, and must have his or her original license in their physical possession.

(b) Original barber shop licenses must be displayed in a conspicuous place within the barber shop.

(6) **Sanitation.**

(a) Floors, walls, ceilings, furniture, fixtures and other apparatus, and all other exposed surfaces in every barber shop and school shall be kept clean and sanitary, free from dust and in good repair at all times.

(b) Brooms, mops, and any other articles used to wash floors, brush or wash the walls, shall not be left exposed. All residue, cut hair, dirt, etc. swept off the floor shall be placed in a covered container or containers until properly disposed of outside the barber shop or school.

(c) Running hot and cold water shall be provided. All water shall be from a public supply when available. A suitable sink which is connected as to provide for satisfactory disposal of all waste water shall be provided within the barber shop or school, as well as lavatories in accordance with applicable law and regulations, easily accessible and in clean and sanitary condition at all times.

(d) No room or part of a barber shop or school shall be used for living or sleeping purposes. For a barber shop maintained in a home, a separate room or rooms shall be provided and licensed for barber services, and such shop must include a separate entrance that is clearly

visible from the street. Every barber shop in a home must be equipped with proper toilet and handwashing facilities separate from the facilities used by the residents of the living quarters and must be accessible by patrons without passing through any part of the living quarters.

(e) Every barber shop and school shall be equipped with suitable and adequate washing facilities and an adequate supply of hot and cold water. The source of this water shall be approved by the local board of health, where no public water supply is available.

(f) Every barber shop shall be properly and adequately lighted and ventilated and kept in a clean, orderly and sanitary condition and under the supervision of a licensed barber at all times.

(g) The headrest of each barber chair shall be provided with a clean covering of cloth or paper for each patron.

(h) All clean towels shall be kept exclusively in a closed, clean cabinet drawer or closet. No towel or any other piece of linen which has been used on a patron or which has been used for any other purpose shall be placed at any time in the same compartment with the clean towels. Hair cloths and breast cloths shall be enclosed in a compartment separate from the clean towels.

(i) All used towels shall be placed in a covered container or containers.

(j) No used towel or cloth shall be used on another patron until it has been laundered in a sanitary manner. A freshly laundered towel or other protection shall be placed around the neck of the patron so as to prevent the chair cloth from touching the skin.

(k) Alum or other material used to stop the flow of blood shall be used only in a liquid or powder form and shall be applied with a clean towel or cotton.

(l) No powder puffs, finger bowls, sponges, styptic pencil or lump alum shall be used by a barber on any patron.

(m) No shaving brushes shall be used.

(n) No soap in cake or stick form shall be used. Liquid soap may be used.

(o) Paper used for wiping razors shall be clean. Used shaving paper shall be placed in a separate covered container.

(p) Jars containing cream or pomades shall be kept covered at all times, except when being used and removed from such jars with a clean spatula.

(q) No barber, student, or demonstrator shall use on a patron or display in a barber shop or school, any hair tonic or other liquid preparation, for use on the hair or scalp, unless such tonic or preparation is contained or displayed in a bottle or container clearly labeled with the name of the manufacturer.

(r) Every barber, student, or demonstrator shall wash his/her hands thoroughly with liquid soap immediately before and after serving each patron.

(s) Narcotics, alcohol, marijuana and tobacco are prohibited in all barber shops and barber schools.

(t) No animals except service animals authorized by law to be in places of public accommodation shall be permitted in any barber shop or barber school.

(7) Cleaning and Disinfection.

(a) All brushes, combs, neck dusters, razors, scissors, clippers, tweezers, and all other implements, tools, appliances and utensils that come in contact with the patron shall be cleaned and disinfected before use upon any patron and, thereafter, before use on another patron.

(b) No tools/implements shall be left exposed on the workstand at any time but shall be cleaned, disinfected and placed in a clean, closed drawer or cabinet whenever such tools are

not in use or in the process of being disinfected.

(c) One of the following methods of disinfection shall be used on all implements:

1. FDA-approved dry heat sterilizer;
2. Autoclave;
3. 70% isopropyl alcohol for at least ten minutes;
4. Antiseptics and disinfectants (hospital grade required); or
5. A 10% solution of chlorine bleach mixed with water and no other chemicals.

(8) Service Outside Barber Shop.

(a) 240 CMR 8.02(6)(g)-(t) shall be complied with by barbers performing any barbering services for sick or infirm persons in homes or hospitals. Services must be by request from a paying patron through a licensed shop.

(b) 240 CMR 8.02(6)(g)-(t) shall be complied with by demonstrators performing barbering services.

(9) Treatment of Skin Conditions. No barber, student or demonstrator shall remove or attempt to remove a wart or mole, or treat any skin disease, of a patron.

(10) Unprofessional Conduct. The license of a barber or barber shop may be suspended, revoked, placed on probation, or otherwise disciplined after a hearing, if the barber or shop license holder has been found liable for unprofessional conduct, which shall include, but not be limited to, deceit, gross misconduct, or any violation of the laws of the Commonwealth relating thereto or these rules and regulations.

(11) Advertising. Unfair, misleading, deceptive and fraudulent advertising is prohibited. Truthful and accurate advertising is permitted, consistent with professional ethics and community standards.

(a) Gender-based pricing is prohibited by the Massachusetts Public Accommodations Act (M.G.L. c. 272, §§ 92A and 98). Prices must be based on factors such as hair length or difficulty of styling.

(b) A price list must be displayed in a conspicuous place in the barber shop.

(c) The price advertised for a service shall include the price of all operations necessary for completing the service.

8.03 Licensure of Barber Schools

(1) For purposes of 240 CMR 8.00, and unless otherwise stated, the term “school” shall include “post-secondary institution” as defined by General Laws c. 112, § 87T as amended.

(2) No person or entity shall operate a barber school without a license issued by the Board.

(3) Each applicant for a license to conduct a barber 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 intended to be used as a school. The certificate or form shall be submitted to the Board prior to final inspection and approval by the Board;

(b) A bond of \$20,000;

(c) A true copy of the student contract, which shall comply with G.L. c. 255, § 13K;

(d) A detailed outline of the school curriculum;

- (e) A detailed professional floor plan; and
- (f) An initial enrollment report signed by the applicant which shall contain a list of at least 25 students.

