

## 232 CMR: BOARD OF REGISTRATION OF BARBERS

### 232 CMR 2.00: BARBER REGULATIONS

#### Section

#### 2.01: General Provisions Applicable to Barber Shops and Barber Schools

#### 2.02: Barber Schools

#### 2.01: General Provisions Applicable to Barber Shops and Barber Schools

The provisions of 232 CMR 2.01 are applicable to both barber shops and barber schools, except where a regulation specifically states otherwise.

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

(2) Display Sign or Barber Pole. Every barber shop open to the public shall display at the entrance a sign and/or barber pole, indicating it is a barber shop and/or unisex hairstyling salon.

(3) Permits.

(a) In every barber shop, the holder of a barber registration certificate or apprentice registration certificate shall post the same in a conspicuous place in front of his/her working chair where it may be readily seen. (M.G.L. c. 112, § 87J)

(b) Before any barber shop is opened or relocated, the Board must be notified in writing and a floor plan must be forwarded to the Board for approval at least 15 days prior to the opening of a new barber shop or the relocation of an existing barber shop. Before any shop may be reopened by a new owner(s), at least five days prior written notice of any change in ownership must be provided to the Board.

(c) Barber shop licenses are valid only for the location named in the license and are not transferable or assignable.

(d) Barber shop owners must immediately notify the Board in writing of the sale or any transfer in ownership of a barber shop. Barber shop licenses must be displayed in a conspicuous place within the barber shop.

(e) No barber shop may employ more than three apprentices per registered barber employed by such barber shop.

(4) 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. Curtains, if any, must be machine laundered or chemically cleaned.

(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. Where no public water supply is available, water shall be supplied from a suitably located pressure or gravity tank. 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. A toilet and necessary hand-washing facilities shall be provided. These shall be located within the barber shop or school, or shall be accessible directly from the barber shop or school within the same building. It shall be the responsibility of barber shop and school owners to keep the toilet and hand-washing facilities clean and sanitary.

(d) No room or part of a building occupied by a barber shop or school shall be used for sleeping purposes nor shall living quarters of any kind be directly connected with a barber shop or school.

(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.

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- (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 registered 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. No towel shall be left at any time on a workstand, barber chair, sink or otherwise exposed at any place in a barber shop or school.
- (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 chaircloth 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 or apprentice on any patron.
- (m) No shaving brushes shall be used.
- (n) No soap in cake or stick form shall be used. Liquid soap in a lathering machine may be used.
- (o) Paper used for wiping razors shall be clean. No printed paper is permitted. 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, demonstrator or apprentice 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 labelled with the name of the manufacturer.
- (r) Machine laundering of towels and linens is permitted in a barber shop or school as long as required sanitary conditions are met.
- (s) Every barber, student, demonstrator or apprentice shall wash his/her hands thoroughly before serving each patron.
- (t) Every barber and apprentice in a barber shop must have at least three hairstyling brushes.
- (u) Every barber and apprentice shall keep his/her text books on barbering in the barber shop in which he/she is working for reference at all times.

(5) Sterilization. All razors, scissors, clippers, tweezers, combs, rubber discs, parts of a vibrator, and all other implements, tools, appliances and utensils that come in contact with the head, neck or face of a patron, shall be disinfected before use upon any patron and, thereafter, before use on another patron. 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 sterilized.

(a) One of the following methods of sanitizing shall be used on all implements:

**PHYSICAL AGENTS**

1. Boiling water at 212° fahrenheit for 20 minutes.
2. Steaming, dry heat.
3. 70% grain or denatured alcohol for at least ten minutes.
4. Ultra-violet rays in an electrical sanitizer.

**CHEMICAL AGENTS**

1. Antiseptics and disinfectants.
2. Vapors, formalin and steri/dry.

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3. One part bleach to ten parts water to sterilize cutting implements. The method to be used is as follows: Rinse the implement in water first, immerse the implement in the bleach solution, shake the implement in the bleach solution, repeat the rinse/immerse/shake process described, rinse the implement in water a final time, then wipe the implement dry with a clean cloth or paper towel and place in a closed cabinet or disinfectant solution. This procedure applies to plastic, metal, steel or rubber. This procedure is the recommended infection control procedure of the Centers for Disease Control regarding all blood borne pathogens, including HIV infection/AIDS.
- (6) Service Outside Barber Shop.
  - (a) 232 CMR 2.01(4)(g) through 2.01(4)(t) shall be complied with by barbers and apprentices performing any barbering services for sick or infirm persons in homes or hospitals. Services must be by request from a paying patron through a registered shop.
  - (b) 232 CMR 2.01(4)(g) through 2.01(4)(t) shall be complied with by demonstrators performing barbering services.
- (7) Treatment of Skin Conditions. No barber, student, demonstrator or apprentice shall remove or attempt to remove a wart or mole, or treat any skin disease, of a patron.
- (8) Unprofessional Conduct. Personal registration of a barber or apprentice and/or shop registration of a barber may be suspended, revoked, placed on probation, or otherwise disciplined after a hearing, if the barber has been found guilty of 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.
- (9) Advertising. Unfair, misleading, deceptive and fraudulent advertising is prohibited. Truthful and accurate advertising is permitted, consistent with professional ethics and community standards. If prices are advertised, such advertisement must clearly indicate what is included in the advertised price.
- (10) Display of Rules. A copy of the current regulations of the Board of Registration of Barbers shall be displayed in a conspicuous place in each barber shop and school. Copies of the regulations may be obtained from the State Bookstore, Room 116, State House, Boston, MA 02133.

2.02: Barber Schools

- (1) General Provisions.
  - (a) All barber schools shall display a sign at the entrance reading "Barber School". (M.G.L. c. 112, § 87P)
  - (b) A barber school may be established only in a location where the building meets proper safety conditions. There must be adequate lighting and ventilating conditions as determined by the Board.
  - (c) The curriculum taught at a barber school shall be that established and approved by the Board.
  - (d) Each barber school must submit their schedule of practical and theory coursework to the Board for approval.
  - (e) Barber school files shall be available for inspection by any member of the Board or its investigators during business hours.
  - (f) Adequate room shall be provided for practice work, demonstrations, and lectures at each barber school.
  - (g) Each barber school shall maintain a course of study of not less than 1,000 hours extending over a period of not less than six months.
  - (h) No credit shall be allowed any student for time completed in any barber school other than the one in which the student is enrolled, unless the Board is notified in writing of the change of enrollment of a student prior to the change in enrollment.

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(i) A person who has successfully completed a course of instruction at a hairdressing school licensed to operate by the regulatory body governing the operation of hairdressing schools where such 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 for any such person must be completed in a minimum three month period consisting of not more than eight hours in any one day. Evidence of any such person's successful completion of a licensed hairdressing school program (copy of diploma or certificate of completion) must be submitted to the Board upon such person's enrollment in a barber school. The registration, practice and licensure of any such student shall be governed by the provisions of M.G.L. c. 112, § 87J and 232 CMR 2.00.

(2) Applications and Renewals.

- (a) Applications must be filed with the Board with payment of such licensing fee, as determined by the Executive Office of Administration and Finance.
- (b) Applications must be signed by a barber instructor currently licensed by the Board.
- (c) An annual renewal fee, as determined by the Executive Office of Administration and Finance, shall be payable to the Board by December 31st of each year for licensure for the following year. It is the responsibility of each barber school to insure that the renewal fee is paid on time.
- (d) A barber school operating a two-platoon system as of July 1, 1991 will be permitted to continue operation of the two-platoon system. No new application for licensure of a barber school to operate a two-platoon system will be considered by the Board. A day school and a night school on the same premises will be permitted.

(3) Enrollments.

- (a) New students must be registered with the Board no later than the first week of each month following enrollment to receive credit for the hours completed during the month a new student began classes at a barber school. Applications must be signed by a licensed instructor at the barber school.
- (b) Before a school may be issued a license by the Board, an initial enrollment of at least 24 students, each student being at least 16 years of age, must be presented to the Board.
- (c) Every school shall regularly employ or 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.
 No instructor or assistant instructor may supervise or teach more than one class at the same time.
- (d) Only one full-time or two part-time students may be enrolled for each barber chair at a school.
- (e) The starting date for an enrollment term is the first Monday or Tuesday of each month.
- (f) No transfer of students from one school to another is allowed without first receiving authorization from the Board and following Board requirements (232 CMR 2.02(1)(h)).
- (g) Monthly attendance and absentee reports of students are to be submitted to the Board during the first week of each month.

(4) Equipment.

- (a) 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) An adequate library of reference books on anatomy, physiology, diseases of the skin and a medical dictionary.
- (d) NO COPY OF QUESTIONS AND ANSWERS TEXTBOOKS MAY BE PROVIDED TO STUDENTS.
- (e) A lecture room with a minimum of 25 chairs, which chairs shall consist of a desk and chair or a chair with a writing arm.

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- (f) One barber chair, one sink, and one work-stand in lecture room for demonstration work.
- (g) Blackboard in lecture room and set of enlarged anatomical charts for instruction regarding the head, neck, skin and hair.
- (h) At least two toilets properly lighted and ventilated and in clean sanitary conditions at all times. One toilet shall be marked "Women" and the other marked "Men".

(5) Student Working Equipment.

- (a) One mirror and one sink for each chair.
- (b) One wet tool sterilizer for each chair with proper solution for same.
- (c) One covered container at each chair for disposal of used shaving papers.
- (d) One covered container at each chair for disposal of used towels.
- (e) One closed cabinet at each chair for clean towels.
- (f) One hair dryer for each five students.
- (g) One hi-frequency apparatus for each ten students.
- (h) One each of the various white, red, and blue dermal lights.
- (i) One ultra-violet ray lamp.
- (j) One infra-red lamp.
- (k) One high power microscope for bacteria and scalp study.
- (l) Student Kit: one razor (if disposable blade, must include one package of blades); three haircutting shears: one 7½ inch, one 5½ inch, and one thinning shear; one outliner; one motor driven or magnetic clipper (if motor driven, include one box of attachable blades); three hairbrushes (one natural bristle, one vent type, and one round brush); one neck duster; four combs (one taper comb, one flat-top comb, and two styling combs); one curling iron; one hair cloth; one water bottle; one blowdryer; one mannequin; one package butterfly clips; a minimum of six dozen permanent wave rods (various sizes); one styptic powder; one steri-dry; one pair rubber gloves; one standard text book; one workbook; one exam book; and one carrying case for the tools.

(6) Student Attendance.

- (a) Students may not attend school more than a maximum of eight hours per day/five days per week/40 hours per week. The required 1000 hour course of study may not be completed in less than six months.
- (b) No students shall be permitted to enter the classroom or clinic floor unless their attire complies with the dress code established by the barber school.

