

Agenda Item

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Meeting Minutes
SOUTH DAKOTA COSMETOLOGY COMMISSION
via Microsoft Teams or Call: +1 605.679.7263
Thursday, January 18, 2024, 10:00 a.m. CST

Vice President Graf (Graf) called the meeting to order at 10:01 a.m. CST. Commission Secretary Hiller (Hiller) called the roll. A quorum was present.

Members Present: Debbie Pageler
Renee Graf
Zoe Hiller

Members Absent: Annette Peterson

Others Present: Tyler Evins, Executive Director
Miranda Wilson, Senior Secretary
Savannah Thorne, Lash Spa Boutique Apprentice Salon
Trish Bates, Hollywood Style Apprentice Salon
Fallon Helm, Revive Apprentice Salon
Angela Larson, Lake Area Technical College
Tiffany Sanderson, Lake Area Technical College
Braley Kracht, Licensee

Evins requested that agenda item O be stricken from the agenda. Request approved by Graf.

Hiller made a motion to approve the amended agenda. Pageler seconded the motion. **MOTION PASSED.**

Hiller made a motion to approve the October 26, 2023, meeting minutes. Pageler seconded the motion. **MOTION PASSED.**

Hiller reported that the available cash balance was \$181,277.02.

Executive Director Evins (Evins) presented his report which is available in the meeting packet. Three additions were included in the report concerning the state board examination proctoring contract, updates on HB 1054, and potential solutions for licensees seeking reciprocity licensure in Minnesota.

The following comments were made during the public comment period:

Tiffany Sanderson (Sanderson) urged the Cosmetology Commission (Commission) to adopt a policy allowing the Commission office to include a licensee's student education record with a certification of licensure.

Fallon Helm (Helm) of Revive Day Spa & Salon provided an update about HB 1054 and suggested the Department of Labor and Regulation work with Helm and others on a possible replacement bill that satisfied the concerns of both parties.

Braelyn Kracht (Kracht) expressed concern about the contents of the South Dakota Certification of Licensure. Kracht requested that the Commission include non-regulated hours in the total number of hours certified by the Commission.

Savannah Thorne (Thorne) requested an update concerning state testing. Evins informed Thorne any student or apprentice who is eligible for temporary licensure would be provided with a provisional work authorization while they wait for the next scheduled examination.

Bates requested clarification about the provisional work authorization. Evins explained it allows candidates for licensure the ability to work while they wait for the next scheduled examination, so long as they are eligible for temporary licensure.

The public comment period ended after Bates requested clarification.

Evins requested clarification from the Commission about the minimum equipment requirements for salons. Specifically, Evins sought to clarify if a cosmetology salon is required to have at least one shampoo bowl and if esthetics and nail salons are required to have at least one dedicated sink for use on clients.

The Commission discussed the issue and affirmed that cosmetology salons are required to have at least one shampoo bowl and that nail and esthetics salons are required to have at least one dedicated sink for use on clients.

Pageler made a motion to affirm the requirement for one shampoo bowl in every cosmetology salon and one sink dedicated for use on clients in every esthetics or nail salon. Hiller seconded the motion. **MOTION PASSED.**

Evins explained the Commission office no longer has the ability to offer a two-hour review course in lieu of the state board examination for individuals wishing to renew a license that lapsed five or more years ago. Evins informed the Commission NIC is developing a review course that may meet the requirements outlined in ARSD 20:42:03:13.

Graf and Hiller suggested that licensees in this situation complete the state board examination until the NIC course is developed and the Commission reviews it for compliance with administrative rule.

Evins informed the Commission that the Commission office has not posted violations or lapsed license cases on the website for the past three years. The Commission asked Evins to begin posting any new violations or lapsed license cases on the website starting in January 2024.

Evins informed the Commission that South Dakota licensees applying for reciprocity licensure in Minnesota have recently been denied. Pursuant to Minnesota Statutes Chapter 155A, "A nonresident cosmetologist, hair technician, nail technician, esthetician may be licensed in Minnesota if the individual has completed cosmetology school in a state or country with the same or greater school hour requirements." Evins informed the Commission it was against the advice of legal counsel to certify unregulated education hours, but he proposed including the licensee's student education record with a certification of licensure.

Pageler made a motion to include a licensee's education record with their certification of licensure. Hiller seconded the motion. **MOTION PASSED.**

Evins introduced proposed application review procedures to standardize the process for licensing schools, businesses, and individuals. Under the proposed procedures, the Commission office would review and approve or deny all applications. An applicant would be provided an opportunity to correct any deficiencies with his or her application within a specified timeframe. Any denied applications would be referred to the Commission through a contested case hearing, at the request of the applicant. The applicant would have 20 business days to request a hearing or to remedy any deficiencies still remaining with the application.

Pageler made a motion to approve the proposed application review procedures. Hiller seconded the motion.
MOTION PASSED.

Evins raised concerns about the current Commission policy requiring examinees who have three failed attempts at the state board examination to wait three months before testing again. Additionally, the policy requires an examinee who has six failed attempts to request approval from the Commission to test again. Evins added the Commission may not have the statutory authority to set this policy.

Hiller made a motion to rescind the previously stated Commission policy. Pageler seconded the motion.
MOTION PASSED.

Pageler made a motion to adjourn the meeting. Hiller seconded the motion. **MOTION PASSED.**

The meeting adjourned at 11:07 a.m. CST.

Agenda Item

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AVAILABLE FUNDS
AS OF: 04/19/2024

FY YEAR REMAINING: 19.9%
PAY DAYS REMAINING: 4

BUDGET UNIT 1033

DATE 04/20/2024

COSMETOLOGY COMMISSION - INFO

COMP	ORIGINAL APPROPRIATION	APPROPRIATION TRANSFERS	YEAR-TO-DATE COMMITMENTS	YEAR-TO-DATE ENCUMBRANCES	YEAR-TO-DATE EXPENDITURES	AVAILABLE APPROPRIATIONS	CASH BALANCE
6503-I	442,692.00	4,426.00	0.00	6,863.32	357,574.40	82,680.28	162,066.35
BUDGETED TOT	442,692.00	4,426.00	0.00	6,863.32	357,574.40	82,680.28	
ALL COMP TOT	442,692.00	4,426.00	0.00	6,863.32	357,574.40	82,680.28	

TOTAL BUDGETED:

OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	BUDGET AVAILABLE	PCT AVL
5101 EMPLOYEE SALARIES	229,966.00	0.00	0.00	14,889.32	185,759.56	44,206.44	19.2
5102 EMPLOYEE BENEFITS	81,385.00	0.00	0.00	3,223.08	47,112.83	34,272.17	42.1
5203 TRAVEL	42,268.00	0.00	0.00	658.49	16,954.57	25,313.43	59.9
5204 CONTRACTUAL SVCS	80,318.00	0.00	6,863.32	4,017.72	88,450.11	14,995.43-	0.0
5205 SUPPLIES & MATRLS	13,181.00	0.00	0.00	776.47	17,583.01	4,402.01-	0.0
5207 CAPITAL OUTLAY	0.00	0.00	0.00	0.00	1,469.99	1,469.99-	0.0
5208 OTHER	0.00	0.00	0.00	0.00	244.33	244.33-	0.0
TOTALS	447,118.00	0.00	6,863.32	23,565.08	357,574.40	82,680.28	18.5

BREAKOUT BY COMPANY:

COMPANY 6503-I PROFESSIONAL & LICENSING BOARDS

OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	BUDGET AVAILABLE	PCT AVL
5101000 EMPLOYEE SALARIES	229,966.00	0.00	0.00	14,889.32	185,759.56	44,206.44	19.2
5102000 EMPLOYEE BENEFITS	81,385.00	0.00	0.00	3,223.08	47,112.83	34,272.17	42.1
5203000 TRAVEL	42,268.00	0.00	0.00	658.49	16,954.57	25,313.43	59.9
5204000 CONTRACTUAL SVCS	80,318.00	0.00	6,863.32	4,017.72	88,450.11	14,995.43-	0.0
5205000 SUPPLIES & MATRLS	13,181.00	0.00	0.00	776.47	17,583.01	4,402.01-	0.0
5207000 CAPITAL OUTLAY	0.00	0.00	0.00	0.00	1,469.99	1,469.99-	0.0
5208000 OTHER	0.00	0.00	0.00	0.00	244.33	244.33-	0.0
PS SUBTOTALS	311,351.00	0.00	0.00	18,112.40	232,872.39	78,478.61	25.2
OE SUBTOTALS	135,767.00	0.00	6,863.32	5,452.68	124,702.01	4,201.67	3.1
COMPANY 6503-I TOT	447,118.00	0.00	6,863.32	23,565.08	357,574.40	82,680.28	18.5

Agenda Item

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2/16/2024

Michael Specht

RE: Limited Salon Permit

Dear Mr. Specht,

This letter is in response to your request for a limited salon license. Pursuant to SDCL 36-15-51, applicants who wish to perform a limited set of cosmetology services must 'apply to the commission for a limited salon or booth license.' Per your request, we have converted your application for a full salon license into an application for a limited salon license.

While your application is awaiting review by the Cosmetology Commission, you will be issued a temporary limited salon permit which will allow you to operate your business in the interim.

With this permit you are restricted to performing the following services:

- Haircuts
- Hair Straightening
- Hair Braiding
- Scalp Massage

If you are found to be performing any services not listed above, it is grounds for disciplinary action at the discretion of the Cosmetology Commission (Commission).

If your application for a limited salon license is approved by the Commission, you will be issued a limited salon license which would be renewable annually. There is no guarantee that your application for a limited salon license will be approved, as this decision is made at the discretion of the Cosmetology Commission.

Sincerely,

Tyler J. Evins
Executive Director

COPY

NOTE: FEBRUARY 2024, M. SPECHT
DISPUTES FAILURE OF SALON INSPECTION.
SALON DOES NOT CONTAIN A SHAMPOO
BOWL. M. SPECHT REQUESTS EXEMPTION
FROM REQUIREMENT TO POSSESS
SHAMPOO BOWL IN SALON, DESPITE
COMMISSION POLICY.
TE

Agenda Item

J

**STATE OF SOUTH DAKOTA
DEPARTMENT OF LABOR AND REGULATION
COSMETOLOGY COMMISSION**

In the Matter of:

CONSENT AGREEMENT

Cuong Hoang,
Licensee.

Case No. 08-2023

License Nos. LS-10576, NT-12374

Pursuant to South Dakota Codified Laws (SDCL) 36-1C-6 and 1-26-20, in consideration of the above-captioned matter, and as the full and final resolution of this matter, the undersigned parties do hereby consent and agree to the following:

1. The South Dakota Department of Labor and Regulation, Cosmetology Commission (COMMISSION) has jurisdiction over this matter pursuant to SDCL Chapter 36-15.
2. The Commission may take disciplinary action against a licensee on any of the grounds listed in SDCL 36-15-56.
3. Disciplinary action may include a refusal to issue, suspension, or revocation of a license pursuant to SDCL 36-15-56.
4. Cuong Hoang (LICENSEE) is licensed by the Commission as a Nail Technician and has been so licensed since August 14, 2014.
5. Paris Nail Limited Salon (SALON) is a Nail Technology Salon owned by Licensee. The Salon has been so licensed since October 26, 2021. Licensee is the sole agent of the Salon.
6. On October 23, 2023, a written complaint was filed against LICENSEE alleging multiple violations of the provision of SDCL Chapter 36-15 and ARSD Article 20:42.