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

(5) A license for a barber school is valid only for the location and owner named in the license or certificate (including any Annex in compliance with 240 CMR 4.02(12)), and is not transferable. A holder of a school license seeking to change the location or owner of the school shall notify the Board in writing by submitting an application for a new license at least 30 days before the change, or immediately in case of closure of a barber school or program. Upon approval of a new location or new owner by the Board, the Board shall cancel the license for the previous location or the previous owner and re-issue a license to the licensee indicating the new location or new owner. Each school shall display its license in a conspicuous place.

(6) General Provisions.

- (a) All barber schools and barber school annexes subject to 240 CMR 4.02(12) and 240 CMR 8.03(8)(d) shall display a sign at the entrance reading "Barber School".
- (b) A barber school may be established only in a location where the building meets proper safety conditions. There must be adequate heating, lighting and ventilation .
- (c) The curriculum taught at a barber school shall be that established and approved by the Board. Each barber school shall maintain a course of study of not less than 1,000 hours in not less than six months. 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.
- (d) Each barber school must submit their schedule of practical and theory coursework to the Board for approval. 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.
- (e) Every school shall furnish instruction in cleaning and disinfection and the use of electrical appliances as applicable to the practice of barbering, and shall arrange courses in accordance with the following outline of study and schedule of hours:

Cleaning and Disinfection	80 Hours
Shampooing	10
Hair Cutting and Styling	400
Hair Coloring	75
Permanent Waving	90
Chemical Relaxing	40
Scalp Manipulations and Treatments	15
Shaving	50
Honing and Stropping	10
Mustaches and Beards	20
Facials	20
Light Therapy	5
Shop Management	20
<u>Theory</u>	<u>165</u>

TOTAL:

1,000 Hours

(f) Barber school files shall be available for inspection by any member of the Board or its investigators during school business hours.

(g) A person who has successfully completed a course of instruction at a cosmetology school licensed to operate by the Board or by the regulatory body governing the operation of cosmetology schools where the school is located may be credited a maximum of 500 hours toward the 1,000 hour barber school course of instruction requirement. The required 500 hours of barber school course of instruction must be completed in a minimum three month period. Evidence of any such person's successful completion of a licensed cosmetology school program (copy of diploma or certificate of completion) must be submitted to the Board upon enrollment in a barber school.

(7) Enrollments.

(a) Before a school may be issued a license by the Board, an initial enrollment of at least 25 students, each student being at least 16 years of age, must be presented to the Board.

(b) Instructors in barber schools shall be licensed instructors, assistant instructors or approved lecturers. Every school shall regularly have in attendance during school hours at least:

1. Two instructors for 25 students or less; and
2. One instructor or assistant instructor for each additional 25 students or less.

(c) No instructor or assistant instructor may supervise or teach more than one class at the same time.

(d) Attendance and absentee reports of students are to be submitted to the Board monthly.

(8) Premises. The premises of a barber school shall be large enough to accommodate:

(a) A clinic area for at least 25 students, with not less than 20 square feet of area for each student;

(b) A lecture room properly equipped for demonstration or practical purposes with a minimum of 25 arm chairs;

(c) an individual secure space sufficiently large to keep each student's effects; and

(d) A barber school may establish an Annex only if it complies with all provisions of 240 CMR 4.02(12) Annexes.

(9) Required Equipment for a Barber School

(a) The clinic area of a barber school shall have a minimum of 25 barber chairs, 15 of which shall be able to recline for shaving and facials.

(b) No supplies of hair tonics, lotions or cosmetics may be used which do not have the label and name of the manufacturer thereon.

(c) One barber chair, one sink, and one work-stand in lecture room for demonstration work.

(d) Lavatories in accordance with applicable law and regulations, in clean sanitary conditions at all times.

(10) Student Working Equipment.

(a) One mirror for each chair, and one hand washing sink and one shampoo sink per eight chairs.

- (b) One wet tool sterilizer for each chair with proper solution for same.
- (c) One covered container for disposal of used shaving papers.
- (d) One covered container for disposal of used towels.
- (e) One closed cabinet for clean towels.
- (f) One hair dryer for each five students.
- (g) One hi-frequency apparatus.
- (h) One high power microscope for bacteria and scalp study.
- (i) Student Kit with supplies that adequately support the curriculum.

(11) Student Attendance.

- (a) Students may not attend school more than a maximum of five days per week/40 hours per week.
- (b) Each school may establish the attire to be worn by students and require its students to dress in compliance with school requirements.

(12) Instructors, assistant instructors and lecturers shall not be permitted to perform any work on a paying customer on school premises except incidentally to instruct students in the school clinic.

(13) Assistant Instructors. No instructor may supervise more than two assistant instructors at any one time.

(14) No school shall, directly or indirectly, accept any 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 and clinic operation costs.

- (a) No school shall permit any student to practice barbering on a person paying for services.
- (b) 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. CHARGES ARE FOR MATERIALS USED AND CLINIC OPERATION COSTS ONLY. NO CHARGE FOR SERVICES.

8.04 Licensure of Barber Shops

- (1) No person or entity shall operate a barber shop without a license issued by the Board.
- (2) Every person contemplating the opening of a barber shop shall file the appropriate application for a shop license with the Board, pay required fees, and arrange for the premises to be inspected and approved by the Board. The Board will not issue a license for any premises if required local permits and certificates have not been obtained or if the Board's inspection reveals that the premises are in violation of 240 CMR 3.00.
- (3) A license for a barber shop is valid only for the location and owner named in the license or certificate, and is not transferable. A holder of a barber shop license seeking to change the location or owner of the shop shall file an application for a new license with the Board at least 30 days before any change, and shall notify the Board immediately in case of closure.

(4) Conduct of Operations.

(a) Whenever an inspection of a barber shop is made by an investigator or other agent of the Board, the owner of the shop or a representative of the shop must sign the inspection slip.

(b) No barber shop shall be operated or maintained in any room or place where food is prepared, sold or offered for sale.

(5) Barber shops may permit licensees of the Board of Registration of Massage Therapy to provide services within the scope of their massage license in the same space as the barber shop, only in full compliance with all provisions of 240 CMR 3.00 regarding Dual Use of Room for Cosmetology or Barbering and Licensed Massage Therapy Services.