(7) Certification as an Assistant Instructor

- (a) A registered apprentice who:
  1. possesses the educational qualities required for graduation from high school;
  2. has graduated from an accredited school; and
  3. achieved a passing score on the Apprentice examination, may, upon application to the Board and payment of the appropriate fee, apply for certification as an assistant instructor.
- (b) 1. An assistant instructor during the first three months of employment shall be limited to instructing the Practical subjects of the curriculum only (no Theory subjects instruction permitted) under the direct supervision of an instructor to only those students who have completed less than 500 hours of training. Thereafter, an assistant instructor may, at the discretion of the school supervisor, instruct students in Practical subjects under the supervision of an instructor.
- 2. An assistant instructor during the first three months of employment shall be required to observe the instruction of Theory subjects by a registered instructor for a minimum of one hour per day. Thereafter, an assistant instructor may, at the discretion of the school supervisor, instruct students in Theory subjects under the supervision of an instructor.
- (c) 1. Direct supervision shall mean that a registered instructor is on the clinic floor where the assistant instructor is instructing and is readily available to provide assistance and supervision to the assistant instructor in the course of his/her instruction.

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2. Supervision shall mean that an instructor is on the school premises and is available to provide assistance and instruction to an assistant instructor in the course of his/her instruction.
- (d) No school may employ more than two assistant instructors for each instructor employed by the school.
- (e) No instructor may supervise more than two assistant instructors at any one time.
- (f) An assistant instructor, completing two years experience as such, may, upon application to the Board and payment of the appropriate fee, apply for examination as a Master Barber. The two years of experience as an assistant instructor may be included in the five year experience requirement for a Master Barber's application for examination and licensure as an instructor.
- (g) An applicant for certification as an assistant instructor may be required to appear before the Board, or a person or persons designated by the Board, to discuss his/her application and qualifications for certification as an assistant instructor.
- (h) Assistant instructors must be employed as such for a minimum of 22 hours per week. The hours of instruction performed by an assistant instructor must be reported to the Board by the employing school until an assistant instructor has been so employed for the required two years and is eligible for examination and licensure as a Master Barber. Thereafter, each school must maintain a monthly record of the hours of instruction performed by each assistant instructor employed by such school until the five year experience requirement for examination and licensure as an instructor is completed. In the event an assistant instructor terminates or transfers employment from a school following his or her fulfillment of the two year experience requirement for examination and licensure as a Master Barber (*i.e.* employing school being no longer required to report an assistant instructor's hours of instruction to the Board), the school previously employing such assistant instructor shall be required to forward to the Board a final report of the hours of instruction completed by the assistant instructor while employed at such school.
- (i) Assistant instructors must notify the Board of any transfer of employment within two weeks of such transfer. Failure to so notify the Board of any transfer of employment may result in the Board's disqualification of all or portions of an assistant instructor's hours of employment from being included in the experience requirement for a Master Barber or instructor license.

#### REGULATORY AUTHORITY

232 CMR 2.00: M.G.L. c. 112, §§ 87K.

238 CMR: BOARD OF REGISTRATION OF ELECTROLOGISTS

238 CMR 2.00: ADMINISTRATIVE PRACTICES

Section

2.01. General Regulations

2.02: Electrolysis Offices

2.03: Sanitary Regulations for Electrolysis Offices and Schools

2.04: Professional Conduct

2.01: General Regulations

(1) In order to qualify for the State Board examination, a person shall complete the educational and practical curriculum established by the board and the Commissioner of Public Health, and all other requirements as set forth in M.G.L. c. 112, § 87GGG, as amended or revised.

(2) An applicant for the State Board examination shall submit together with his or her application a copy of said applicant's diploma from an accredited high school, or its equivalent, and a letter or a copy of a diploma from an accredited electrolysis school certifying that the student has graduated. An applicant for the March examination must graduate no later than January 31st, and no later than July 31st for the September examination.

(3) All applications for the State Board examination must be received by the Board no later than February 1st for the March examination and no later than August 1st for the September examination.

(4) An applicant for reciprocity examination who fails the State Board examination three times must possess a certificate or diploma from an electrolysis school licensed by the Board in order to qualify for another examination.

(5) 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.

(6) Any electrologist whose license is restricted to galvanic equipment and who wishes to have this restriction removed must satisfactorily pass a practical examination in short-wave epilation and pay a current approved application fee.

(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 person in charge of the said office or school shall sign an inspection slip. Any violation shall be corrected within a period of time determined by the Board. At the end of that period the office or school shall be reinspected.

(9) No licensed electrologist shall refer to, or permit any reference to, his or her license in advertising or promoting any method of hair removal other than electrolysis. It will be a violation punishable by suspension of the electrologist's license.

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(11) Any person who has been licensed as a qualified electrologist or a qualified instructor, or any person to whom a license to conduct a school of electrolysis has been issued, who fails to renew such license upon its expiry date, may renew the same upon application therefor and payment of the regular renewal fee at any time within two years after said expiry date. If he fails to renew his license prior to the expiration of said two year period, he shall be required to file an application for reinstatement together with a reinstatement fee. Such fee shall be determined annually under the provisions of M.G.L. c. 7, § 3B.

2.02: Electrolysis Offices

- (1) An electrologist shall notify the board in writing, by certified mail, at least 21 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. Said office shall be inspected and approved by a duly authorized representative of the Board prior to the opening of said office for business.
- (2) An electrologist shall notify the Board in writing, by certified mail, at least 21 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. Said treatment room or area shall have a door with a lock which shall remain closed and locked during treatment of any patient. A treatment room or treatment area may be shared with other licensed healthcare professionals 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 238 CMR 2.03.
- (4) Every electrolysis office shall be equipped with toilet facilities, and handwashing facilities with hot and cold running water, as follows:
  - (a) All electrolysis offices shall have toilet facilities which meet all applicable requirements of state and local laws and regulations in an easily-accessible location which can be reached without passing through any private living quarters or any area in which the services of another profession, business or trade are actually performed;
  - (b) All electrolysis offices established prior to May 8, 1980 and which have not been relocated since that date shall have handwashing facilities with hot and cold running water in an easily-accessible location which can be reached without passing through any private living quarters or any area in which the services of another profession, business or trade are actually performed;
  - (c) Any electrolysis office established in, or relocated to, any private dwelling place, house, condominium, apartment or other residential premises on or after May 8, 1980 shall have handwashing facilities with hot and cold running water in the treatment room, or in a room immediately adjacent to the treatment room which can be reached without passing through any portion of any private living quarters;
  - (d) Any electrolysis office established in, or relocated to, a professional office building, department store, mall or other commercial space on or after May 8, 1980 shall have handwashing facilities with hot and cold running water in the treatment room. Portable sinks shall not be used in such offices.
- (5) 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.
- (6) Every electrolysis office established or located in a professional office building, department store, mall 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.
- (7) Every electrolysis office shall be equipped with the following:
  - (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) A professional lamp which shall be focused on the treatment area at all times;
  - (c) A sufficient supply of professional type forceps to be used in the treatment of patients;

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- (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 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 such equipment shall be subject to the sanitation and sterilization requirements prescribed by the Board.
- (8) Every electrologist shall display his or her license in a conspicuous place in his or her principal office. Where an electrologist maintains more than one office, he or she shall display a photocopy of his or her license in a conspicuous place in each branch office maintained by him or her.
- (9) No animals, except seeing eye dogs, hearing dogs, or other animals expressly authorized by law to be in places of public accommodation, shall be permitted in any electrolysis office, treatment room or waiting room.
- (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 a wallet-size registration certificate on his or her person.

2.03: Sanitation, Sterilization, Safety and Communicable Disease Precautions for Electrology Schools and Offices

- (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) The floor of the treatment room must have a covering that can be cleaned or washed. Window drapes, blinds and shades shall be kept clean.
  - (c) All electrolysis equipment shall be kept in good repair.
  - (d) All medicated creams, lotions and sterilizing solutions shall be labeled as to their contents.
  - (e) A closed cabinet or drawer shall be provided for clean towels and linens and separate covered containers for soiled disposable and/or reusable materials.
  - (f) No animals except seeing eye dogs shall be allowed in the office or treatment room.
  - (g) Needles and forceps shall be stored within the electrolysis office or school.
- (2) Equipment Sterilization Precautions:
- (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, a solution consisting of at least 70% alcohol by volume, or a solution of household chlorine bleach as recommended by the Center for Disease Control (CDC).
  - (b) All devices, needles and other 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.

## 2.03: continued

- (c) Any instrument which is dropped on the floor or which otherwise becomes contaminated shall not be used unless it is first properly resterilized.
- (d) Presterilized packaged disposable needles may properly be used for electrolysis.

(3) Treatment/Procedural Precautions:

- (a) Every electrologist, instructor or student shall wash his or her hands with an antiseptic soap immediately prior to the treatment of any patient, and shall re-wash his or her hands with such antiseptic soap if treatment of that patient is interrupted and contact is made with any contaminated surface or object.
- (b) In addition to the requirements of 238 CMR 2.03(3)(a), 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 tissues, paper towels or freshly laundered towels are to be used under the head and the area being treated for each patient, and are to be placed in position before the patient is permitted to recline on the chair or table on which he or she will be treated. The treatment table or chair shall be kept clean at all times.
- (d) The skin areas of the patient which are to be treated shall be cleaned with water 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.
- (f) Electrologists shall not treat conditions where electrology procedures are contraindicated by current accepted standards of practice. Such conditions include:
  1. Warts.
  2. Moles.
  3. Ingrown eyelashes.
  4. Spider telangiectasias and angiomas.
  5. Cutaneous papilloma (skin tags).
  6. Impetigo or any other contagious skin disease.
  7. Skin malignancy.
  8. Any area which appears to be infected or inflamed.
- (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. Cardiac disorders for which the patient has a pacemaker.
  4. Coagulation disorders and/or disorders which are treated with drugs having anti-coagulant effects.
- (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) Smoking by electrologists, instructors, students, lecturers or patients during treatment is prohibited.
- (j) Electrologists, instructors and students shall be neat and clean in appearance. During office hours, an electrologist, instructor or student shall wear a clean professional uniform, white professional top, white laboratory coat or white jacket over appropriate attire, and shall wear low-heeled shoes and stockings. Fingernails shall be clean and trimmed.



2.03: continued

(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 following data:

1. The name, address, telephone number and date of birth of the patient.
2. The patient's medical history and physical condition.
3. The types of hair and/or skin, if other than normal.
4. Documentation of the patient's informed consent to treatment, as required by 238 CMR 2.03(3)(h).
5. The date of each treatment.
6. The area upon which treatment was performed.
7. The patient's reaction to treatment.
8. The duration of the equipment use for the area being treated.
9. The setting of the equipment used for the area being treated.
10. Any allergies the patient may have.
11. Whether the patient is a diabetic.
12. Whether the patient wears a pacemaker.
13. Whether the patient has any type of coagulation disorder or other disorder which is treated with drugs having an anti-coagulant effect, and, if so, what medication, if any, the patient is taking for said disorder.
14. Physician authorization for treatment, if required.
15. History of previous treatment for hair removal received by the patient.