7. On September 26, 2023, Jacquelyn Dahlquist (DAHLQUIST) conducted an inspection of the SALON. In the course of the inspection, DAHLQUIST discovered three unlicensed workers performing services within the salon. DAHLQUIST also discovered that electric nail filing was being performed at the time of inspection, though no licensee within the SALON was certified to perform this service. DAHLQUIST also discovered a prohibited tool, known as a 'foot rasp' or colloquially as a 'cheese-grater,' in the salon.
8. The above-described conduct constitutes grounds for disciplinary action pursuant to SDCL 36-15-56.
9. LICENSEE is aware of and understands the nature of this matter. LICENSEE acknowledges that she has been informed of various rights she has in this matter. These rights include, but are not limited to, the right to:
 - a. be represented by a lawyer in this matter;
 - b. receive notice of any hearing in this matter;
 - c. have a contested case hearing, as defined in SDCL 1-26-1(2). A contested case hearing includes the right of the licensee to be present at the hearing, be represented by legal counsel, introduce evidence, present testimony, call witnesses to testify, cross-examine all witnesses present, and submit argument on his or her own behalf; and
 - d. appeal any decision based on the contested case hearing to circuit court and the South Dakota Supreme Court, as provided by law.

LICENSEE agrees that, by signing this Consent Agreement, LICENSEE voluntarily **waives** all of these rights, procedures, and proceedings before the Commission. LICENSEE further waives any other rights to which she may be entitled under state or federal law as applicable to this matter.

10. LICENSEE is not represented by an attorney in this matter and is representing herself in this matter.
11. LICENSEE understands that by entering into this Consent Agreement, the Commission is making a finding that LICENSEE violated multiple provisions of SDCL 36-15 and ARSD 20:42. In addition, LICENSEE understands that by entering into this Agreement, the Commission is taking formal disciplinary action against Licensee.
12. In return for LICENSEE's agreement to the provisions of this Consent Agreement, the Commission agrees not to proceed to a formal hearing in this matter and agrees that this Consent Agreement will constitute the final Commission disposition of this matter.
13. LICENSEE agrees that this Consent Agreement shall serve as the final resolution of this complaint, including her appeal. LICENSEE also agrees, in lieu of further contesting this matter, that her licenses shall be suspended for a period of **fifteen days**, during which time her salon will remain closed and she will be barred from performing nail technology services. In addition, LICENSEE agrees to abide by the following terms:

- a. LICENSEE shall pay a fine in the amount of \$1000.00, due to the Commission office within 30 days of the effective date of this Consent Agreement;
 - b. LICENSEE will take and pass the South Dakota Laws and Rules examination, AND
 - c. LICENSEE shall comply with all provisions of SDCL Chapter 36-15 and ARSD Article 20:38.
14. If LICENSEE fails to comply with any of the terms of this Consent Agreement, LICENSEE agrees that any such violation would constitute new grounds for further discipline.
 15. LICENSEE understands and agrees that the terms of this Consent Agreement shall be public.
 16. LICENSEE consents, agrees, and acknowledges that this Consent Agreement must be submitted to the Commission at a public meeting for acceptance or rejection. If the Commission rejects this Consent Agreement, LICENSEE waives any right to claim prejudice or to request recusal of any Commission member by reason of any factual basis submitted to the Commission in an effort to resolve this matter by Consent Agreement rather than by formal proceeding.
 17. LICENSEE understands that nothing in this Consent Agreement will be deemed to restrict the Commission from raising facts in reference to LICENSEE outside of those set forth in this Consent Agreement, if there are

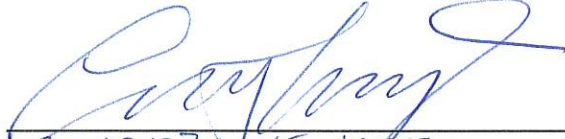
other material facts related to the matters under investigation that have not been set forth or disclosed herein.

18. LICENSEE understands that this Consent Agreement may be considered in any future licensing matters with the Commission and for the purposes of determining the appropriate sanctions in any future actions by the Commission for any violations of laws or regulations of the State of South Dakota or for failing to abide by any order or decision of the Commission.
19. LICENSEE has read, understands, and agrees to this Consent Agreement and is freely and voluntarily signing it. This Consent Agreement contains the entire agreement between the parties relating to the matters referenced in the Consent Agreement. LICENSEE is not relying on any other representations of any kind, verbal or otherwise.
20. LICENSEE agrees to waive any rights and procedures afforded him/her under SDCL Chapters 1-26, 36-1C, 36-15 and ARSD Article 20:42.
21. If this Consent Agreement is approved by the Commission, a copy of the executed Consent Agreement will be served by first class mail on LICENSEE by mailing a copy to her address on file with the Commission.
22. This Consent Agreement shall be effective on the date it is signed by the Commission Chair.

CONSENT AND ACKNOWLEDGMENT

By signing below, I accept and agree to the terms of this Consent Agreement. I agree that I have read and understand the terms of this Consent Agreement and I understand that I am waiving my due process rights and my right to a hearing. I am freely and voluntarily entering into this agreement.

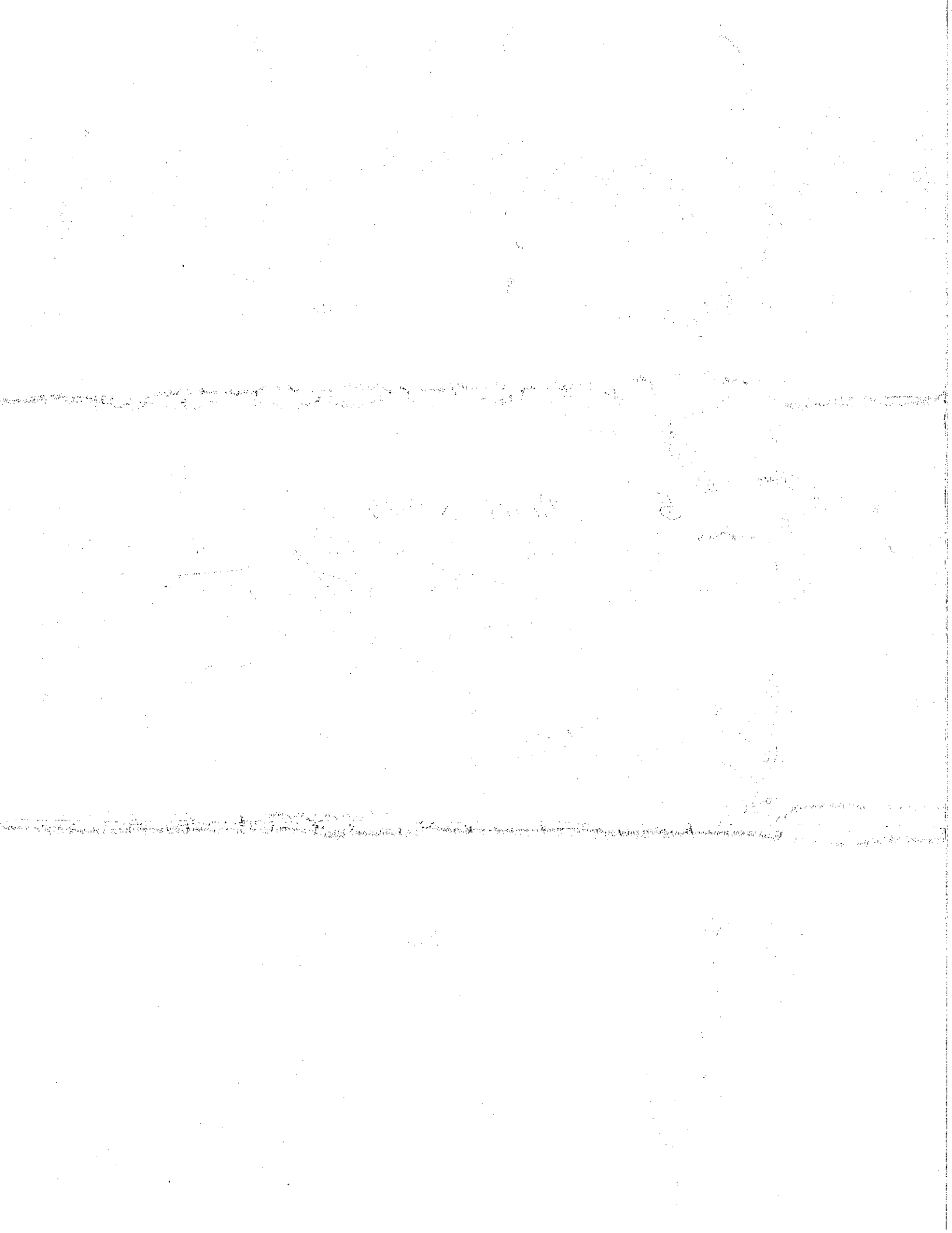
Dated this 5 day of March 2024.
(month and year)



ES-10576/NT-12374
LICENSEE

Dated this ____ day of _____.
(month and year)

Commission Chair



STATE OF SOUTH DAKOTA
DEPARTMENT OF LABOR AND REGULATION
COSMETOLOGY COMMISSION

In the Matter of:

CONSENT AGREEMENT

James Nguyen,
Licensee.

Case No. 07-2023

License No. NT-12357, NS-10937

Pursuant to South Dakota Codified Laws (SDCL) 36-1C-6 and 1-26-20, in consideration of the above-captioned matter, and as the full and final resolution of this matter, the undersigned parties do hereby consent and agree to the following.

1. The South Dakota Department of Labor and Regulation, Cosmetology Commission (Commission) has jurisdiction over this matter pursuant to SDCL Chapter 36-15.
2. The Commission may take disciplinary action against a licensee on any of the grounds listed in SDCL 36-15-56.
3. Disciplinary action may include a refusal to issue, suspension, or revocation of a license pursuant to SDCL 36-15-56.
4. James Nguyen (Licensee) is licensed by the Commission as a Nail Technician and has been so licensed since July 29, 2014.
5. Brookings Nail Spa & Salon (Salon) is a Nail Technology Salon owned by Licensee. The Salon has been so licensed since June 2, 2022. James Nguyen is the sole agent of the Salon.
6. On October 23, 2023, a written complaint was filed against Licensee alleging multiple violations of the provision of SDCL Chapter 36-15 and ARSD Article 20:42.

