

Statement of Basis and Purpose

Proposed Rules for Office of Barber and Cosmetology Licensure

October 1, 2012

The basis for the rules is to carry out the provisions of the Barbers and Cosmetologists Practice Act at §§ 12-8-101 *et seq.*, C.R.S. (“the Act”).

The specific statutory authority that authorizes the rulemaking is § 12-8-108(1)(a), C.R.S., and § 24-4-103, C.R.S.

The purpose of this rulemaking is to amend all existing rules for further clarification and afford adequate infection control requirements for public protection. The specific purpose for amending these rules is as follows:

Chapter 1 Qualifications of Applicants	This chapter was previously Rule 7. The proposed amendments further clarify the prerequisites necessary for an applicant’s eligibility for examination.
Chapter 2 Examination Conduct	This chapter was previously Rule 8. The proposed amendments further clarify the requirements for examination applicants and the prohibited during the licensing examinations.
Chapter 3 Licensure by Endorsement	This chapter was previously Rule 10. The proposed amendments further clarify the qualifications and procedures for applicants seeking licensure by endorsement from another state, territory or foreign jurisdiction.
Chapter 4 License maintenance and Reinstatement	This chapter was previously Rule 12. The proposed amendments further clarify the timeframes and requirements needed to maintain, renew or reinstate a license pursuant to § 12-8-115, C.R.S., and § 24-34-102(8)(d)(II), C.R.S.
Chapter 5 Business Registration Requirements	This chapter was developed from items previously listed in Rule 5 and Rule 6. The proposed amendments further clarify the requirements needed to register, change and reinstate places of business.
Chapter 6 Cleaning, Disinfection, and Storage	This chapter was developed from items listed in Rule 2 and Rule 6. The proposed amendments further clarify the required procedures for safe and effective cleaning, disinfection and storage practices necessary to protect the public’s health, safety and welfare and remove unnecessary requirements.
Chapter 7 Scope of Practice	The proposed amendments consolidated practice related services listed in various places throughout the prior rules and provides further clarity on the permitted and prohibited scope of practice for each profession.

Chapter 8 Advanced Training Requirements	This chapter consolidated items from Rule 3, 9 and 11. The proposed amendments further clarify the approved substances that may be used for chemical and manual resurfacing exfoliation services, the training that must be completed before these services are performed and the requirements necessary for the safe application on the public.
Chapter 9 Inspections	The proposed amendments clarify the procedures regarding inspections of barbershops, beauty salons, places of business, rented booths and employee workstations.
Chapter 10 Advisory Committee	This chapter was previously Rule 1. The proposed amendments further clarify the terms and scope of the five member advisory committee established pursuant to § 12-8-108(2)(a), C.R.S.
Chapter 11 Declaratory Orders	This chapter was previously Rule 4. The purpose of this rule is to establish procedures for the handling of requests for declaratory orders filed pursuant to the Colorado Administrative Procedures Act at § 24-4-105(11), C.R.S.

The Director believes the proposed amendments are fair, impartial, and non-discriminatory.

It is the Director's opinion that these amendments will not have an adverse economic impact on small businesses because the amendments provide greater clarity for compliance and remove burdensome requirements to existing rules.

2012 NOTICE OF RULEMAKING HEARING

Pursuant to § 24-4-103, and § 12-8-108(1)(a), C.R.S., you are hereby advised that the Director of the Division of Professions and Occupations for the Office of Barber and Cosmetology Licensing (“the Office”) will hold a public rulemaking hearing on Monday, October 1, 2012, at 10:00 a.m. at 1560 Broadway, Conference Room 110 A, Denver, Colorado for the purpose of considering the following rules:

- Chapter 1 – Qualifications of Applicants
- Chapter 2 – Examination Conduct
- Chapter 3 – Licensure by Endorsement
- Chapter 4 – License maintenance and Reinstatement
- Chapter 5 – Business Registration Requirements
- Chapter 6 – Cleaning, Disinfection, and Storage
- Chapter 7 – Scope of Practice
- Chapter 8 – Advanced Training Requirements
- Chapter 8 – Advanced Training Requirements (continued)
- Chapter 9 – Inspections
- Chapter 10 – Advisory Committee
- Chapter 11 – Declaratory Orders

The rulemaking hearing will be held at the Department of Regulatory Agencies, 1560 Broadway, Suite 110A, Denver, Colorado, 80202. The Director’s authority to promulgate rules is pursuant to § 12-8-108(1)(a) and § 24-4-103, C.R.S. The purpose of this rulemaking is to amend all existing rules for further clarification and adequate infection control requirements for public protection.

The rules are attached to this notice and currently available for review by any interested person in the Office located at 1560 Broadway, Suite 1350, Denver, Colorado, 80202.

At the rulemaking hearing, the Director will afford all interested persons an opportunity to submit any written data, views, or arguments and to present the same orally (3 minutes per item) if they so desire. It is requested that written testimony be submitted to the Office of Barber and Cosmetology Licensure at least 10 days prior to the rule making hearing date. Submissions may be sent to barber-cosmetology@dora.state.co.us. The Director shall consider all such submissions.

Please be advised that the adoption of these rules may be changed after public comment and formal hearing.

Reasonable accommodation will be provided upon request for persons with disabilities. If you are a person with a disability who requires an accommodation to participate in this public hearing, please notify Ruby Stevens at 303-894-7427 prior to September 28, 2012.

Dated this 30th day of August 2012 in Denver, Colorado.



Amy Storm
Program Manager

DEPARTMENT OF REGULATORY AGENCIES

OFFICE OF BARBER~~BARBERING~~ AND COSMETOLOGY LICENSURE

4 CCR 731-RULE-1

Rules of the Office of Barber and Cosmetology Licensure

EFFECTIVE JANUARY 1, 2013

CHAPTER 1 – QUALIFICATIONS OF APPLICANTS

The purpose of this rule is to clarify the prerequisites necessary for an applicant's eligibility for examination pursuant to § 12-8-108(1)(e) and 12-8-114(3), C.R.S.

1.1 An applicant for examination must complete an approved program, and furnish proof of minimum training in the following subject areas:

A. Minimum proof of training required to be eligible to take the barber examination includes 50 (fifty) credit hours in the following:

1. Two credit hours of treatment of hair and scalp;
2. Three credit hours of facial massage and treatment;
3. Three credit hours of facial shaving;
4. Nine credit hours of haircutting;
5. Eight credit hours of permanent waving and chemical hair relaxing;
6. Eight credit hours of hair coloring;
7. One credit hour of laws and rules;
8. One credit hour of management, ethics, interpersonal skills and salesmanship; and
9. Six credit hours of disinfection, cleaning, and safe work practices.

B. Minimum proof of training required to be eligible to take the cosmetologist examination includes 60 (sixty) credit hours in the following:

1. Two credit hours in shampooing, rinsing, and conditioning;
2. Eight credit hours in hair coloring;
3. Eight credit hours in haircutting;
4. Seven credit hours in hairstyling;

5. Four credit hours in chemical texture services;

6. Seven credit hours in manicuring and pedicuring;

7. Five credit hours in application of artificial nails;

8. Seven credit hours in facials and skin care;

9. One credit hour in facial makeup;

10. Three credit hours in hair removal;

11. One credit hour in laws and rules;

12. One credit hour in management, ethics, interpersonal skills and salesmanship; and

13. Six credit hours in disinfection, cleaning and safe work practices.

C. Minimum proof of training required to be eligible to take the esthetician examination includes 20 (twenty) credit hours in the following:

1. Seven credit hours in facials and skin care;

2. One credit hour in facial makeup;

3. Three credit hours in hair removal;

4. One credit hour in laws and rules;

5. One credit hour in management, ethics, interpersonal skills and salesmanship; and

6. Seven credit hours in disinfection, cleaning and safe work practices.

D. Minimum proof of training required to be eligible to take the hairstylist examination includes 40 (forty) credit hours in the following:

1. Two credit hours in shampooing, rinsing, and conditioning;

2. Eight credit hours in hair coloring;

3. Eight credit hours in haircutting;

4. Seven credit hours in hairstyling;

5. Four credit hours in chemical texture services;

6. One credit hour in laws and rules;

7. One credit hour in management, ethics, interpersonal skills and salesmanship; and

8. Nine credit hours in disinfection, cleaning and safe work practices.

E. Minimum proof of training required to be eligible to take the manicurist examination includes 20 (twenty) credit hours in the following:

1. Seven credit hours in manicuring and pedicuring;

2. Five credit hours in application of artificial nails;

3. One credit hour in laws and rules;

4. One credit hour in management, ethics, interpersonal skills and salesmanship; and

5. Six credit hours in disinfection, cleaning and safe work practices.

1.2 At least 75% of the credit hours in Rule 1.1 must be obtained by clinical instruction. The remaining percentage may be obtained by theory or lecture.

1.3 APPLICATION OF CREDIT HOURS FOR DIFFERENT TYPES OF LICENSES

A. Credit hours required and earned, for one type of license, may be applied towards the hours required for another type of license, if the credit hours to be applied have been earned from a school approved by the Colorado Division of Private Occupational Schools or Colorado Community Colleges System.

B. Credit hours will be applied according to Rule 1.3.A only if all of the minimum credit hours, in all of the subject areas for the license that is being sought have been completed. (e.g. A cosmetologist that is an applicant for the barber examination must furnish proof of having completed 2 credit hours in treatment of hair and scalp, 3 credit hours in facial massage and treatments, 3 credit hours in facial shaving, etc.)

C. In addition to earning the minimum credit hours required for each type of license, applicants for examination must earn and furnish proof of completion of at least 1 credit hour in a course pertaining to the laws and rules specific to the type of license being sought. (e.g. An applicant seeking a barber or cosmetologist license must complete 1 credit hour in a course that pertains to the laws and rules for barbers or 1 credit hour in a course that pertains to the laws and rules for cosmetologists).

1.4 EDUCATION OBTAINED OUTSIDE COLORADO

A. Applicants for examination who have graduated from a school located outside of Colorado must furnish certified proof of having completed the minimum credit hours, in all of the subject areas, as specified in Rule 1.1. If such training is reported in clock/contact hours, a ratio of 1 credit hour will be recognized per 30 clock hours.

B. Applicants for examination who have foreign education and training must have all of their education and training evaluated by a foreign evaluation agency. The agency will review the applicant's education and training, and recommend to the Director whether the applicant's education and training is substantially equivalent to the requirements specified in Rule 1.1.

1. The Director of the Division of Professions and Occupations (Director) will only accept evaluation reviews from organizations that are accredited by National Association of

Credential Evaluation Services (NACES) or Association of International Credential Evaluation, Inc. (AICE).

2. All expenses associated with obtaining an evaluation review are the responsibility of the applicant.
3. Failure to comply with the requirements for an evaluation review as specified in Rule 1.4 will result in the applicant being ineligible to sit for an examination.
4. At the Director's discretion, the recommendation made in the evaluation review may be accepted or refused, in total or in part.

1.5 EXAMINATION FREQUENCY

- A. A candidate for an examination will not be allowed to sit for more than 2 practical examinations in any 3 month period.
- B. A candidate for an examination will not be allowed to sit for more than 2 written examinations in any 3 month period.
- C. A candidate who fails the practical examination 4 times may be required by the Director to complete additional education courses prior to sitting for the examination again.
- D. A candidate who fails the written examination 4 times may be required by the Director to complete additional education courses prior to sitting for the examination again.

1.6 EXPIRATION OF EXAMINATIONS

- A. Practical examination results will expire and no longer be valid, for purposes of licensure and qualification to sit for the written examination, 2 years from the passage date of the examination.
- B. Written examination results will expire and no longer be valid, for purposes of licensure, 2 years from the passage date of the examination.

CHAPTER 2 – PROHIBITED EXAMINATION CONDUCT

The purpose of this chapter is to clarify conduct of an applicant for examination that is prohibited, may be regarded as “unprofessional or dishonest”, and could serve as grounds for denial or revocation of a license pursuant to §12-8-132(1)(f).

- 2.1 Conduct of an applicant before, during or after an examination that is prohibited and may be regarded as “unprofessional or dishonest conduct” includes, but is not limited to:
- A. Refusing or failing to fully and promptly comply with any rules, procedures, instructions, directions, or requests made or prescribed by the examination proctors;
 - B. Removing any of the examination materials from the examination room;
 - C. Reproducing or reconstructing any portion of the examination by copying, duplication, memorization, written notes or electronic recording, or any other method any portion of the licensing examination;
 - D. Selling, distributing, buying, receiving, obtaining, or unauthorized possession of a future, current, or previously administered licensing examination;
 - E. Communicating in any manner with any other examinee or persons, other than an examination proctor, during the administration of the examination;
 - F. Copying or obtaining answers from another examinee or permitting one's answers to be copied or obtained by another examinee during the administration of the examination;
 - G. Possession of, during the administration of an examination, any materials or objects other than the examination materials distributed, including, without limitation, any books, notes, recording devices, or other written, printed or recorded materials or data of any kind;
 - H. Attempting to or taking the examination while impersonating an examinee;
 - I. Permitting another person to appear for or attempt to or take the examination on an applicant's behalf and in an applicant's name; or
 - J. Engaging in any conduct that disrupts the examination.

CHAPTER 3 – LICENSURE BY ENDORSEMENT

The purpose of this chapter is to clarify the qualifications and procedures for applicants seeking licensure by endorsement pursuant to § 12-8-118, C.R.S.

3.1 LICENSURE VERIFICATION

- A. An applicant for licensure by endorsement must have verification of licenses sent directly to the Director from all states, territories or foreign jurisdictions in which the applicant has ever been licensed.
- B. Verifications of licensure must include a minimum of:
1. The jurisdiction of original licensure; and
 2. One active, valid license in good standing at the time of application to Colorado.
- C. An applicant for licensure by endorsement previously licensed in another state, territory, or foreign jurisdiction who does not hold an active license at the time of application, but has held an active license within five years immediately preceding the application receipt date meets the educational qualifications as required by § 12-8-114, C.R.S. and Rule 1.1. Pursuant to § 12-8-110, C.R.S. the applicant is required to take and pass the practical and written examinations. Verifications of licensure described in Rule 3.1.B are required.

3.2 SUBSTANTIAL EQUIVALENCE

- A. An applicant for licensure by endorsement will have substantially equivalent qualifications if the following requirements are met:
1. Proof of graduation from a barber or beauty school approved by the appropriate governmental agency responsible for approving such schools in that state, territory or foreign jurisdiction:
 - a. The training hours for the specific license type must be equal to or greater than the training hours specified in Chapter 1; or,
 - b. At least 67% of the training hours described in Chapter 1 and verifiable work experience for the additional percentage of the hours within 2 years of the application receipt date.

For example: An applicant by endorsement for a cosmetology license may be licensed if the applicant graduated from a school with 40 credit hours or 1,200 clock hours, provided the applicant can verify at least 800 hours of work experience in cosmetology within 2 years of the application receipt date;
 2. Proof of passage of a written examination administered by the appropriate licensing agency for that state, territory, or foreign jurisdiction;
 3. Proof of passage of a practical examination administered by the appropriate licensing agency for that state, territory, or foreign jurisdiction.

a. Completion of at least 1,000 hours of verifiable work experience for the type of license being sought, and the experience requirements specified in Rule 3.2.A.1 within 2 years immediately preceding the application receipt, is substantially equivalent to the passage of a practical examination.

B. An applicant holding a current license from another jurisdiction that does not meet the substantially equivalent requirements for licensure by endorsement in Colorado will be issued a license upon passage of Colorado's practical examination, written examination, or both. The examination(s) required will be assessed on a case by case basis by the Director.