2.04: Professional Conduct

- (1) No electrologist shall reveal the identity or any part of the case history of any patient to any third party without the patient's written permission.
- (2) No electrologist shall commence treatment before informing the patient of the fee for such treatment. The patient must be informed about the regrowth pattern 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", "Electrologist", "R.E.", "Licensed Instructor", or "Registered Instructor".
- (4) All persons who practice electrolysis shall do so under their legal names only. Upon change of legal name, the Board must be notified in writing with proof of name change within five days. A new certificate must be requested with the accompanying fee within ten days. The old certificate must be returned in person. Nothing shall prohibit an electrologist from practicing under her maiden name.
- (5) Any electrologist who wishes to become incorporated as a professional corporation shall obtain from and file the necessary forms with the Secretary of State and the Board of Registration of Electrologists accompanied by the necessary fee in compliance with M.G.L. c. 156A, § 15.
- (6) No electrologist shall advertise in an unfair, deceptive, or misleading fashion.
- (7) An electrologist may advertise truthful information pertaining to:
  - (a) His or her name, address, and telephone number.
  - (b) Office and other hours of availability.
  - (c) Date of admission to practice.
  - (d) Schools attended, with dates of graduation, degrees and other scholastic distinctions.
  - (e) Public or quasipublic offices.
  - (f) Military services.
  - (g) Post of honor.
  - (h) Electrologists authorships and teaching positions.
  - (i) Memberships and offices in professional licenses.
  - (j) Foreign language ability.
  - (k) Credit cards or other credit arrangements are accepted.
  - (l) Any specialties or area of concentration recognized by the Board of Registration of Electrologists.
  - (m) Factual personal information pertaining to his or her background and practice.

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2.04: continued

(8) An electrologist may advertise truthful information pertaining to the availability, nature and terms of routine electrolysis services. For purposes of 238 CMR 2.00, "routine electrolysis services" shall mean those services ordinarily performed by the electrologist for which a predetermined fixed, standard hourly contingency rate may reasonably and accurately be stated. An advertisement for such services shall disclose fully any conditions or contingencies upon which said rate is based, and any work normally associated with such service for which an additional rate must be paid.

(9) All electrologists shall perform fully all advertised services at their advertised rates, and shall otherwise comply with all representations in any advertisement. Advertised rates shall remain in effect for 30 days after the appearance of an advertisement unless the advertisement contains a statement that the rates shall remain in effect for a lesser time.

REGULATORY AUTHORITY

238 CMR 2.00: M.G.L. c. 112, § 87MMM.

(PAGES 11 AND 12 ARE RESERVED FOR FUTURE USE.)

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### 238 CMR 3.00: LICENSURE AND OF ELECTROLYSIS SCHOOLS

#### Section

- 3.01: Purpose
- 3.02: Definitions
- 3.03: Establishment of School License Requirement
- 3.04: Applications for School Licenses - Content and Procedures
- 3.05: General Standards for Licensure - All Electrolysis Schools
- 3.06: Special Standards for Licensure - Electrolysis Schools Operated by Academic Institutions
- 3.07: Special Standards for Licensure - Proprietary Electrolysis Schools
- 3.08: Registration of Instructors and Approval of Lectures
- 3.09: Renewal of School Licenses
- 3.10: Inspection of Schools
- 3.11: Revocation or Suspension of School Licenses
- 3.12: Revocation or Suspension of Instructor Registration or Lecturer Approval

#### 3.01: Purpose

The purpose of 238 CMR 3.00 is to establish specific standards and criteria to be used by the Board of Registration of Electrologists in evaluating the eligibility of electrolysis schools for licensure pursuant to M.G.L. c. 112, § 87LLL.

#### 3.02: Definitions

Academic Institution - means any post-secondary educational institution which offers organized programs of study and which is accredited by the United States Department of Education and/or approved by the New England Association of Schools and Colleges.

Board - means the Board of Registration of Electrologists.

Contact Hour - means a unit of organized learning experience lasting 50 consecutive minutes.

Credit - means a unit of study awarded to a student by an academic institution for successful completion of a course or courses of study offered by that institution, or for successful completion of a course or courses of study offered by another academic institution or proprietary electrolysis school which is deemed equivalent to a course or courses offered by the academic institution awarding the credit. One credit is equal to 12½ hours of didactic training.

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

Electrolysis School - means any organized program of study, offered by an academic institution or proprietary school, in the methods of removing hair from the human body by the application of an electrical current to the hair papilla by means of a needle or any other instrument or device to cause decomposition, coagulation or dehydration of the hair-papilla and thereby permanently remove the hair.

Epilator - means any machine or device used to administer electrical current to a human hair follicle for the purpose of permanently removing human hair.

Faculty - means those employees of an academic institution or proprietary electrolysis school who provide didactic or 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.

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### 3.02: continued

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

Junior Student - means those students who have received at least 100, but not more than 200, contact 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, § 87LLL and 238 CMR 3.00, to provide didactic training only 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.

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

Proprietary Electrolysis School - means any electrolysis school which is owned by a person, partnership, association, corporation, society or other business entity; which is not a part of an academic institution; and which offers an organized program of study in electrolysis.

School License - means a license issued by the Board to an academic institution or proprietary electrolysis school for the operation of an electrolysis school. Such a license shall be *prima facie* evidence that said electrolysis school is in satisfactory compliance with all applicable requirements of M.G.L. c. 112, § 87LLL and 238 CMR 3.00.

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

### 3.03: Establishment of School License Requirement

(1) No person or entity shall operate or maintain any electrolysis school, either as part of an academic institution or as a proprietary electrolysis school, unless said person or entity has obtained a school license from the Board.

(2) A school license may be issued to an electrolysis school which is owned or operated by an academic institution only if that electrolysis school is in satisfactory compliance with all applicable requirements of 238 CMR 3.05 and 238 CMR 3.06.

(3) A school license may be issued to a proprietary electrolysis school only if said electrolysis school is in satisfactory compliance with all applicable requirements of 238 CMR 3.05 and 238 CMR 3.07.

(4) 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 238 CMR 3.09.

(5) A school license is valid only for the location specified in the license and may not be transferred to a new location or owner.

(6) An academic institution shall immediately notify the Board, in writing, of any sale or transfer of ownership of the academic institution, any change in the identity of the director of the electrolysis school, or any other change in the ownership or management of the academic institution which may significantly affect the operation of the electrolysis school.

(7) A proprietary electrolysis school shall immediately notify the Board, in writing, of any sale, transfer of ownership or other change in the ownership or management of the school.

3.04: Applications for School Licenses - Content and Procedures

- (1) Applications for school licenses shall be made on forms prescribed and furnished by the Board. Said 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 accompanied by all of the following:
  - (a) Such information regarding the ownership and management of the school as the Board may reasonably require, including but not limited to the following:
    1. In the case of an electrolysis school operated by an academic institution, such information shall include, but shall not be limited to: the name, address and telephone number of the academic institution; the name and address of the chief executive officer of that institution; and the name, address and telephone number of the dean, chairperson, or director of the electrolysis school.
    2. In the case of a proprietary electrolysis school, such information shall include, but shall not be limited to: the name, address and telephone number of the owner of the school; and the name, address and telephone number of the director of the school, if different from the owner. Where the owner of the school is a partnership, the name, address and telephone number of each partner shall be provided. Where the owner of the school is a corporation, the name, address and telephone number of each officer and each director of the corporation shall be provided;
  - (b) A copy of a school catalogue or program manual which describes the program of study in the electrolysis school, the content and objectives of each course offered within that program of study, 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 list of the names and qualifications of all faculty members who provide didactic or practical training to students enrolled in the electrolysis school;
  - (d) 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 238 CMR 3.05(5);
  - (e) A detailed projected floor plan for any and all facilities and areas in which practical training is to be provided;
  - (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) In the case of a proprietary electrolysis school, a sample copy of the written contract between the student and the school; and
  - (h) In the case of a proprietary electrolysis school, a copy of the bond required by 238 CMR 3.07(7).
  - (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.
- (3) An application for a school license which is incomplete or otherwise unacceptable under 238 CMR 3.00 shall be returned to the applicant with an explanation as to why the application is incomplete or unacceptable. The applicant shall be granted 30 days from the date of receipt of the returned application in which to provide any information or make any changes necessary to make the application complete and acceptable. Failure to submit the requested information by that deadline shall result in denial of the license.

3.05: General Standards for Licensure - All Electrolysis Schools

- (1) Class Hours and Schedules. Every electrolysis school shall maintain regular class hours and a daily schedule of classes. An electrolysis school operated by an academic institution shall submit a copy of its daily class schedule to the Board for review and approval prior to the beginning of each academic semester. A proprietary electrolysis school shall submit a copy of its daily class schedule to the Board for review and approval once every four months.

3.05: continued

(2) Limits on Hours of Instruction.

(a) No student in any electrolysis school shall be required to attend classes or practical training sessions more than five days per week, nor more than six hours per day; except that a primary student, as defined in 238 CMR 3.02, may make up no more than two hours of missed practical training on a sixth day, and a junior or senior student, as defined in 238 CMR 3.02, may make up no more than three hours of missed practical training on a sixth day. Any practical training on the sixth day shall be actual practical work, not observation of practical work done by others.

(b) No primary student, as defined in 238 CMR 3.02, shall be required to devote more than two hours per day to practical training.

(c) No junior or senior student, as defined in 238 CMR 3.02, shall be required to devote more than three hours per day to practical training.

(3) 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.

(4) Awarding Credit for Practical Training. An electrolysis school may award practical training contact hours to a student for practical training time spent as a patient or observer at a ratio of one contact hour for every two hours actually spent as a patient or observer, up to a maximum of 30 contact hours of practical training credit. Any student in the practical training facility or area who is serving as a patient or observer may receive only practical training contact hours.

(5) 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.

(6) 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".

(7) 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 a separate locker for the student's personal belongings.

(d) Every electrolysis school shall provide toilet and sanitary facilities for men and women 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 238 CMR 2.03.

(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.

(8) Equipment. Every electrolysis school shall provide, and maintain in good working order, an adequate quantity of modern professional equipment for its students. Every electrolysis school shall submit a list of its equipment to the Board for approval, and shall notify the Board in writing of any and all additions, subtractions or changes in that list. 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

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used by electrolysis schools for training students.

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### 3.05: continued

(9) Libraries. Every electrolysis school shall maintain, and make available for student use, a library area containing at least one complete set of required course textbooks, reference books and other required reading materials on theory and training for every 12 students enrolled in the school. Every electrolysis school shall submit a list of the books and reading materials contained in its library area to the Board at the time of initial licensure and at the time of each license renewal.