7 On October 11, 2023, Nancy LaBrie (Inspector) conducted an inspection of the Salon. In the course of the inspection, the Inspector discovered three unlicensed workers performing services within the salon. The Inspector was able to speak with two of the three unlicensed workers and confirmed that they did not hold a license to practice nail technology or cosmetology in the State of South Dakota. The Inspector also discovered that the salon license was expired at the time of inspection. Additionally, one of the employees of the salon was working with an expired operator license.

8 The above-described conduct constitutes grounds for disciplinary action pursuant to SDCL 36-15-56.

9 Licensee is aware of and understands the nature of this matter. Licensee acknowledges that he has been informed of various rights he has in this matter. These rights include, but are not limited to, the right to

- a. be represented by a lawyer in this matter;
- b. receive notice of any hearing in this matter;
- c. have a contested case hearing, as defined in SDCL 1-26-1(2). A contested case hearing includes the right of the licensee to be present at the hearing, be represented by legal counsel, introduce evidence, present testimony, call witnesses to testify, cross-examine all witnesses present, and submit argument on his or her own behalf; and

d. appeal any decision based on the contested case hearing to circuit court and the South Dakota Supreme Court, as provided by law.

Licensee agrees that, by signing this Consent Agreement, Licensee voluntarily waives all of these rights, procedures, and proceedings before the Commission. Licensee further waives any other rights to which he may be entitled under state or federal law as applicable to this matter.

10. Licensee is not represented by an attorney in this matter and is representing himself in this matter.
11. Licensee understands that by entering into this Consent Agreement, the Commission is making a finding that Licensee violated multiple provisions of SDCL 36-15 and ARSD 20:42. In addition, Licensee understands that by entering into this Agreement, the Commission is taking formal disciplinary action against Licensee.
12. In return for Licensee's agreement to the provisions of this Consent Agreement, the Commission agrees not to proceed to a formal hearing in this matter and agrees that this Consent Agreement will constitute the final Commission disposition of this matter.
13. Licensee agrees that this Consent Agreement shall serve as the final resolution of this complaint, including his appeal. Licensee also agrees, in lieu of further contesting this matter, that his licenses shall be suspended for a period of **fifteen days**, during which time his salon will remain closed.

and he will be barred from performing nail technology services. In addition, Licensee agrees to abide by the following terms:

- a. Licensee shall pay a fine in the amount of \$900.00, due to the Commission office within 30 days of the effective date of this Consent Agreement.
- b. Licensee will take and pass the South Dakota Laws and Rules examination, AND
- c. Licensee shall comply with all provisions of SDCL Chapter 36-15 and ARSD Article 20:38.

14. If Licensee fails to comply with any of the terms of this Consent Agreement, Licensee agrees that any such violation would constitute new grounds for further discipline.

15. Licensee understands and agrees that the terms of this Consent Agreement shall be public.

16. Licensee consents, agrees, and acknowledges that this Consent Agreement must be submitted to the Commission at a public meeting for acceptance or rejection. If the Commission rejects this Consent Agreement, Licensee waives any right to claim prejudice or to request recusal of any Commission member by reason of any factual basis submitted to the Commission in an effort to resolve this matter by Consent Agreement rather than by formal proceeding.

17. Licensee understands that nothing in this Consent Agreement will be deemed to restrict the Commission from raising facts in reference to Licensee outside of those set forth in this Consent Agreement, if there are other material facts related to the matters under investigation that have not been set forth or disclosed herein.
18. Licensee understands that this Consent Agreement may be considered in any future licensing matters with the Commission and for the purposes of determining the appropriate sanctions in any future actions by the Commission for any violations of laws or regulations of the State of South Dakota or for failing to abide by any order or decision of the Commission.
19. Licensee has read, understands, and agrees to this Consent Agreement and is freely and voluntarily signing it. This Consent Agreement contains the entire agreement between the parties relating to the matters referenced in the Consent Agreement. Licensee is not relying on any other representations of any kind, verbal or otherwise.
20. Licensee agrees to waive any rights and procedures afforded him/her under SDCL Chapters 1-26, 36-1C, 36-15 and ARSD Article 20.42.
21. If this Consent Agreement is approved by the Commission, a copy of the executed Consent Agreement will be served by first class mail on Licensee by mailing a copy to his/her address on file with the Commission.
22. This Consent Agreement shall be effective on the date it is signed by the Commission Chair.

CONSENT AND ACKNOWLEDGMENT

By signing below, I accept and agree to the terms of this Consent Agreement. I agree that I have read and understand the terms of this Consent Agreement and I understand that I am waiving my due process rights and my right to a hearing. I am freely and voluntarily entering into this agreement.

Dated this 18 day of January, 2024
(month and year)



Licensee

Dated this _____ day of _____
(month and year)

Commission Chair

Agenda Item

K

Perla Olivares Johnson

January 11th 2024

Cosmetology Commission
Pierre, South Dakota

To Whom It May Concern

I am Perla Olivares Johnson, owner of K&S Studios. My cosmetology license, salon license and instructor license were all revoked due to having an unlicensed worker at our salon. Hearing that our shop was ordered to close and I was no longer a stylist was devastating. We have put so much time and effort into this project and to see it all gone in a second was tragic. Kevin and I are very passionate about the hair industry and are very excited to work with the community and the industry in South Dakota in a positive way. We have had time to reflect and realize our mistakes we made during this whole process. Kevin is taking the necessary steps in becoming licensed by applying at a barber school. I would like to sincerely apologize, as a professional I realize how irresponsible I was to allow an unlicensed worker at our salon. I hope to be able to continue to own and operate a salon in South Dakota. As a local I hold this community dear to my heart, with all respect I ask for forgiveness and another chance to be able to reinstate my licenses and be able to continue my career in cosmetology, I would be willing to do community work if needed to prove that I am 100% dedicated to moving forward with my career, and following South Dakota cosmetology laws. Thank you for taking the time to read this letter and for your consideration.

Best regards

Perla Olivares Johnson

K&S Studios Limited Co

COPY

**STATE OF SOUTH DAKOTA
DEPARTMENT OF LABOR AND REGULATION
COSMETOLOGY COMMISSION**

In the Matter of:

ORDER

Perla Samantha Olivares-Johnson,
Licensee.

**License No. CO-14681-2023, IC-15395-
2022**

Case No. 02-2023
OHE Case No. DLR 23-001

An administrative hearing in this matter was held on May 24, 2023 by the Office of Hearing Examiners via video conference. Hearing Examiner Ryan Darling was present and presided over the hearing. Gerald M. McCabe, Senior Staff Attorney, appeared and represented the Cosmetology Commission. Tyler Evins, Executive Director, and Mary Rasmussen, Inspector, appeared and testified as witnesses for the Commission. There was no appearance by or on behalf of Perla Samantha Olivares-Johnson (Licensee).

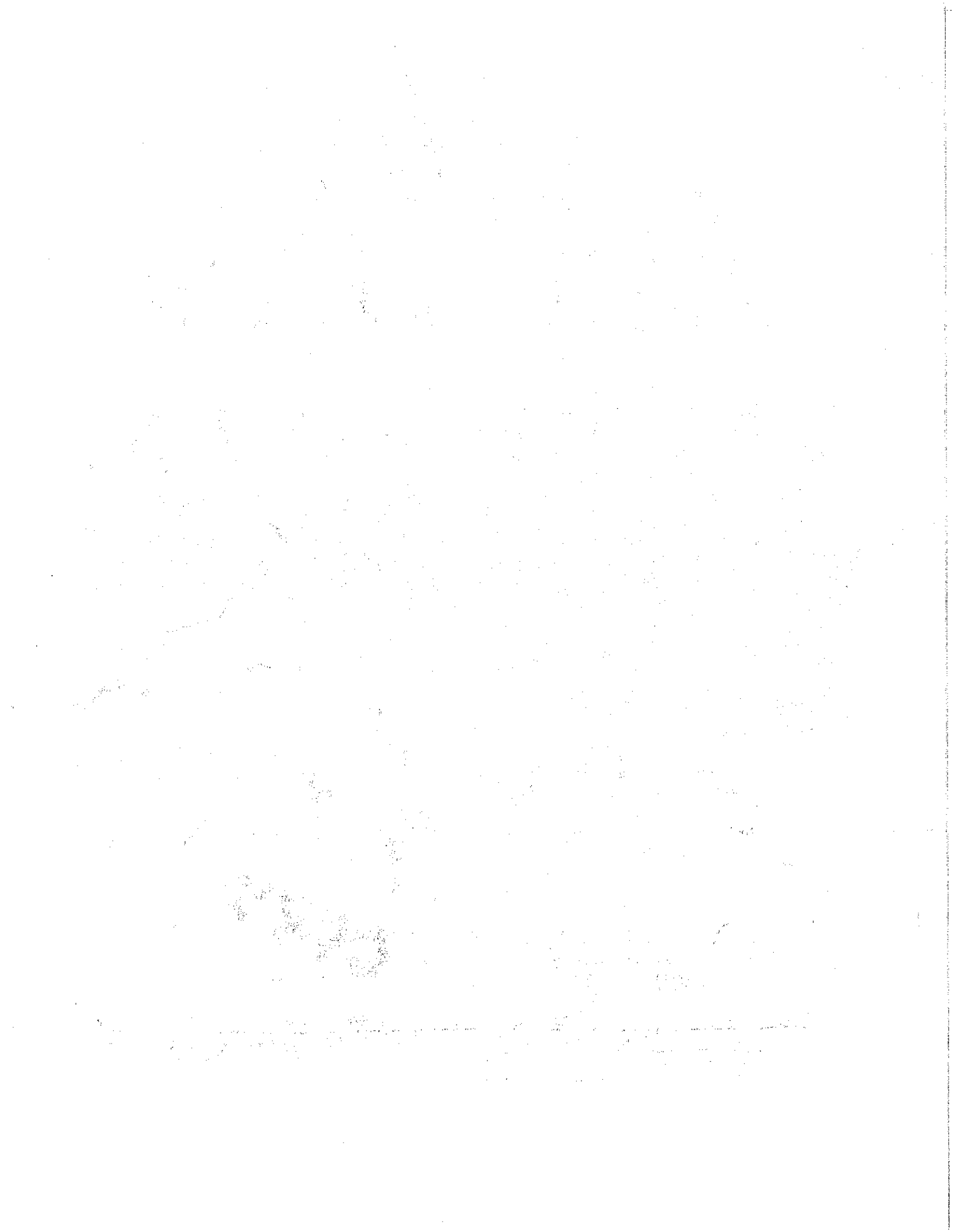
Hearing Examiner Darling, having received and reviewed the testimony and evidence in this matter, issued a Proposed Decision, dated June 15, 2023, which included Findings of Fact, Conclusions of Law, and a Proposed Order. In the Proposed Decision, Hearing Examiner Darling concluded that Licensee, by clear and convincing evidence, violated ARSD 20:42:04:01.02 and SDCL 36-15-51, 36-15-54, 36-15-60(7), (8), and (10). Hearing Examiner Darling also concluded that Licensee is subject to discipline pursuant to SDCL 36-15-56(2) and (6), which may include suspension or revocation, and that the Commission should discipline Licensee as the law allows and as the Commission deems appropriate based upon the Commission's experience, practice, and knowledge of others similarly situated.