REGULATORY AUTHORITY

240 CMR 8.00: M.G.L. c. 112, §§ 87T-87KK.

240 CMR 9.00: ADMINISTRATIVE PRACTICES FOR ELECTROLYSIS

Section

9.01. General Regulations for Electrolysis

9.02: Electrolysis Offices

9.03: Sanitation, Sterilization, Safety, and Disease Prevention for Electrolysis Offices and Schools

9.04: Professional Conduct for Electrolysis

9.05 Practice of Laser Electrolysis

9:01: General Regulations for Electrolysis

(1) Definitions. For the purposes of 240 CMR 9.00-11.00, the following terms shall have the meanings indicated below:

(a) **ANSI** means the American National Standards Institute.

(b) **Board** means the Board of Registration of Cosmetology and Barbering.

(c) **Electrologist** means any person licensed by the Board to practice Electrolysis.

(d) **Electrolysis** and Epilation mean the method of removing hair from the human body by the application of an electrical current or any other form of energy to the hair-papilla or other source of hair germination by means of a needle or any other instrument or device to cause decomposition, coagulation, dehydration, or other form of tissue destruction, to permanently disable the hair follicle from producing hair, and shall include Laser Electrolysis as defined in 240 CMR 9.01.

(e) **Electrolysis School** means a school or other institution or program privately owned and conducted for the purpose of teaching electrology, and shall include post-secondary institutions as defined in G.L. c. 112, sec. 87T.

(f) **Epilator** means a device used to perform Electrolysis.

(g) **Informed Consent** means agreement by a patient to undergo electrolysis after a full disclosure of the risks and benefits of such treatment, the alternatives to such treatment, and any other information reasonably necessary to allow the patient to make an informed decision about whether or not to undergo such treatment.

(h) **Laser Light** means an intense, coherent, directional beam of light produced by stimulated emission of photons; the word laser as used in these regulations shall mean the acronym for Light Amplification by Stimulated Emission of Radiation.

(i) **Laser Hair Removal** means using Laser Light before May 3, 2015 to perform hair removal or reduction.

(j) **Laser Electrolysis** means Electrolysis performed with Laser Light.

(2) In order to qualify for the State Board examination, a person shall complete the educational and practical curriculum established by the board, and all other requirements as set forth by the Board pursuant to M.G.L. c. 112, §§,87T-87JJ as amended or revised.

- (3) An applicant for the State Board examination shall submit, with his or her application, a copy of the applicant's diploma from an accredited high school, or its equivalent or verification of age beyond the age of compulsory school attendance, and a letter or a copy of a diploma from a licensed electrolysis school certifying that the student has graduated.
- (4) The practical and written exam shall be available as prescribed by the Board.
- (5) An applicant for reciprocity examination who fails the State Board examination three times must obtain approval by the Board before applying to take another examination.
- (6) An applicant must pass all parts of the State Board examination within three years of his first examination date or take the complete examination (written and practical) over again.
- (7) Every electrolysis office and electrolysis school shall be opened for inspection to any member or investigator of the Board during business or school hours.
- (8) When an inspection of an electrolysis office or electrolysis school is made by any member or investigator of the Board, the owner or representative of the office or school shall sign an inspection slip.
- (9) No licensed electrologist shall refer to, or permit any reference to, his or her license in advertising or promoting any activity other than electrolysis.
- (10) If the license for a qualified electrologist or a qualified instructor, or to conduct a school of electrolysis has not been timely renewed, the license may be renewed within two years of expiration by filing a Board-approved renewal form and the renewal fee. If the licensee fails to renew his or her license prior to the expiration of the two year period, he or she shall be required to file an application for reinstatement together with applicable late fees as determined under the provisions of M.G.L. c. 7, § 3B.

9.02: Electrolysis Offices

- (1) An electrologist shall submit to the Board an application for approval, on a form furnished by the Board, at least 30 days prior to the opening of any new office, opening of any branch office, change of office location or purchase of any fully-equipped office. The office shall be inspected and approved by a duly authorized representative of the Board prior to opening for business.
- (2) An electrologist shall notify the Board in writing, including by electronic documentation, at least 30 days prior to the closing of any office, any change of employment, retirement from practice, or departure from the Commonwealth of Massachusetts for a period of time which will extend beyond the expiration date of his or her current license.
- (3) Every electrolysis office shall have a treatment room or rooms, or other enclosed or partitioned treatment area, which affords privacy during treatment and is not visible to any person other than the treating electrologist. The treatment room or area shall have a door which shall remain closed during treatment of any patient. A treatment room or treatment area may be utilized by other licensed health care professionals or holders of licenses issued by the Board who are subject to sterilization and sanitation requirements which, in the opinion of the Board, are at least substantially equivalent to those set forth in 240 CMR 9.03.

Only one service may be provided at any given time.

(4) Every electrologist and electrolysis office shall comply with all applicable regulations of the United States Food and Drug Administration (“FDA”), the Federal Communications Commission, the Regulations for the Control of Lasers at 105 CMR 121.000 promulgated by the Massachusetts Department of Public Health, and standards in the most recent version of American National Standard for Safe Use of Lasers published by ANSI and referred to as ANSI Z136.1.

(5) Every electrolysis office shall be equipped with lavatory facilities with hot and cold running water.

(6) Every electrolysis office established or located in any private dwelling place, house, condominium, apartment or other residential premises shall have a separate passageway leading from the treatment room or area directly to the street or other public way such that a patient can enter or leave the treatment area without passing through any portion of any private living quarters.

(7) Every electrolysis office established or located in a professional office building or other commercial premises shall have a waiting area separate and distinct from the treatment room or area. Such electrolysis offices may share said waiting area with any other profession, business, trade or activity, but shall provide a means of entry and exit which does not require a prospective patient to pass through any area in which the services of another profession, business or trade are actually performed.

(8) Every electrolysis office shall have and maintain in good working condition, appropriate and sufficient equipment including:

(a) A professional treatment table or chair which shall be used solely for the purpose of electrolysis treatment, unless the patient is physically incapacitated and unable to be so treated;

(b) Professional lighting which shall be focused on the treatment area at all times;

(c) A sufficient supply of sterile professional type forceps to be used in the treatment of patients; and

(d) Epilators and other devices, instruments, implements and other equipment reasonably necessary for the practice of electrolysis. All epilators, devices and instruments shall conform to all applicable rules and regulations of the Federal Food and Drug Administration, the United States Occupational Safety and Health Administration, Regulations for the Control of Lasers, 105 CMR 121.000, promulgated by the Massachusetts Department of Public Health, and shall be approved by the Federal Communications Commission (FCC) to the extent that such approval is required by federal law or regulations.

