

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 laws and regulations.

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.