This matter came before the Commission, pursuant to SDCL 1-26-24, at a regularly scheduled meeting on July 27, 2023, for review of the Proposed Decision. Licensee did not appear at the meeting to make any argument against discipline and Licensee did not otherwise file any written exceptions or objections to the Proposed Decision. After review of the Proposed Decision, the Commission makes the following:


ORDER

1. The Proposed Decision of Hearing Examiner Darling, dated June 15, 2023, and attached to this Order, shall be fully incorporated into this Order and the Proposed Decision is adopted in all respects, except as otherwise modified by this Order.
2. Licensee's individual cosmetologist license (CO-14681-2023), her lapsed cosmetology instructor license (IC-15395-2022), and her lapsed salon license (CS-10749) are immediately **REVOKED**.

COPY



Dated this 7th day of August 2023.
(month)


Printed Name: Renee Groves
Acting Commission President

NOTICE: This is the final decision of the South Dakota Department of Labor and Regulation, Cosmetology Commission. The parties are hereby advised of the right to appeal this final order to circuit court within 30 days of receiving this decision pursuant to the authority of SDCL Chapter 1-26. In addition, pursuant to SDCL Chapter 1-26, a circuit court decision in this matter may be appealed to the South Dakota Supreme Court in the manner provided by law.

COPY

STATE OF SOUTH DAKOTA
DEPARTMENT OF LABOR AND REGULATION
COSMETOLOGY COMMISSION

Heard by the
Office of Hearing Examiners
Pierre, South Dakota

IN THE MATTER OF:

PROPOSED DECISION

Perla Samantha Olivares-Johnson,
Licensee.

OHE Case No. DLR 23-001
Commission File No. 02-2023

**License Nos. CO-14681-2023,
IC-15395-2022**

The above-entitled matter came on for hearing before Hearing Examiner Ryan Darling, Office of Hearing Examiners. The South Dakota Department of Labor and Regulation, Cosmetology Commission (Commission) appeared and was represented by Gerald M. McCabe, Senior Staff Attorney. Tyler Evins, Executive Director, and Mary Rasmussen, Inspector, appeared and testified as witnesses for the Commission. There was no appearance by or on behalf of Perla Samantha Olivares-Johnson (Licensee). This Proposed Decision is sent to the Commission after a substantial review of all documentation, argument, and evidence presented.

ISSUES

- COPY**
1. Whether Perla Samantha Olivares-Johnson (Licensee) violated ARSD 20:42:04:01.02 and/or SDCL 36-15-60(7) and (10) by permitting an unlicensed worker to perform services in her licensed salon.
 2. Whether Licensee violated SDCL 36-15-51, 36-15-54, and/or 36-15-60(8) and (10) by continuing to operate her salon without an active salon license.
 3. Whether, if any of the above violations are proven, Licensee is subject to discipline pursuant to SDCL 36-15-56(2) and/or (6).

FINDINGS OF FACT

1. Perla Samantha Olivares-Johnson (Licensee) is licensed by the Commission as a cosmetologist with the license number CO-14681-2023 and has been so licensed since May 18, 2021.
2. Licensee was licensed by the Commission as a cosmetology instructor (license number IC-15395-2022) which lapsed on September 21, 2022.
3. K & S Studios Salon (Salon) is a business and previously held a salon license issued by the Commission. The Salon was licensed (license number CS-10749)

but that license lapsed on November 10, 2022. Licensee and an individual named Kevin Valeriofrausto were listed as owners of the Salon on its application for licensure. The address of the Salon is 825 W. 10th Street, Sioux Falls, SD 57104.

4. On March 5, 2021, Licensee and Valeriofrausto were featured in an Argus Leader newspaper article about "K&S Studios, a barbershop" which they were preparing to open in May located at 825 W. 10th Street in Sioux Falls.
5. Valeriofrausto has never been licensed by the Commission or the South Dakota Board of Barber Examiners.
6. On February 7, 2022, an Commission inspector, Mary Rasmussen, went to the Salon and performed an inspection of the salon upon its initial licensing. Rasmussen instructed Valeriofrausto, as a non-licensee salon owner, that although he could perform non-license required work in the salon, he could not do any hair appointments or work on a client.
7. On August 19, 2022, Rasmussen performed an inspection of the Salon. When the inspector arrived, the inspector found Valeriofrausto performing services requiring a license upon a client. Valeriofrausto was told to stop cutting hair and Licensee was instructed to take over.
8. On September 13, 2022, a written complaint was filed against the Salon alleging that Valeriofrausto was practicing services requiring a license without a license.
9. On September 26, 2022, the Commission received a response from Valeriofrausto sent using Licensee's email address. In his response, he stated, in part, "I Kevin Valerio acknowledge the complaint made about me being an unlicensed worker is true, and have no objection to the complaint."
10. As of February 22, 2023, the Salon's website:
 - a. Listed its address as 825 W. 10th St, Sioux Falls, SD 57104.
 - b. Displayed photos of three providers with their Instagram usernames listed underneath and a "Follow me on Instagram" button under each provider. These service providers include "Kev The Barber" and "SammyBlendz".
 - c. Displayed a "BOOK NOW" button which links to a third-party software booking interface that allows for the booking of various services, including of an "After Hour Haircut" with "Kevin V" and a "Standard Haircut" with "Samantha O".
11. On February 24, 2023, the Commission initiated a Formal Complaint against Licensee in this matter.

COPY

12. As of May 16, 2023, the Salon's website continued to offer a booking portal that allows for the booking of various services, including an "After Hour Haircut" with "Kevin V" and a "Standard Haircut" with "Samantha O".

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to SDCL Chapter 36-15.
2. The Commission may take disciplinary action against a licensee on any of the grounds listed in SDCL 36-15-56, including, but not limited to:
 - (2) Failure of any person to comply with any of the requirements of this chapter or rules adopted pursuant to this chapter; and
 - (6) The employment of any unlicensed person to perform work which under this chapter can lawfully be done only by licensed persons.
3. Disciplinary action may include suspension or revocation of the license pursuant to SDCL 36-15-55.2.
4. SDCL 36-15-51 prohibits the operation of a salon or booth without a license.
5. SDCL 36-15-54 provides, with limited exceptions, that cosmetology "may only be practiced in a licensed salon or booth".
6. SDCL 36-15-60 prohibits anyone from doing the following:
 - (7) employ or allow any unlicensed person to perform work which under this chapter may lawfully be done only by licensed persons;
 - (8) operate a salon, booth, or school for any of the practices of cosmetology without having first obtained the applicable license as provided in this chapter; and
 - (10) do any act prohibited by this chapter.
7. ARSD 20:42:04:01.02 states that a "salon must ensure that any individual providing licensed services in the salon has the required booth or individual license, or both."
8. The burden of proof for the Commission to impose discipline in this case is preponderance of the evidence.
9. The burden of proof for the Commission to impose a suspension or revocation is clear and convincing evidence.

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10. The Commission has demonstrated by clear and convincing evidence that Licensee violated ARSD 20:42:04:01.02 and SDCL 36-15-60(7) and (10) by permitting an unlicensed worker to perform services in her licensed salon.
11. The Commission has demonstrated by clear and convincing evidence that Licensee violated SDCL 36-15-51, 36-15-54, and 36-15-60(8) and (10) by continuing to operate her salon without an active salon license.
12. The Commission has demonstrated by clear and convincing evidence that Licensee's conduct constitutes grounds for discipline pursuant to SDCL 36-15-56(2) and (6).

PROPOSED ORDER

It is the Proposed Order of the Office of Hearing Examiners that, by clear and convincing evidence, Licensee be found to have violated ARSD 20:42:04:01.02 and SDCL 36-15-51, 36-15-54, 36-15-60(7), (8), and (10). Licensee is subject to discipline pursuant to SDCL 36-15-56(2) and (6), which may include suspension or revocation. The Commission should discipline Licensee as the law allows and as the Commission deems appropriate based upon the Commission's experience, practice, and knowledge of others similarly situated.

Dated this 15 day of JUNE 2023.

SOUTH DAKOTA OFFICE OF HEARING EXAMINERS



Ryan Darling
Hearing Examiner

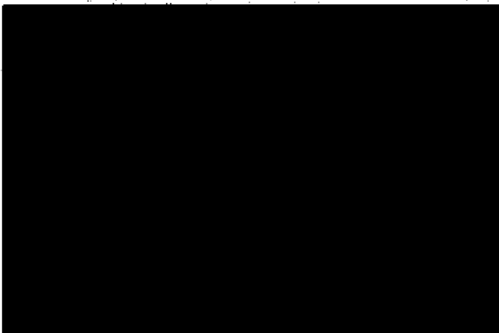
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CERTIFICATE OF SERVICE

I certify that on June 15, 2023, at Pierre, South Dakota, a true and correct copy of the Decision in the above-entitled matter was sent via U.S. Mail or Inter-Office Mail to each party listed below.



Julie McClelland
Legal Secretary



COPY

Agenda Item

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36-15-19.2. Licensure by reciprocity--Requirements.

The commission may waive the examination required in § 36-15-19.1, 36-15-19.3, or in 36-15-19.5 upon application made to the commission that the applicant possesses the qualifications required pursuant to § 36-15-15, and that:

- (1) The applicant holds a currently valid license issued by another state, district, or foreign country and the requirements of that state, district, or foreign country at the time of the examination were equal to or not less than those required by this state;
- (2) The applicant has passed an examination acceptable to the commission in cosmetology, nail technology, or esthetics, as applicable;
- (3) The applicant shall take the prescribed written examination on the provisions of this chapter and rules adopted pursuant to this chapter. The commission shall determine the contents of the examination; and
- (4) The application is accompanied by the fee provided for in this chapter.

Source: SL 1972, ch 206, § 20; SL 1997, ch 218, § 7; SL 2003, ch 202, § 25.

20:42:03:06.03. Foreign-educated applicants for licensure. In addition to the requirements of SDCL 36-15-15 and 36-15-19.2, an applicant from a foreign country shall have successfully completed 225 cosmetology education hours, 90 esthetics education hours, or 60 nail technician education hours, as applicable, at a school approved by the commission. The education shall include federal safety requirements (OSHA and FDA) for cosmetology, South Dakota cosmetology safety and infection control procedures, and United States cosmetic products.

Source: 29 SDR 176, effective July 1, 2003; 39 SDR 129, effective January 28, 2013; 47 SDR 8, effective August 3, 2020.

General Authority: SDCL 36-15-13(1).

Law Implemented: SDCL 36-15-19.2.