(e) All non-disposable equipment shall be subject to the sanitation and sterilization requirements prescribed by the Board.

(9) Every electrologist must conspicuously post a copy of their current individual license at their place of employment, including in each branch office if they maintain more than one office, and while working must have in their physical possession their original license and a government-issued identification card with photograph.

(10) An electrologist may make a house or hospital call, but only if the patient is physically incapacitated. In such a case, the electrologist shall:

- (a) Use a portable FCC approved epilator which also conforms to all applicable regulations of the Federal Food and Drug Administration;
- (b) Use appropriate sterilized professional instruments and proper lighting equipment;
- (c) Use a portable kit containing appropriate and necessary sterilizing solutions and before and after-treatment medications; and
- (d) Carry their original license in their physical possession.

9.03: Sanitation, Sterilization, Safety and Disease Prevention for Electrology Offices and Schools

(1) Sanitation and Safety: All electrolysis offices, schools and treatment rooms must comply with the following:

- (a) The office, school or treatment room shall be adequately lighted, well ventilated, clean, orderly and sanitary.
- (b) All electrolysis equipment and tools shall be kept in good repair and shall be stored within the electrolysis office or school.
- (c) All medicated creams, lotions and sterilizing solutions shall be labeled as to their contents.
- (d) A closed cabinet or drawer shall be provided for clean towels and linens and separate covered containers for soiled disposable and/or reusable materials.
- (e) No animals except service animals authorized by law to be in places of public accommodation shall be permitted in any electrolysis office, treatment room or waiting room.

(2) Equipment Sterilization:

- (a) Prior to equipment sterilization, the surfaces of all treatment tables, epilators and other instruments which may come in direct contact with a patient shall be wiped clean of organic material through the use of either an ultrasonic cleaning device or any method recommended by the Center for Disease Control (CDC).
- (b) All devices and instruments which may come in direct contact with a patient shall be sterilized by:
 - 1. Use of an autoclave or dry heat sterilizer, to be set and operated according to the standard cycle, as set forth in the manufacturer's operating instructions; or
 - 2. Use of any other method or means of sterilization which has been approved by the Center for Disease Control (CDC) and which meets all applicable requirements of state and federal laws and regulations, including but not limited to all applicable regulations of the United States Occupational Safety and Health Administration (OSHA) and the Massachusetts Department of Public Health.
- (c) Pre-sterilized packaged disposable needles are required for electrolysis.
- (d) All electrologists shall use a biological monitoring test kit at least quarterly to insure tools and equipment are disinfected effectively.

(3) Treatment Procedures:

- (a) Every electrologist, instructor or student shall wash his or her hands with liquid soap immediately prior to the treatment of any patient, and shall re-wash his or her hands with the liquid soap if treatment of that patient is interrupted and contact is made with any contaminated surface or object.
- (b) An electrologist, instructor or student shall follow universal precautions, as defined by the Center for Disease Control (CDC), and shall comply with all applicable requirements of state and/or federal laws and regulations, including but not limited to the regulations of the United States Occupational Safety and Health Administration and the

Massachusetts Department of Public Health, while treating any patient.

(c) Clean disposable paper products are to be used under the head and the area being treated for each patient

(d) The skin areas of the patient which are to be treated shall be cleaned with skin cleansing products and an antiseptic solution prior to treatment.

(e) Areas of the body which shall not be treated by electrolysis are:

1. Mucous membranes.
2. External auditory canal of the ear.
3. Areolae and nipples of the breasts.
4. Breasts of nursing women.
5. Tissues of the nostrils.
6. Eyelids.
7. Areas within the boundaries of the orbital rim of the eye and any part of the eyebrow may not be treated using laser or intense pulsed light technology.

(f) Electrologists shall not treat conditions where electrology procedures are contraindicated by current accepted standards of practice.

(g) An electrologist may treat patients with certain conditions if he or she first obtains written authorization to do so from the patient's physician. Such conditions include:

1. Diabetes mellitus.
2. Hair in moles.
3. Medical conditions for which the patient wears any external or implanted medical object or device.
4. Medical conditions that are treated with drugs having anti-coagulant effects.
5. Medical conditions treated with drugs such as, but not limited to, Isotretinoin and drugs that may create photosensitivity.

(h) Prior to initiating any treatment, an electrologist, instructor or student must provide the patient with an explanation of the nature of the treatment or procedure to be performed, the potential benefits and risks of undergoing said treatment, the nature of any after-treatment care to be provided, the cost of said treatment, and any other information reasonably necessary to allow the patient to make a decision intelligently about whether or not to undergo said treatment. Following such explanation, the electrologist, instructor or student shall obtain, and document in writing, the consent of the patient before initiating any treatment.

(i) Narcotics, alcohol, marijuana and tobacco are prohibited in any electrolysis office, school or other electrolysis facility.

(j) Electrologists, instructors and students shall wear a professional lab jacket. Professional scrubs are permitted.

(k) An electrologist shall maintain a complete patient record and case history on each patient, which shall be in writing or capable of being reproduced in written form, and shall, at a minimum, contain the data prescribed by the Board.

9.04: Professional Conduct for Electrolysis

(1) Electrologists, instructors, lecturers and students shall comply with all applicable patient confidentiality laws.

(2) No electrologist shall commence treatment before informing the patient of the fee for the treatment. The patient must be informed about the regrowth cycle of his or her hairs.

(3) No electrologist shall list after his or her name any descriptive title indicating electrology other than "Registered Electrologist", "Licensed Electrologist", "R.E.", "Licensed

Instructor", or "Registered Instructor".

(4) Upon change of legal name, the Board must be notified in writing with proof of name change within 30 days. Nothing shall prohibit an electrologist from practicing under his or her pre-marital name.

(5) No electrologist shall advertise in an unfair, deceptive, or misleading fashion.

9.05: Practice of Laser Electrolysis

(1) Eligibility of Licensees to Practice Laser Electrolysis. A person licensed by the Board before May 3, 2015 to practice electrolysis who has practiced Laser Hair Removal under the supervision of a physician may apply to the Board for approval to practice Laser Electrolysis by filing the following documentation with the Board at least 30 days before beginning to practice Laser Electrolysis:

(a) Satisfactory written proof, in the form of a letter signed by a physician, that the licensee actively practiced Laser Hair Removal under the supervision of that physician for a minimum of two (2) consecutive years immediately preceding the application; and

(b) A certificate of completion of a course or courses in Laser Hair Removal or Laser Electrolysis approved by the Board with a minimum of fifteen (15) Contact Hours.