(10) Student Identification and Insignia.

(a) All students in an electrolysis school shall wear identification which clearly indicates the student's name and whether the student is a primary student, junior student or senior student.

(b) If an electrolysis school issues insignia to be used by its students, the school shall submit a copy of the insignia used to the Board.

(11) 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.

(12) 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.

(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 equipment maintenance and materials used, which shall not exceed the actual costs of such maintenance and materials.

### 3.06: Special Standards for Licensure - Electrolysis Schools Operated by Academic Institutions

(1) Minimum Required Program of Study. An electrolysis school owned or operated by an academic institution, as defined in 238 CMR 3.02, shall maintain a program of study consisting of not less than 40 credits of didactic training, plus 600 contact hours of practical training.

(a) The didactic training shall include, at a minimum:

1. Six credits in histology and hair structure, with emphasis on hair and skin structure;
2. Eight credits in the fundamentals of bacteriology, sterilization and hygiene;
3. Two credits in the principles of electricity, the modalities of electricity used in electrolysis, and its effects and uses;
4. Eight credits in basic dermatology;
5. Ten credits in physiology, with an emphasis on endocrinology;
6. Two credits in equipment for electrolysis, with an emphasis on approved electrolysis machines and the equipment necessary for operation of an electrolysis office;
7. Four credits in professional conduct and office management.

(b) The required minimum of 600 contact hours of practical training shall extend over a period of not less than ten months and 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 238 CMR 2.03(3)(e) and 238 CMR 2.03(3)(f); and student "hands-on" participation in mastering the ability to apply and utilize such treatment procedures properly.

(2) Faculty Qualifications.

(a) A course of didactic training in a required subject area, as set forth in 238 CMR 3.06(1), which is offered by an academic department within the general sciences division or liberal arts division of an academic institution may be taught to students enrolled in the electrolysis school by an appropriate accredited member of the faculty of that academic department. Said faculty member shall be deemed an approved lecturer for that course by the Board, within the meaning of M.G.L. c. 112, § 87LLL and 238 CMR 3.08.

3.06: continued

(b) A course of didactic training in a required subject area, as set forth in 238 CMR 3.06(1), which is not offered by any academic department within the general sciences division or liberal arts division of an academic institution shall be taught to students enrolled in the electrolysis school by a person who has been duly registered by the Board as an instructor, pursuant to 238 CMR 3.08(1), or approved by the Board as a lecturer pursuant to 238 CMR 3.08(2).

(c) All courses of practical training offered by an electrolysis school which is owned or operated by an academic institution shall be taught by a person who has been duly registered by the Board as an instructor pursuant to 238 CMR 3.08(1).

(3) Student Records.

(a) Within ten days after the beginning of each academic year, or within ten days after the enrollment of a new class, whichever comes sooner, an electrolysis school owned or operated by an academic institution shall submit the following information to the Board:

1. The name, address, telephone number, date of enrollment, and day or evening student status of each student enrolled in the school, recorded on the letterhead stationery of the school;
2. A certificate for each student, signed by a registered physician or other licensed health care professional qualified and duly authorized by law to perform physical examinations, stating that said student appears to be free from any and all contagious or communicable diseases and has had all vaccinations which may be required by applicable state or federal law; and
3. A statement, signed by the student, stating that he or she has received a copy of the statutes, rules and regulations governing electrologists, and that he or she is aware that he or she must have a high school diploma or its equivalent and have attained the age of 18 in order to qualify for licensure as an electrologist in the Commonwealth.

(b) Every electrolysis school which is owned or operated by an academic institution shall maintain an academic transcript for each student enrolled in the school. Said transcripts shall indicate the name of the student, the name of each course of didactic training taken by the student, the number of credits earned by the student for completion of that course, and the grade received by the student for that course. Said transcripts shall also record the number of contact hours of practical training completed by that student in each academic semester or quarter.

(c) Any and all student records established and maintained pursuant to 238 CMR 3.06(3)(a) shall be made available, upon request and with the written consent of the student to whom the records pertain, to any duly authorized representative of the Board for inspection at any time during regular business hours.

(4) Probationary Policy. Every electrolysis school owned or operated by an academic institution shall have a written policy regarding placement of students on probationary status for academic or other reasons, and shall furnish a copy of said policy to the Board.

(5) Display of License. Every electrolysis school owned or operated by an academic institution shall display its school license in a conspicuous place near the entrance of the facility or building in which students enrolled in the school obtain their practical training.

3.07: Special Standards for Licensure - Proprietary Electrolysis Schools

(1) Minimum Required Course of Study. Every proprietary electrolysis school shall maintain a program of study consisting of not less than 1100 contact hours of didactic and practical training, extending over a period of not less than ten months, as set forth below:

- (a) Said program of study shall provide at least 500 contact hours of didactic training and at least 600 contact hours of practical training.
- (b) The 500 contact hours of didactic training shall include:
  1. A minimum of 75 contact hours of didactic training in histology and hair structure, with emphasis on hair and skin structure;
  2. A minimum of 100 contact hours of didactic training in the fundamentals of bacteriology, sterilization and hygiene;
  3. A minimum of 25 contact hours of didactic training in the principles of electricity, the modalities of electricity used in the practice of electrolysis, and the effects and uses of electricity in electrolysis;

3.07: continued

4. A minimum of 100 contact hours of didactic training in basic dermatology;
  5. A minimum of 125 contact hours of didactic training in physiology, with an emphasis on endocrinology;
  6. A minimum of 25 contact hours of didactic training on approved types of electrolysis machines and equipment necessary for proper operation of an electrolysis office; and
  7. A minimum of 50 contact hours of didactic training on professional conduct and office management.
- (c) The required minimum of 600 contact 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 238 CMR 2.03(3)(e) and 238 CMR 2.03(3)(f); and student "hands-on" participation in mastering the ability to apply and utilize such treatment procedures.
- (2) Faculty Qualifications.
- (a) All courses of didactic training in a required subject area, as set forth in 238 CMR 3.07(1)(b), shall be taught to students enrolled in a proprietary electrolysis school by a person who has been duly registered by the Board as an instructor, pursuant to 238 CMR 3.08(1), or by a person who has been approved by the Board as a lecturer pursuant to 238 CMR 3.08(2).
  - (b) All courses of practical training offered by a proprietary electrolysis school shall be taught by a person who has been duly registered by the Board as an instructor, pursuant to 238 CMR 3.08(1).
- (3) Student Records.
- (a) Within ten days after the enrollment of each student or class of students, a proprietary electrolysis school shall submit the following information to the Board:
    1. The name, address, telephone number, date of enrollment, and day or evening student status of each student enrolled in the school, recorded on the letterhead stationery of the school;
    2. A certificate for each such student, signed by a duly registered physician or other licensed health care professional qualified and duly authorized by law to perform physical examinations, stating that said student appears to be free from any and all contagious or communicable diseases and has had all vaccinations which may be required by applicable state or federal law; and
    3. A statement, signed by the student, stating that he or she has received a copy of the statutes, rules and regulations governing electrologists, and that he or she is aware that he or she must have a high school diploma or its equivalent and have attained the age of 18 years in order to qualify for licensure as an electrologist in the Commonwealth.
  - (b) Every proprietary 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 contact hours of didactic training in each subject area completed by that student each week, and the number of contact hours of practical training completed by that student each week.
  - (c) Any and all student records established and maintained pursuant to 238 CMR 3.07(3) shall be made available, upon request and with the written consent of the student to whom the records pertain, to any duly authorized representative of the Board for inspection at any time during regular business hours.
- (4) Probationary Policy. Every proprietary electrolysis school shall have a written policy regarding placement of students on probationary status for academic or other reasons, and shall submit a copy of said policy to the Board.

## 3.07: continued

(5) Contracts With Students. Every proprietary electrolysis school shall enter into a written contract with each student enrolled in said school. Said contract shall, at a minimum, specify the terms and conditions on which the student is enrolled; the amount of tuition and fees being paid to the school by that student; the conditions under which said student may receive a refund of his or her tuition and fees if he or she leaves school; and the manner in which tuition is paid and refunds of tuition are made. A copy of said contract shall be given to the student at the time of his or her enrollment.

(6) Display of School License. Every proprietary electrolysis school shall display its school license in a conspicuous place near the main entrance to the school.

(7) Bond Requirement. Every proprietary electrolysis school shall obtain and maintain a bond, approved by the Board, in the sum of \$1,000.00 per student. Failure to obtain such a bond or keep it in effect shall be grounds for revocation of, or refusal to renew, said school's license.

3.08: Registration of Instructors and Approval of Lecturers(1) Registration of Instructors.

(a) A person may be registered as an instructor in the field of electrolysis and electrology, pursuant to M.G.L. c. 112, § 87LLL, 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 five 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) Any person seeking to be registered as an instructor shall submit an application for such registration on forms prescribed and furnished by the Board. Said application shall be signed by the applicant under the pains and penalties of perjury, and shall be accompanied by such written documentation of the applicant's qualifications as the Board may reasonably require in order to determine whether the applicant meets the requirements set forth in 238 CMR 3.08(1)(a). Such application shall also be accompanied by a check or money order, made payable to the Commonwealth of Massachusetts, for the amount of the instructor's licensure fee as established by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B.

(c) Said registration as an instructor shall be valid for a period of two years from the date of its issuance, and may be renewed for like periods of two years upon completion of a renewal application prescribed and furnished by the Board and payment of the renewal fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B.

(d) A person who is duly registered 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 who does not qualify for registration as an instructor pursuant to 238 CMR 3.08(1) may be approved by the Board to serve as a lecturer and provide didactic 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 didactic 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 didactic training; or

3.08: continued

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) Notwithstanding the provisions of 238 CMR 3.08(2)(a), an accredited member of the general sciences or liberal arts faculty at an academic institution shall be approved by the Board as a lecturer for a course or courses in any one of the subject areas specified in 238 CMR 3.06(1) if the course or courses in question are offered by an established academic department of the academic institution in question and the person in question is a member of the faculty of that academic department.
- (c) Application for approval of a person as a lecturer pursuant to 237 CMR 3.08 shall be made by the electrolysis school seeking to employ said lecturer, on forms prescribed and furnished by the Board. Said application shall be signed by the prospective lecturer under the pains and penalties of perjury, and shall be accompanied by such written documentation of the prospective lecturer's qualifications as the Board may reasonably require in order to determine whether the applicant meets the requirements of 238 CMR 3.08(2)(a), together with a check or money order made payable to the Commonwealth of Massachusetts for the fee prescribed by the Executive Office of Administration and Finance, pursuant to M.G.L. c. 7, § 3B.
- (d) Approval as a lecturer pursuant to 238 CMR 3.08(2) shall be valid for a period of two years from the date of its issuance, and may be renewed thereafter for like periods of two years upon completion of a renewal application form prescribed and furnished by the Board, together with a check or money order made payable to the Commonwealth of Massachusetts for the fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B.
- (e) A person who has been approved as a lecturer pursuant to 238 CMR 3.08(2) shall provide didactic training only, and only in the subject area for which he or she has been approved. Said person shall not provide practical training to electrolysis school students, nor shall such person engage in the practice of electrolysis.