Agenda Item

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Chapter F5: Infection Control: Principles & Practices

Student Name: _____ **Date:** _____

Team Coach/Educator: _____

CIMA Activities & Quizzes	Grade
Written Category	
Acronyms Quiz	%
Cleaning & Disinfecting Quiz	%
Containers & Logbook Quiz	%
Disinfectant Safety Quiz	%
Hand Washing, Soaps & Sanitizer Quiz	%
Modes of Transmission Quiz	%
Safety Precautions Quiz	%
Standard Precautions Quiz	%
Terms & Definitions Quiz	%
Types of Pathogens Quiz	%
Basic Chemical Structure Quiz	%
Ch.F-5 Review Word Review	%
Harmful Organism Poster Activity	%
Hazardous Analysis Discussion	%
Infection Control Case Study	%
Regulatory Agencies Activity	%
Terms & Definitions Quiz	%
The Home Front Discussion	%
Exam	%

Educator collects CIMA scores, sort by one student per form

Submit to administration to enter grades into student software

Daily Agenda:

9:00 - 9:15 Energy
9:15 - 9:30 Opening/ Ice Breaker
9:30 - 9:45 PP Explain Infection Control
9:45 - 10:15 Activity 1 Barbicide Certifications
10:15 - 10:30 PP Describe Federal & States
Regulatory
10:30 - 10:50 Activity 2- Stopping the Transmission
10:50 - 11:05 Break
11:05-11:30 PP Recognize the Principles of Infection
11:30-12:00 Activity 3 Attacking the Source
12:00 - 1:00 Lunch
1:00 - 1:20 PP Preventing Transmission: Infection
Control
1:20 - 1:35 Activity 4 First Aid Kit
1:35 - 1:50 PP Identify different types of pathogens
1:50 - 2:20 Activity 5 NIC Blood Spill Procedure
2:20 - 2:50 PP Types of Disinfectants
2:50 - 3:05 Break
3:05 - 3:55 Activity 6 Bulletin
3:55 - 4:00 Debrief
4:00 - 4:15 Classroom Duties
4:15 - 4:30 Duties

CLOSE	RESOURCES / NOTES
<p>DEBRIEF DAY:</p> <p>PLAN OF ACTION / NEXT STEPS:</p> <p>SET UP FOR NEXT CLASS:</p> <p>Homework:</p> <p>Complete Activities & Quizzes for Chapter F-5</p> <ul style="list-style-type: none"> -Test on Day 5. Give Exact Date -Study for Chapter 1 History Exam -Read Chapter 3 & Begin Chapter 3 CIMA -Complete Barbicide Certificates if not done in class <p>NOTES OR IDEAS FOR FUTURE CLASSES:</p>	

TOPIC: Chapter F-5 Infection Control

OBJECTIVE: Explain Infection Control. Describe Federal & State Regulatory Agencies. Recognize the principles of infection. Identify different types of pathogens. Employ the principles of prevention. Follow standard precautions to protect yourself and your clients. Demonstrate safe work practices and safety precautions.

CLASSROOM PREPARATION:

- Educator Preparation-Example-Read / Review chapter prior to class, prepare for activities, prepare flip charts,

RESOURCES:

- Milady, Brand info, Online references

MATERIALS NEEDED:

- Supplies needed for activities or hands on demonstration

Homework Due: CIMA Activities & Quizzes Started

Before class, confirm students have read the chapter.

QUESTIONS: Ask students the following questions.

- How often do you sweep the floors of your home?
- How often do you mop the floors of your home?
- How often do you clean/disinfect the bathroom?
- How often do you clean/disinfect bathroom door knobs?
- How often do you remove hair and debris from your hairbrush or comb with soap & water?

INTRODUCTION AND EARN THE RIGHT:

Recall a situation you were in or witnessed in the salon or spa where infection control did NOT take place. What were the consequences? What could have been done?

WHAT'S IN IT FOR THEM:

Have students give a reason for Safe Practices that will benefit them. Have them write on the board. Review at the end of day.

CODE OF THE CLASSROOM: Instructor will reiterate the school policies and discipline.

ICEBREAKER / ACTIVITY:

Have students look around the room and list what things they would touch on a daily basis.

Educator to Record CIMA Grades for the Exam students are testing on. While they are testing. Once completed. Turn in to Director of Ed to enter into Student Software.

BODY	RESOURCES / NOTES
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CONTENT:
MILADY Powerpoint found in Instructor Materials in CIMA

Activities:

Activity 1: Barbicide Certification (ALL 3)
 See link to the right for the following certifications. Once students complete it, have them email to the Director of Education. tsparced@gmail.com

- Be Healthy Initiative
- BARBICIDE® Certification
- COVID-19 Certification

Activity 2: Stopping the Transmission- have students look around the classroom and identify all the surfaces, tools, doorknobs, fixtures, etc. that constitute routine sources of contamination and discuss preventive measures the student can take to reduce it. Ask for a volunteer to act as scribe and record the list on the board or flip chart.

Activity 3 : Attacking the Source- Ask students to consider where in a salon or spa bacteria might grow and reproduce. Keep in mind that bacteria multiply best in warm, dark, damp or dirty places. Discuss with your students how they can help stop the growth and spread of bacteria.

Activity 4: First Aid Kit- Using their pencil box. Have students put together their very own First Aid Kit. Hand out copies(slips) of what is needed in each of their kits.

Activity 5: NIC Blood Spill Procedure- Review the steps for the Blood Spill Procedure. Write on Board or Flip Chart. Have students write steps on Note Cards and have them keep them in their First Aid Kits. FAK will need to be present in all Practical Classes and in their bays when taking clients.

Activity 6: Bulletin- Have students build a display or educational bulletin using samples, pictures, or labels of disinfectants and antiseptics with a statement on how they are used.

LINKS

Barbicide Certifications:
<https://www.barbicide.com/certification/>



MILADY STANDARD FOUNDATIONS COURSE MANAGEMENT GUIDE 5.0

INSTRUCTOR NAME: _____ DATE TAUGHT: _____

PART: Health & Public Safety

CHAPTER: Infection Control

LEARNING OBJECTIVES

UPON COMPLETION OF THIS LESSON, STUDENTS WILL BE ABLE TO:

1. EXPLAIN INFECTION CONTROL
2. DESCRIBE FEDERAL AND STATE REGULATORY AGENCIES.
3. RECOGNIZE THE PRINCIPLES OF INFECTION.
4. IDENTIFY DIFFERENT TYPES OF PATHOGENS.
5. EMPLOY THE PRINCIPLES OF PREVENTION.
6. FOLLOW STANDARD PRECAUTIONS TO PROTECT YOURSELF AND YOUR CLIENTS.
7. DEMONSTRATE SAFE WORK PRACTICES AND SAFETY PRECAUTIONS.

IMPLEMENTS, EQUIPMENT, AND SUPPLIES

STUDENT	INSTRUCTOR	ITEMS
X	X	<i>CIMA™ Digital Learning Platform</i>
X	X	<i>Milady Standard Foundations</i>
	X	<i>Milady Standard Foundations Instructor Edition</i>
X		<i>Milady Standard Foundations Workbook</i>
	X	<i>Milady Standard Foundations Instructor Support Slides</i>
	X	<i>Milady Standard Foundations Course Management Guide</i>
X		<i>Notebook/Tablet</i>

FACILITY: Theory Classroom

TIME ALLOTMENT: 2 to 6 hours (adjust the time based on the school schedule and student activities/participation)

PRIOR STUDENT ASSIGNMENT:

1. Read *Milady Standard Foundations* Chapter 5: "Infection Control," print or eBook.
2. Other: _____

CONVERSATION STARTER

Find news or a posting about a personal care service, such as a barbershop or salon, in which unsafe work practices caused clients to become ill or injured. Discuss how the owner or involved employee was affected as a result.

C **CIMA Activity** At the start of class, review the *Learning Objectives* with students.

C **CIMA Activity** Discover what students know before starting the lesson by completing the *Infection Control Case Study*.
Group Discussion/Discussion Board:

- How comfortable do you feel with your current knowledge on this chapter? Why?
- Do you feel there is more to learn?

C **CIMA Activity** Before beginning this chapter, confirm students have read *Chapter 5 Infection Control* in their print or eBook.

LESSON ACTIVITIES

1. **Infection Control on the Home Front:** Ask students to answer the following questions, and discuss their answers in comparison to how often they think a salon, spa, or barbershop environment should be cleaned and disinfected.
 - How often do you sweep the floors of your home?
 - How often do you mop the floors of your home?
 - How often do you clean/disinfect the bathroom?
 - How often do you clean/disinfect the bathroom doorknob?
 - How often do you remove hair and debris from your hairbrush or comb and wash it with soap and water?
2. **States' Rules:** Provide students with a list of possible scenarios, such as dropping their tools on the floor mid-service or accidentally cutting their hand. Ask students to look up the rules in their state and provide the specific process that the state requires them to follow.
3. **Stopping the Transmission:** Have students look around the classroom and identify all the surfaces, tools, doorknobs, fixtures, etc., that constitute routine sources of contamination and discuss preventive measures the student can take to reduce it. Ask for a volunteer to act as scribe and record the list on the board or flip chart.
4. **Attacking the Source:** Ask students to consider where in a salon, spa, barbershop, or school bacteria might grow and reproduce. Keep in mind that bacteria multiply best in warm, dark, damp, or dirty places. Discuss with your students how they can help stop the growth and spread of bacteria.
5. **The Right Disinfectant:** Bring some bottles of disinfectant that are used by your school into the classroom. Pass them around to students and ask them to read aloud the manufacturer's information on each. First, discuss any cautions listed and any safety concerns that should be addressed. Then discuss which of the products are best used for cleaning:
 - Hard surfaces, such as countertops and chairs

- Electrical equipment, such as clippers and curling irons
- Multiuse tools, like combs and brushes

ADDITIONAL ACTIVITIES

1. Refer to your state's rules and regulations and have students locate statutes or rules that relate to EPA registered products, OSHA Standards, SDS documentation, and/or occupational licensing and inspections.
2. Invite a medical professional or science teacher to give a guest lecture on communicable diseases.
3. Have students research the various disinfectants available in the school. They should make a chart of them and indicate if they are quats, phenol, or bleach. They should also describe how each is used and how they should be mixed. Have them list any safety precautions to be followed when using the product.
4. Develop a list of common hospital disinfectants and tuberculocidal disinfectants used in a salon, spa, or barber-shop. Discuss their use.
5. Ask students to take a moment and go to the EPA's website at epa.gov and find the list of EPA-approved disinfectants by entering a search on the homepage. Remember:
 - Disinfectants are not listed as "hospital grade" but are listed based on the pathogens they are effective against.
 - Products on list D meet the criteria of most states for "hospital grade"; products on list E meet the criteria for tuberculocidal in those states where that is required.
6. Display different types of sanitizing units used in the school. Show pictures of any types that are not available but that might be used on the job. Describe when and how they are used.
7. *The Bump Activity:* Divide the class into groups of five students. Provide a sheet of flip chart paper or large piece of butcher paper to each group. Instruct each group that they have three minutes to write as many household antiseptics and disinfectants as possible. The objective is for the group to list as many products as possible that are not listed by another group. After three minutes, ask each group (one at a time) to read aloud all the products they have listed on their sheet. If another group has the same product listed, they will yell out, "Bump!" The group listing the product and all groups having that particular product must draw a line through it. When all groups have read their list, ask each group to count all products that do not have a line through (and thus have not been "bumped"). The highest-scoring group wins! Small prizes such as combs or candy can be awarded to the winning team.
8. Have students make a list of procedures practiced at home to prevent the spread of disease, such as washing hands thoroughly before cooking. Have them also make a list of procedures observed at home that could cause the spread of bacteria or disease, such as not washing one's hands after using the restroom. Have them report the good and bad practices to the class and how they compare with infection control in the school or salon.
9. Have students build a display or create an educational bulletin board using samples, pictures, or labels of disinfectants and antiseptics with a statement on how they are used.