C. Military Service

Education, training, or service gained in military service as outlined in §24-34-102(8.5), C.R.S. may be accepted and applied towards receiving a license, if it is determined by the Director to be substantially equivalent to the qualifications otherwise applicable at the time of receipt of the application. It is the applicant's responsibility to provide timely and complete evidence for review and consideration. Satisfactory evidence of such education, training, or service will be assessed on a case by case basis by the Director.

3.3 FOREIGN-TRAINING AND LICENSURE

A. An applicant for licensure by endorsement with foreign-training who holds an active license from a foreign jurisdiction must submit their qualifications and credentials to a foreign evaluation agency.

1. Credential reviews will only be accepted from organizations accredited by NACES or AICE.
2. All expenses associated with a credential review are the sole responsibility of the applicant.
3. Failure to have a credentials review completed will result in an incomplete application.
4. At the Director's discretion a credential review may not be accepted.

3.4 CLEANING AND DISINFECTION REQUIREMENTS

An applicant who is approved for licensure by endorsement must complete the Cleaning and Disinfection class provided by the Office of Barber and Cosmetology ("the Office") Licensure within six months from the date their license is issued.

CHAPTER 4 – LICENSE MAINTENANCE AND REINSTATEMENT REQUIREMENTS

The purpose of this rule is to clarify the general requirements of maintaining a license including the requirements to renew, or reinstate a license pursuant to § 12-8-115, C.R.S., § 24-34-102(8)(d)(II) & (10), C.R.S., and § 24-34-105, C.R.S.

4.1 LICENSE MAINTENANCE REQUIREMENTS

A. Licensee Address and Name Changes

1. All licensees must notify the Director of any name, address, telephone, or email change within 30 days of the change in a manner prescribed by the Director. The Director will not change the licensee's information without written notification of the change.
2. One of the following forms of documentation is necessary to change a name or correct a social security number:
 - a. Marriage license;
 - b. Divorce decree;
 - c. Court order; or
 - d. A driver's license or social security card with a second form of identification may be acceptable at the discretion of the Director.

B. Renewal Notices to Licensees

1. Pursuant to Section 24-34-102(8), C.R.S. the Director may send notices for renewal of licenses according to a schedule established and in a manner approved by the Director to the last address or email address furnished to the Office. There is a 60 day grace period from the expiration date of the license within which to pay the renewal fee, plus a late fee.
2. Failure to receive a renewal notice does not relieve the licensee of the obligation to pay the renewal fee and to submit appropriate documentation in support of the renewal application.

4.2 REPORTING CONVICTIONS, JUDGMENTS AND ADMINISTRATIVE PROCEEDINGS FOR LICENSEES

A. All licensees must notify the director within 45 days of any of the following events:

1. The licensee's conviction of a felony under the laws of any state, territory, or foreign jurisdiction, that would be grounds for discipline under § 12-8-132, C.R.S. A guilty verdict, plea of guilty, or plea of nolo contendere (no contest) accepted by the court is considered a conviction;
2. A disciplinary action imposed upon the licensee by another state, territory, or foreign jurisdiction that licenses barbers, cosmetologists, manicurists, estheticians, or hairstylists, that would be grounds for discipline under § 12-8-132, C.R.S., including, but not limited

to, a citation, sanction, probation, civil penalty, or a denial, suspension, revocation, or modification of a license whether it is imposed by consent decree, order, or other decision, for any cause other than failure to pay a license fee by the due date;

3. Revocation or suspension of a license by another state, municipality, federal or state agency that oversees licensing barbers, cosmetologists, manicurists, estheticians, or hairstylists;

4. Any judgment, award or settlement of a civil action or arbitration in which there was a final judgment or settlement against the licensee related to the practice of barbering, cosmetology, manicuring, esthetics, or hairstyling.

B. The notice to the Director must include the following information:

1. If the event is an action by a governmental agency, the name of the agency, its jurisdiction, the case name, the docket, proceeding or case number by which the event is designated, and a copy of the consent decree, order or decision;

2. If the event is a felony conviction, the court, its jurisdiction, the case name, the case number, a description of the matter or a copy of the indictment or charges, and any plea or verdict entered by the court. The licensee must also provide to the Director a copy of the imposition of sentence related to the felony conviction and the completion of all terms of the sentence within 45 days of such action;

3. If the event concerns a civil action or arbitration proceeding, the court or arbiter, the jurisdiction, the case name, the case number, a description of the matter or a copy of the complaint, copy of the verdict, the court or arbitration decision, or, if settled, the settlement agreement and court's order of dismissal;

C. The licensee notifying the Director may submit a written statement with the notice to be included with the licensee records.

4.3 LICENSE REINSTATEMENT REQUIREMENTS

A. An applicant seeking reinstatement of an expired license must complete a reinstatement application and pay all applicable fees.

B. An applicant seeking reinstatement of a license that has been expired for more than two years, but less than five years, must establish "competency to practice" under § 24-34-102(8)(d)(II)(A) & (D), C.R.S., by submitting the following:

1. Written attestation of 400 hours of work experience in the field of practice within 2 years immediately preceding the application receipt date.

a. An applicant seeking reinstatement who actively practiced in Colorado on an expired license in violation of § 12-8-120, C.R.S., is subject to denial of the application, disciplinary action, and/or other penalties.

b. Work experience submitted from another state, territory, or foreign jurisdiction will only be considered if the applicant was actively licensed during the same period the experience was gained.

2. Verification of active licensure from another state, territory, or foreign jurisdiction in which the applicant has been actively practicing within 2 years immediately preceding the application receipt date. The licensure from another state, territory, or foreign jurisdiction must be current and not expired more than 6 months immediately prior to the application receipt date.

3. An applicant who cannot provide proof of work experience, or verification of licensure from another state, territory or foreign jurisdiction is required to pass the written examination used for initial licensure under § 12-8-110, C.R.S., in order to reinstate the expired license.

C. An applicant seeking reinstatement of a license that has been expired more than 5 years, but less than 10 years, must establish "competency to practice" under § 24-34-102(8)(d)(II)(A) & (D), C.R.S., by submitting the following:

1. Verification of active licensure from another state or jurisdiction in which the applicant has been actively practicing within 2 years immediately preceding the application receipt date. The licensure from another state, territory or foreign jurisdiction must be current and not have expired more than 6 months immediately prior to the application receipt date.

a. An applicant who cannot provide verification of licensure and active practice is required to pass the written examination used for initial licensure under § 12-8-110, C.R.S.

2. Proof of completing the Cleaning and Disinfection class provided by the Office within 6 months prior to the application receipt date.

D. An applicant seeking reinstatement of a license that has been expired more than 10 years must establish "competency to practice" under § 24-34-102(8)(d)(II)(A) & (D), C.R.S., by submitting the following:

1. Verification of active licensure from another state, territory or foreign jurisdiction in which the applicant has been actively practicing within 2 years immediately preceding the application receipt date. The licensure from another state, territory, or foreign jurisdiction must be current and not have expired more than 6 months immediately prior to the application receipt date.

a. An applicant who cannot provide verification of licensure and active practice is required to pass the practical and written examinations used for initial licensure under § 12-8-110, C.R.S.

2. Proof of completing the Cleaning and Disinfection class provided by the Office within 6 months immediately preceding the application receipt date.

CHAPTER 5 – REGISTRATION OF PLACES OF BUSINESS

The purpose of this chapter is to clarify the requirements pertaining to the registration for places of business as required in § 12-8-103(12), 12-8-107(i) and 12-8-108(d) and (e), C.R.S.

5.1 BUSINESS REGISTRATION REQUIRED

- A. Pursuant to 12-8-107, C.R.S. of the Practice Act (“the Act”) the Director shall keep a register of places of business where one or more persons engage in the practice of barbering, esthetic services, cosmetology, hairstyling, or manicuring, and customers go to that location to receive those services. Private Occupational Barber, Beauty and Cosmetology Schools and Colleges are regarded as places of business subject to registration.
- B. All places of business required to register are those defined in § 12-8-103(13), as well as barber, beauty, and cosmetology schools, but does not include:
1. Free-lance shop operators; and
 2. Independent contractors.
- ~~Booth renters.~~ C. Businesses that are required to register include businesses that offer barbering, esthetic, cosmetology, hairstyling, or manicuring services even if these services are provided at a location on an interim, irregular, seasonal, temporary, or transitional basis.
- D. When a place of business closes, the registrant must notify the Office in writing within 5 days of the closure of the business.
- E. Businesses providing barbering, esthetic, cosmetology, hairstyling, or manicuring services without a registration shall be deemed a violation of the Act and may be subject to disciplinary action and/or other penalties as authorized in §12-8-132, C.R.S.

5.2 REGISTRATION APPLICATION REQUIREMENTS

- A. An applicant for original registration must include a minimum of the following:
1. A completed application for registration on forms and in the manner prescribed by the Director;
 2. Payment of the application fee established by the Director pursuant to §12-8-116, C.R.S.;
 3. The name and contact information of the business owner;
 4. The physical address for the location of the business;
 5. The number and types of work stations at the business;
 6. A current email address for the business or a letter explaining why an email address cannot be provided; and

7. The registered name and all "Doing Business As" (DBA) names and a signed attestation that the business entity is registered with the Secretary of State and is in good standing.

B. An application to change the registration to a new owner must be submitted within 30-days of the effective date of the change. The application must be submitted on forms and in the manner prescribed by the Director and must provide complete information about the application for original registration. The application to change the registration to a new owner must be signed by both the original owner and the incoming owner.

C. An application to change the name of a registered business shall be submitted within 30-days of the effective date of the change. The application shall be submitted on forms and in the manner prescribed by the Director and must be signed by the owner. Such name change shall also include an attestation that the name change has been filed with the Secretary of State and is in good standing.

5.3 REGISTRATION REINSTATEMENT REQUIREMENTS

A. An applicant seeking reinstatement of an expired registration shall complete a reinstatement application and pay all applicable renewal and reinstatement fees.

B. A registration applicant for reinstatement who has provided barbering, esthetic, cosmetology, hairstyling or manicuring services when a registration was expired, is subject to denial of application, disciplinary action, and/or other penalties as authorized in the Practice Act at § 12-8-101 *et seq.*, C.R.S., and in accordance with § 24-34-102 *et seq.*, C.R.S.

5.4 GENERAL REQUIREMENTS FOR REGISTERED BUSINESSES

A. All registrations for places of business issued by the Office shall be conspicuously displayed in the place of business.

B. All places of business and licensees that provide barbering, esthetic, cosmetology, hairstyling, or manicuring services shall comply with health, safety, cleaning and disinfection requirements set forth in these rules, the Barbers and Cosmetologists Practice Act at § 12-8-101 *et seq.*, C.R.S.

C. It is the responsibility of registered business owners to assure that all persons providing barbering, esthetic, cosmetology, hairstyling, and manicuring services hold current, valid Colorado licenses to practice such services, and that all licensees providing services in the shop or salon comply with the Colorado Barbers and Cosmetologists Practice Act, § 12-8-101 *et seq.*, C.R.S., and the Director's Rules.

D. It is the responsibility of registered business owners to assure that licensees do not attempt to perform any service outside the scope of the licensee's practice. Possession or storage of any item deemed outside a licensee's scope of practice shall be considered *prima facie* evidence of use.

E. It is the responsibility of registered business owner to assure licensees do not use any product or supply that has been banned, deemed to be poisonous, unsafe for use in the barbering and cosmetology industry, or is not approved by the United States Food and Drug Administration (FDA) or other local, state or federal governmental agencies responsible for making such

determinations. Possession or storage of any item deemed poisonous, unsafe, or banned by the FDA or other governmental agency shall be considered *prima facie* evidence of use.

F. Material Safety Data Sheets (MSDS) relative to product ingredients, proper use, storage, disposal, and potential hazards for products in use at places of businesses that endanger the public or have the potential to endanger the public shall be kept on the premises and immediately available upon need or request.

G. All work areas in a place of business must be kept clean and free from accumulated hair, dust, and other debris.

H. All places of business must have a first aid kit on the premises available for use that contains, at a minimum, bandages, gauze, and antiseptic.

I. A Colorado-licensed barber, esthetician, cosmetologist, hairstylist, or manicurist s prohibited from providing services at a place of business that is not registered with the Office.

CHAPTER 6 – PROPER CLEANING, DISINFECTION, AND STORAGE

Pursuant to §12-8-108(1)(c), C.R.S., the purpose of this chapter is to clarify the required procedures for safe and effective cleaning, disinfection, and storage practices within the profession that are necessary to protect the public's health, safety and welfare.

6.1 DEFINITIONS

- A. Cleaning – means to physically remove all visible debris.
- B. Disinfection – means the use of chemicals that destroy pathogens on implements and other non-living surfaces that renders an item safe for handling, use, and disposal.
- C. Multi-Use Item – means a piece of equipment, implement, or material constructed of hard non-porous materials with smooth surfaces such as metal, glass, plastic, or cloth towels and linens capable of being laundered. Multi-use Items may include, but are not limited to: metal and hard plastic nail pushers; non-porous and plastic nail files; cuticle nippers; tweezers; nail and dusting brushes; fingernail clippers; electric file diamond, carbide, natural, and metal bits; metal and plastic spatulas; callus files; haircutting and thinning shears; straight razors and razor shapers; clippers and edgers; sectioning clips; rods and rollers; combs, brushes, and picks; tweezers, eyebrow and makeup brushes; and comedone extractors.
- D. Office – means the Colorado Office of Barber and Cosmetology Licensure.
- E. Sanitation – means the same as cleaning defined in Rule 6.A.
- F. Single Application Item – means a piece of equipment, implement or material constructed of paper, wood, or other porous material that is intended for a single application.
- G. Single-Use Item – means a piece of equipment, implement, or material constructed of paper, wood, or other porous material intended for only one client service. Single-use items may include, but are not limited to: orangewood sticks; cotton balls; nail wipes; tissues; paper towels; emery boards or porous nail files; buffer blocks; disposable gloves; electric file sanders, arbor bands, and sleeves; pumice stones; and other porous materials.
- H. Universal precautions - means an approach to infection control to treat all human blood and certain human body fluids as if they are known to be infectious for HIV, HPV and other bloodborne pathogens.
1. Universal precautions apply to: blood, non-intact skin, mucous membranes, and all body fluids, secretions, and excretions (except sweat) regardless of whether or not they contain visible blood.
 2. Universal precautions include the utilization of hand washing and appropriate personal protective equipment such as gloves, gowns, masks whenever touching or exposure to blood and/or body fluids is anticipated.

6.2 GENERAL REQUIREMENTS

- A. All places of business and licensees must ensure that Material Safety Data Sheets (MSDS) that pertain to product ingredients, proper use, storage, disposal and potential hazards for products used that could endanger the public must be kept on the business premise and readily available upon request.
- B. All places of business and licensees must utilize clean and disinfected equipment, tools, implements, and supplies as described in Rule 6.C. All places of business and licensees must ensure that clean and disinfected implements and materials are available prior to performing any barber, esthetic, cosmetology, hairstyling or manicuring service on a client.
- C. All places of business must clean and disinfect common work areas and equipment on a daily basis.
- D. Soiled or contaminated tools, implements, supplies, and other items used in the delivery of barber, cosmetology, esthetician, hairstyling or manicuring services must be cleaned and disinfected prior to use on a client, and at the end of each day.
- E. If the client has a communicable disease, contagious condition, skin or nail tissue that is inflamed, infected, broken, raised or swollen or if there is an open wound or sore present a licensee is prohibited from performing services on the affected area or if the service to be performed may have an adverse effect to the client's condition. A licensee may perform services after the client provides written authorization from a licensed physician or other health care professional.
- F. A licensee must wash their hands according to commonly accepted professional standards prior to performing any barbering, esthetic, cosmetology, hairstyling, or manicuring service.
- G. The licensee must ensure prior to performing services on a client's hands or feet that the client's hands or feet are washed with soap and water or a waterless sanitizer.
- H. A licensee that provides esthetic services must clean the client's skin surface with an appropriate cleanser prior to performing an esthetic service.
- I. After use on a client, disposable lancets, disposable razors, and other disposable sharp objects must be disposed of in a puncture resistant container marked with a biohazard symbol. Once the container is full it must be sent to a collection site for proper disposal.
- J. Creams, cosmetics, astringents, lotions, removers, waxes, paraffin wax, moisturizers, masks, oils and all other such products that become contaminated must be immediately discarded.
- K. Permitted procedures that may be used to avoid cross contamination include:
1. Placing the amount of product needed to perform a single service into another container and then disposing of any remaining product after service is completed;
 2. Using a single-use disposable implement to remove the product from the container and disposing of such implement after application of the product on the client;

3. Using a clean applicator bottle to apply product; or

4. Any other procedure that ensures that cross-contamination does not occur.

L. After services are performed a licensee must clean all used work surfaces and areas, including but not limited to floors, tables, chairs, esthetic beds, manicuring tables, mats, or cushions.