3.09: Renewal of School Licenses

- (1) A license issued to an electrolysis school pursuant to 238 CMR 3.02 shall be valid for a period of two years from the date of its issuance.
- (2) On or before the expiration date of its license, an electrolysis school shall apply for renewal of said license. Such application shall be made on forms prescribed and furnished by the Board, and such application shall be accompanied by such information as the Board may reasonably require in order to determine whether the school remains in satisfactory compliance with 238 CMR 3.00. Such application for renewal shall also be accompanied by a check or money order, made payable to the Commonwealth of Massachusetts for the amount of the license renewal fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B.
- (3) In the event that an electrolysis school allows its school license to lapse, said electrolysis school may apply for renewal of said license, as prescribed in 238 CMR 3.09(2), but shall be required to pay a late fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B in addition to the normal license renewal fee. The Board may also require said electrolysis school to provide any or all of the information required for an initial school license application, as set forth in 238 CMR 3.04.

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### 3.10: Inspection of Schools

(1) No license shall be issued to any electrolysis school pursuant to the provisions of 238 CMR 3.00 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 238 CMR 3.00 and any other applicable local, state and federal laws and regulations.

(2) No license issued to any electrolysis school pursuant to the provisions of 238 CMR 3.00 may be renewed 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 238 CMR 3.00 and any other applicable local, state and federal laws and regulations. In the event that said inspection cannot be completed prior to the scheduled expiration date of said school's license, said license shall continue in full force and effect until such time as the inspection has been completed and the Board has made a final determination regarding renewal of that license.

(3) In addition to the foregoing, 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 238 CMR 3.00 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.

### 3.11: Revocation or Suspension of School Licenses

The Board may, by majority vote, revoke, suspend, cancel or refuse to renew a school license issued to any electrolysis school pursuant to 238 CMR 3.00 if, after an adjudicatory hearing conducted pursuant to M.G.L. c. 30A and 801 CMR 1.00 *et seq.*, the Board finds that:

- (1) The school has violated any provision of M.G.L. c. 112, §§ 87EEE through 87OOO; or
- (2) The school has violated any provision of 238 CMR 3.00; or
- (3) The school has obtained, or attempted to obtain, a school license or the renewal thereof by fraud, deceit, misrepresentation or the use of false or forged evidence of any kind; or
- (4) The school has violated any other state or federal laws or regulations, including but not limited to state or federal laws or regulations pertaining to financial aid programs for students.

### 3.12: Revocation or Suspension of Instructor Registration or Lecturer Approval

The Board, by majority vote, may revoke, suspend, cancel or refuse to renew any instructor's registration or lecturer's approval issued pursuant to 238 CMR 3.08 if, after an adjudicatory hearing conducted pursuant to M.G.L. c. 30A, the Board finds that:

- (1) Said instructor or lecturer is not in compliance with any applicable requirement of 238 CMR 3.08; or
- (2) Said instructor or lecturer has obtained, or attempted to obtain, said registration or approval by fraud, deceit, misrepresentation or the use of false or forged evidence of any kind; or

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3.12: continued

(3) Said instructor or lecturer has violated any other state or federal laws or regulations, including but not limited to state or federal laws or regulations pertaining to financial aid programs for students.

REGULATORY AUTHORITY

M.G.L. c. 13, § 58; c. 112, §§ 87LLL and 87MMM.

NON-TEXT PAGE

238 CMR: BOARD OF REGISTRATION OF ELECTROLOGISTS

238 CMR 4.00: CONTINUING EDUCATION

Section

- 4.01: Continuing Education Requirements
- 4.02: Verification/Approval of Licensee's Continuing Education Activities
- 4.03: Verification/Approval of Provider Continuing Education Programs and Activities
- 4.04: Waivers of Continuing Education Requirements
- 4.05: Appeal Process
- 4.06: Active/Expired Status
- 4.07: Board Responsibilities

4.01: Continuing Education Requirements

- (1) Licensed Electrologists are required, as a condition of license renewal, pursuant to M.G.L. c. 112, § 87GGG and M.G.L. c. 112, § 87MMM 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) Licensees 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) Six hours shall be in academic courses, in which the licensee must be present. A minimum of three of the required six 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) The following educational events for continuing education credit shall 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;
  - (e) Ethical or legal aspects of electrolysis; and
  - (f) Health issues of practitioners.

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### 4.01.: continued

- (9) The following electrology related individualized and home study 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 audio-visual cassette programs which require a successful completion of a written examination
- (10) Electrology correspondence courses which require the successful completion of a written examination.
- (a) Board approved continuing education activities shall include appropriate subject matter relative to the electrology profession listed in 238 CMR 4.03, but are not limited to, the following:
    1. Computer data processing
    2. Natural sciences;
    3. Business administration
    4. Massachusetts laws and regulations
  - (b) Successful completion of an educational program, course, lecture, seminar, or workshop, sponsored by an approved organization, as described in 238 CMR 4.03(2).
  - (c) 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.
  - (d) 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.
  - (e) 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.

### 4.02: 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 Board-recognized 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
    5. The name of the individual authorizing the award of continuing education credit for the course or program in question
- 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. The licensee must be able to provide complete bibliographic documentation including: the date of publication; the title of the book, chapter, research project or article and, in the case of a chapter or article, the title of the book or name of the journal in which it appears.
- (b) 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;

## 238 CMR: BOARD OF REGISTRATION OF ELECTROLOGISTS

### 4.02: continued

3. institution or sponsoring agency; and
  4. the number of hours the licensee spent teaching or presenting.
- (c) 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.

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 238 CMR 4.02(1). 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.

### 4.03: 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 238 CMR 4.03(1) and endorsed or sponsored by the following organization 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 accredited academic institutions offering degrees related to professional practice; and
  - (d) Organizations so designated by the Board.
- (3) A sponsor of a continuing education course or program shall be recognized and approved by the Board upon submission of a completed application for approval of said course or program, provided that said 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
  - (c) the course or program to each person who attends the entire course or program;
  - (d) The sponsor does not issue certificates or other written evidence of completion of the course or program until the course or program is completed;
  - (e) The course or program meets all applicable requirements of 238 CMR 4.03; and
  - (f) The sponsor maintains a copy of the course or program outline, and all records required by 238 CMR 4.03 and 238 CMR 4.02(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.

### 4.04: 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.

4.05: Appeal Process

It is the responsibility of each licensee to maintain an accurate record of all continuing education documentation completed, and if audited, to submit those documents to the Board with the required renewal and fee. The Board will determine if the CEU documentation submitted is acceptable. All events, seminars, home study activities, individualized study and courses submitted for continuing education credit are subject to the approval of the State Board of Electrology. If the documents are approved for credit, the licenses will then be released. 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, to have the Board's decision reviewed and reconsidered. As part of said review process, the applicant may appear personally before the Board and shall have the right to present any additional information which may reasonably have a bearing on the issue of whether the application for approval should be approved.

4.06: Active/Expired Status

- (1) An expired electrologist 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 wishes to renew his/her license, he/she must pay any required fees and if expired for:
  - (a) Five years or more, he/she must pass the Massachusetts State Board Examination
  - (b) Four years or more, he/she must 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 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 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 complete a minimum continuing education requirement of six hours and of this requirement three hours must be obtained in clinical participatory courses.
- (3) The appropriate number of hours stated in 238 CMR 4.06(2)(a) through (e) must be completed before the license may become renewed.
- (4) 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 the following:
  - (a) 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.
  - (b) Written verification of such practice from three electrologists who are licensed in that state.
- (5) Once the Massachusetts license has been renewed, the licensee must, from that date on, fulfill the continuing education requirement for each licensing period.
- (6) Retirement. Electrologists who wish to retire from the profession are not required to notify the Board, they simply need not renew their license. However, an electrologist with a current license shall be eligible for a written "retirement in good standing notification."
  - (a) Requirements for the retirement in good standing notification:
    1. The electrologist must notify the Board in writing of their impending retirement while their license is in a current status (not expired, suspended, or revoked).
    2. The electrologist must also certify to the Board in a form approved by the Board that after retirement, there can be no further practice of electrology.
    3. The electrologist must pay any fees required for said notification

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4.06: continued

(b) Retirement in good standing notification:

1. Shall state that the individual was validly licensed as an electrologist; and
2. Shall state that the individual retired in good standing.

(c) Reinstatement. While retired, a licensee's license status is deemed to be expired. Such a license may only be renewed with the completion of all requirements required to reinstate an expired license.

4.07: 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 238 CMR 4.05;
- (6) Conduct ongoing evaluations of the continuing education process; and
- (7) Supervise related continuing education activities as necessary and appropriate.

REGULATORY AUTHORITY:

238 CMR 4.00: M.G.L. c. 13, § 58 and M.G.L. c. 112, §§ 87EEE through 87OOO.

NON-TEXT PAGE

## 240 CMR: BOARD OF REGISTRATION OF COSMETOLOGY

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

#### Section

2.01: Licensure Requirements

2.02: General Requirements

#### 2.01: Licensure Requirements

(1) Hairdresser/Cosmetologist - Type 1. An Operator - Type 2 who has had a minimum of two years experience as such or who has had a minimum of two years experience as a junior assistant instructor, may apply to the Board for examination and licensure as a hairdresser/cosmetologist - Type 1. The applicant must file an application with the Board accompanied by required fees and may be registered by the Board as a hairdresser/ cosmetologist - Type 1. A hairdresser/cosmetologist - Type 1 may provide cosmetology services unsupervised in a salon for compensation and may supervise operators, manicurists, and aestheticians. The license must be renewed on the date determined by the Board.

(2) Operator - Type 2. A person who has successfully completed a course of at least six months, which course must have included 1000 hours of professional training in a cosmetology school approved by the Board may apply to the Board for examination and licensure as an operator. The applicant must file an application with the Board accompanied by required fees and achieve a passing score on a practical and written examination satisfactory to the Board. An operator may:

- (a) provide cosmetic services only under the supervision of a currently licensed hairdresser/cosmetologist - Type 1;
- (b) practice aesthetics under the supervision of a hairdresser/cosmetologist - Type 1 or an aesthetician - Type 6; or
- (c) practice manicuring without supervision.

The license must be renewed on the date determined by the Board.