STUDENT ASSIGNMENTS

1. Have students complete Chapter 5 of the *Milady Standard Foundations Workbook* and/or CIMA assessments.
2. Read *Milady Standard Foundations* Chapter 6: "Chemistry & Chemical Safety."

IN-DEPTH NOTES

C **CIMA Activity** Before beginning this section, confirm students have read the section *Explain Infection Control* in their print or eBook.

I. EXPLAIN INFECTION CONTROL

Slides 4–5

- **infection control**

- **infectious**

State boards and other regulatory agencies require that infection control measures and safe work practices be applied while serving the public.

the methods used to eliminate or reduce the transmission of infectious organisms from one individual to another

caused by or capable of being transmitted by infection

Safe work practices require that implements, tools, and equipment be used safely and that you be aware of situations that can cause accidents.

It is your responsibility as a beauty professional to use proper and effective infection control methods that help safeguard your health and the health of your clients.

You are also responsible for employing safe work practices to help prevent accidents and injuries from occurring in the workplace.

Beauty professionals should study and have a thorough understanding of infection control because:

- It is important to know about the pathogens professionals and their clients may be exposed to and their modes of transmission.
- Understanding and practicing proper infection control within the laws and rules will help safeguard professionals' health, the health of their clients, and their business.
- Practicing safety precautions on a daily basis protects their clients and their license.
- A responsible beauty professional is conscientious about infection control and safety.

C **CIMA Activity** Have students watch the animation *3 Kinds of Clean*.

FOCUS ON: Infection Control Vocabulary

Before we discuss infection control and safe work practices, the terms *cleaning*, *sanitizing*, *disinfecting*, and *sterilizing* need to be properly differentiated:

- *Cleaning* is a mechanical process using soap and water or detergent and water to remove all visible dirt, debris, and many disease-causing germs. Cleaning also removes invisible debris that interferes with disinfection.
- *Sanitizing* is a chemical process for reducing the number of disease-causing germs on cleaned surfaces to a safe level. Infection control professionals consider **sanitation** to be a layperson's term or a product marketing term (as in *hand sanitizers*), preferring *cleaning* to describe the step before disinfecting.

- *Disinfecting* is a chemical process for use with nonporous items that uses specific products to destroy harmful organisms including bacteria, viruses, and fungi (except bacterial spores) on implements and environmental surfaces.
- *Sterilizing* is the process that destroys all microbial life, including spores, generally with the use of an autoclave.

C CIMA Activity Put students into small groups or chat rooms and discuss *The Home Front Discussion*.

ACTIVITY: Infection Control on the Home Front Complete Lesson Activity 1.

C CIMA Activity Before beginning this section, confirm students have read the section *Describe Federal and State Regulatory Agencies* in their print or eBook.

II. DESCRIBE FEDERAL AND STATE REGULATORY AGENCIES

 Slides 6–9

Federal agencies set guidelines for the manufacture, sale, and use of equipment and chemical ingredients.

State agencies regulate licensing, enforcement, and your conduct when you are on the job.

A. Federal Agencies

1. Occupational Safety and Health Administration

The Occupational Safety and Health Administration (OSHA) was created as part of the U.S. Department of Labor to regulate and enforce safety and health standards to protect employees in the workplace.

OSHA standards address issues relating to the handling, mixing, storing, and disposing of products; general safety in the workplace; and your right to know about any potentially hazardous ingredients contained in the products and how to avoid these hazards.

OSHA requires that chemical manufacturers and importers assess and communicate the potential hazards associated with their products through a Safety Data Sheet (SDS). An SDS is a 16-category, standard-format document that replaces the previously mandated MSDS or PSDS.

2. Environmental Protection Agency

- **disinfectants**

The Environmental Protection Agency (EPA) registers all types of disinfectants sold and used in the United States.

chemical products approved by the EPA designed to destroy most bacteria (excluding spores), fungi, and viruses, on surfaces

It is against federal law to use any disinfecting product in a way contrary to the use indicated on its label.

If you do not follow the label instructions for mixing, contact time, and the type of surface the disinfecting product can be used on, you are not complying with federal law. If there were an injury-related lawsuit, you could be held responsible.

HERE'S A TIP

You can find a list of disinfectants approved by the EPA by going to the EPA's website at <http://www.epa.gov> and conducting a search on the home page. Disinfectants are not listed as "hospital grade" but are instead listed based on the pathogens they are effective against. Products on list D meet the criteria of most states for hospital disinfectants; products on the E list meet the criteria of a tuberculocidal in those states where that is required.

B. State Regulatory Agencies

State regulatory agencies exist to protect beauty professionals' and their customers' health and safety during services.

State regulatory agencies include licensing agencies, state boards, commissions, and health departments.

Regulatory agencies require that everyone working with clients in a salon, spa, or barbershop follow specific procedures.

An agency can issue penalties against both owners and beauty professionals. Penalties vary and include warnings, fines, probation, and suspension or revocation of licenses.

C. Laws and Rules—What Is the Difference?

Laws are written by both federal and state legislatures to determine the scope of practice (what each license allows the holder to do) and establish guidelines for regulatory agencies to make rules. They are also known as *statutes*.

Rules establish specific standards of conduct and can be changed or updated frequently.

It is the beauty professional's responsibility to be aware of any changes to the rules and regulations and to comply with them.

ACTIVITY: States' Rules

Complete Lesson Activity 2.

CAUTION

Remember, beauty professionals are not allowed to treat or recommend treatments for infections, diseases, or abnormal conditions. Customers with such problems should be referred to their physicians.

C CIMA Activity Have students complete the *Regulatory Agencies Activity*.

CHECK IN

1. What are the primary purposes of regulatory agencies?

C CIMA Activity Before beginning this section, confirm students have read the section *Recognize the Principles of Infection* in their print or eBook.

III. RECOGNIZE THE PRINCIPLES OF INFECTION

Slides 10–14

- **disease**
- **infection**

Being a beauty professional is not just rewarding, it is also a great responsibility. One careless action could cause injury or spread disease.

an abnormal condition of all or part of the body, or its systems or organs, that makes the body incapable of carrying on normal function

the invasion of body tissues by disease-causing pathogens

Effective infection control also influences the professional image of your establishment. A clean and orderly business helps build client confidence and trust that continuous care is being taken to provide a safe and sanitary environment in which to receive personal services.

A. Modes of Transmission

All pathogens are different in terms of where they reside and how they infect humans.

Transmission is the process by which pathogens move between individuals and objects—this is *how we get sick*. If you prevent transmission, you prevent illness.

The most common types of transmission in the salon, spa, or barbershop environment are direct, indirect (surface), airborne, and respiratory droplet.

1. Direct Transmission

direct transmission

Direct transmission is what we most commonly think of in terms of getting sick.

transmission of pathogens through touching (including shaking hands), kissing, coughing, sneezing, and talking

The cold virus, parasitic infections, and warts can be spread by direct transmission.

Fortunately, diseases spread by direct contact cannot live long periods of time away from a host.

2. Indirect Transmission

indirect transmission

transmission of blood or body fluids through contact with an intermediate contaminated object such as a razor, extractor, nipper, or an environmental surface

Doorknobs, phones, food-preparation surfaces, or your implements at work are all possible vectors of indirect transmission.

Illnesses transmitted by this method include salmonella, ringworm, and MRSA.

ACTIVITY: Stopping the Transmission

Complete Lesson Activity 3.

3. Airborne Transmission and Respiratory Droplet

Respiratory droplet and airborne transmission are similar in that transmission occurs when a pathogen living in our respiratory tract is expelled through coughing, sneezing, or even talking.

The difference between the two is that respiratory droplets are large particles that do not stay suspended in the air for long.

In airborne transmission, the particles are much smaller and dryer, so they hang in the air longer, allowing for the pathogen to spread further.

The influenza virus can be spread through airborne transmission.

C CIMA Activity Have students complete the *Modes of Transmission Quiz*

B. Preventing Transmission: Infection Control

Under certain conditions, coming into contact with harmful organisms can cause infectious diseases.

- **infectious disease**

disease caused by pathogenic (harmful) microorganisms that enter the body; an infectious disease may or may not be spread from one person to another person

In this chapter, you will learn how to properly clean and disinfect the tools and equipment you use so they are safe for you and your customers.

- **cleaning**

a mechanical process using soap and water or detergent and water to remove all visible dirt, debris, and many disease-causing germs; cleaning also removes invisible debris that interferes with disinfection; cleaning is what beauty professionals are required to do before disinfecting

- **disinfection**

a chemical process that uses specific products to destroy harmful organisms (except bacterial spores) on environmental surfaces

- **bacterial spores**

bacteria capable of producing a protective coating that allows them to withstand very harsh environments and to shed the coating when conditions become more favorable to them

At a minimum, disinfectants used in salons, spas, and barbershops must be:

- **bactericidal**

capable of destroying bacteria

- **virucidal**

capable of destroying viruses

- **fungicidal**

capable of destroying molds and fungi

Be sure to mix and use these disinfectants according to the instructions on the label so they are safe and effective.

Refer to Figure 5-5.

HERE'S A TIP

You should know how to look for specific things on the label of any product you use for disinfection in the salon, spa, or barbershop. It should always have the following:

- The list of pathogens against which it is effective; should include HIV (human immunodeficiency virus), HBV (hepatitis B virus), and MRSA (methicillin-resistant staphylococcus aureus); if *Pseudomonas aeruginosa* is included, the disinfectant will kill other lesser bacteria
- EPA registration number
- The words *bactericidal*, *virucidal*, and *fungicidal*
- Mixing and changing instructions

1. Prevention 101

In general, the risk of infection can be greatly reduced with a few simple steps:

- Eliminate pathogens through proper hand washing, cleaning, and disinfection.
- Clean and disinfect tools and equipment after every service.
- Keep your skin intact to reduce portals of entry for bacteria.
- Be prepared to turn away clients who show signs of illness.