(2) Eligibility of Licensees Who Have Not Practiced Laser Hair Removal. A person licensed by the Board as an electrologist who has not practiced Laser Hair Removal may petition the Board for approval to practice Laser Electrolysis by filing with the Board a certificate of completion of a course or courses approved by the Board, which shall include the topics required by the Board and a minimum of twenty (20) Contact Hours of Practical Training and ten (10) Contact Hours of Didactic Training in Laser Electrolysis.

(3) Continuing Education Credit. The Credits or Contact Hours of instruction in Laser Electrolysis obtained pursuant to 240 CMR 9.05(2) shall qualify for continuing education requirements of 240 CMR 11.01 for one license renewal period.

(4) Applicants for Instructor – Qualification in Laser Electrolysis. A person may be registered as an Instructor in Electrolysis if he or she meets the requirements of 240 CMR 10.06 and submits the following to the Board with his or her application:

(a) Satisfactory written proof, in the form of a letter signed by a physician, that the licensee actively practiced Laser Hair Removal under the supervision of that physician for a minimum of two (2) consecutive years immediately preceding the application;

(b) A certificate of completion of a course or courses in Laser Electrolysis approved by the Board and a minimum of forty (40) Contact Hours of Practical Training and 20 Contact Hours of Didactic Training; and

(c) A passing grade on the instructor licensing examination prescribed by the Board.

(5) Licensed Instructors – Qualification in Laser Electrolysis. A person licensed by the Board as an Instructor before May 3, 2015 who has practiced Laser Hair Removal under the supervision of a physician may petition the Board for approval to give instruction in Laser Electrolysis by filing with the Board at least 30 days prior to beginning to give such instruction:

(a) Satisfactory written proof, in the form of a letter signed by a physician, that the

licensee actively practiced Laser Hair Removal under the supervision of that physician for a minimum of two (2) consecutive years immediately preceding the application; and
(b) A certificate of completion of a course or courses approved by the Board, which shall include a minimum of forty (40) Contact Hours of Practical Training and twenty (20) Contact Hours of Didactic Training.

(6) Equipment. All equipment used for Laser Electrolysis shall:

- (a) Comply with all applicable rules and regulations of the FDA and OSHA;
- (b) Be approved by the Federal Communications Commission to the extent that such approval is required by federal law or regulations; and
- (c) Comply with Regulations for the Control of Lasers, 105 CMR 121.000, promulgated by the Massachusetts Department of Public Health.

(7) Standards for Licensure or Approval of Schools. In order to retain licensure, Electrolysis Schools shall submit to the Board a copy of the school catalogue or program manual for approval, which shall include a minimum of forty (40) Contact Hours of Practical Training and twenty (20) Contact Hours of Didactic Training in Laser Electrolysis within the 1100-hour program for Massachusetts licensure.

REGULATORY AUTHORITY

240 CMR 9.00: M.G.L. c. 112, §§ 87T-87V, 87X-87KK, as amended.

240 CMR 10:00: LICENSURE OF ELECTROLYSIS SCHOOLS

Section

- 10.01: Purpose
- 10.02: Definitions
- 10.03: Establishment of School License Requirement
- 10.04: Applications for School Licenses - Content and Procedures
- 10.05: Standards for Licensure of Electrolysis Schools
- 10.06: Licensure of Instructors and Approval of Lecturers
- 10.07: Inspection of Schools

10.01: Purpose

The purpose of 240 CMR 10.00 is to establish specific standards and criteria to be used by the Board of Registration of Cosmetology and Barbering in evaluating the eligibility of electrolysis schools for licensure pursuant to M.G.L. c. 112, §§87BB and 87JJ.

10.02: Definitions

For the purposes of 240 CMR 9.00-11.00, the following terms shall have the meanings indicated below:

Didactic Training - means instruction provided in a classroom setting through lectures, seminars, videotaped presentations and other similar methods.

Faculty - means those employees of an electrolysis school who provide didactic and practical training to the students thereof.

Informed Consent - means agreement by a patient to undergo electrolysis after a full disclosure of the risks and benefits of such treatment, the alternatives to such treatment, and any other information reasonably necessary to allow the patient to make a decision intelligently about whether or not to undergo such treatment.

Instructor - means a person duly registered by the Board pursuant to M.G.L. c. 112, § 87BB and who is qualified to provide training to students enrolled in an electrolysis school.

Junior Student - means those students who have received at least 100, but not more than 200, hours of practical training. Such students shall perform leg, arm and body epilation only.

Lecturer - means a person who is not registered as an instructor by the Board, but who has been approved by the Board, pursuant to M.G.L. c. 112, § 87BB and 240 CMR 10.00, to provide training to students enrolled in an electrolysis school.

Practical Training - means the hands-on application of electrolysis theory, skills and techniques to patients in a clinical, rather than classroom, setting, under the supervision of a duly licensed instructor or lecturer.

Primary Student - means those students who have received less than 100 hours of practical training. Such students shall perform leg epilation only.

School – For purposes of 240 CMR 11.00, and unless otherwise stated, the term “School” shall include a “post-secondary institution” as defined by General Laws c. 112, §§87T and 87JJ as amended.

School License - means a license issued by the Board for the operation of an electrolysis school.

Senior Student - means those students who have completed at least 200, but less than 600, hours of practical training.

10.03: Establishment of School License Requirement

- (1) No person or entity shall operate or maintain any electrolysis school unless that person or entity has obtained a school license from the Board.
- (2) A school license may be issued to an electrolysis school only if that electrolysis school is in satisfactory compliance with all applicable requirements of 240 CMR 10.05.
- (3) A school license is valid for a period of two years from the date of its issuance, unless otherwise specified by the Board, and may be renewed for like periods thereafter pursuant to 240 CMR 10.07. Each school shall display its license in a conspicuous place.
- (4) A school license is valid only for the location specified in the license and may not be transferred to a new location or owner.
- (5) An electrolysis school shall submit an application for a new license at least 30 days before any sale or transfer of ownership or location of the school, and shall notify the Board immediately in case of closure of a school or program.