NOTE: An operator - Type 2 who is employed in a manicuring salon or an aesthetics salon will not be eligible to upgrade his/her license to a hairdresser/cosmetologist - Type 1 without completing at least two years of practical experience under the supervision of a hairdresser/cosmetologist - Type 1. (M.G.L. c. 112, §§ 87T and 87W)

(3) Manicurist - Type 3. A person who has successfully completed a course of at least one month, which course must have included 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 - Type 3. 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 - Type 3 may be employed in a cosmetology salon, manicuring salon or an aesthetics salon. The license must be renewed on the date determined by the Board.

(4) Cosmetology Instructor - Type 4. A hairdresser/cosmetologist - Type 1 who has had a minimum of two years of experience as such or who has had a minimum of two years experience as a junior assistant instructor may apply to the Board for examination and licensure as a cosmetology instructor - Type 4. The applicant must file an application with the Board accompanied by required fees and achieve a passing score on a practical and written examination satisfactory to the Board. A cosmetology instructor - Type 4 may be employed in a cosmetology salon, manicuring salon or aesthetics salon if the instructor also possesses a current hairdresser/cosmetologist - Type 1 license. The license must be renewed on the date determined by the Board.

(5) Demonstrator - Type 5. 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 - Type 5 license.

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### 2.01: continued

(6) Aesthetician - Type 6. An aesthetician - Type 7 who has had a minimum of two years experience as such may apply to the Board for examination and licensure as an aesthetician Type 6. Such person may supervise individuals licensed as aestheticians - Type 7 only. The license must be renewed on the date determined by the Board.

(7) Aesthetician - Type 7. A person who has successfully completed a course of at least three months, which course must have included at least 300 hours of professional training in an aesthetics school approved by the Board, may apply to the Board for examination and licensure as an aesthetician - Type 7. The applicant must file an application with the Board accompanied by required fees and pass a practical and written examination satisfactory to the Board. The license must be renewed on the date determined by the Board.

(8) Aesthetics Instructor - Type 8. A person licensed as:

- (a) an aesthetician - Type 7;
- (b) an aesthetician - Type 6 with a minimum of two years of practical experience as such; or
- (c) a junior assistant aesthetics instructor with at least two years experience as such, may apply to the Board for licensure as an aesthetics instructor - Type 8.

The applicant must file an application with the Board accompanied by required fees and pass a practical examination satisfactory to the Board. The license must be renewed on the date determined by the Board. An aesthetics instructor - Type 8 may only be employed to instruct in an aesthetics school.

(9) Assistant Cosmetology Instructor. A hairdresser/cosmetologist - Type 1 who has a minimum of two years of practical experience as such may, pending examination as a cosmetology instructor - Type 4, apply to the Board and pay required fees and be issued an assistant cosmetology instructor license. This license is valid for a maximum six month period and may not be renewed. An assistant cosmetology instructor may only be employed to instruct in a cosmetology school.

(10) Assistant Aesthetics Instructor. An aesthetician - Type 6 who has a minimum of two years of practical experience as such may, pending examination as an aesthetics instructor - Type 8, apply to the Board and pay required fees and be issued an assistant aesthetics instructor license. This license is valid for a maximum six month period and may not be renewed. An assistant aesthetics instructor may only be employed to instruct in an aesthetics school.

(11) Junior Assistant Cosmetology Instructor. A graduate of a cosmetology school approved by the Board may apply to the Board and pay required fees for licensure as a junior assistant cosmetology instructor. This license is valid for a maximum two year period and may not be renewed. A junior assistant cosmetology instructor may only be employed to instruct in a cosmetology school.

(12) Junior Assistant Aesthetics Instructor. A graduate of an aesthetics school approved by the Board may apply to the Board and pay required fees for licensure as a junior assistant aesthetics instructor. This license is valid for a maximum two year period and may not be renewed. A junior assistant aesthetics instructor may only be employed to instruct in an aesthetics school.

### 2.02: General Requirements

(1) Practical Experience. The practical experience requirement for application and/or examination for a particular license issued by the Board shall be defined to mean full-time (35 hours per week/48 weeks per year); or equivalent part-time (minimum of 24 hours per week)/40 weeks per year ) work experience providing services for compensation under appropriate supervision, where required.

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2.02: continued

(2) Licensees who hold more than one license are only authorized to provide services within the scope of the licenses which are current and in good standing.

REGULATORY AUTHORITY

240 CMR 2.00: M.G.L. c. 112, § 87CC.

NON-TEXT PAGE

## 240 CMR: BOARD OF REGISTRATION OF COSMETOLOGY

### 240 CMR 3.00: 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
3. Aesthetics Salon
4. Booth Renter
5. Booth Shop

(b) A salon license may be issued to an individual, partnership or 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. Salon owners must immediately notify the Board in writing of the contemplated 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. 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. 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) Salon licenses must be displayed in a conspicuous place in the salon.

(7) All cosmetologists, operators, instructors, manicurists, aestheticians, and demonstrators must conspicuously post their current individual license and health certificate at their place of employment.

#### 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.

3.02: continued

(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 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. Said entrance must 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. The salon owner or member of the salon owner's family must hold a current license issued by the Board and reside on the premises immediately adjacent to the salon.
  3. Every salon maintained in a home must be equipped with proper toilet and handwashing 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.
- (f) All floor coverings, walls, ceilings, woodwork, furniture, fixtures, curtains and draperies in a salon shall be of such nature as to be washable or chemically sanitized and 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 handwashing facilities which shall be 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 (including pets) may 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 of the salon or his/her designee 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.
- (c) Due to certain chemicals used in the manufacture of shampoo capes, lacquers and hair sprays, all cosmetology salons shall post a sign at least ten by ten inches, clearly visible by all patrons which states:

SMOKING IS PROHIBITED WHILE WEARING A SHAMPOO  
CAPE, OR WHILE HAIR LACQUER OR HAIR SPRAY  
IS BEING USED.

- (d) All "Cosmetology" services, as defined in M.G.L. c. 112, § 87T, including those rendered in connection with the arrangement of any wig, wiglet or hair piece upon the head of any patron, if offered for pay, must be performed in a licensed salon by licensed personnel only.

(e) Supervision Requirements.

1. Cosmetology Salon.

- a. Cosmetology services may be provided in a cosmetology salon when a hairdresser/cosmetologist - Type 1 is present to supervise licensed personnel.
- b. A person currently licensed as a hairdresser/cosmetologist - Type 1 may supervise a maximum of:
  - (i) three persons currently licensed as operators - Type 2; and
  - (ii) three persons currently licensed as aestheticians - Type 7.

2. Manicuring Salon. Manicuring services may be provided in a manicuring salon when a person currently licensed as manicurist - Type 3 or a hairdresser/cosmetologist - Type 1 is present to supervise licensed personnel.

3. Aesthetics Salon.

- a. Aesthetics services may be provided in an aesthetics salon when an aesthetician - Type 6 or a hairdresser/cosmetologist - Type 1 is present to supervise licensed personnel.

3.02: continued

- b. An aesthetician - Type 6 or a hairdresser/cosmetologist - Type 1 may supervise a maximum of three persons currently licensed as aestheticians - Type 7.

3.03: Equipment and Hygiene Procedures

- (1) All cosmetologists, operators, manicurists, demonstrators, instructors, aestheticians and students shall wash their hands thoroughly with hospital grade antibacterial soap and hot water immediately before and after rendering service to each and every patron or model.
- (2) All cosmetologists, operators, manicurists, students, instructors, demonstrators and aestheticians 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.
- (7) Dipping towels in receptacles containing water and using same 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 hair neck dusters and 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, comedon extractors, cape coverings, files, spatulas, applicators and any other item which comes in contact with a patron or model must be thoroughly sanitized after each and every separate use. The use of any implement that cannot be sanitized is prohibited.
- (14) After cleansing and sanitizing, all equipment must be kept in sanitary containers, cabinets or sterilizers. Dry sanitizer must be used in drawers.
- (15) Pump-type dispenser cosmetics may be provided in make-up rooms for use by patrons.
- (16) Every cosmetologist must have a minimum of 12 brushes and 12 combs. Brushes and combs may not be re-used until properly cleansed and sanitized. The use of brush or hook and pile rollers is prohibited.

3.03: continued

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

(a) Physical Agents.

1. Boiling water at 212°F for 20 minutes.
2. Steaming dry heat.
3. 70% grain or denatured alcohol for at least ten minutes.
4. Ultra-violet rays in an electrical sanitizer.
5. Immersion in 10% formalin for at least ten minutes.

(b) Chemical Agents.

1. Antiseptics and disinfectants (hospital grade required).
2. Vapors, formalin and steri-dry.

(c) Bleach.

1. Mix one part bleach to ten parts water (e.g., four ounces bleach to 40 ounces water; any stronger could rust metal implement). The method to be used is as follows: Rinse the implements in water first, then immerse the implement in the bleach solution, shake the implement in the bleach solution, repeat the rinse/immersion/shake process described, rinse the implement in water a final time and wipe the implement dry with a clean cloth or paper towel. A hair dryer may be used to ensure that metal implements are dry and less apt to rust. Place implement in a closed cabinet or disinfectant solution. This procedure applies to plastic, metal, steel, or rubber implements. This is the recommended infection control procedure of the Centers for Disease Control regarding all bloodborne pathogens, which includes HIV infection.

(18) (a) In cosmetology salons, there must be at least two covered waste receptacles and at least one air-tight container for storing sanitized instruments. Dry sanitizer must be used in drawers. There must be one shampoo bowl for each station of three licensees or less. Said bowls are to be used for cosmetology services only. There must be at least one dryer and one manicuring table in each cosmetology salon. Shampoo boards must be washed and disinfected on both sides after every shampoo.

(b) In manicuring salons, there must be at least one sink which must be in addition to the sink(s) located with the toilet and handwashing facilities. There must be at least two covered waste receptacles and at least one air-tight container for storage of sanitized instruments.

(c) In aesthetics salons, there must be at least one sink which must be in addition to the sink(s) located with the toilet and handwashing facilities. There must be at least two covered waste receptacles and at least one air-tight container for storage of sanitized instruments.

(19) No cosmetologist, operator, manicurist, demonstrator, instructor, aesthetician or student shall provide services to a person who is afflicted with impetigo, pediculosis (lice and nits), or fungus infection of the face, scalp or nails (ringworm). Upon identification of any of the above, services must be immediately discontinued and all implements, equipment and areas be promptly and properly sanitized.

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 or services, or terms or values or policies. 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 such permanent wave. Also, if a hair cut and styling is to be paid for separately, the advertising must so state.

(2) "Advertising" as referred to herein shall include, but not be limited to, the use of newspapers, magazines, or other publications, books, notices, circulars, pamphlets, letters, handbills, posters, bills, signs, placards, cards, labels, tags, window display, broadcasts, or any other means or methods employed to bring to the attention of the public the practice of cosmetology, manicuring, or aesthetics or the sale of accessories incident thereto.