2. Personal Habits

It is important to think about your personal habits in terms of how they might increase or decrease the risk of transmitting an illness.

Making a habit of following the rules of proper cleaning and disinfection, both in your home and at work, will help decrease the odds of falling ill.

Hand washing, cleaning, and disinfection are all ways in which you can personally combat the spread of disease and safeguard your health and that of your clients.

CHECK IN

2. What are four modes of pathogen transmission?



CIMA Activity

Before beginning this section, confirm students have read the section *Identify Different Types of Pathogens* in their print or eBook.

IV. IDENTIFY DIFFERENT TYPES OF PATHOGENS



Slides 15–28

- **contagious disease**
- **communicable**

also known as *communicable disease*; disease that is capable of being spread from one person to another

able to be communicated; transferable by contact from one person to another as in a communicable disease

Some of the more prevalent contagious diseases that prevent a beauty professional from servicing a client are the common cold, ringworm, conjunctivitis (pinkeye), and viral infections.

Contagious diseases can be spread through dirty hands, contaminated implements, cuts, infected nails, open sores, pus, mouth and nose discharges, shared drinking cups, telephone receivers, and towels.

Uncovered coughing or sneezing and spitting in public also spread germs.

These infections are most often spread through dirty hands, especially under the fingernails and in the webs between the fingers.

When it comes to preventing the spread of infectious disease, beauty professionals must understand and be prepared to deal with five types of potentially harmful organisms:

- Bacteria
- Viruses
- Fungi
- Parasites
- Biofilms

Refer to **Table 5-1: Additional Terms Related to Disease.**

• contamination	the presence, or the reasonably anticipated presence, of blood or other potentially infectious materials on an item's surface, or visible debris or residues such as dust, hair, and skin
• diagnosis	determination of the nature of a disease from its symptoms and/or diagnostic tests; federal regulations prohibit salon professionals from performing a diagnosis
• occupational disease	illness resulting from conditions associated with employment, such as prolonged and repeated overexposure to certain products or ingredients
• parasitic disease	disease caused by parasites, such as lice and mites
• pathogenic disease	disease produced by organisms, including bacteria, viruses, fungi, and parasites

A. Bacteria

- **bacteria** single-celled microorganisms that have both plant and animal characteristics; some bacteria are harmful, some are harmless
- **microorganism** any organism of microscopic or submicroscopic size

Bacteria can exist almost anywhere: on skin, in water, in the air, in decayed matter, on environmental surfaces, in body secretions, on clothing, or under the free edge of nails.

1. Types of Bacteria

- **nonpathogenic**
- **pathogenic**

There are thousands of different kinds of bacteria, which fall into two primary types: pathogenic and nonpathogenic.

harmless microorganisms that may perform useful functions and are safe to come in contact with since they do not cause disease or harm

harmful microorganisms that can cause disease or infection in humans when they invade the body

Salons, spas, and barbershops must maintain strict standards for cleaning and disinfecting at all times to prevent the spread of pathogenic microorganisms.

ACTIVITY: Attacking the Source

Complete Lesson Activity 4.

2. Bacterial Infections

- **inflammation**
- **pus**
- **local infection**
- **systemic infection**

There can be no bacterial infection without the presence of pathogenic bacteria.

a condition in which the body reacts to injury, irritation, or infection, characterized by redness, heat, pain, and swelling

a fluid created by infection

an infection, such as a pimple or abscess, that is confined to a particular part of the body and appears as a lesion containing pus

an infection where the pathogen has distributed throughout the body rather than staying on one area or organ

CIMA Activity Have students complete the *Terms and Definitions Quiz*.

3. MRSA

- **staphylococci**

pus-forming bacteria that grow in clusters like a bunch of grapes; cause abscesses, pustules, and boils

Staphylococci are among the most common bacteria that affect humans and are routinely found in our environment, including on our bodies, although most strains do not make us ill.

Staph bacteria can be picked up on doorknobs, countertops, and other surfaces; however, they are more frequently spread in salons, spas, or barbershops through skin-to-skin contact, pedicure bowls, or the use of unclean tools or implements.

Staph is responsible for food poisoning and a wide range of diseases, including toxic shock syndrome and some flesh-eating diseases.

Some types of infectious staph bacteria are highly resistant to conventional treatments such as antibiotics.

- **methicillin-resistant staphylococcus aureus**

abbreviated MRSA; a type of infectious bacteria that is highly resistant to conventional treatments such as antibiotics.

Refer to **Figure 5-7**.

Some people carry the MRSA bacteria and are not even aware of their infection; however, the people they infect may show more obvious symptoms.

In general, MRSA initially appears as a skin infection, resulting in pimples, rashes, or boils that can be difficult to cure.

Without proper treatment, the infection becomes systemic and can have devastating consequences, even resulting in death.

It is important to clean and disinfect all tools and implements used on customers. Additionally, do not perform services if your client's skin, scalp, or neck show visible signs of abrasion or infection.

4. Mycobacterium

- **mycobacterium**

In recent years, mycobacterium has been linked to disfiguring infections associated particularly with pedicure bowls.

a large family of bacteria that is often found in soil and water

Because this bacterium may be present in your water supply, it is important to protect your clients by properly disinfecting all implements and bowls.

It is also important that both you and your client keep your skin intact and protected.

Refer to **Figure 5-8**.

B. Viruses

- **virus**

a parasitic submicroscopic particle that infects and resides in cells of biological organisms. A virus is capable of replication only through taking over the host cell's reproductive function.

Viruses cause common colds and other respiratory and gastrointestinal (digestive tract) infections.

While bacterial infections can usually be treated with specific antibiotics, viral infections cannot; also viruses are hard to kill without harming the host cells in the process.

1. Prevention

Although we cannot cure viruses, we can often prevent contracting and spreading them through the use of vaccinations.

Along with vaccines, hand washing and disinfection are your best defense against becoming sick with a virus.

2. Incubation and Containment

Many viruses can remain dormant for months to years following exposure, but most produce signs of illness within 10 to 14 days.

Containment is achieved when those who are ill stay home until their symptoms resolve to the extent that they are no longer contagious.

3. HPV and HSV

- **human papilloma virus**
- **herpes simplex virus**

Human papilloma virus and Herpes simplex virus are two highly contagious viruses that can be transmitted both directly and indirectly.

abbreviated HPV; virus that can infect the bottom of the foot and resembles small black dots, usually in clustered groups; also a cutaneous viral infection commonly contracted through sexual transmission and exhibited by genital warts

an inflammatory disease of the skin caused by a viral infection and characterized by small vesicles in clusters

Because the majority of people infected with these viruses have no symptoms, it is even more important to follow good infection control procedures with all procedures that may involve contact with blood and fluids.

Refer to Figure 5-11.

4. Hepatitis and HIV/AIDS

- **bloodborne pathogens**
- **hepatitis**
- **human immunodeficiency virus**
- **acquired immune deficiency syndrome**

disease-causing microorganisms carried in the body by blood or body fluids, such as hepatitis and HIV

In the salon, spa, and barbershop, the spread of bloodborne pathogens is possible whenever the skin is broken.

a bloodborne virus that causes disease and can damage the liver

Hepatitis is generally difficult to contract, but is easier to contract than HIV because it can be present in all body fluids of those who are infected.

Hepatitis can also live on a surface outside of the body for long periods of time.

abbreviated HIV; virus that causes HIV disease and acquired immune deficiency syndrome (AIDS)

abbreviated AIDS; a disease that breaks down the body's immune system; AIDS is caused by the human immunodeficiency virus (HIV)

HIV is spread from person to person through blood, and less often, through other body fluids, such as semen and vaginal secretions.

A person can be infected with HIV for many years without showing symptoms.

If you accidentally cut a client's skin, the tool will be contaminated with whatever might be in the client's blood, including bloodborne pathogens. You should not continue to use the implement without cleaning and disinfecting it.

C CIMA Activity Have students complete the *Acronyms Quiz*.

D. Fungi

- **fungi** single-celled organisms that grow in irregular masses and include molds, mildews, and yeasts; they can produce contagious diseases such as ringworm
- **mildew** a type of fungus that affects plants or grows on inanimate objects but does not cause human infections in the barbershop
- **tinea barbae** also known as *barber's itch*; a superficial fungal infection that commonly affects the skin; it is primarily limited to the bearded areas of the face and neck or around the scalp
- **tinea capitis** a fungal infection of the scalp characterized by red papules, or spots, at the opening of the hair follicles
- **ringworm** a fungal infection of the skin that appears in circular lesions. Refer to Figure 5-12.

While all beauty professionals must avoid spreading scalp and skin infections, the increased risk for hair services in particular can be reduced by diligently cleaning and disinfecting clippers and similar cutting tools.

DID YOU KNOW?

Pathogenic bacteria, viruses, or fungi can enter the body through the following routes:

- **Skin:** broken or inflamed skin, such as a cut or a scratch, or a bruise (weakened tissue) or a rash, but not through intact skin, which is an effective barrier to infection
- **Mouth:** contaminated water, food, fingers, or objects
- **Nose:** inhaling infectious dust or droplets from a cough or sneeze
- **Eyes or ears:** organisms that reside in water that are commonly transmitted when the person is swimming
- **Genitals:** unprotected sex

The body prevents and controls infections through:

- healthy, uncompromised skin — the body's first line of defense
- body secretions, such as perspiration and digestive juices
- white blood cells that destroy bacteria
- antitoxins that counteract toxins (various poisonous substances produced by some microorganisms such as bacteria and viruses)

E. Parasites

- **parasites**

organisms that grow, feed, and shelter on or inside another organism (referred to as the *host*), while contributing nothing to the survival of that organism. Parasites must have a host to survive.

Parasites can live on or inside of humans and animals. They also can be found in food, on plants and trees, and in water.

Humans can acquire internal parasites by eating fish or meat that has not been properly cooked.

External parasites that affect humans by way of the skin include ticks, fleas, and mites. Services should never be performed on a customer with visible signs of a parasitic infection.

There are two types of parasites commonly encountered in the salon, spa, and barbershop:

- Head lice
- Scabies

infestation of the hair and scalp with head lice

a contagious skin disease that is caused by the itch mite, which burrows under the skin

Contagious diseases and conditions caused by parasites should only be treated by a doctor.

Contaminated countertops, tools, and equipment should be thoroughly cleaned and then disinfected with an EPA-registered disinfectant for the time recommended by the manufacturer or with a bleach solution for 10 minutes.

- **pediculosis capitis**

- **scabies**

F. Biofilms

- **biofilms**

colonies of microorganisms that adhere to environmental surfaces, as well as the human body

Biofilms secrete a sticky, hard-to-penetrate, protective coating that cements them together. It grows into a complex structure with many kinds of microbes. They are very hard to pierce with antiseptics, antimicrobials, and disinfection.

The biofilm community resists the body's defense mechanisms.

Because biofilms are hard to detect, their presence and effects seem to be underestimated.