10.04: Applications for School Licenses - Content and Procedures

- (1) Applications for school licenses shall be made on forms prescribed and furnished by the Board. The application forms shall be completed in full, and shall be signed, under the pains and penalties of perjury, by the owner, chief executive officer or other appropriate authorized representative of the academic institution or proprietary electrolysis school applying for the license.
- (2) An application for a school license shall be submitted on a form furnished by the Board and shall be accompanied by all of the following:
 - (a) Information regarding the ownership and management of the school as the Board may reasonably require;
 - (b) A copy of a school catalogue or program manual which describes the program of study in the electrolysis school, a detailed outline of the school curriculum, the academic and financial policies and procedures of the school, a list of the facilities and equipment utilized by the school, and a bibliography of all textbooks used in the program of study;
 - (c) A blank copy of the form used by the school to obtain the informed consent of a student to serve as a patient for practical training, as required by 240 CMR 10.05(3);
 - (d) A detailed professional floor plan for any and all facilities;
 - (e) A list of all equipment to be used in the curriculum;

- (f) A certificate of occupancy or other appropriate form issued by the appropriate city or town approving the premises for use as a school;
- (g) A sample copy of the written contract between the student and the school including refund policy which shall comply with G.L. c. 255, § 13K;
- (h) A copy of the bond required by 240 CMR 10.05(13); and
- (i) A check or money order, made payable to the Commonwealth of Massachusetts, in an amount equal to the application fee established by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B.

10.05: Standards for Licensure of Electrolysis Schools

- (1) Class Hours and Schedules. Every electrolysis school shall maintain regular class hours and a daily schedule of classes.
- (2) Faculty-Student Ratios for Practical Training. Every electrolysis school shall maintain a ratio of faculty to students during all practical training sessions sufficient to ensure that at least one registered instructor is present at all times for each 12 students engaged in practical training.
- (3) Informed Consent Required for Student Patients. Every electrolysis school must obtain written informed consent from any student who serves as a patient for practical training purposes before said student may serve as a patient. The school shall maintain a copy of the informed consent form signed by each such student on file and shall make such documentation available to a duly authorized representative of the Board upon request.
- (4) Public Notice of Practical Training Work. Every electrolysis school shall display, in conspicuous places in its practical training facility or area, at least two signs with display lettering at least two inches in height, which shall read as follows:
"ALL WORK IN THIS SCHOOL IS PERFORMED BY STUDENTS. CHARGES ARE FOR MATERIALS USED AND CLINIC OPERATION COSTS ONLY. NO CHARGE FOR SERVICES"
- (5) Physical Facilities.
 - (a) Every electrolysis school shall be large enough to accommodate its student body, faculty members and staff, and shall provide separate areas of sufficient size for classroom instruction and practical training respectively.
 - (b) Every electrolysis school shall provide adequate heating, lighting and ventilation.
 - (c) Every electrolysis school shall provide each student with an individual, secure space sufficiently large for the student's personal belongings.
 - (d) Every electrolysis school shall provide lavatory facilities in accordance with the State Plumbing Code (248 CMR 2.00 *et seq.*).
 - (e) Every electrolysis school shall comply with all sanitation and sterilization requirements set forth in 240 CMR 9.03.
 - (f) Every electrolysis school shall comply with all applicable state and federal laws, including but not limited to laws regarding accessibility for disabled persons.
 - (g) Every electrolysis school shall specify the maximum number of students which can be accommodated in its practical training area at any one time, and shall provide a number of patient care stations in that practical training area sufficient to ensure a ratio of one patient care station for every three students.

(6) Equipment. Every electrolysis school shall provide, and maintain in good working order, an adequate quantity of modern professional equipment for its students as approved by the Board. Only epilators which are approved by the Federal Communications Commission (to the extent that such approval is required by Federal Law or regulations) and which meet the requirements of the Federal Food and Drug Administration may be used by electrolysis schools for training students.

(7) Advertising. An electrolysis school may properly advertise itself as such, but shall not represent itself or hold itself out to the public as an electrolysis office or otherwise engage in any advertising which is false, deceptive or misleading.

(8) Private Practice Prohibited.

(a) No electrolysis school, or any portion of the premises used for the operation of the school, shall be used for the private practice of electrolysis by the owner, any member of the school faculty or staff, or any other registered electrologist. No electrolysis office approved by the Board shall be conducted or advertised as a school, and no school shall be conducted or advertised as an electrolysis office.

(b) No electrolysis school shall directly or indirectly accept any remuneration or impose any charge for any services rendered by its students, but may impose a reasonable and nominal charge for materials used and clinic operation costs.

(9) Minimum Required Course of Study for Massachusetts Licensure. Every electrolysis school shall maintain a program of study for Massachusetts licensure consisting of not less than 1100 hours of didactic and practical training, extending over a period of not less than seven months, as set forth below:

(a) Said program of study shall provide at least 500 hours of didactic training and at least 600 hours of practical training.

(b) The 500 hours of didactic training shall include:

1. A minimum of 75 hours of didactic training in histology and hair structure, with emphasis on hair and skin structure;
2. A minimum of 75 hours of didactic training in the fundamentals of bacteriology, sterilization and hygiene;
3. A minimum of 75 hours of didactic training in the principles of electricity, light, and laser physics; and the modalities and effects of electricity, light, and laser physics used in the practice of electrolysis;
4. A minimum of 75 hours of didactic training in basic dermatology;
5. A minimum of 100 hours of didactic training in physiology, with an emphasis on endocrinology;
6. A minimum of 50 hours of didactic training on approved types of electrolysis machines and equipment necessary for proper operation of an electrolysis office;
7. A minimum of 50 hours of didactic training on professional conduct and office management; and
8. At least 20 hours of didactic training shall be in Laser Electrolysis.

(c) The required minimum of 600 hours of practical training shall include training in epilation techniques; demonstrations of proper electrolysis treatment procedures for the legs, arms, face (including hairline and eyebrow shaping) and all other areas of the body not specifically prohibited by 240 CMR 9.03(3); and student "hands-on" participation in mastering the ability to apply and utilize such treatment procedures. At least 40 hours of

practical training shall be in Laser Electrolysis(d) The Board's approval of an electrolysis school curriculum shall not be considered permanent and may be subject to expiration and re-approval as prescribed by the Board.

(10) Faculty

All courses of didactic and practical training in a required subject area shall be taught to students enrolled in an electrolysis school by a person who has been duly registered by the Board as an instructor, pursuant to 240 CMR 10.06(1), or approved by the Board as a lecturer pursuant to 240 CMR 10.06(2).