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3.04: continued

(3) 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.

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

REGULATORY AUTHORITY

240 CMR 3.00: M.G.L. c. 112, § 87CC.

NON-TEXT PAGE

## 240 CMR: BOARD OF REGISTRATION OF COSMETOLOGY

### 240 CMR 4.00: OPERATION OF COSMETOLOGY SCHOOLS

#### Section

- 4.01: Licensure
- 4.02: Premises
- 4.03: Conduct of Operations
- 4.04: Curriculum
- 4.05: Brush-Up and Advanced Training
- 4.06: Crossover Licensure
- 4.07: Public/Vocational Secondary and Post-Secondary School Programs
- 4.08: Minimum Hours for Examination Qualification

#### 4.01: Licensure

- (1) No person or entity shall operate a cosmetology school without a license issued by the Board.
- (2) 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 \$10,000 if enrollments do not exceed 25 students, which shall be subject of the approval by the Board;
  - (c) a bond of \$20,000 if the enrollments are 25 students or more;
  - (d) a true copy of the student contract and a minimum of at least 25 full-time students for first enrollment;
  - (e) a detailed outline of the school curriculum;
  - (f) a detailed professional floor plans;
  - (g) an initial enrollment report signed by the applicant which shall contain a list of at least 25 students, together with copies of birth certificates or other proofs that the students enrolled are at least 16 years of age; and
  - (h) a statement signed by the applicant that the school shall have an adequate library.
- (3) No school shall be conducted or advertised as a salon. No salon shall be conducted or advertised as a school.
- (4) A school license is valid only for the location named in the license and is not transferable. School licensees must immediately notify the Board in writing of the sale or change in ownership or management of a school. A school licensee seeking to change the location of the school shall notify the Board in writing at least 30 days before such change. Upon approval of a new location by the Board, the Board shall cancel the license for the previous location and re-issue a license to the licensee bearing the same number as the license for the previous location and indicating the new location. Each school shall display its license in a conspicuous place near its administrative area.

#### 4.02: Premises

- (1) 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 with a minimum of 25 arm chairs properly equipped for demonstration or practical purposes; 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 shall maintain in good working condition, equipment appropriate and sufficient for its student body. The following shall be the minimum equipment required at all times at a licensed school:
  - ten shampoo sinks and chairs
  - 25 all-purpose chairs
  - ten dryers with accompanying chairs

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4.02: continued

two marcel stoves and irons  
one heat lamp  
one steamer  
six heating caps  
ten manicure tables  
ten manicure sterilizers  
12 complete sets of cold waving equipment  
25 wet hospital grade sterilizers or more as needed for one per student  
five dry sterilizers  
two haircutting clippers with attachments

- (3) Every school shall provide each student with a separate locker sufficiently large to keep students' effects.
- (4) Every school shall maintain separate lavatories for men and women.
- (5) All sanitary regulations (240 CMR 3.00) applicable to salons shall in every respect apply to schools.
- (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 employ or have in attendance during school hours at least two approved instructors for 25 students or less, and shall employ or have in attendance one instructor or assistant instructor for each additional 25 students or less. No instructor or assistant instructor may supervise or teach more than one class at the same time.
- (8) Instructors in schools shall be licensed instructors competent to impart instruction in those branches of cosmetology which they teach. Instructors shall not be permitted to perform any work on a paying customer on school premises.
- (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 only.
- (10) No school shall permit any student to practice hairdressing, manicuring or aesthetics on a person paying for work.
- (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. CHARGE FOR MATERIALS  
USED ONLY. NO CHARGE FOR SERVICES.

4.03: Conduct of Operations

- (1) Each school shall keep a daily record of the attendance of each student, and a record of studies completed, and shall record earned credits and hold examinations before issuing diplomas. Upon termination of a student's attendance at a school, the school shall forward to the Board a record of the student's hours and the date of the termination of attendance.
- (2) New students shall be enrolled on a monthly basis. Transfer students and participants in brush-up or advanced training courses may be enrolled at any time.

4.03: continued

- (3) No school shall permit a senior student to act as an instructor or to instruct a junior student.
- (4) Students, upon graduation from school and pending examination, may work in licensed salons only after obtaining from the Board a temporary permit to do so.
- (5) No students shall be permitted to enter a classroom unless their attire complies with the dress code established by the school.

4.04: Curriculum

(1) Hairdressing Program.

- (a) Each school teaching hairdressing shall maintain a course of study of not less than 1,000 hours, extending over a period of not less than six months. No student shall be required to attend classes more than five days per week (Monday through Saturday).
- (b) Every school shall maintain regular class hours with a daily schedule. Such schedule must be submitted to the Board for its approval.
- (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
  - Scalp Massage
  - Wig Instruction
  - Hair Straightening
  - Thermal Styling
- (d) Every school shall furnish instruction in antiseptics, sterilization, sanitation, 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

<u>Theory</u>	<u>Practical</u>
Sanitation	Shampooing
Sterilization	Hairdressing
Hygiene	Marcel Waving (optional)
Bones	Finger Waving
Muscles	Permanent Waving
Nerves	Wig Instruction
Vascular System	Hair Straightening
Circulation	Hair Coloring (dyeing, tints, rinses, bleaching pack, reconditioning)
Skin	Hair Cutting
Nails	Manicuring
Electricity	Skin Care/Facial Grooming
Shop Management	Scalp Massage
Personal Hygiene	

4.03: continued

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
Marcelling and All Iron Curls	45
Skin Care/Facial Grooming	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 Sanitation	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 totalling 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) 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.

(g) No student shall work on a customer paying for materials until after he/she has completed not less than 250 hours of class training. Between 250 and 400 hours of training, a student shall be permitted to perform work on persons paying for materials in the giving of scalp treatments, shampooing, manicuring, skin care/facial grooming, finger waving, pin curling, marcelling, and hair cutting. Upon completion of 400 hours of training a student may be permitted to perform the work of hair coloring, cold and permanent waving, bleaching, hair strengthening and hair styling.

(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) No student shall be required to attend classes more than five days per week (Monday through Saturday) not more than 100 hours per month in class training. A minimum of one hour per day shall be directed to theory training in each school.

(c) New students shall be enrolled on a weekly basis.

(d) Each school shall maintain a daily schedule of regular class hours. Such schedule must be approved by the Board.

(e) 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	
<u>Hygiene and Anatomy</u>	<u>10 hours</u>

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Total

100 Hours

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### 4.03: continued

(f) Each school shall submit to the Board its schedule of hours in each category to be covered totalling 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.

(g) 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.

(h) No student shall work on a customer paying for materials 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 persons paying for materials for a basic manicure. Upon completion of 50 hours of training, a student may be permitted to perform artificial nail techniques on such paying customers.

### 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) offered for a fee to persons who have completed 1,000 hours of instruction but who have not been licensed by the Board; 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 hairdressers who hold a current hairdresser's license, including a license issued by another state.

(3) Advanced training courses shall be taught only by persons licensed by the Board of Registration of Cosmetology as instructors pursuant to M.G.L. c. 112, § 87BB, or by such licensed hairdressers or aestheticians who have been approved by the Board as being qualified by expertise and experience to teach advanced courses.

(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; and
- (e) a detailed curriculum of the course.

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) Advanced training courses shall be offered for not less than eight hours and not more than 80 hours, and shall not be held over periods of time in excess of four weeks.

(6) 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 been issued a license to practice barbering may be credited a maximum of 650 hours toward the 1,000 hour hairdressing program course of study requirement for licensure by the Board.

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4.06: continued

(2) The following schedule of hours must be completed by crossover licensure candidates:

Schedule of Hours for Crossover Licensure

Chemicals (Haircoloring, Bleaching Permanent Waving, Hair Relaxing)	225
Make-Up Application	25
Hair Styling, Pincurls, Rollers, Finger Waves	50
Manicuring	<u>50</u>
Total	350

(3) A student enrolled in a barbering program licensed by the regulatory body governing the operation of barber schools where such school is located may begin a course of instruction for crossover licensure at a cosmetology school prior to being issued a license to practice barbering. No student shall be eligible to take the written or practical examination for licensure by the Board prior to being issued a license to practice barbering. The registration, practice and licensure of any such student shall be governed by the provisions of M.G.L. c. 112, §§ 87U and 87V and 240 CMR 4.00.

(4) No crossover licensure student may perform chemical treatments, including hair coloring, bleaching, permanent waving, and hair relaxing, prior to the completion of at least 175 hours of training.

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

(1) Credit for hours completed in public/vocational secondary and 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 student may be granted credit for hours completed in a program prior to attaining the age of 16 years. No student may be granted credit for hours completed during the freshman or sophomore year of a program or as part of an "exploratory" or similarly titled program.

(3) No student may provide services outside of the program setting premises prior to successful completion of all required hours for the particular program in which the student is enrolled.

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

4.08: Minimum Hours for Examination Qualification

Students successfully completing the minimum required number of earned credit hours for a hairdressing program (1,000 hours) or manicuring program (100 hours) must be permitted to take the appropriate licensure examination. Completion of any additional program hours above the required minimum curriculum hours may not be required of a student prior to being provided access to a licensure examination.

REGULATORY AUTHORITY

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

## 240 CMR: BOARD OF REGISTRATION OF COSMETOLOGY

### 240 CMR 5.00: OPERATION OF AESTHETIC SCHOOLS

#### 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:

Aesthetics means the practice for compensation of cleansing, stimulating, manipulating and beautifying skin with hands or mechanical or electrical apparatus or appliances or by the use of cosmetic preparations, tonics, lotions, or creams.

Board means the Board of Registration of Cosmetology.

School means a school or other institution privately owned and conducted for the purpose of teaching aesthetics.

#### 5.02: Application for Licensure

- (1) No person or entity shall operate an aesthetic school without a license issued by the Board.
- (2) Each applicant for a license to operate an aesthetic school shall submit to the Board:
  - (a) a certificate of occupancy or other authentic form issued by the appropriate city or town approving the premises to be used as a school. Such certificate or form shall be submitted to the Board prior to final inspection and approval by the Board;
  - (b) a bond of \$10,000 if enrollments do not exceed 25 students, which bond shall be subject to the approval of the Board;
  - (c) a bond of \$20,000 if enrollments are 25 students or more;
  - (d) a detailed outline of the school curriculum;
  - (e) a proposed schedule of hours;
  - (f) detailed professional floor plans;
  - (g) a list of equipment;
  - (h) a statement signed by the applicant that the school shall have an adequate library;
  - (i) a true copy of the student contract; and
  - (j) such other information as the Board may require.