6.3 MINIMUM STORAGE STANDARDS

A. All containers must be properly labeled with the contents and if applicable the date mixed.

B. All products must be properly and safely stored in covered containers according to manufacturer instructions and away from open flames.

C. All containers that store poisonous or caustic substances must be distinctly marked as poisonous and/or caustic and must be stored in areas not open to the public and according to manufacturer instructions.

D. When not in use, all clean and disinfected implements and materials used in the performance of barber, cosmetology, esthetic, hairstyling, or manicure services must be stored in a clean dry container or other clean manner, labeled as clean and/or disinfected, and stored away from contaminated and/or soiled implements and materials.

E. Soiled or contaminated tools, implements, supplies, and all other items used in the performance of barber, cosmetology, esthetic, hairstyling, or manicure services must be stored in a container that is labeled as contaminated and/or soiled and kept separate from clean items.

6.4 PROPER PROCEDURE FOR SINGLE-USE ITEMS

A. After performing a barber, cosmetology, esthetic, hairstyling, or manicuring service all single-use items must be properly disposed of.

6.5 PROPER PROCEDURES FOR MULTI-USE ITEMS

A. After each use all multi-use items must be replaced with new, clean and disinfected, or laundered items.

B. All multi-use items must be cleaned by one or more of the following methods:

1. Washing with detergent, or antiseptic; or

2. Laundering in washing machine or dishwasher with detergent. Laundered items must be dried in a machine dryer. Items that may be laundered include, but are not limited to linens, cloth towels, toe separators, pedicure slippers and electric file chamois; or

3. An ultrasonic cleaner; or

4. A solvent; or

5. Any other procedure that ensures the multi-use item is clean as defined in Rule 6.1.

C. Once cleaned all multi-use items must be disinfected. Approved disinfectants include the following:

1. Environmental Protection Agency (EPA)-registered disinfectants that are used according to manufacturer instructions;
2. Bleach solution mixed daily at a minimum standard of ¼ cup of bleach per gallon of water with a contact time of 10 minutes.

D. Approved disinfecting methods include the following:

1. Immersing the entire item, implement, or surface in disinfectant for 10 minutes or according to manufacturer instructions; or
2. Spraying the entire item, implement, or surface with disinfectant to stay moist for 10 minutes or according to manufacturer instructions.

E. Laundered items when cleaned as described above do not require separate disinfection.

6.6 PROPER CLEANING AND DISINFECTION FOR ELECTRICAL OR NON-IMMERSABLE IMPLEMENTS

A. Electrical or other non-immersable implements include but are not limited to clippers, trimmers, files, shears, wax pots, and heated styling equipment. These implements should not be immersed in liquid and must be:

1. Properly cleaned as described in Rule 6.5.B; and
2. After cleaning, implements must be disinfected as described in Rule 6.5.D.

6.7 CLEANING AND DISINFECTION OF PEDICURE EQUIPMENT

A. All pedicure equipment including whirlpool units, air-jetted basins, pipeless units, non-whirlpool basins, sinks, bowls, and tubs must be properly cleaned and disinfected according to the following procedures.

B. Immediately after each service the following 5 steps must be completed:

1. Drain all water from the pedicure equipment;
2. Clean all surfaces and walls of the pedicure equipment with soap or detergent and ensure removal of all visible debris, oils, and product residue;
3. Rinse the pedicure equipment with clean water;
4. Disinfect by spraying all surfaces of the pedicure equipment with a disinfectant as described in Rule 6.5.D;
5. Wipe the pedicure equipment dry with a clean towel.

C. After the last client of each day the following 12 steps must be completed:

1. Drain all water from the pedicure equipment;

2. Remove the screen and any other removable parts;

3. Remove all visible debris, oil and product residue with soap or detergent from the following:

a. behind the screen;

b. the inlet;

c. the screen;

d. all removable parts; and

e. all surfaces and walls of the pedicure equipment;

4. Rinse the pedicure equipment with clean water;

5. Wipe the pedicure equipment dry with a clean towel;

6. After replacing the screen and any other removable parts, flush the spa system with low-suds soap or a chelating detergent in warm water for 5 minutes;

7. Drain the soapy solution;

8. Rinse the pedicure equipment with clean water a second time;

9. Refill the pedicure equipment with clean water and circulate with disinfectant as described in Rule 6.5.C;

10. Drain, rinse, and wipe the pedicure equipment with a clean towel;

11. Record the date and time of each cleaning and disinfecting process; and

12. The record of cleaning and disinfection for each pedicure station must be kept for a minimum of 30 days. This record must be accessible and available upon client or inspector request.

6.8 CLEANING AND DISINFECTION FOR CONTACT WITH BLOOD OR BODY FLUID

A. When blood and/or body fluid comes in direct contact with a surface area including but not limited to a table, chair, or the floor, an approved disinfection method as provided in Rule 6.5.D must be used to remove all blood and/or body fluid. Universal Precautions must be utilized when cleaning surface areas contaminated with blood and/or body fluids.

B. When bleeding occurs:

1. A styptic with a disposable applicator must be used to stop the bleeding.

2. Any multi-use instrument that comes in contact with blood or body fluid must be immediately cleaned and properly disinfected as described in Rule 6.5.C and D.

3. Any single-use instrument that comes in contact with blood or body fluid must be immediately double-bagged and discarded in a closed trash container or biohazard container.

CHAPTER 7 – SCOPE OF PRACTICE

The purpose of chapter 7 is to clarify scopes of practice for barbers, hairstylists, manicurists, estheticians, and cosmetologists pursuant to §12-8-103(2), (9), (9.4), (9.7) and (10.5), C.R.S.

7.1 PROHIBITED ACTS FOR BARBERS, HAIRSTYLISTS, MANICURISTS, ESTHETICIANS, AND COSMETOLOGISTS

- A. Barbers, cosmetologist, estheticians, hairstylists and manicurists are prohibited from performing a service and/or using an implement, device or product, or combination of same that penetrates or in any way affects a client's skin that is beyond the stratum corneum.
- B. Barbers, cosmetologist, estheticians, hairstylists and manicurists are prohibited from performing a service and/or using any implement, device or product, or combination of the same including but not limited to mechanical or electrical devices, lasers (including Intense Pulse Light or Light Emitting Diode), scalpels, knives or razors that may change the function or structure of a client's body or skin (e.g. removal of corn, callus, skin tags, spider veins).
- C. Barbers, cosmetologist, estheticians, hairstylists and manicurists are prohibited from using a cosmetic product with a pH lower than 2.5.
- D. Barbers, cosmetologist, estheticians, hairstylists and manicurists are prohibited from using the following:
1. Retinoids; or
 2. Carboic acid (phenol); or
 3. Retinoids, carboic acid, or combinations of products that exceed the stated maximum levels; or
 4. Any adulterated chemical exfoliating/peeling substances; or
 5. Any device or machine listed as Class II, III, and IV medical devices by the Federal Drug Administration (FDA) including, but not limited to lasers, ultrasound, blue LED light, and intense pulse light therapy; or
 6. Devices and machines listed as Class I medical devices by the FDA for any purpose or procedure other than for which the Class I listing by the FDA is intended (i.e. epilator devices identified by the FDA as Class I devices for hair removal must not be used by a licensee for any purpose other than the removal of hair); or
 7. Methyl Methacrylate Liquid Monomers, (MMA).
- E. Possession or storage of devices, substances, and products that are prohibited and described in Rule 7.1 will be considered *prima facie* evidence of use.

7.2 SCOPE OF PRACTICE FOR BARBERING

A. The scope of practice for barbering includes but is not limited to the following services:

1. applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the face, neck or shoulders;
2. applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp;
3. cleansing hair;
4. coloring or bleaching hair;
5. cutting hair;
6. arranging or styling hair;
7. trimming a beard or mustache;
8. scalp treatments with massage;
9. waving/straightening hair;
10. massaging face, neck and shoulders,
11. shaving the face.

B. The scope of practice for barbering does not include providing any of the following services:

1. applying eyelashes, lash extensions, or make-up;
2. beautification or skin care for arms, bust, face, neck or torso;
3. facials;
4. removing superfluous hair with wax depilatories or tweezers;
5. manicures/pedicures;
6. hand, arm, leg or foot massage;
7. application of artificial nails, cleansing, filing, polishing, or applying product or enhancement to nails.

7.3 SCOPE OF PRACTICE FOR HAIRSTYLIST

A. The scope of practice for hairstylist includes but is not limited to the following services:

1. applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp;
2. cleansing hair;

3. coloring or bleaching hair;

4. cutting hair;

5. arranging or styling the hair;

6. scalp treatments with massage;

7. waving and/or straightening the hair;

B. The scope of practice for hairstylist does not include providing any of the following services:

1. applying eyelashes, lash extensions, or make-up;

2. beautification or skin care for arms, bust, face, neck or torso;

3. facials;

4. removing superfluous hair with wax depilatories or tweezers;

5. applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the face, neck, or shoulders;

6. trimming a beard or moustache;

7. massaging face, neck, shoulders, leg or foot;

8. manicures/pedicures;

9. application of artificial nails, cleansing, filing, polishing, applying product or enhancement to the nails;

10. shaving the face.

7.4 SCOPE OF PRACTICE FOR MANICURIST

A. The scope of practice for manicurist includes but is not limited to the following services:

1. manicures/pedicures;

2. arm, hand, leg or foot massage;

3. cleansing, filing, polishing, or applying product or enhancement to fingernails or toenails.

B. The scope of practice for manicurist does not include providing any of the following services:

1. applying eyelashes, lash extensions, or make-up;

2. beautification or skin care for arms, bust, face, neck or torso;

3. facials;

4. removing superfluous hair with wax depilatories or tweezers;

5. applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the face, neck, shoulders or scalp;

6. cleansing, coloring, bleaching, cutting, arranging, styling, waving or straightening hair;

7. arranging or styling the hair;

8. trimming a beard or moustache;

9. scalp treatments with massage;

10. massaging the face, neck, shoulders;

11. shaving the face;

C. MANICURIST – ADVANCED SCOPE OF PRACTICE

1. Upon successful completion of the training requirements described in Chapter 8 the scope of practice for a manicurist may be expanded to include:

2. Use of electric files for natural nail services, filing, maintenance, and removal of artificial enhancement products, and pedicure services.

3. Hair removal to a client's leg up to the knee, and the arm up to the elbow, by the use of soft and hard waxes, sugar, depilatories, and tweezers.

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7.5 SCOPE OF PRACTICE FOR ESTHETICIAN

A. The scope of practice for an esthetician includes but is not limited to the following services:

1. applying eyelashes, lash extensions, or make-up;

2. beautification or skin care for arms, bust, face, neck or torso;

3. facials;

4. removing superfluous hair with wax depilatories or tweezers;

5. applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the face, neck or shoulders;

6. massaging face, neck or shoulders;

B. The scope of practice for an esthetician does not include providing any of the following services:

1. applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp;

2. cleansing, coloring, bleaching, cutting, arranging, styling, waiving or straightening hair;

3. trimming a beard or moustache;

4. scalp treatments with massage;

5. manicures/pedicures;

6. arm, hand, leg or foot massage;

7. application of artificial nails, cleansing, filing, polishing, or applying product or enhancement to the nails;

8. shaving the face.

C. ESTHETICIAN – ADVANCED SCOPE OF PRACTICE

1. Upon successful completion of the training requirements described in Chapter 8 the scope of practice for an esthetician may be expanded to include independent use of cosmetic resurfacing exfoliating substances and equipment.

2. Chapter 8 is not applicable to cosmetologists and estheticians working under the direction and supervision of a Colorado-licensed physician. This type of practice may be considered the delegated practice of medicine and subject to the Medical Practice Act, § 12-36-101 et seq., C.R.S., and the associated rules and regulations as promulgated by the Colorado Board of Medical Examiners.

7.6 SCOPE OF PRACTICE FOR COSMETOLOGIST

A. The scope of practice for cosmetology includes but is not limited to the following services:

1. applying eyelashes, lash extensions, or make-up;

2. beautification and skin care for arms, bust, face, neck or torso;

3. facials;

4. removing superfluous hair with wax depilatories or tweezers;

5. applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the face, neck or shoulders;

6. applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp;

7. cleansing hair;

8. coloring or bleaching hair;

9. cutting hair;

10. arranging or styling hair;

11. waiving or straightening hair;

12. trimming a beard or moustache;

13. scalp treatments with massage;

14. massaging face, neck or shoulders;

15. manicures/pedicures;

16. arm, hand, leg or foot massage;

17. application of artificial nails;

18. cleansing, filing, polishing, or applying produce or enhancement to the nails.

B. The scope of practice for cosmetology does not include providing any of the following services:

1. shaving the face.

C. COSMETOLOGIST– ADVANCED SCOPE OF PRACTICE

1. Upon successful completion of the training requirements described in Chapter 8 the scope of practice for a cosmetologist may be expanded to include independent use cosmetic resurfacing exfoliating substances and equipment as defined.

2. This Chapter 8 is not applicable to cosmetologists and estheticians working under the direction and supervision of a Colorado-licensed physician. Such practice may be considered the delegated practice of medicine and subject to the Medical Practice Act, § 12-36-101 et seq., C.R.S., and the associated Rules and Regulations as promulgated by the Colorado Board of Medical Examiners.

CHAPTER 8 – PROPER USE OF CHEMICAL RESURFACING EXFOLIATING PROCEDURES

Pursuant to §12-8-108(1)(c), C.R.S., the purpose of Chapter 8 is to clarify the approved substances that may be used for chemical and manual resurfacing exfoliation, and the training that must be completed before a cosmetologist, esthetician, or manicurist may perform advanced practice services.

8.1 CHEMICAL RESURFACING EXFOLIATION REQUIREMENTS FOR ESTHETICIANS AND COSMETOLOGISTS

A. Definitions

1. Chemical Resurfacing Exfoliation means the process of removing the dead cell layer (stratum corneum) of the skin by use of resurfacing exfoliating substances.
2. "Resurfacing Exfoliating Substances" are the substances used in chemical resurfacing exfoliation.

B. Chemical resurfacing exfoliation may be performed only by cosmetologist and estheticians who have completed advanced training in chemical resurfacing exfoliation as described in Rule 8.E.

C. Approved resurfacing exfoliating substances that may be used by cosmetologists and estheticians who have completed advanced training in chemical resurfacing exfoliation include the following substances (these substances may have a pH not stronger than 2.5 as indicated on the Material Safety Data Sheet (MSDS):

1. Alpha hydroxy acid (AHAs which includes glycolic, tartaric, malic, or lactic acids); or
2. Beta hydroxy acid (BHAs which include salicylic acid); or
3. Trichloroacetic Acid (TCA); or
4. Jessner's solutions; or
5. Resorcinol; or
6. Proteolytic enzymes (such as papain and bromelain) when used with an accelerator.