(11) Student Records.

(a) An electrolysis school shall maintain a written academic transcript for each student, which shall include the name of the student, the name of each course of didactic training taken by that student, the grade received by the student for each course of didactic training completed by that student, the number of hours of didactic training in each subject area completed by that student each month, and the number of hours of practical training completed by that student each month.

(b) Any and all student records shall be made available, upon request to any duly authorized representative of the Board for inspection at any time during regular business hours.

(12) Display of School License. Every proprietary electrolysis school shall display its school license in a conspicuous place.

(13) Bond Requirement. Every proprietary electrolysis school shall obtain and maintain a bond, approved by the Board, in the sum of \$10,000 if enrollments do not exceed 24 students, or a bond of \$20,000 if the enrollments are 25 students or more, which shall be subject to approval by the Board.

10.06: Licensure of Instructors and Approval of Lecturers

(1) Licensure of Instructors.

(a) A person may be licensed as an instructor in the field of electrolysis, pursuant to M.G.L. c. 112, § 87BB, if he or she meets all of the following requirements:

1. He or she holds a current, valid license to practice as an electrologist in the Commonwealth of Massachusetts, issued by the Board;
2. He or she submits satisfactory written proof that he or she has been actively engaged in the practice of electrolysis for at least the last two consecutive years preceding the date of his or her application for registration as an instructor; and
3. He or she attains a passing grade on an instructor licensing examination prescribed by the Board.

(b) A person who is duly licensed as an instructor shall devote all of his or her time, while on the premises of the electrolysis school, to teaching the theory and practice of electrolysis, and shall not, while on the premises of said school, engage in the private practice of electrolysis.

(2) Approval of Lecturers.

(a) A person may be approved by the Board to serve as a lecturer and provide training in a specific subject area, provided that he or she meets one of the following requirements:

1. He or she possesses a bachelor's degree, or the equivalent thereof, in the field or subject area in which he or she proposes to provide training, from a degree-granting college or university accredited by the United States Department of Education or the Commonwealth of Massachusetts; or
 2. He or she possesses a current, valid adult or secondary school teaching certificate or credential, issued by the Commonwealth of Massachusetts or any other state or territory of the United States, which authorizes him or her to teach in the field or subject area in which he or she proposes to provide training; or
 3. He or she has had at least five years of experience in a profession, trade, industry or occupation which requires regular use of the knowledge and skills which he or she proposes to teach to students at the electrolysis school, and, where applicable, possesses a current, valid license to practice said profession, trade or occupation issued by the Commonwealth of Massachusetts or any other state or territory of the United States; or
 4. He or she otherwise demonstrates to the satisfaction of the Board that he or she, by virtue of education, practical experience or any combination thereof, possesses sufficient knowledge of the subject matter which he or she proposes to teach to students at the electrolysis school.
- (b) A person who has been approved as a lecturer pursuant to 240 CMR 10.06(2) shall provide training only in the subject area for which he or she has been approved.

10.07: Inspection of Schools

- (1) No license shall be issued to any electrolysis school pursuant to the provisions of 240 CMR 10.00 unless said school has first been inspected by a duly authorized representative of the Board and found to be in satisfactory compliance with all applicable provisions of 240 CMR 10.00 and any other applicable local, state and federal laws and regulations.
- (2) A duly authorized representative of the Board shall have the right to inspect any electrolysis school, or any portion thereof, including but not limited to any portion of the physical premises and/or any records maintained by said school, at any time during regular business hours with or without prior notice. Such inspections shall be for the purpose of determining whether the school is in compliance with the requirements of 240 CMR 10.00 and other applicable Board regulations. An electrolysis school shall make available any and all records or information requested by said duly authorized representative of the Board unless the material in question is specifically protected from disclosure by applicable state or federal law.

REGULATORY AUTHORITY

M.G.L. c. 13, § 42; c. 112, §§ 87T – 87KK.

240 CMR 11.00: CONTINUING EDUCATION FOR ELECTROLYSIS

Section

- 11.01: Continuing Education Requirements
- 11.02: Verification/Approval of Licensee's Continuing Education Activities
- 11.03: Verification/Approval of Provider Continuing Education Programs and Activities
- 11.04: Waivers of Continuing Education Requirements
- 11.05: Appeal Process
- 11.06: Active/Expired Status
- 11.07: Board Responsibilities

11.01: Continuing Education Requirements

- (1) Licensed Electrologists are required, as a condition of license renewal, to complete a minimum of ten units of continuing education activities for the registration period of every two years.
- (2) Licensees who have received their initial registration as an electrologist shall not be required to complete the Continuing Education Units (CEU's) for the preliminary renewal cycle, but will be required to obtain CEU's for all subsequent cycles.
- (3) Licensees will not be permitted to carry over any continuing education hours into the next licensing renewal period.
- (4) Each Licensee shall maintain a record of all continuing education courses or programs she or he has completed for a period of three years.
- (5) A unit of continuing education (a contact hour) shall be a minimum of 50 minutes of organized learning experience. The Board, in its discretion, may approve other programs of continued professional competence that contribute to a licensee's professional growth.
- (6) A minimum of three continuing education hours must be earned in the following courses:
 - (a) Infection Control;
 - (b) Blood-borne Diseases;
 - (c) Universal Precautions;
 - (d) HIV/AIDS; and
 - (e) Sanitation and Sterilization.
- (7) Courses for continuing education credit may include:
 - (a) Successful completion of a cardiopulmonary resuscitation (CPR) course given by the American Heart Association or American Red Cross, by a

qualified instructor with a maximum of three continuing education units to be granted per licensing renewal period.

- (b) Hospital sponsored health-related courses and conferences.
- (c) Post graduate classes at a licensed electrology school.
- (d) Medical school health related educational offerings

(8) The following credit-bearing college courses and other post graduate classes will be accepted:

- (a) Electrology theory;
- (b) Technical and clinical aspects of electrolysis;
- (c) Electrology research;
- (d) Research of new technology utilizing other forms of energy that pertain to hair removal; and
- (e) Ethical or legal aspects of electrolysis.