#### 5.03: Licensure and Approval

- (1) Any school which already holds a license to conduct a school for the purpose of teaching hairdressing - and its branches - must comply with all provisions of 240 CMR 5.00, except the provisions of 240 CMR 5.02(2)(a) and in order to be approved by the Board for the teaching of aesthetics. Upon approval, the school will be notified by the Board and a separate license shall be issued.
- (2) All other schools shall be separately licensed when approved and shall pay the license fee prescribed by M.G.L. c. 112, § 87CC.

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### 5.03: continued

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

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

### 5.04: Instructors

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

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

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

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

### 5.05: Premises

School premises shall contain the following:

(1) A clinic room of no less than 600 square feet, to be used exclusively for the teaching of aesthetics, and containing all necessary equipment for clinical training.

(2) A lecture room of no less than 400 square feet, with arm chairs or desks and chairs for a minimum of 12 students. The lecture room must be available for at least one period per day for exclusive use for instruction in aesthetics.

(3) A reception area and an office area.

### 5.06: Equipment

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

brush massage unit for face, neck, décolletage, body treatment, abrasive treatment and peeling (one unit for every 12 students)

two cold light magnifying lamps

two infra-red lamps

two treatment chairs

one unit for iontophoresis and desincrustation for every 12 students

two vaporizer machines

UV sterilizer for complete disinfection of instruments or hot-air sterilizer

depilator for wax melting for depilation of the face and body

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5.06: continued

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

5.07: Course of Study

- (1) Each school teaching aesthetics shall maintain a course of study of not less than 300 hours, extending over a period of not less than eight weeks.
- (2) No student shall be required to attend classes more than five days per week (Monday through Saturday).
- (3) New students shall be enrolled on a monthly basis. Transfer students may be enrolled at any time.
- (4) Every school shall maintain regular class hours with a daily schedule, to be submitted to the Board for its approval.
- (5) Each school shall include the following subjects as part of its basic aesthetics course of study:

<u>Subject</u>	<u>Schedule of Hours</u>
Anatomy and Physiology	10
Diseases and Disorders of the Skin	10
Cosmetic Chemistry Ingredients and Product Knowledge	25
Sterilization, Sanitation and Bacteriology	30
Management, Laws, Communication and Ethics	20
Massages	35
Application of Makeup and Sales Product Knowledge	25
Electricity and Aesthetics Equipment	10
Depilation and Waxing, Eyebrow and Eyelash Tinting	30
Clinical Practice, Record Keeping and Treatment	
<u>Procedures</u>	<u>105</u>
Total	300

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

5.08: Records

- (1) Each school shall keep a daily record of the attendance of each student and a record of studies completed and shall record earned credits and hold examinations before issuing diplomas.
- (2) Each school shall maintain records indicating the amount of instruction completed by each student in each subject.
- (3) All school records shall be made available for inspection by the Board or its designated agents.

5.09: Sanitary Conditions

- (1) Each school shall follow procedures to ensure that school premises, equipment and personnel meet reasonable sanitary and safety conditions. All sanitary regulations applicable to salons (240 CMR 3.00) shall in every respect apply to schools.
- (2) Each school shall provide each student with a separate locker large enough to keep the student's effects.

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### 5.09: continued

- (3) No students shall be permitted to enter a classroom unless their attire complies with the dress code established by the school.
- (4) Every school shall maintain separate lavatories for men and women.

### 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 only.
- (2) No school shall permit any student to practice aesthetics on a person paying for the work.
- (3) Every school shall display in conspicuous places or at each of its entrances, signs in display lettering at least two inches in height stating the following:

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

- (4) Any and all injuries to a person which occur as a result of services rendered or as a result of the application of products shall be reported to the Board immediately.
- (5) Students who have graduated from an approved school may work in licensed salons pending examination only after obtaining a temporary permit from the Board to do so.

### 5.11: Minimum Hours for Examination Qualification

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

## REGULATORY AUTHORITY

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

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### 240 CMR 6.00: ADVANCED SEMINARS IN HAIRDRESSING

#### 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: Models
- 6.09: Advertising
- 6.10: Duration
- 6.11: Posting of Regulations

#### 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 hairdressing, as defined in M.G.L. c. 112, § 87T, which is offered for a fee by a privately owned entity, other than a hairdressing school, constituted for the purpose of offering advanced instruction to persons who hold a current hairdresser's 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 hairdressing 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. All new titles, curricula or changes thereto shall likewise be filed with the Board.
- (3) Detailed floor plans indicating complete separation from any adjacent salon.
- (4) Licenses issued to any such entity shall be reviewed every year.
- (5) No entity constituted for the purpose of offering advanced seminars may call itself a school.
- (6) Licenses issued by the Board are valid only for the location named in the license and are not transferable. Any change of location must be approved by the Board in accordance with the procedures described in 240 CMR 4.01(4).

#### 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 separate lavatories for men and women.

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### 6.03: continued

(3) At a minimum, any premises on which advanced seminars are offered by an entity constituted for the purposes of offering such seminars shall be equipped with four sinks and four all-purpose chairs, 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.

### 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 advance seminar in hairdressing.

(2) Participants in advance seminars shall receive a certificate at the completion of the seminar. Such certificate shall indicate the title of the seminar attended and the number of hours attended. Such a certificate shall not contain language which implies in any way the attainment of high or greater professional competence or skill by the participant. In no event shall such a certificate be termed a diploma.

(3) No participant shall receive any credits towards any diploma for attending an advanced seminar.

### 6.05: Instructors

(1) Advanced seminars shall be taught only by persons registered by the Board of Registration of Hairdressers as instructors or by such licensed hairdressers as the Board may deem qualified by expertise or experience to teach advanced seminars.

(2) For any advanced seminar offered there shall be one instructor for every eight students.

(3) Out-of-state hairdressers invited to teach advanced seminars in Massachusetts shall receive a temporary permit to do so from the Board. No such permit shall be issued by the Board unless the applicant is found competent by the Board to teach advanced seminars, unless the applicant is found competent by the Board. Out-of-state applicants shall submit to the Board such information as the Board may require at least 30 days prior to the offering of the advanced seminar to be taught.

### 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 HAIRDRESSERS.  
CHARGE FOR MATERIALS USED ONLY.

### 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 a period of three years and shall be open to inspection by the Board or its designated agents.

### 6.08: Models

Models may be provided by participants or by the entity offering the advanced seminars. Models shall not be charged any fees.

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6.09: Advertising

Any advertisement used by an entity licensed to offer advanced seminars shall specify that such seminars are available to licensed hairdressers only. No such advertisement shall use the term "school" to designate the entity offering advanced seminars.

6.10: Duration

Advanced seminars shall be offered for not less than eight hours and not more than 80 hours, and shall not be held over periods of time in excess of four weeks.

6.11: Posting of Regulations

240 CMR 6.00 shall be posted in every location where advanced seminars are being offered.

REGULATORY AUTHORITY

240 CMR 6.00: M.G.L. c. 112, § 87T.

NON-TEXT PAGE

## 240 CMR: BOARD OF REGISTRATION OF COSMETOLOGY

### 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
- 7.11: Performance of Services Pursuant to Temporary Permits

#### 7.01: Definitions

As used in 240 CMR 7.00:

Manicuring. The practice for compensation of cutting, trimming, polishing, tinting, coloring or cleansing the nails of any person and application of artificial nail products.

Board. The Board of Registration of Cosmetology.

School. A school or other institution privately owned or conducted for the purpose of teaching manicuring.

#### 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. 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 floor plan.
  - (f) A list of equipment.
  - (g) A copy of the school catalog.
  - (h) A copy of the school enrollment agreement.
  - (i) A statement signed by the applicant that the school shall have an adequate library.
  - (j) A completed application, licensure fee and such other information as the Board may require.

#### 7.03: Licensure and Approval

- (1) A cosmetology school (private or vocational) 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 (private or vocational).
- (2) Each school shall be required to renew the school license every two years and pay the required renewal fee.

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### 7.03: continued

- (3) A school license is valid only for the location named in the license and is not transferable. School licensees must immediately notify the Board in writing of the sale or change in ownership or management of a school. A school licensee seeking to change the location of the school shall notify the Board in writing at least 30 days before any such change. Upon approval of a new location by the Board, the Board shall cancel the license for the previous location and issue a new license indicating the new location. Each school shall display at its license in a conspicuous place near its main entrance.
- (4) No school shall be conducted or advertised as a shop.

### 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 registered cosmetology instructors and shall be competent to impart instructions in manicuring. Instructors shall not be permitted to perform any work on paying customers on school premises.
- (3) Every school must regularly employ or have in attendance during school hours at least one instructor for every 12 students or less.

### 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. The lecture room must be available for at least one period per day for exclusive use for instruction in manicuring.
- (3) A reception area.
- (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 sanitizers
  - 1 dry sterilizer
  - 1 wet hospital grade 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
  - 12 foot basins

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7.06: continued

- (2) Every school shall provide the following equipment to each student:
- (a) Manicuring Kit which must include, at a minimum, the following:
    - cuticle nippers
    - acrylic nippers
    - natural nail scissors
    - silk scissors
    - nail and toe clippers
    - tweezers
    - finger bowl
    - nail brush
    - cuticle pusher
    - metal nail file
    - 2 orange wood sticks
    - 12 emery boards
    - 1 set of disposable latex gloves
    - dry sterilizer container/with disinfectant
    - wet sterilizer container/with disinfectant
    - antiseptic
    - cuticle cream/oil
    - base coat
    - top coat
    - nail enamel
    - polish remover product
    - hand massage cream
  - (b) Basic Manicuring Foot Care Kit
  - (c) Complete Artificial Nail Kit
  - (d) Textbook

7.07: Course of Study

- (1) Each school shall maintain a course of study of not less than 100 hours, extending over a period of not less than four weeks.
- (2) No student shall be required to attend classes more than five days per week (Monday through Friday) nor more than 100 hours per month in class training. A minimum of one hour per day shall be directed to theory training in each school.
- (3) 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.
- (4) Each school shall maintain a daily schedule of regular class hours.
- (5) 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

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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.
- (2) Each school shall provide each student with a separate locker 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 separate lavatories for males and females, which 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 the cost of materials used on customers in practical training.
- (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 MATERIAL USED ONLY.  
NO CHARGE FOR SERVICES.

7.11: Performance of Services Pursuant to Temporary Permits

- (1) Students who have graduated from a school may begin working in a salon only *after* filing a complete license examination application and paying all fees required by the Board.
- (2) A health certificate and a copy or receipt of a check or money order evidencing payment of a candidate's examination fee must be posted in a salon where the candidate is employed until the candidate receives a temporary permit valid for a maximum period of 12 weeks.
- (3) Temporary permits are issued one time only and cannot be extended.
- (4) A candidate whose temporary permit expires before the candidate is issued a license may not be employed in a salon until the candidate qualifies for and receives his/her license from the Board.

REGULATORY AUTHORITY

240 CMR 7.00: M.G.L. c. 112, §§ 87BB, 87CC and 87T.