(Battery acid has a pH of 0, vinegar has a pH of 3, and pure water has a pH of 7)

D. Prohibited resurfacing exfoliating substances that may not be used regardless of whether the cosmetologist or esthetician has completed advanced training in chemical resurfacing exfoliation include the following:

1. Retinoids;
2. Carboic acid (phenol);
3. Products mixed by the licensee or other person that do not have a manufacturer MSDS; and

4. All adulterated chemical exfoliating/peeling substances.

E. Training Requirements for chemical resurfacing exfoliation:

1. Completion of 24 hours of cosmeceutical coursework is required before cosmetologists and estheticians may perform chemical resurfacing exfoliation.

2. The 24 hours of training in Rule 8.1.E.1 must include the following:

a. Eight hours of skin analysis, conditions, contraindications, and aftercare; and

b. Eight hours of product ingredients of chemical resurfacing exfoliation substances; and

c. Eight hours of chemical peel treatment procedures and treatment of reactions.

F. The training required in Rule 8.1.E.1 must be completed at a school approved by:

1. Colorado Division of Private Occupational Schools (DPOS);

2. Colorado Community Colleges System (CCCS);

G. A cosmetologist or esthetician who is licensed by endorsement after January 1, 2013 and who has completed chemical resurfacing exfoliation training at a substantially equivalent program to that of DPOS and CCCS, as determined by the Director, may meet the training requirements necessary to perform chemical resurfacing exfoliation. Complete documentation that supports the cosmetologist's or esthetician's chemical resurfacing exfoliation training must be submitted with the endorsement application.

H. Manufacturer training in chemical resurfacing exfoliation that was taken prior to March 31, 2004 will be credited towards the 24 hours of training required in Chapter 8 only if the cosmetologist or esthetician can provide written documentation of the manufacturer training. After April 1, 2004, all training must be obtained and completed at a program approved by DPOS or CCCS.

I. Upon request by the Director, a cosmetologist or esthetician must supply written documentation that confirms the licensee has completed the required training in chemical resurfacing exfoliation. A "Record of Completion Form" issued by an approved school, and that contains the school's official seal, will constitute sufficient documentation. Failure to provide the requisite written documentation is a violation of this rule, and may be used as evidence that the cosmetologist or esthetician is not qualified to provide chemical resurfacing exfoliation.

8.2 MANUAL RESURFACING EXFOLIATING REQUIREMENTS FOR ESTHETICIANS AND COSMETOLOGISTS

A. Definitions

1. Manual Resurfacing Exfoliation means the removal of the dead cell layer (stratum corneum) of the skin by use of devices and machines listed as Class I medical devices with the U.S. Food and Drug Administration (FDA) including, but not limited to microdermabrasion equipment, and certain red LED light.

2. The Class I medical device may only be used as intended use, as labeled by the FDA, and in accordance with the Act and these Rules.

3. Manual Resurfacing Exfoliation does not include:

a. The use of any medical device listed as Class II, Class III, or Class IV with the FDA; or

b. Any type of cutting or use of electricity; or

c. Any other means to remove warts, skin tags, or skin imperfections below the dead cell layer of the skin.

B. Training Requirements for manual resurfacing exfoliation:

1. Prior to performing manual resurfacing exfoliation a cosmetologist or esthetician must complete the following coursework:

a. Fourteen hours of coursework in microdermabrasion or manual resurfacing exfoliation; and

b. Two hours of microexfoliation courses; and

c. Two hours of treatment procedures for each form or type of manual resurfacing exfoliation (e.g. microdermabrasion, or dermaplaning).

2. The 14 hours of coursework required in Rule 8.2.B must include the following:

a. One hour of skin; and

b. One hour of skin type and conditions; and

c. Two hours of microexfoliation; and

d. Five (5) hours of treatment procedures; and

e. Two hours of cleaning, disinfection, sterilization and safety; and

f. One hour of law and rules; and

g. One hour of salesmanship; and

h. One hour of occupational safety and health.

C. The requisite training described in Rule 8.2.B.1 must be completed at a school approved by:

1. Colorado Division of Private Occupational Schools (DPOS); or

2. Colorado Community Colleges System (CCCS);

D. A cosmetologist or esthetician who is licensed by endorsement after January 1, 2013, and who has completed manual resurfacing exfoliation training at a substantially equivalent program to that of DPOS and CCCS, as determined by the Director, may meet the training requirements necessary to perform manual resurfacing exfoliation. Complete documentation that supports the cosmetologist's or esthetician's manual resurfacing exfoliation training must be submitted with the endorsement application.

E. A licensed cosmetologist or esthetician who has not completed the training requirements described in Rule 8.2.B.1 is prohibited from using or performing any manual resurfacing exfoliating devices or procedures.

F. Upon request by the Director, a cosmetologist or esthetician must supply written documentation that confirms the licensee has completed the required training in manual resurfacing exfoliation. A "Record of Completion Form" issued by an approved school and that contains the school's official seal, will constitute sufficient documentation. Failure to provide the requisite written documentation is a violation of this rule, and may be used as evidence that the cosmetologist or esthetician is not qualified to provide manual resurfacing exfoliation.

8.3 REQUIREMENTS FOR PERFORMING CHEMICAL OR MANUAL RESURFACING EXFOLIATING PROCEDURES

A. Chemical and/or manual resurfacing exfoliation can only be provided at places of business that are registered with the Office

B. Strict adherence to the cleaning and disinfection rules as described in Chapter 6 is required when providing a chemical and/or manual resurfacing exfoliation.

C. In addition to the requirements with respect to client consultation in Chapter 6, specifically Rule 6.2.F prior to providing any procedures related to cosmetic resurfacing and/or exfoliating, cosmetologists and estheticians must inform each client of the following:

1. Receiving a chemical and/or manual resurfacing exfoliation procedure may increase the client's susceptibility to adverse reactions as a result of the procedure when a client:

a. is currently under physician care/treatment;

b. has HSV (cold sores) predisposition;

c. is currently pregnant;

d. has a history of cosmetic related irritant/allergic reaction; or

e. the client's frequency of sun exposure or tanning bed use;

f. the client's use of topical and/or oral medications such as tretinoin (a.k.a., Retin-A, Renova), isotretinoin (a.k.a. Accutane);

g. the client's previous facial plastic/reconstructive surgery.

D. Prior to providing a chemical and/or manual resurfacing exfoliation service, cosmetologist and estheticians must inspect the client's skin for all of the following conditions:

1. the degree of sebaceous activity (skin oiliness);

2. acne;

3. telangiectasias (broken capillaries);

4. degree of photodamage;

5. sunburn, chemical or thermal burns; and

6. apparent skin irritation or sensitivity.

E. At the conclusion of any chemical or manual resurfacing exfoliation service, and before the client is discharged Ultraviolet A/Ultraviolet B Sun Protection Factor (UVA/UVB SPF) 15 or higher sunscreen must be applied to the area of the skin where the client received the service.

8.4 PROHIBITIONS AGAINST PERFORMING CHEMICAL AND/OR MANUAL RESURFACING EXFOLIATING PROCEDURES

A. Providing more than 1 cosmetic resurfacing exfoliating service, chemical and/or manual, is prohibited during the same procedure.

B. Unless the client provides written approval from a licensed physician or other health care provider that state the client is permitted to have chemical and/or manual resurfacing exfoliation performed, either service is prohibited if any of the following conditions exist:

1. The cosmetologist or esthetician knows or has reason to believe that a client is under the supervision of a physician for skin related disorders; or

2. The client is pregnant; or

3. The client has had chemical peel, laser treatment(s), or plastic/reconstructive surgery in the last 6 weeks.

C. If the client has any of the conditions described in Rule 8.3.B a predisposition patch test must be administered to the client 24 hours prior to the initiation of chemical and/or manual resurfacing exfoliating procedure. Any adverse reaction resulting from the predisposition patch test will prohibit the product or procedure to be used on that client.

D. Cosmetic Resurfacing Exfoliating Equipment shall not be used beyond its appropriate scope. The appropriate scope is evidenced by either its filing with the FDA; a licensee's liability insurance, if applicable; or the Barbers and Cosmetologists Practice Act at § 12-8-101 et seq., C.R.S.

8.5 REQUIREMENTS FOR ESTHETICIANS AND COSMETOLOGISTS TO PERFORM PERMANENT MAKEUP

The purpose of this rule to clarify the requirements for estheticians and cosmetologist to perform permanent makeup or facial cosmetic pigment implantation pursuant to §12-8-108(1)(d), C.R.S.

A. Definitions.

1. "Permanent Makeup" means the process of beautifying the face by inserting or implanting facial cosmetic pigment or color under the surface of the human skin or mucosa with a needle, or other means, to produce a permanent or semi-permanent mark visible through the skin on the client's face including, but not limited to the application of eyeliner, eye shadow, lip color, cheek color, and facials scars.
2. "Facial cosmetic pigment implantation" and permanent makeup are synonymous terms for the same procedure.
3. "Client's face" means the area above the jaw line and anterior to the ear and frontal hairline.
4. Permanent makeup or facial cosmetic pigment implantation is limited to the client's face and does not include services to areas beyond the client's face.

B. Permanent makeup or facial cosmetic pigment implantation does not include pigmentation of areas involving reconstructive surgery or trauma, repigmentation of the areola, and/or body art. The performance of such services are deemed beyond the scope of this rule, and licensed estheticians and cosmetologists may perform such services so long as they comply with the requirements, if any, of the Colorado Department of Health, the Board of Medical Examiners, and local and county regulatory authorities.

C. Training Requirements for Permanent Makeup

1. Completion of 132 clock hours of training in the following subject areas must be completed prior to a cosmetologist or esthetician performing permanent makeup:
 - a. Twelve hours of cleaning, sterilization, disinfection and safety; and
 - b. Eight hours of skin analysis; and
 - c. Eight hours of equipment and supplies; and
 - d. Thirty-two hours of color theory and effects; and
 - e. Eight hours of client consultation; and
 - f. Sixty-four hours of application of pigment.
2. The courses for training required in Rule 8.5.1.C must include:
 - a. The cleaning, disinfection, sterilization, and safety hours must include specialized knowledge of cleaning, disinfection, sterilization, and safety; methods of cleaning, disinfection, and sterilization; selection of appropriate procedures and products; identifying hazards; and an understanding of the requirements required by the Director, Colorado Department of Health, and applicable local (city and county) jurisdictions.

- b. The skin analysis hours must include basic knowledge of skin elasticity, skin tones, skin texture and thickness, and any related conditions, diseases, and/or disorders that may result because of an adverse reaction to the service.
- c. The equipment and supplies hours must include specialized knowledge of the various types of implanters, proper storage, inspection of needles, sources of equipment and supplies, maintenance of equipment, and requirements set by the Occupational Safety and Health Administration (OSHA).
- d. The color theory and effects hours must include specialized knowledge of the color wheel, natural skin tones, principles of selection, and results of exposure to natural elements and aging.
- e. The client consultation hours must include specialized knowledge of communication skills; ethics in decisions and selections; importance of decisions based upon permanency of application; methods of implanting, correcting, and removal; health and medical history; expectation of results; and aftercare.
- f. The application of pigment hours must include specialized knowledge of shape selection, selection of technique, pain and swelling control, and conservative application.

3. The training required in Rule 8.5.1 and 2 must be completed at a school approved by the:

a. Colorado Division of Private Occupational Schools (DPOS);

b. Colorado Community Colleges System (CCCS);

4. A cosmetologist or esthetician who is licensed by endorsement after January 1, 2013 and who has completed permanent makeup training at a substantially equivalent program to that of DPOS and CCCS, as determined by the Director, may meet the training requirements necessary to perform permanent makeup. Complete documentation that supports the cosmetologist's or esthetician's permanent makeup training must be submitted with the endorsement application.

5. Training in permanent make up that was obtained on or before December 31, 2006 will be accepted if 132 clock hours was been obtained from:

a. A school program located in another state, territory, or foreign jurisdiction approved by the governmental agency responsible for approving such schools or programs in that jurisdiction; or

b. A course approved, sponsored by or affiliated with either the Society of Permanent Cosmetic Professionals, American Institute of Permanent Color Technology, or American Academy of Micropigmentation unless otherwise issued under an approved program by DPOS or CCCS.

c. Hours may vary with regard to each course subject as described in Rule 8.5.C.1 and 2, but shall equal 132 clock hours of training in Permanent Makeup or Facial Cosmetic Pigment Implantation Services.

6. Upon request by the Director, a cosmetologist or esthetician must supply written documentation that confirms the licensee has completed the required training in permanent makeup. A "Record of Completion Form" issued by an approved school, and that contains the school's official seal, will constitute sufficient documentation. Failure to provide the requisite written documentation is a violation of Rule 8.5, and may be used as evidence that the cosmetologist or esthetician is not qualified to provide permanent makeup.

D. The rules and regulations governing body art in the state of Colorado as promulgated by the Colorado Department of Health, 6 Colo. Code Regs. 1010-22, are incorporated herein by reference and all estheticians and cosmetologists performing permanent makeup or facial cosmetic pigment implantation services must comply with such rules. Failure to comply with the Colorado Department of Health's rules and regulations are a violation of this rule, and estheticians and cosmetologists will be subject to discipline pursuant to section 12-8-132(1)(i), C.R.S.

8.6 REQUIREMENTS FOR MANICURISTS AND COSMETOLOGISTS TO USE ELECTRIC FILES

Pursuant to §12-8-108(1)(d), C.R.S. the purpose of this rule is to clarify the requirements for manicurists and cosmetologists to use electric files in the provision of nail services.

A. Definitions

1. "Electric file" - means a file, drill, or machine specifically designed for use in the professional nail industry and does not include craft, hardware, or hobby tools.
2. "Natural nail service" - means a cosmetic beauty treatment for real nails that includes, but is not limited to filing, shaping the free edge, use of a nippers to remove dead or over grown cuticle, application of polish and/or nail art, soaking in a softening substance, and the application of lotion, oil, or creams to the real nail or cuticle.
3. "Artificial nail service" - means the application, removal or refreshing of any nail enhancement including, but not limited to, fake nails, false nails, fashion nails, or nail extensions placed over fingernails as a fashion accessory and/or to mimic the appearance of real fingernails. This may include the use of tips, forms, polymethyl methacrylate acrylics (a mixture of polymer powder and liquid monomer, e.g. ethyl methacrylate), "UV Top Coat" hardened under ultraviolet light, fiberglass, silk, or other wraps.

B. An electric files may be used only for manicure and pedicure services and is limited to procedures for natural nail services, filing, maintenance or removal of artificial enhancement products.

C. Training Requirements for Use of Electric File in Natural and Artificial Nail Services

1. Completion of 8 hours of training that is specific to the use of electric nail files in natural and artificial nail services.

D. The courses for the training required in Rule 8.6.C must include:

1. Two and one-half hours of cleaning and disinfection; and

2. One hour of client protection during filing; and
3. One-half hour of bit selection and use; and
4. One-half hour of machine specifications and uses; and
5. One-half hour of natural nail procedures; and
6. Two hours of artificial enhancements; and
7. One hour of pedicure procedures.

E. The training required in Rule 8.6 must be completed at a school approved by the:

1. Colorado Division of Private Occupational Schools (DPOS);
2. Colorado Community Colleges System (CCCS).

F. A cosmetologist or manicurist who is licensed by endorsement after January 1, 2013 and who has completed training at a substantially equivalent program to that of DPOS and CCCS, as determined by the Director, may meet the training requirement necessary to provide nail services with an electric file. Complete documentation that supports the cosmetologist's or manicurist's electric file training must be submitted with the endorsement application.