(9) The following electrology related educational activities will be accepted by the Board:

- (a) An original presentation of the licensee of paper, essay, or formal lecture relating to electrology to a group of fellow professionals.
- (b) Home study electrology courses including professional journals which require the successful completion of a written examination.
- (c) Electrology programs online or in other electronic format which require a successful completion of a written examination
- (d) Authorship of published books, chapters of published books, articles in refereed journals, research projects, and/or other such publications approved by the Board related to the science or practice of electrology. A maximum of three units may be credited for each book chapter, article or project.
- (e) Instruction or presentation of an academic course, workshop, seminar, lecture or poster session, or seminar for the first time. Credit for two units of continuing education will be given for each unit taught or presented.
- (f) Successful completion of an academic course related to contemporary electrology practice and offered by an educational institution or program recognized by the United States Department of Education. Each semester hour shall equate to 15 continuing education units; trimester hours shall equate to 12 units; quarter hours shall equate to ten units.

11.02: Verification/Approval of Licensee's Continuing Education Activities

(1) The licensee shall maintain adequate documentation of continuing education activities as part of his or her application for renewal of his or her registration. Upon written request by the Board, an electrologist shall furnish to the Board such information as the Board may reasonably require about any or all continuing education courses or programs completed by said registrant.

- (a) An electrologist requested to submit such verification of each of his or

her continuing education units earned by participation in a continuing education program, must be able to provide certificates and documentation of evidence of the following:

1. The title of the course or program in question;
 2. The number of hours spent in the program or course;
 3. The name of the entity or the academic institution or organization that sponsored the course or program in question;
 4. The date(s) and location that the program or course was given; and
 5. The name of the individual authorizing the award of continuing education credit for the course or program in question.
- (b) For each continuing education activity unit earned from publication, the Board may require the licensee to provide a copy of the book, chapter, research project or article.
- (c) For each continuing education activity unit earned by the teaching or presentation of courses, workshops, poster sessions or seminars, the licensee must be able to document the following information:
1. the title of the course or poster session;
 2. date(s) of participation;
 3. institution or sponsoring agency; and
 4. the number of hours the licensee spent teaching or presenting.
- (d) For each academic course completed, the licensee must be able to provide a transcript showing successful course completion, as indicated by a passing grade or formal course-audit status.
- (e) The Board may conduct random surveys for compliance of the documentation of any licensee's continuing education. Upon request, the licensee shall provide the documentation described in 240 CMR 11.02. Failure to provide proof of required documentation or to complete the continuing education requirements for renewal, may result in non-renewal of a license or other disciplinary action by the Board.

11.03: Verification/Approval of Provider Continuing Education Programs and Activities

- (1) For a program to be eligible for approval for continuing education hours, it shall contribute to the growth of an applicant in professional competence in the practice of electrology.
- (2) Course work meeting the requirements of 240 CMR 11.03(1) and endorsed or sponsored by the following organizations shall be deemed approved for continuing education hours:
 - (a) Boards of Licensure of other states;
 - (b) Courses offered by governmental agencies;
 - (c) Academic courses or continuing education programs offered by academic institutions offering degrees related to electrolysis practice; and
 - (d) Organizations approved by the Board.

(3) A sponsor of a continuing education course or program shall submit to the Board a completed application for approval of the course or program showing that the sponsor meets all of the following requirements:

(a) The sponsor establishes and maintains an accurate record of course attendance showing the date of the program or course, the location at which the program or course was given, the name of each person who attended, and the license or registration number of each person who attended;

(b) The sponsor issues certificates or other written evidence of completion of the course or program only to each person who attends the entire course or program; and

(c) The sponsor maintains a copy of the course or program outline, and all records required by 240 CMR 11.03 and 240 CMR 11.02(1)(a) for a period of at least three years from the date on which the course or program is presented.

(4) The Board may grant approval to sponsors and/or individual continuing education courses or programs by resolution, and may likewise withdraw or rescind such approval for good cause shown.

11.04: Waivers of Continuing Education Requirements

The Board may, at its discretion, fully waive or extend the deadline of the continuing education requirements for any licensee who, for reasons of health, disability, out of state military service or undue hardship cannot meet the requirements. Licensees shall submit such requests to the Board in writing.

11.05: Appeal Process

In the event that an application for approval of a specific continuing education course or program, or for approval as a sponsor of continuing education courses or programs, is denied by the Board, the applicant shall have the right, upon written request within 14 days of receipt, to have the Board review and reconsider its decision.

11.06: Active/Expired Status

(1) An electrologist whose license has expired who wishes to reopen a practice in the Commonwealth of Massachusetts and renew their license is responsible for earning ten CEU's during that two year registration period and all registration periods thereafter.

(2) Return of License from Expired to Active Status: If an electrologist whose license has expired wishes to renew his/her license, he/she must pay up to two renewal fees plus a late fee, and if expired for:

(a) Five years or more, he/she must first pass the Massachusetts State

Board Examination

(b) Four years or more, he/she must first complete a minimum continuing education requirement of 20 hours and of this requirement ten hours must be obtained in clinical participatory courses.

(c) Three years, he/she must first complete a minimum continuing education requirement of 15 hours and of this requirement eight hours must be obtained in clinical participatory courses.

(d) Two years, he/she must first complete a minimum continuing education requirement of ten hours and of this requirement six hours must be obtained in clinical participatory courses.

(e) One year, he/she must first complete a minimum continuing education requirement of six hours and of this requirement three hours must be obtained in clinical participatory courses.

(3) If an electrologist has been in active practice in another state for at least three months during the immediately preceding year and has not fulfilled the continuing education requirement, but wishes to return his/her expired Massachusetts license to an active status, he/she must submit certification from the Board of Registration of Electrology of the licensed state in which he/she has been practicing that his/her license is in good standing.

(4) Once the Massachusetts license has been renewed, the licensee must, from that date on, fulfill the continuing education requirement for each licensing period.

11.07: Board Responsibilities

It shall be the responsibility of the Board to:

(1) Establish a system for verifying continuing education information submitted by applicants for renewal of registration;

(2) Establish deadlines for the submission of documentation of completion of continuing education hours;

(3) Establish and maintain a record of current registrants;

(4) Review, and approve or deny, applications for approval of continuing education courses, programs and sponsors;

(5) Review and decide upon any and all appeals filed pursuant to 240 CMR 11.05;

(6) Conduct ongoing evaluations of the continuing education process; and

(7) Supervise related continuing education activities as necessary and appropriate.

REGULATORY AUTHORITY:

240 CMR 11.00: M.G.L. c. 13, § 42 and M.G.L. c. 112, §§ 87T through 87KK.

DRAFT