G. Certification by the Association of Electric File Manufacturers (AEFM) received on or before December 31, 2006 satisfies the training requirements described in Rule 8.6 for electric files.

H. Upon request by the Director, a cosmetologists or manicurists must supply written documentation that confirms the licensee has completed the required training is the use of electric file. Failure to provide written documentation is a violation of this rule, and is *prima facie* evidence that the licensed cosmetologist or manicurist is not competent to use an electric file.

8.7 REQUIREMENTS FOR HAIR REMOVAL BY WAXING FOR MANICURISTS

A. Section 12-8-103(10.5), C.R.S. limits the scope of waxing by manicurists to the client's leg up to the knee and the arm up to the elbow. The Director considers the hands and feet to be within the scope and appropriate areas for waxing. Hair removal on any other part of the body, such as eyebrows, lips, bikini areas, etc., is not permitted by licensed manicurists and must be performed by licensed cosmetologists or estheticians.

B. The use of soft and hard waxes, sugar, depilatories, and tweezers are appropriate methods by licensed manicurists to remove superfluous hair in the limited areas.

C. Training Requirements for Hair Removal Waxing for Manicurists

1. Completion of 6 hours of training in the use and procedures for removal of hair by waxing is required.
2. The courses for the training required in Rule 8.7.C.1 must include:

a. One hour of wax including skin histology, anatomy of the skin, functions of the skin and disorders of the skin; and

b. One hour of wax including client safety and protection, client consultation, contraindications of hair removal including minor contraindications, sensitive skin, sunburn, pustules, papules, chemical peels, botox or collagen injections, surgery and major contraindications including Retin-A, Renova, hydroquinone, blood-thinning medications, topical or cortisone medications and Accutane, release forms, and product testing; and

c. Three hours of wax including types of products for hair removal and application including tweezing, depilatories, waxing, sugaring, hard and soft waxes; and

d. One hour of wax including disinfection, sanitation, state rules, and safe work practices.

3. The training required in Rule 8.7 must be completed at a school approved by the:

a. Colorado Division of Private Occupational Schools (DPOS);

b. Colorado Community Colleges System (CCCS).

4. A manicurist who is licensed by endorsement after January 1, 2013 and who has completed a hair removal by waxing program at a substantially equivalent program to that of DPOS and CCCS, as determined by the Director, may meet training requirements necessary to perform hair removal by waxing. Complete documentation that supports the manicurist's hair removal by waxing training must be submitted with the endorsement application.

5. Certification by the Pedicure Protection Program (PPP) received on or before December 31, 2006 satisfies the above training requirements described in Rule 8.7.C for hair removal by waxing by manicurists.

6. Upon request by the Director, a manicurist must supply written documentation that confirms the licensee has completed the required training in hair removal by wax. Failure to provide written documentation is a violation of this rule, and is *prima facie* evidence that the licensed manicurist is not competent to remove hair by waxing.

CHAPTER 9 – INSPECTIONS

Pursuant to §12-8-123, C.R.S. the purpose of this chapter is to clarify the procedures regarding inspections of barbershops, beauty salons, places of business and booths rented or operated by independent licensees.

A. “Places of business include schools and workstations.

B. Upon arrival at the place of inspection, the inspector(s) must provide official identification from the Office.

C. All licensees and registrants must provide their professional license or registration, a picture ID and any certificate of training required by the Office to perform the services that are being offered to the public.

D. The inspector(s) may conduct an inspection of the entire salon including, drawers, closets, shelves, storerooms everywhere in the facility. The inspector(s) may document the inspected areas by use of a camera, video equipment or any other method.

E. All business owners and licensees are required to answer questions truthfully and completely, must not attempt to or hide any persons or items from the inspector, throw items away during the inspection, refuse to comply with the inspection or behave in any manner that hinders the inspection.

F. The inspector may issue a violation notice to individuals found to be in violation of this Act and these rules. At the close of the inspection the violation notices may be reviewed by the inspector with each individual being issued a notice of violation.

G. Every individual issued a notice of violation, as well as the owner of the business issued a violation notice, shall be required to attend a Cleaning and Disinfection Class within 90 days of the final agency action.

H. If warranted, the business or licensee may be put on probation. During a period of probation unannounced inspections may be conducted to evaluate the progress of the respondent. If there is no improvement additional discipline may be imposed.

CHAPTER 10 – ADVISORY COMMITTEE

The purpose of this ~~rule chapter~~ to clarify the terms and scope of the five member advisory committee established pursuant to -§ 12-8-108(2)(a), C.R.S. ~~Eff 01/30/2007~~

A. ~~The Director will appoint members to the advisory committee to serve a 4 year term.~~

B. ~~An advisory committee member must not serve more than 2 full consecutive terms.~~

C. ~~—The Director may remove any member for cause as the Director deems appropriate. Eff 01/30/2007~~

D. ~~An advisory committee~~~~B.—Any~~ member may resign at any time by filing a written notice with the Director. Upon receipt of a resignation, the Director may appoint an individual to serve the remainder of the unexpired term ~~—, which shall constitute as one full term regardless of the time remaining.—Eff 01/30/2007~~

E. ~~C.—~~The members ~~a~~~~shall be~~ responsible for making recommendations concerning regulation of the barbering, esthetics, cosmetology, hairstyling, and manicuring professions to the Director. ~~All~~ ~~Such~~ recommendations are subject to the final approval by the Director. ~~Eff 01/30/2007~~

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CHAPTER 11 – DECLARATORY ORDERS

RULE 2 – CLEANING AND DISINFECTION

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~~The purpose of this rule to enhance the safe and effective cleaning and disinfection practices within the profession that are necessary to protect the public's health, safety and welfare pursuant to § 12-8-101 of~~
~~seq., C.R.S.—Eff 01/30/2007~~

~~A. General Requirements and Definitions.—Eff 01/30/2007~~

~~1. As used herein, "Office" means the Colorado Office of Barbering and Cosmetology Licensure.~~
~~Eff 01/30/2007~~

~~2. All places of business and licensees shall utilize clean and disinfected equipment, tools, implements, and supplies as outlined in this rule and commonly accepted professional standards, and shall personally employ good hygiene habits while providing barbering, esthetic, cosmetology, hairstyling, and manicuring services.—Eff 01/30/2007~~

~~3. A licensee shall not perform services on a client if the licensee has reason to believe the client has an unhealthy condition; a communicable disease; contagious condition; skin or nail tissue that is inflamed, infected, broken, raised or swollen; or an open wound or sore in the area affected unless the client provides written authorization from a licensed physician.—Eff 01/30/2007~~

~~4. As used herein, "cleaning" is not disinfection, but means to physically remove all visible debris by:—Eff 01/30/2007~~

~~(a) Brushing by hand;—Eff 01/30/2007~~

~~(b) Washing or scrubbing with liquid soap, detergent, or antiseptic;—Eff 01/30/2007~~

~~(c) Laundering in a washing machine or dishwasher with detergent;—Eff 01/30/2007~~

~~(d) Using an ultrasonic cleaner;—Eff 01/30/2007~~

~~(e) Using a solvent; or—Eff 01/30/2007~~

~~(f) Other adequate methods.—Eff 01/30/2007~~

~~5. As used herein, "disinfection" is not cleaning, but is the use of chemicals that destroy pathogens on implements and other nonliving surfaces that renders an item safe for handling, use, and disposal.—Eff 01/30/2007~~

~~(a) Appropriate disinfectants include the following:—Eff 01/30/2007~~

~~(i) EPA-registered hospital disinfectants used according to manufacturer's instructions;—Eff 01/30/2007~~

~~(ii) Bleach solution mixed daily at a minimum standard of ¾ cup of bleach per gallon of water with a contact time of 10 minutes;—Eff 01/30/2007~~

~~(iii) 70% isopropyl alcohol with a contact time of 10 minutes; or—Eff 01/30/2007~~

~~(iv) 70%-85% ethyl alcohol with a contact time of 10 minutes.—Eff 01/30/2007~~

~~(b) All bottles and containers containing alcohol or bleach disinfectants shall be properly labeled as to contents and date mixed, and stored in a covered container away from other salon chemicals and open flames.—Eff 01/30/2007~~

~~(c) Appropriate disinfecting methods are:—Eff 01/30/2007~~

~~(i) Disinfection by complete immersion where the entire item, implement, or surface is covered by the disinfectant for 10 minutes or according to manufacturer's instructions; or—Eff 01/30/2007~~

~~(ii) Disinfection by spraying where the entire item, implement, or surface is sprayed with the disinfectant to stay moist for 10 minutes or according to manufacturer's instructions.—Eff 01/30/2007~~

~~6. Multi-use equipment, implements, or materials ("multi-use items") not addressed in this rule shall be cleaned and disinfected immediately after each client.—Multi-use items are items constructed of hard non-porous materials with smooth surfaces such as metal, glass, or plastic; cloth towels and linens capable of being laundered; and typically can be used on more than one client.—Eff 01/30/2007~~

~~7. Single-use equipment, implements, or materials ("single-use items") not addressed in this rule shall be discarded after each application or service.—Single-use items are items made or constructed of paper, wood, or other porous materials usually intended for one application or client service.—Eff 01/30/2007~~

~~8. Electrical equipment that cannot be immersed in liquid shall be brushed or wiped clean and sprayed with an EPA-registered hospital disinfectant; isopropyl alcohol; ethyl alcohol; or bleach solution immediately after each client.—Eff 01/30/2007~~

~~9. Lancets, disposable razors, and other sharp objects shall be disposed in a puncture resistant container marked with a biohazard symbol immediately after each client.—Such containers shall be sent to a collection site for proper disposal.—Eff 01/30/2007~~

~~10. All clean and disinfected implements and materials when not in use shall be stored in a clean dry container, or other sanitary manner, that is separate from soiled implements and materials.—Eff 01/30/2007~~

~~11. Items subject to possible cross-contamination by re-dipping into a multi-use container such as creams, cosmetics, astringents, lotions, removers, waxes including paraffin wax, moisturizers, masks, and oils shall be used in a manner so as not to contaminate the remaining product.—Any product that becomes contaminated shall be discarded after use on that particular client.—Permitted procedures to avoid cross-contamination are:
Eff 01/30/2007~~

~~(a) Removing and placing the product into a smaller container for use on the client and then disposing of the product remaining in the smaller container after the service; Eff 01/30/2007~~

~~(b) Using a single-use disposable implement such as a wooden spatula to remove the product from the container and disposing of such implement after application of the product on the client; Eff 01/30/2007~~

~~(c) Using a clean applicator bottle to apply the product; or Eff 01/30/2007~~

~~(d) Other adequate methods. Eff 01/30/2007~~

~~B. Cleaning and Disinfection Standards Applicable to Manicuring. Eff 01/30/2007~~

~~1. All equipment, implements, and materials shall be properly cleaned and disinfected immediately after each client in accordance with this rule. Eff 01/30/2007~~

~~2. Prior to performing any manicuring services, cosmetologists and manicurists shall wash their hands, and ensure that each client's hands or feet are washed with soap and water or a waterless hand sanitizer. Eff 01/30/2007~~

~~3. Immediately after each manicuring service, the surface(s) of all equipment that comes in direct contact with a client's skin including manicuring tables, mats, and cushions shall be cleaned of all visible debris. Eff 01/30/2007~~

~~4. Immediately after each client, the following multi-use implements shall be cleaned to remove all visible debris and disinfected by complete immersion in an appropriate disinfectant in accordance with this rule: Eff 01/30/2007~~

~~(a) Metal and hard plastic nail pushers; Eff 01/30/2007~~

~~(b) Non-porous and plastic nail files; Eff 01/30/2007~~

~~(c) Cuticle nippers; Eff 01/30/2007~~

~~(d) Tweezers; Eff 01/30/2007~~

~~(e) Nail and dusting brushes; Eff 01/30/2007~~

~~(f) Fingernail clippers; Eff 01/30/2007~~

~~(g) Electric file diamond, carbide, natural, and metal bits; and Eff 01/30/2007~~

~~(h) Metal and plastic spatulas. Eff 01/30/2007~~

~~5. Immediately after each client, the following single-use implements shall be discarded in a trash container: Eff 01/30/2007~~

~~(a) Orangewood stick; Eff 01/30/2007~~

~~(b) Cotton balls; Eff 01/30/2007~~

~~(c) Nail wipes;—Eff 01/30/2007~~

~~(d) Tissues;—Eff 01/30/2007~~

~~(e) Paper towels;—Eff 01/30/2007~~

~~(f) Emery boards or porous nail files;—Eff 01/30/2007~~

~~(g) Buffer blocks;—Eff 01/30/2007~~

~~(h) Disposable gloves;—Eff 01/30/2007~~

~~(i) Electric file sanders, arbor bands, and sleeves; and—Eff 01/30/2007~~

~~(j) Pumice stones.—Eff 01/30/2007~~

~~6. The following materials that are used during a manicure or pedicure service shall be either new or changed with clean and laundered articles immediately after each client:—Eff 01/30/2007~~

~~(a) Disposable or terry cloth towels;—Eff 01/30/2007~~

~~(b) Toe separators;—Eff 01/30/2007~~

~~(c) Pedicure slippers; and—Eff 01/30/2007~~

~~(d) Electric file buffing bits and chamois.—Eff 01/30/2007~~

~~C. Cleaning and Disinfection of Pedicure Equipment.—Eff 01/30/2007~~

~~1. All types of pedicure equipment including whirlpool units, air-jetted basins, pipe-less units, non-whirlpool basins, sinks, bowls, and tubs shall be cleaned and disinfected in accordance with this rule.—Eff 01/30/2007~~

~~2. Immediately after each client:—Eff 01/30/2007~~

~~(a) Drain all water and remove all debris from the foot spa;—Eff 01/30/2007~~

~~(b) Clean the surfaces and walls of the foot spas with soap or detergent to remove all visible debris, oils, and product residue and then rinse with clear water;—Eff 01/30/2007~~

~~(c) Disinfect by spraying the surface of the foot basin with an appropriate disinfectant; and—Eff 01/30/2007~~

~~(d) Wipe dry with a clean towel.—Eff 01/30/2007~~

~~3. Immediately after the last client at the end of each day:—Eff 01/30/2007~~

~~(a) Drain all water and remove all debris from the foot spa;—Eff 01/30/2007~~

~~(b) Remove the screen and any other removable parts;—Eff 01/30/2007~~

~~(c) Remove all debris trapped behind the screen and clean the inlet with soap or detergent to remove all visible debris, oil, and product residue;—Eff 01/30/2007~~

~~(d) Clean the screen and any other removable parts with soap or detergent to remove all visible debris, oil, and product residue;—Eff 01/30/2007~~

~~(e) Clean the surfaces and walls of the basin with soap or detergent to remove all visible debris, oil, and product residue and then rinse with clear water;—Eff 01/30/2007~~

~~(f) Wipe the basin dry with a clean towel;—Eff 01/30/2007~~

~~(g) After replacing the screen and any other removable parts, flush the spa system with low-suds soap or a chelating detergent in warm water for 5 minutes;—Eff 01/30/2007~~

~~(h) Drain the soapy solution and rinse the basin with clean water;—Eff 01/30/2007~~

~~(i) Refill the basin with water and circulate an EPA-registered hospital disinfectant mixed according to manufacturer's instructions or bleach solution through the basin for 10 minutes;—Eff 01/30/2007~~

~~(j) Drain, rinse, and wipe the basin with a clean towel; and—Eff 01/30/2007~~

~~(k) Make a record of the date and time of this cleaning and disinfecting process.—The record for the last 30 days shall be readily accessible and available upon client or Office inspector request.—Eff 01/30/2007~~

~~D. Cleaning and Disinfection Standards Applicable to Hairstyling and Barbering.—Eff 01/30/2007~~

~~1. All equipment, implements, and materials should be properly cleaned to remove all visible residue and disinfected after each client in accordance with this rule.—Eff 01/30/2007~~

~~2. Immediately after each client, the following implements shall be brushed or wiped clean and sprayed with an appropriate disinfectant:—Eff 01/30/2007~~

~~(a) Haircutting shears;—Eff 01/30/2007~~

~~(b) Thinning shears;—Eff 01/30/2007~~

~~(c) Straight razors and razor shapers; and—Eff 01/30/2007~~

~~(d) Clippers and edgers.—Eff 01/30/2007~~

~~3. After each client, the following implements shall be cleaned and disinfected by complete immersion or stored in a container for soiled or dirty items until the implements can be cleaned and disinfected at the end of the day.—Eff 01/30/2007~~

~~(a) Sectioning clips and clippies;—Eff 01/30/2007~~

~~(b) Rods and rollers; and—Eff 01/30/2007~~

~~(c) Combs, brushes, and picks.—Eff 01/30/2007~~

~~4. At the end of each day of use, the above items in subsections (2) and (3) along with any other tools not mentioned above shall be cleaned by manually scrubbing with soap and water or other adequate methods, and then disinfected by complete immersion except for electrical equipment.—Eff 01/30/2007~~

~~E. Cleaning and Disinfection Standards Applicable to Esthetic Services.—Eff 01/30/2007~~

~~1. All equipment, implements, and materials shall be properly cleaned to remove all visible debris and disinfected after each client in accordance with this rule.—Eff 01/30/2007~~

~~2. Before providing any esthetics service, cosmetologists and estheticians shall wash their hands with soap and water or use a waterless hand sanitizer.—Eff 01/30/2007~~

~~3. Facial chairs and beds shall be cleaned after each client.—Eff 01/30/2007~~

~~4. After each client, the following multi-use items shall be cleaned of all visible debris and disinfected by complete immersion:—Eff 01/30/2007~~

~~(a) Tweezers;—Eff 01/30/2007~~

~~(b) Eyebrow and makeup brushes;—Eff 01/30/2007~~

~~(c) Comedone extractors; and—Eff 01/30/2007~~

~~(d) Metal and plastic spatulas.—Eff 01/30/2007~~

~~5. The following implements are single-use items and shall be discarded in a trash container after each use:—Eff 01/30/2007~~

~~(a) Cotton pads, balls and pledgets;—Eff 01/30/2007~~

~~(b) Gauze;—Eff 01/30/2007~~

~~(c) Wooden applicators and spatulas;—Eff 01/30/2007~~

~~(d) Tissues;—Eff 01/30/2007~~

~~(e) Disposable wipes and paper towels; and—Eff 01/30/2007~~

~~(f) Fabric strips.—Eff 01/30/2007~~

~~6. The following materials that are used during esthetics services shall be either new or changed with clean and laundered items immediately after each client:—Eff 01/30/2007~~

~~(a) Terry cloth towels;—Eff 01/30/2007~~

~~(b) Hair caps or headbands;—Eff 01/30/2007~~

~~(c) Gowns;—Eff 01/30/2007~~

~~(d) Linens;—Eff 01/30/2007~~

~~(e) Disposable gloves; and—Eff 01/30/2007~~

~~(f) Sponges.—Eff 01/30/2007~~

~~F. Cleaning and Disinfection for contact with Blood or Body Fluid.—Eff 01/30/2007~~

~~1. In the case of blood or body fluid that comes in direct contact on any surface area such as a table, chair, or the floor, an EPA-registered hospital disinfectant, or a 10% bleach solution, shall be used per manufacturer's instructions to clean up all visible blood or body fluid.—Ethyl and isopropyl alcohol is not appropriate.—Universal Precautions shall be utilized to clean blood and body fluids.—Eff 01/30/2007~~

~~2. Styptic shall be used to stop minor bleeding with a disposable applicator.—Eff 01/30/2007~~

~~3. If any multi-use instrument is contacted with blood or body fluid, it shall be immediately cleaned and disinfected using an EPA registered hospital disinfectant in accordance with manufacturer's instructions, or totally immersed in a 10% bleach solution for 10 minutes.—Eff 01/30/2007~~

~~4. If any single-use instrument contacts blood or body fluid, it shall be immediately double-bagged and discarded in a closed trash container or biohazard container.—Eff 01/30/2007~~

~~RULE 3—COSMETIC RESURFACING EXFOLIATING PROCEDURES~~

~~The purpose of this rule to enhance the safe and effective application of professional cosmetic resurfacing exfoliating substances and equipment as provided by licensed estheticians and cosmetologists that are necessary to protect the public's health, safety and welfare pursuant to § 12-8-102, § 12-8-120, § 12-8-132(1)(e), and § 12-8-103(7) & (9), C.R.S.—Eff 01/30/2007~~

~~A. Definitions Applicable To This Rule—Eff 01/30/2007~~

~~1. "Cosmetic Resurfacing Exfoliating Substances and Equipment" includes cosmetic use of the following:—Eff 01/30/2007~~

~~(a) 30% alpha hydroxy acid (AHAs which includes glycolic, tartaric, malic, or lactic acids. Such AHAs should not be lower than a pH of 2.5);—Eff 01/30/2007~~

~~(b) 20% beta hydroxy acid (BHAs which include salicylic acid);—Eff 01/30/2007~~

~~(c) Trichloroacetic Acid (TCA) with levels less than 20%;—Eff 01/30/2007~~

~~(d) Jessner's solutions;—Eff 01/30/2007~~

~~(e) 2% resorcinol;—Eff 01/30/2007~~

~~(f) Proteolytic enzymes (such as papain and bromelain) when used with an accelerator; and—Eff 01/30/2007~~

~~(g) Devices and machines listed as Class I medical devices with the U.S. Food and Drug Administration (FDA) including, but not limited to microdermabrasion equipment, electrolysis, and some red LED light.—Eff 01/30/2007~~

~~2. “Cosmetic Resurfacing Exfoliating Substances and Equipment” does not include the following, which are deemed beyond the scope of practice for cosmetologists and estheticians and such independent use is prohibited:—Eff 01/30/2007~~

~~(a) Retinoids;—Eff 01/30/2007~~

~~(b) Carboic acid (phenol);—Eff 01/30/2007~~

~~(c) Products listed above that exceed the stated maximum levels or combinations thereof;—Eff 01/30/2007~~

~~(e) All adulterated chemical exfoliating/peeling substances; and—Eff 01/30/2007~~

~~(f) Devices and machines listed as Class II, III, and IV medical devices by the FDA including, but not limited to lasers, ultrasound, blue LED light, and intense pulse light therapy.—Eff 01/30/2007~~

~~B. Scope—Eff 01/30/2007~~

~~1. Cosmetologists and estheticians who satisfy the training requirements below can independently use Cosmetic Resurfacing Exfoliating Substances and Equipment as defined above in section A(1).—Eff 01/30/2007~~

~~2. This rule is not applicable to cosmetologists and estheticians working under the direction and supervision of a Colorado-licensed physician. Such practice may be considered the delegated practice of medicine and subject to the Medical Practice Act, § 12-36-101 of *seq.*, C.R.S., and the associated Rules and Regulations as promulgated by the Colorado Board of Medical Examiners.—Eff 01/30/2007~~

~~3. Cosmetologists and estheticians performing services prohibited in section A(2) above without proper delegation from a physician may be subject to disciplinary action by the Director.—Eff 01/30/2007~~

~~4. Cosmetologists and estheticians shall only use machines and devices that are registered with the FDA.—Eff 01/30/2007~~

~~C. Training Requirements—Eff 01/30/2007~~

~~1. Cosmetologists and estheticians using Cosmetic Resurfacing Exfoliation Substances and Equipment as defined above in section A(1), but not including Microdermabrasion, must receive adequate training regarding safe application procedures by completing a minimum of twenty-four (24) hours in cosmeceutical courses. Cosmetologists and estheticians must attain the training through schools approved by the Colorado Division~~

~~of Private Occupational Schools (DPOS) or Colorado Community Colleges System (CCCS) to be deemed competent to practice such procedures pursuant to § 12-8-132(1)(c), C.R.S.—If a Licensed Practitioner has not received training in accordance with this rule, then such cosmetologists and estheticians are not authorized to use any Cosmetic Resurfacing Exfoliating Substances and Equipment as defined above in subsection A(1).—The twenty-four (24) hours of training must include the following:—Eff~~

~~01/30/2007~~

- | | | |
|-----|--|---------|
| (a) | Skin Analysis, Conditions,
Contraindications and
Aftercare | 8 hours |
| (b) | Product Ingredients of
Cosmetic Resurfacing
Exfoliating Substances | 8 hours |
| (c) | Chemical Peel Treatment
Procedures and Treatment
of Reactions | 8 hours |

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~~Manufacturer courses taken prior to March 31, 2004 will count towards the 24 hours of training required in section C(1) only if the training can be documented.—After April 1, 2004, all training must be obtained, or completed if in transition, from a program approved by the Division of Private Occupational Schools or Colorado Community Colleges System.—Eff~~

~~01/30/2007~~

~~2.—To be deemed competent to practice Microdermabrasion pursuant to § 12-8-132(1)(c), C.R.S., cosmetologists and estheticians shall take a minimum of fourteen (14) hours of training in Microdermabrasion through courses taught at schools approved by the Colorado Division of Private Occupational Schools or the Colorado Community Colleges System.—If a Licensed Practitioner has not received this training, then such cosmetologists and estheticians are not authorized to perform microdermabrasion.—The fourteen (14) hours of microdermabrasion training must include the following:—Eff~~

~~01/30/2007~~

- | | | |
|-----|--|---------|
| (a) | Skin | 1 hour |
| (b) | Skin Type/Conditions | 1 hour |
| (c) | Microexfoliation | 2 hours |
| (d) | Treatment Procedures | 5 hours |
| (e) | Cleaning, Disinfection,
Sterilization, and Safety | 2 hours |
| (f) | Law, Rule, and Regulations | 1 hour |

(g)	Salesmanship	1 hour
(h)	Occupational Safety and Health	1 hour

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~~3. Cosmetologists and estheticians must be able to supply written documentation, upon request by the Director, which substantiates appropriate training as required above. The Record of Completion Form issued by the approved school containing the school's official seal shall constitute sufficient documentation. Failure to provide written documentation is a violation of this rule, and is evidence that the cosmetologist or esthetician is not competent to practice and may be subject to disciplinary action. Eff 01/30/2007~~

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~~4. Cosmetologists and estheticians not possessing the training required by this rule may continue to perform Cosmetic Resurfacing Exfoliating Procedures and Microdermabrasion until June 30, 2005. Such cosmetologists and estheticians have until June 30, 2005 to obtain the necessary Microdermabrasion and cosmeceutical training contained in this rule. After July 1, 2005, cosmetologists and estheticians may not perform Cosmetic Resurfacing Exfoliating Procedures or use Cosmetic Resurfacing Exfoliating Equipment including Microdermabrasion, without the necessary training as required herein. Eff 01/30/2007~~

~~D. Cosmetic Resurfacing Exfoliating Procedures Eff 01/30/2007~~

~~1. Cosmetologists and estheticians shall only apply and use Cosmetic Resurfacing Exfoliation Substances and Equipment in places of business registered with the Office, and must follow the cleaning and disinfection rules promulgated by the Director. Eff 01/30/2007~~

~~2. Prior to providing any procedures related to cosmetic resurfacing and/or exfoliating, cosmetologists and estheticians shall inform each client that the following may increase the client's susceptibility to adverse reactions as a result of the procedure: currently under physician care/treatment; HSV (cold sores) predisposition; whether client is currently pregnant; history of cosmetic related irritant/allergic reaction; frequency of sun exposure or tanning bed use; use of topical and/or oral medications such as tretinoin (a.k.a., Retin-A, Renova), isotretinoin (a.k.a. Accutane); Previous facial plastic/reconstructive surgery. Eff 01/30/2007~~

~~3. Prior to providing any procedures related to cosmetic resurfacing and/or exfoliating, cosmetologists and estheticians shall do a visual inspection of the client's skin for the following conditions: (1) degree of sebaceous activity (skin oiliness), acne, telangiectasias (broken capillaries) and degree of photodamage; and (2) open cuts, sores, lesions or apparent skin irritation or sensitivity. Eff 01/30/2007~~

~~4. Cosmetologists and estheticians shall conclude all cosmetic resurfacing and/or exfoliating procedures with application of UVA/UVB SPF 15 (or higher) sunscreen to client before discharge. Eff 01/30/2007~~

~~E. Restrictions Regarding Use Eff 01/30/2007~~

~~1. The use of multiple cosmetic resurfacing exfoliating services, chemical and/or mechanical, are prohibited during the same procedure. Eff 01/30/2007~~

~~2. Cosmetic Resurfacing-Exfoliating Substances shall not be performed when the cosmetologist or esthetician has reason to believe that a client is under the supervision of a physician for skin related disorders; is pregnant; is post chemical peel, has laser treatments or plastic/reconstructive surgery without the written approval of the physician.—Eff 01/30/2007~~

~~3. If the client history indicates a positive answer to any questions set forth in this rule at paragraph D2 above, a predisposition patch test must be performed 24 hours before the procedure is performed and/or written approval from a physician must be provided to authorize the procedure.—Eff 01/30/2007~~

~~4. Cosmetic Resurfacing-Exfoliating Substances shall not be administered to skin exhibiting open cuts, sores, sunburn, chemical or thermal burns, apparent skin irritation or sensitivity.—Sensitivity to chemical exfoliating products can only be determined by administering a predisposition patch test, and thus, such procedure must be performed 24 hours before the application of chemical exfoliating substances.—Eff 01/30/2007~~

~~5. Cosmetic Resurfacing-Exfoliating Equipment shall not be used beyond its appropriate scope.—The appropriate scope is evidenced by either its filing with the FDA; a licensee's liability insurance, if applicable; or the Barbers and Cosmetologists Practice Act at § 12-8-101 et seq., C.R.S.—Eff 01/30/2007~~

RULE 4 — DECLARATORY ORDERS

The purpose of this rule is to establish procedures for the handling of requests for declaratory orders filed pursuant to the Colorado Administrative Procedures Act at § 24-4-105(11), C.R.S. —Eff 01/30/2007

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11.1 ~~A.~~—Any person or entity may petition the Director for a declaratory order to terminate controversies or remove uncertainties as to the applicability of any statutory provision or of any rule or order of the Director. —Eff 01/30/2007

11.2 ~~B.~~—The Director will determine, at ~~their~~~~his~~~~her~~ discretion and without notice to petitioner, whether to rule upon any such petition. —If the Director determines that ~~they~~~~he~~~~she~~ will not rule upon such a petition, the Director shall promptly notify the petitioner of ~~the~~~~his~~~~her~~ action and state the reasons for such decision. —Eff 01/30/2007

11.3 ~~C.~~—In determining whether to rule upon a petition filed pursuant to this rule, the Director will consider the following matters, among others:—Eff 01/30/2007

A. ~~1.~~—Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provisions or rule or order of the Director.—Eff 01/30/2007

B. ~~2.~~—Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court involving one or more petitioners.—Eff 01/30/2007

C. ~~3.~~—Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court but not involving any petitioner. —Eff 01/30/2007

D. ~~4.~~—Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.—Eff 01/30/2007

~~E. 5.~~—Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to CRCP 57, which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question. ~~—Eff 01/30/2007~~

~~11.4 D.~~—Any petition filed pursuant to this rule shall set forth the following:—~~Eff 01/30/2007~~

~~A. 1.~~—The name and address of the petitioner and whether the petitioner is licensed pursuant to Title 12, Article 8.—~~Eff 01/30/2007~~

~~B. 2.~~—The statute, rule or order to which the petition relates. —~~Eff 01/30/2007~~

~~C. 3.~~—A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner. ~~—Eff 01/30/2007~~

~~11.5 E.~~—If the Director determines that ~~they/he/she~~ will rule on the petition, the following procedures shall apply:—~~Eff 01/30/2007~~

~~A. 1.~~—The Director may rule upon the petition based solely upon the facts presented in the petition. In such a case:—~~Eff 01/30/2007~~

~~1. a.~~—Any ruling of the Director will apply only to the extent of the facts presented in the petition and any amendment to the petition. —~~Eff 01/30/2007~~

~~2. b.~~—The Director may order the petitioner to file a written brief, memorandum or statement of position.—~~Eff 01/30/2007~~

~~3. c.~~—The Director may set the petition, upon due notice to petitioner, for a non-evidentiary hearing. —~~Eff 01/30/2007~~

~~4. d.~~—The Director may dispose of the petition on the sole basis of the matters set forth in the petition. —~~Eff 01/30/2007~~

~~5. e.~~—The Director may request the petitioner to submit additional facts in writing. —In such event, such additional facts will be considered as an amendment to the petition. —~~Eff 01/30/2007~~

~~6. f.~~—The Director may take administrative notice of facts pursuant to the Administrative Procedure Act at -§ 24-4-105(8), C.R.S., and may utilize ~~their/his/her~~ experience, technical competence, and specialized knowledge in the disposition of the petition.—~~Eff 01/30/2007~~

~~7. 2.~~—If the Director rules upon the petition without a hearing, ~~they/he/she~~ shall promptly notify the petitioner of her decision. ~~—Eff 01/30/2007~~

~~B. 3.~~—The Director may, at ~~their/his/her~~ discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. —The notice to the petitioner shall set forth, to the extent known, the factual or other matters into which the Director intends to inquire. For the purpose of such a

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~~hearing, to the extent necessary, the petitioner shall have the burden of proving all the facts stated in the petition; all of the facts necessary to show the nature of the controversy or uncertainty; and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Director to consider.~~ *—Eff 01/30/2007*

~~For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all the facts stated in the petition; all of the facts necessary to show the nature of the controversy or uncertainty; and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Director to consider.~~ *—Eff 01/30/2007*

~~**11.6** F.—The parties to any proceeding pursuant to this rule shall be the Director and the petitioner. Any other person may seek leave of the Director to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Director. —A petition to intervene shall set forth the same matters as are required by —Section D of this Rule.— Any reference to a "petitioner" in this Rule also refers to any person who has been granted leave to intervene by the Director.~~ *—Eff 01/30/2007*

~~**11.7** G.—Any declaratory order or other order disposing of a petition pursuant to this Rule shall constitute agency action subject to judicial review pursuant to the Colorado Administrative Procedures Act at § 24-4-106, C.R.S.—~~ *Eff 01/30/2007*

RULE 5 — REGISTRATION OF PLACES OF BUSINESS

~~The purpose of this rule is to clarify the requirements pertaining to the registration for places of business as required in § 12-8-107, C.R.S.—~~ *Eff 01/30/2007*

~~A.—Section 12-8-107 of the Barbers and Cosmetologists Practice Act ("the Act") states that the Director shall keep a register of places of business.— A place of business is a location where one or more persons engage in the practice of barbering, esthetic services, cosmetology, hairstyling, or manicuring, and customers go to that location to receive those services.—Private Occupational Barber, Beauty and Cosmetology Schools and Colleges are regarded as places of business subject to registration.—~~ *Eff 01/30/2007*

~~B.—All places of business required to register are those defined in § 12-8-103(13), as well as barber, beauty, and cosmetology schools, but does not include:—~~ *Eff 01/30/2007*

~~1.—Free lance shop operators;—~~ *Eff 01/30/2007*

~~2.—Independent contractors; and—~~ *Eff 01/30/2007*

~~3.—Booth renters.—~~ *Eff 01/30/2007*

~~C.—Temporary locations that must be registered are places where customers go to receive barbering, esthetic services, cosmetology, hairstyling, or manicuring services, but the services are provided at a location on an interim, irregular, seasonal, temporary, or transitional basis.—~~ *Eff 01/30/2007*

~~D.—A Colorado licensed barber, esthetician, cosmetologist, hairstylist, or manicurist shall not provide services at a place of business that is not registered with the Office of Barber and Cosmetology Licensure (“the Office”).—Eff 01/30/2007~~

~~E.—All registrations for places of business issued by the Office shall be conspicuously displayed in the place of business.—Eff 01/30/2007~~

~~F.—When a place of business closes, the owner or person responsible must notify the Office within five (5) days after closing.—Eff 01/30/2007~~

~~G.—All registrations issued to places of business shall not exceed two years, and must be renewed prior to the expiration date on the registration.—A registration that is not timely renewed will lapse, and the place of business will be required to register again by submitting an application and appropriate fee.—Eff 01/30/2007~~

~~RULE 6 — REQUIREMENTS FOR PLACES OF BUSINESSES AND LICENSEES~~

~~The purpose of this rule to establish safe and efficient requirements for places of business and licensees providing barbering, esthetic, cosmetology, hairstyling, and manicuring services that is necessary to protect the public's health, safety and welfare pursuant to § 12-8-102, C.R.S.—Eff 01/30/2007~~

~~A.—General Requirements.—Eff 01/30/2007~~

~~1.—All places of business and licensees that provide barbering, esthetic, cosmetology, hairstyling, or manicuring services shall comply with health, safety, cleaning and disinfection requirements set forth in these rules, the Barbers and Cosmetologists Practice Act at §§ 12-8-101 et seq., C.R.S., and the rules and regulations promulgated by the Director. Compliance with these rules does not infer compliance with other requirements set forth by federal, state and local laws; city and county codes and ordinances; and other regulations applicable to business operations, physical construction and maintenance, safety, and public health.—Eff 01/30/2007~~

~~2.—Licensees shall not attempt to perform any service outside their scope of practice. Possession or storage of any item deemed outside a licensee's scope of practice shall be considered prima facie evidence of use.—Eff 01/30/2007~~

~~3.—It shall be the responsibility of shop and salon owners to assure that all persons providing barbering, esthetic, cosmetology, hairstyling, and manicuring services hold current, valid Colorado licenses to practice such services, and that all licensees providing services in the shop or salon comply with the Colorado Barbers and Cosmetologists Practice Act, § 12-8-101 et seq., C.R.S., and the Director's Rules and Regulations.—Eff 01/30/2007~~

~~4.—Licensees shall not use any product or supply that has been banned, deemed to be poisonous, unsafe for use in the barbering and cosmetology industry, or not approved by the United States Food and Drug Administration (FDA) or other local, state or federal governmental agencies responsible for making such determinations.— Possession or storage of any item deemed poisonous, unsafe, or banned by the FDA or other governmental agency shall be considered prima facie evidence of use.—Eff 01/30/2007~~

~~5. Material Safety Data Sheets (MSDS) relative to product ingredients, proper use, storage, disposal, and potential hazards for products in use at places of businesses that endanger the public shall be kept on the premises and available upon need or request.—Eff 01/30/2007~~

~~B. Specific Requirements.—Eff 01/30/2007~~

- ~~1. Bottles and Containers.— All bottles and containers in use shall be distinctly and correctly labeled to disclose their contents.— All bottles containing poisonous or caustic substances shall be additionally and distinctly marked as such and shall be stored in an area not open to the public.— All poisonous or caustic substances shall be stored according to manufacturer's instructions.—Eff 01/30/2007~~
- ~~2. Cleaning and Disinfection.— All items used to provide barbering, esthetic, cosmetology, hairstyling, and manicuring services shall be cleaned and disinfected in accordance with Rule 2.—Eff 01/30/2007~~
- ~~3. First Aid Kit.— All places of business shall have a first aid kit on the premises available for use that contains, at a minimum, bandages, gauze, and antiseptic.—Eff 01/30/2007~~
- ~~4. Liquids, Creams, and Other Preparations.— All liquids, creams, and other preparations shall be kept in properly labeled clean and closed containers.—Eff 01/30/2007~~
- ~~5. Physical Facilities.— All work areas in a place of business shall be kept clean and free from excessive accumulation of hair, dust, and other debris.—Eff 01/30/2007~~
- ~~6. Storage of Tools, Implements, and Supplies.— Clean and disinfected tools, implements, supplies and other items, when not in use, shall be stored in a clean manner or container separate from soiled or dirty items.— Soiled or dirty tools, implements, supplies and other items shall be stored in a container separate from clean items until such time it is cleaned and disinfected.—Eff 01/30/2007~~

RULE 7 — QUALIFICATIONS OF APPLICANTS

~~The purpose of this rule is to establish the criteria for an applicant's examination eligibility pursuant to § 12-8-108(1)(e) and § 12-8-114(3), C.R.S.—Eff 01/30/2007~~

~~A. The following number of clock or contact hours in the respective subject areas shall remain in effect for all applicants by examination who complete an approved program on or before June 30, 2006: Eff 01/30/2007~~

~~1. Barber—Eff 01/30/2007~~

~~Barber—Eff 01/30/2007~~

~~7A1.jpg~~

~~2. Cosmetologist—Eff 01/30/2007~~

~~Cosmetologist—Eff 01/30/2007~~

~~7A2.jpg~~

~~3.—Cosmetician/Esthetician—Eff 01/30/2007~~

~~Cosmetician/Esthetician—Eff 01/30/2007~~

~~7A3.jpg~~

~~4.—Hairstylist—Eff 01/30/2007~~

~~Hairstylist—Eff 01/30/2007~~

~~7A4.jpg~~

~~5.—Manicurists—Eff 01/30/2007~~

~~Manicurists—Eff 01/30/2007~~

~~7A5.jpg~~

~~B.—An applicant who completes an approved program on or after July 1, 2006 shall furnish proof of training in the subject areas in which the applicant seeks licensure with the following minimum number of credit hours:—Eff 01/30/2007~~

~~1.—Barber—Eff 01/30/2007~~

~~Barber—Eff 01/30/2007~~

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~~2.—Cosmetologist—Eff 01/30/2007~~

~~Cosmetologist—Eff 01/30/2007~~

~~7B2.jpg~~

~~3.—Esthetician—Eff 01/30/2007~~

~~Esthetician—Eff 01/30/2007~~

~~7B3.jpg~~

~~4.—Hairstylist—Eff 01/30/2007~~

~~Hairstylist—Eff 01/30/2007~~

~~7B4.jpg~~

~~5.—Manicurist—Eff 01/30/2007~~

~~Manicurist—Eff 01/30/2007~~

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~~C. At least 75% of the credit hours in section (B) shall be obtained by clinical instruction. The remaining 25% may be obtained by theory or lecture.—Eff 01/30/2007~~

~~D. Any applicant enrolled in a training program prior to July 1, 2004, shall have until June 30, 2007 to satisfy the clock/contact hour requirement in section (A) above. Failure to complete the program by June 30, 2007 will require the applicant to convert his/her training into credit hours and complete any deficient credit hours before being eligible to apply for licensure.—Eff 01/30/2007~~

~~E. Credit hours earned in similar subject areas in one training program may be applied towards the hours required in another licensure type if earned from a school approved by the Colorado Division of Private Occupational Schools or Colorado Community Colleges System.—Eff 01/30/2007~~

~~F. Applicants who have graduated from a school located outside Colorado and apply after July 1, 2006, shall furnish certified proof that he/she has obtained the minimum total number of credit hours in section (B) above. If such training is reported in clock/contact hours, a ratio of one (1) credit hour will be recognized per thirty (30) clock hours obtained to determine when the applicant is eligible to sit for the licensure examinations.—Eff 01/30/2007~~

RULE 8—EXAMINATION CONDUCT

~~The purpose of this rule is to delineate conduct and penalties for applicants seeking licensure by examination as required by § 12-8-114 and 12-8-110, C.R.S., who attempt or engage in dishonest conduct that subverts the examination process.—Eff 01/30/2007~~

~~A. Subversion of Examination Process—Eff 01/30/2007~~

~~1. An examinee engaging or attempting to engage in conduct that subverts or undermines the integrity of the examination process shall be subject to the sanctions specified in this rule.—Eff 01/30/2007~~

~~2. Conduct which subverts or undermines the integrity of the examination process shall be deemed to include, but is not limited to:—Eff 01/30/2007~~

~~(a) refusing or failing to fully and promptly comply with any rules, procedures, instructions, directions, or requests made or prescribed by the examination proctors;—Eff 01/30/2007~~

~~(b) removing from the examination room any of the examination materials;—Eff 01/30/2007~~

~~(c) reproducing or reconstructing by copying, duplication, memorization, written notes or electronic recording, any portion of the licensing examination;—Eff 01/30/2007~~

~~(d) selling, distributing, buying, receiving, obtaining, or having unauthorized possession of a future, current, or previously administered licensing examination;—Eff 01/30/2007~~

~~(e) communicating in any manner with any other examinee or any other person, other than a proctor, during the administration of the examination;—Eff 01/30/2007~~

- ~~(f) copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the examination;—Eff 01/30/2007~~
- ~~(g) having in one's possession during the administration of the examination any materials or objects other than the examination materials distributed, including, without limitation, any books, notes, recording devices, or other written, printed or recorded materials or data of any kind;—Eff 01/30/2007~~
- ~~(h) impersonating an examinee;—Eff 01/30/2007~~
- ~~(i) permitting another person to appear for and take the examination on an applicant's behalf and in an applicant's name; or—Eff 01/30/2007~~
- ~~(j) engaging in any conduct that disrupts the examination or the taking thereof by other examinees.—Eff 01/30/2007~~

~~B. Finding of Subversion—Eff 01/30/2007~~

- ~~1. When, during the administration of an examination, there exists reasonable cause to believe that an applicant/examinee is engaging or attempting to engage in subversion, action shall be taken as deemed necessary or appropriate to terminate such conduct and such conduct shall be reported to the Office of Barber and Cosmetology Licensing ("the Office")—Eff 01/30/2007~~
- ~~2. When the Director of Registrations ("the Director") has reasonable cause to believe that an applicant has engaged or attempted to engage in conduct that subverts or undermines the integrity of the examination process, the Director shall so advise the applicant and provide him/her with an opportunity for hearing pursuant to the Colorado Administrative Procedure Act.—Eff 01/30/2007~~

~~C. Sanctions for Subversion of Examination—Eff 01/30/2007~~

- ~~1. An applicant who is found by the Director prior to the administration of the examination to have engaged in conduct or to have attempted to engage in conduct, which subverts or undermines the integrity of the examination process shall not be seated for the upcoming examination, and may be sanctioned or disciplined in accordance with this rule and the Barbers and Cosmetologists Practice, § 12-8-101 et seq., C.R.S.—Eff 01/30/2007~~
- ~~2. An applicant/examinee who is found by the Director to have engaged or to have attempted to engage in conduct that subverts or undermines the integrity of the examination process shall be deemed to have failed the examination, and may be sanctioned or disciplined in accordance with this rule and the Barbers and Cosmetologists Practice, § 12-8-101 et seq., C.R.S.—Such failure shall be recorded in the official records of the Office.—Eff 01/30/2007~~
- ~~3. In addition to the sanctions permitted or mandated above, as to an applicant/examinee found by the Director to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process, the Director may:—Eff 01/30/2007~~

~~(a) deny the applicant's application for licensure;—Eff 01/30/2007~~

~~(b) revoke, suspend, or impose probationary conditions on any license issued to such applicant; or—Eff 01/30/2007~~

~~(c) disqualify the applicant for a specified number of subsequent administrations of the examination.—Eff 01/30/2007~~

RULE 9 — MANICURING

~~The purpose of this rule to enhance the safe and efficient application of manicuring services as provided by licensed manicurists and cosmetologists that are necessary to protect the public's health, safety and welfare pursuant to § 12-8-102, § 12-8-103(9) & (10.5), § 12-8-108(1)(a) & (c), § 12-8-120, and § 12-8-132(1)(c), C.R.S.—Eff 01/30/2007~~

~~A. Electric Files.—Eff 01/30/2007~~

~~1. Electric files can be used for manicuring and limited to the following procedures:—Eff 01/30/2007~~

~~(a) Natural nail services;—Eff 01/30/2007~~

~~(b) Filing, maintenance, and removal of artificial enhancement products; and—Eff 01/30/2007~~

~~(c) Pedicure services.—Eff 01/30/2007~~

~~2. Only electric files, drills, or machines specifically designed for use in the professional nail industry can be used at places of business.—Craft, hardware, and hobby tools cannot be used under any circumstances.—Eff 01/30/2007~~

~~3. To be deemed competent to use an electric file pursuant to § 12-8-132(1)(c), C.R.S., licensed cosmetologists and manicurists must obtain eight (8) hours of training.—If licensed cosmetologists and manicurists have not received such training, then they shall not use electric files until the training is completed.—Eff 01/30/2007~~

~~The eight (8) hours of training must be obtained from a school program approved by the Colorado Division of Private Occupational Schools (DPOS) or Colorado Community Colleges System (CCCS).—The eight (8) hours of training must include the following subject areas:—Eff 01/30/2007~~

(a)	Cleaning and disinfection	2½ hours
(b)	Client protection during filing	1 hour
(c)	Bit selection and use	½ hour
(d)	Machine specifications and uses	½ hour

(e)	Natural nail procedures	½ hour
(f)	Artificial enhancements	2 hours
(g)	Pedicure procedures	1 hour

~~Certification by the Association of Electric File Manufacturers (AEFM) received on or before December 31, 2006 satisfies the above training requirements for electric files. AEFM certifications issued on or after January 1, 2007 will not be recognized unless issued under an approved program by DPOS or CCCS.—Eff 01/30/2007~~

~~4. Licensed cosmetologists and manicurists using electric files must be able to supply written documentation, upon request by the Director, which substantiates appropriate training as required above.—Failure to provide written documentation is a violation of this rule, and is prima facie evidence that the licensed cosmetologist or manicurist is not competent to use an electric file.—Eff 01/30/2007~~

~~B. Prohibited Practices.—Licensed cosmetologists and manicurists may not use any of the following substances or products:—Eff 01/30/2007~~

~~1. Methyl Methacrylate Liquid Monomers, a.k.a., MMA; and—Eff 01/30/2007~~

~~2. Razor type callus shavers designed and intended to cut growths of skin such as corns and calluses.—Eff 01/30/2007~~

~~Possession or storage of the above substances and products shall be considered prima facie evidence of use.—Eff 01/30/2007~~

~~C. Hair Removal by Waxing.—Eff 01/30/2007~~

~~1. Section 12-8-103(10.5), C.R.S., limits the scope of waxing by manicurists to the client's leg up to the knee and the arm up to the elbow.—The Director considers the hands and feet to be within the scope and appropriate areas for waxing.—Hair removal on any other part of the body, such as eyebrows, lips, bikini areas, etc., is not permitted by manicurists and must be performed by licensed cosmetologists or estheticians.—Eff 01/30/2007~~

~~2. The use of soft and hard waxes, sugar, depilatories, and tweezers are appropriate methods by licensed manicurists to remove superfluous hair.—Eff 01/30/2007~~

~~3. To be deemed competent to remove hair by waxing pursuant to § 12-8-132(1)(c), C.R.S., licensed manicurists must obtain six (6) hours of training.—If licensed manicurists have not received such training, then they shall not remove hair by waxing until the training is completed.—Eff 01/30/2007~~

~~The six (6) hours of training must be obtained from a school program approved by the Colorado Division of Private Occupational Schools or Colorado Community Colleges System.—The six (6) hours of training must include the following subject areas:—Eff 01/30/2007~~

~~(a) Skin Histology—1 hour—Eff 01/30/2007~~

~~—Anatomy of the Skin—Eff 01/30/2007~~

~~—Functions of the Skin—Eff 01/30/2007~~

~~—Disorders of the Skin—Eff 01/30/2007~~

~~(b) Client Safety and Protection: 1 hour—Eff 01/30/2007~~

~~—Client Consultation—Eff 01/30/2007~~

~~—Contraindications of Hair Removal:—Eff 01/30/2007~~

~~—Minor contraindications: sensitive skin, sunburn, pustules and papules, chemical peels, botox or collagen injection, surgery—Eff 01/30/2007~~

~~—Major contraindications: Retin-A, Renova, hydroquinone, blood-thinning medications, topical or cortisone medication, Accutane—Eff 01/30/2007~~

~~—Release Forms—Eff 01/30/2007~~

~~—Product testing—Eff 01/30/2007~~

~~(c) Types of Products for Hair Removal & Application—3 hours—Eff 01/30/2007~~

~~—Tweezing—Eff 01/30/2007~~

~~—Depilatories—Eff 01/30/2007~~

~~—Waxing:—Sugaring, Hard and Soft Waxes—Eff 01/30/2007~~

~~(d) Disinfection, Sanitation, State Rules, & Safe Work Practices—1 hour—Eff 01/30/2007~~

~~Certification by the Pedicure Protection Program (PPP) received on or before December 31, 2006 satisfies the above training requirements for hair removal by waxing.—PPP certifications issued on or after January 1, 2007 will not be recognized unless issued under an approved program by DPOS or CCCS.—Eff 01/30/2007~~

~~4.—Licensed manicurists removing hair by waxing must be able to supply written documentation, upon request by the Director, which substantiates appropriate training as required above. Failure to provide written documentation is a violation of this rule, and is prima facie evidence that the licensed manicurist is not competent to remove hair by waxing.—Eff 01/30/2007~~

RULE 10—LICENSURE BY ENDORSEMENT

~~The purpose of this rule is to establish the qualifications and procedures for applicants seeking licensure by endorsement pursuant to § 12-8-118, C.R.S.—Eff 01/30/2007~~

~~A.—An applicant for licensure by endorsement must have a verification of licensure sent directly to the Office of Barbering and Cosmetology Licensure from all states or foreign countries in which the applicant has been licensed to practice during the last five (5) years from the date of application. The applicant must possess at least one (1) active, valid license in good standing at the time of application to Colorado to seek licensure by endorsement.—An applicant previously licensed in another jurisdiction who does not hold an active, valid license at the time of application shall be required to meet the educational qualifications set forth in section 12-8-114, C.R.S., the examination requirements in section 12-8-110, C.R.S., and any applicable rules to obtain Colorado licensure.—Eff 01/30/2007~~

~~B.—The following shall constitute substantially equivalent licensure and qualifications for applicants for licensure by endorsement within the meaning of § 12-8-118(1)(a) of the Barbers and Cosmetologists Practice Act (“the Act”): proof of graduation from a barber or beauty school approved by the appropriate governmental agency responsible for approving such schools in that state or country, and proof of passage of a written and practical examination administered by the appropriate licensing agency for that state or country.—Eff 01/30/2007~~

~~C.—An applicant holding a current license from another jurisdiction not meeting the substantially equivalent qualifications for licensure by endorsement as set forth in the Act and this rule shall be issued a license upon passage of Colorado’s written examination used for initial licensure under § 12-8-110, C.R.S.—Eff 01/30/2007~~

~~D.—Foreign trained and licensed applicants seeking licensure by endorsement must submit their qualifications, credentials, and work experience to a credentialing agency for review.—The credentialing agency will review the applicant’s qualifications, training, and work experience and determine whether such applicant satisfies the requirements for licensure by endorsement as contained in the Act and this rule.—Eff 01/30/2007~~

~~1.—Credential reviews will only be accepted from either International Credentialing Associates (“ICA”) or International Education Research Foundation (“IERF”).—The Director will not accept a credentials review from an organization not listed in this rule.—Eff 01/30/2007~~

~~2.—All expenses associated with the credential review are the responsibility of the applicant.—Eff 01/30/2007~~

~~3.—Failure to have a credentials review completed pursuant to the terms of this rule will result in the Director denying the application.—Eff 01/30/2007~~

~~4.—The Director, at his/her discretion, may accept and/or refuse any recommendation made in the credential review.—Eff 01/30/2007~~

RULE 11—PERMANENT MAKEUP

~~The purpose of this rule to enhance the safe and effective application of permanent makeup and facial cosmetic pigment implantation services as provided by licensed estheticians and cosmetologists that are necessary to protect the public’s health, safety and welfare pursuant to § 12-8-102, § 12-8-103(7), (8), & (9), and § 12-8-132(1)(e), C.R.S.—Eff 01/30/2007~~

~~A. General Requirements and Definitions.—Eff 01/30/2007~~

- ~~1. Permanent Makeup or Facial Cosmetic Pigment Implantation Services is the process of beautifying the face by inserting or implanting facial cosmetic pigment under the surface of the human skin or mucosa in which any color or pigment is applied with a needle, or other means, to produce a permanent or semi-permanent mark visible through the skin on the client's face including, but not limited to the application of eyeliner, eye shadow, lip color, cheek color, and facials scars.—The client's face is defined as the area above the jaw line and anterior to the ear and frontal hairline.—Eff 01/30/2007~~
- ~~2. Permanent Makeup or Facial Cosmetic Pigment Implantation Services is limited to the client's face and does not include services to areas beyond the client's face as defined above. Permanent makeup or facial cosmetic pigment implantation services does not include pigmentation of areas involving reconstructive surgery or trauma, repigmentation of the areola, and/or body art.—The performance of such services are deemed beyond the scope of this rule, and licensed estheticians and cosmetologists may perform such services so long as they comply with the requirements, if any, of the Colorado Department of Health, Colorado Board of Medical Examiners, and local and county regulatory authority.—Eff 01/30/2007~~
- ~~3. A Colorado licensed esthetician or cosmetologist may perform permanent makeup or facial cosmetic pigment implantation services only if the esthetician or cosmetologist has obtained the necessary education as required herein.—Eff 01/30/2007~~

~~B. Education Requirements.—Eff 01/30/2007~~

- ~~1. To be deemed competent to perform permanent makeup or facial cosmetic pigment implantation services pursuant to § 12-8-132(1)(c), C.R.S., licensed cosmetologists and estheticians must obtain 132 clock hours of training in the following topic areas specifically related to permanent makeup or facial cosmetic pigment implantation services:—Eff 01/30/2007~~

<u>Course Topic</u>	<u>Hours</u>
Cleaning, Disinfection, Sterilization, and Safety	12
Skin Analysis	8
Equipment and Supplies	8
Color Theory and Effects	32
Client Consultation	8
Application of Pigment	64
Total	132

~~Cleaning, Disinfection, Sterilization, and Safety includes specialized knowledge of cleaning, disinfection, sterilization, and safety; methods of cleaning, disinfection, and sterilization; selection of appropriate procedures and products; identifying hazards; and legal requirements established by the Director, Colorado Department of Health, and applicable local (city and county) jurisdictions.—Eff 01/30/2007~~

~~Skin Analysis includes basic knowledge of skin elasticity, skin tones, skin texture and thickness, and any related conditions, diseases, and/or disorders that may result in increased incidence of adverse reactions to the service.—Eff 01/30/2007~~

~~Equipment and Supplies includes knowledge of the various types of implanters, proper storage, inspection of needles, sources of equipment and supplies, maintenance of equipment, and requirements set by the Occupational Safety and Health Administration (OSHA).—Eff 01/30/2007~~

~~Color Theory and Effects includes knowledge of the color wheel, natural skin tones, principles of selection, and results of exposure to natural elements and aging.—Eff 01/30/2007~~

~~Client Consultation includes knowledge of communication skills; ethics in decisions and selections; importance of decisions based upon permanency of application; methods of implanting, correcting, and removal; health and medical history; expectation of results; and aftercare.—Eff 01/30/2007~~

~~Application of Pigment includes knowledge of shape selection, selection of technique, pain and swelling control, and conservative application.—Eff 01/30/2007~~

- ~~2.—On or after January 1, 2007, a licensee must obtain 132 clock hours as described above from either a school program approved by the Colorado Division of Private Occupational Schools or the Colorado Community Colleges System.—Eff 01/30/2007~~
- ~~3.—Education obtained on or before December 31, 2006 will be accepted if 132 clock hours has been obtained from a program approved by either the Colorado Division of Private Occupational Schools (DPOS) or Colorado Community Colleges System (CCCS); a school program located in another state or country approved by the governmental agency responsible for approving such schools or programs in that state or country; or a course approved, sponsored, or affiliated by either the Society of Permanent Cosmetic Professionals, American Institute of Permanent Color Technology, or American Academy of Micropigmentation unless issued under an approved program by DPOS or CCCS. Such hours can vary by course topic as identified in subsection 1 above, but shall equal 132 clock hours of training in Permanent Makeup or Facial Cosmetic Pigment Implantation Services.—Eff 01/30/2007~~

~~C.—Compliance.—Eff 01/30/2007~~

- ~~1.—Licensed cosmetologists and estheticians must be able to supply written documentation, upon request by the Director, which substantiates appropriate training as required above. Failure to provide written documentation is a violation of this rule, and is prima facie evidence that the licensed cosmetologist or esthetician is not competent and not~~

~~permitted to perform permanent makeup or facial cosmetic pigment implantation services.—Eff 01/30/2007~~

~~2.—The rules and regulations governing body art in the state of Colorado as promulgated by the Colorado Department of Health, 6 Colo. Code Regs. 1010-22, are incorporated herein by reference and all estheticians and cosmetologists performing permanent makeup or facial cosmetic pigment implantation services must comply with such rules.—Failure to comply with the Colorado Department of Health's rules and regulations are a violation of this rule, and estheticians and cosmetologists will be subject to discipline pursuant to section 12-8-132(1)(i), C.R.S.—Eff 01/30/2007~~

RULE 12 — LICENSURE REINSTATEMENT

~~The purpose of this rule is to establish the qualifications and procedures for applicants seeking reinstatement of expired licenses pursuant to § 12-8-115, C.R.S., § 24-34-102(8)(d)(II) & (10), C.R.S., and § 24-34-105, C.R.S.—Eff 01/30/2007~~

~~A.—An applicant seeking reinstatement of an expired license shall complete a reinstatement application and pay all applicable renewal and reinstatement fees.—Eff 01/30/2007~~

~~B.—An applicant seeking reinstatement of a license that has been expired for more than two years, but less than five years, will have to establish “competency to practice” under § 24-34-102(8)(d)(II)(A) & (D), C.R.S., by submitting the following:—Eff 01/30/2007~~

~~1.—Proof of 400 hours of work experience within the previous five (5) years immediately preceding the date of application.—The applicant shall attest to the number of work experience hours submitted.—Eff 01/30/2007~~

~~2.—If the applicant provides proof of work experience from another state or jurisdiction, the applicant shall provide a verification of licensure from all states or jurisdictions in which the applicant has been actively practicing during the last five (5) years prior to the date of application.—Eff 01/30/2007~~

~~C.—An applicant who cannot provide proof of work experience or seeks to reinstate a license that has been expired for more than five years will be required to pass the written examination used for initial licensure under § 12-8-110, C.R.S., in order to reinstate the expired license.—Eff 01/30/2007~~

~~D.—An applicant for reinstatement who has actively practiced in Colorado on an expired license in violation of § 12-8-120, C.R.S., is subject to denial of application, disciplinary action, and/or other penalties as authorized in the Barbers and Cosmetologists Practice Act at §§ 12-8-101 et seq., C.R.S., and in accordance with § 24-34-102 et seq., C.R.S.—Eff 01/30/2007~~