Conscientiously using infection control precautions, including Standard Precautions, cleaning, disinfection, and sterilization, is the best method of prevention at the present time.



CIMA Activity

Have students complete the *Types of Pathogens Quiz*.

CHECK IN

3. List the five types of organisms that are important to a beauty professional.

C CIMA Activity Have students complete the *Harmful Organisms Poster Activity*.

C CIMA Activity Before beginning this section, confirm students have read the section *Employ the Principles of Prevention* in their print or eBook.

C CIMA Activity Have students watch the animation *Infection Control*.

V. EMPLOY THE PRINCIPLES OF PREVENTION

Slides 29–46

- **sterilization**

Proper infection control can prevent the spread of disease caused by exposure to potentially infectious materials on an item's surface.

Infection control will also prevent exposure to blood and visible debris or residue such as dust, hair, and skin.

Proper infection control requires two steps: cleaning and then disinfecting with an appropriate EPA-registered disinfectant.

the process that completely destroys all microbial life, including spores

Effective sterilization typically requires the use of an autoclave. For sterilization to be effective, items must be cleaned prior to use, and the autoclave must be tested and maintained as instructed in the manufacturer's specifications.

The Centers for Disease Control and Prevention (CDC) requires that autoclaves be tested monthly to ensure they are properly sterilizing implements. The accepted method is called a spore test.

A. Step 1: Cleaning

When you clean, you must remove all visible and surface dirt and debris from tools, implements, and equipment by washing them with liquid soap or detergent and warm water, or a chemical cleaner, and using a clean and disinfected brush to scrub any grooved or hinged portions of the item.

When a surface is properly cleaned, the number of contaminants on the surface is greatly reduced.

In addition, proper cleaning removes any oils or residue from items that might interfere with disinfectant being able to work properly.

A surface must be properly cleaned before it can be properly disinfected.

There are three ways to clean your tools and implements:

- Washing with soap and warm water and then scrubbing them with a clean and properly disinfected nailbrush
- Using an ultrasonic unit
- Using a chemical cleaner

CAUTION

Read labels carefully. Manufacturers take great care to develop safe and highly effective products. However, when used improperly, many products that are otherwise safe can be rendered dangerous if you do not follow proper guidelines and directions exactly as the label instructs.

B. Hand Washing

Properly washing your hands is one of the most important actions you can take to prevent spreading germs from one person to another.

You should wash your hands thoroughly before and after working with each client.

Follow the hand washing procedure described in **Procedure 5-1**.



CIMA Activity Have students watch the video *Proper Hand Washing*.

CAUTION

When washing hands, use liquid soaps in pump containers. Bacteria can grow in bar soaps.

1. Antibacterial Soaps

While there are many marketing claims on soaps these days, antibacterial and antimicrobial soaps have been under the scrutiny of the Food and Drug Administration (FDA) since 2014.

Research has shown that repeated use of antibacterial products can actually increase the growth of some of the worst pathogens.

The true benefit of handwashing comes from the friction created by the soap bubbles that works to "pull" pathogens off the skin surface.

Repeated hand washing can dry the skin, so using a moisturizing hand lotion after washing is a good practice.

Avoid using very hot water to wash your hands because this is another practice that can damage the skin.

Remember, you must wash your hands thoroughly before and after each service, so do all you can to reduce any irritation that may occur.

2. Waterless Hand Sanitizers

- **antiseptics**

chemical germicides formulated for use on skin; registered and regulated by the Food and Drug Administration

Antiseptics generally contain a high volume of alcohol and are intended to reduce the numbers and slow the growth of microbes on the skin.

When there is visible dirt/debris on the hands, neither waterless hand sanitizers nor antiseptics will work until the dirt/debris is removed.

Due to the drying effect of alcohol, hand sanitizers should not be overused, but if allowed by your state, they are an excellent option when hand washing is not possible.

Never use an antiseptic to disinfect instruments or other surfaces. It is ineffective for that purpose.

Be warned that the high percentage of alcohol can dry the skin to the point of causing openings that allow for infectious agents to infect you.

CAUTION

Products and equipment that do not have the word *disinfectant* on the label are merely cleaners. They do not disinfect.

C **CIMA Activity** Have students complete the *Hand Washing, Soaps and Sanitizers Quiz*.

3. Common Antiseptics Used in the Salon, Spa, and Barbershop

Common antiseptics used in the salon, spa, and barbershop include:

- Hydrogen peroxide
- Isopropyl alcohol

C. Step 2: Disinfecting

The second step of infection control is disinfection.

Disinfection is not effective against bacterial spores.

In the salon, spa, and barbershop, disinfection is extremely effective in controlling microorganisms on surfaces such as shears, clippers, and other multiuse tools and equipment.

- **multiuse**

also known as *reusable*; items that can be cleaned, disinfected, and used on more than one person, even if the item is accidentally exposed to blood or body fluid

A disinfectant used in the shop must carry an EPA registration number, and the label should clearly state the specific organisms the solution is effective against when used according to the manufacturer's product instructions.

Remember that disinfectants are products that destroy most bacteria (not including spores), fungi, and viruses on surfaces.

Disinfectants are not for use on human skin, hair, or nails.

CAUTION

Improper mixing of disinfectants — to be weaker or more concentrated than the manufacturer's instructions — can significantly reduce their effectiveness. Always add the disinfectant concentrate to the water when mixing and always follow the manufacturer's instructions for proper dilution.

Safety glasses and gloves should be worn while mixing to avoid accidental contact with eyes and skin.

C **CIMA Activity** Have students complete the *Cleaning and Disinfecting Quiz*.

D. Choosing a Disinfectant

You must read and follow the manufacturer's instructions whenever you are using a disinfectant.

If the label does not have the word *concentrate* on it, the product is already mixed and must be used directly from the original container and must not be diluted.

Disinfectants must have efficacy claims on the label.

- **efficacy**

the ability of a product to produce the intended effect; on a disinfectant label, it indicates specific pathogens destroyed or disabled when used properly

E. Proper Use of Disinfectants

Properly cleaned implements and tools, free from all visible debris, must be completely immersed in disinfectant solution.

Complete immersion means there is enough liquid in the container to cover all surfaces of the item being disinfected, including the handles, for 10 minutes or for the time recommended by the manufacturer.

F. Types of Disinfectants

- **nonporous**
- **porous**

As a beauty professional, you will primarily be using disinfectants that are effective for cleaning blood and body fluids from nonporous surfaces.

an item that is made of a material that has no pores or openings and cannot absorb liquids

made or constructed of a material that has pores or openings; porous items are absorbent

ACTIVITY: The Right Disinfectant

Complete Lesson Activity 5.

1. Quats

- **quaternary ammonium compounds**

commonly known as *quats* are products made of quaternary ammonium cations and are designed for disinfection of nonporous surfaces; they are appropriate for use in noncritical (noninvasive) environments and are effective against most pathogens of concern in the salon, spa, or barbershop environment

The most advanced type of these formulations is called *multiple quats*, which contain sophisticated blends of quats.

Quat solutions usually disinfect implements in 10 minutes.

Implements should be removed from the solution after the specified period, rinsed (if required), dried, and stored in a clean, covered container.

2. Tuberculocidal Disinfectants

- **tuberculocidal disinfectants**
- **tuberculosis**
- **phenolic disinfectants**

often referred to as *phenolics*, are proven to kill the bacterium that causes tuberculosis, in addition to other pathogens destroyed through the use of hospital disinfectants

a disease caused by bacteria that are transmitted through coughing or sneezing

Phenolic disinfectants are powerful tuberculocidal disinfectants; however, just because these disinfectants are effective against the pathogen does not mean that you should automatically reach for them.

tuberculocidal disinfectants that are a form of formaldehyde, have a very high pH, and can damage the skin and eyes

Phenol can damage plastic and rubber and cause certain metals to rust.

Phenolics are known carcinogens and as such should be used only in states that require their use.

DID YOU KNOW?

While phenolic disinfectants are still required in a handful of states as of this writing, they will be widely unavailable by late 2018. Most states have removed phenolic disinfectants from their requirements, due to the risks outweighing the benefits. Consequently, manufacturers have elected to discontinue the manufacture of these products for the professional beauty industry.

3. Bleach

- **sodium hypochlorite**

Household bleach, 5.25 percent sodium hypochlorite, is an effective disinfectant and has been used extensively in salons, spas, and barbershops.

common household bleach; an effective disinfectant for the salon, spa, and barbershop

Bleach used in the salon, spa, or barbershop must be EPA registered as a disinfectant.

Chlorine bleach is the only bleach that disinfects.

Bleach is corrosive and can damage metals and plastics as well as cause skin irritation and eye damage.

To mix a bleach solution, always follow the manufacturer's directions.

Store the bleach solution away from heat and light, and mix a fresh solution every 24 hours, or when the solution has been contaminated.

DID YOU KNOW?

Bleach is not a magic potion! All disinfectants, including bleach, are inactivated (made less effective) in the presence of many substances, including oils, lotions, creams, hair, and skin. If bleach is used to disinfect equipment, it is critical to use a soap detergent first to thoroughly clean and rinse the equipment and remove all debris. Never mix detergents with bleach and always use bleach in a well-ventilated area.

Additionally, not all household bleaches are as effective as disinfectants. To be effective, the bleach must have an EPA registration number and contain at least 5 percent sodium hypochlorite and be diluted properly to a 10 percent solution — nine parts water to one part bleach.

G. Disinfectant Tips and Safety

Always use caution when handling disinfectants, in addition to the tips below.

Always:

- Keep the SDS on hand for the disinfectant(s) you use.
- Wear gloves and safety glasses.
- Avoid skin and eye contact.
- Add disinfectant to water when diluting to prevent foaming.
- Use tongs, gloves, or a draining basket to remove implements from disinfectants.
- Keep disinfectants out of reach of children.

- Follow the manufacturer's instructions for mixing, using, and disposing of disinfectants.
- Use disinfectants only on clean, hard, nonporous surfaces.
- Keep an item submerged in the disinfectant for 10 minutes unless the product label specifies differently.
- Immerse the entire implement in disinfectant if the product label calls for "complete immersion."
- To disinfect large surfaces, carefully apply the disinfectant to the clean surface or use a disinfectant spray and allow it to remain moist for 10 minutes, unless state regulations say differently.
- Strictly follow the manufacturer's directions for when to replace the disinfectant solution in order to ensure the healthiest conditions for you and your client.

Never:

- Let quats, phenols, bleach, or any other disinfectant come in contact with your skin.
- Place any disinfectant or other product in an unmarked container.
- Mix chemicals together unless specified in the manufacturer's instructions.

C CIMA Activity Have students complete the *Disinfectant Safety Quiz*.

H. Disinfecting Containers

Disinfectant containers contain disinfectant for disinfecting purposes, not for cleaning.

The container you choose must be large enough to contain all items to be disinfected and covered, but not airtight.

Remember to clean the container every day and to wear gloves when you do.

I. Keep a Logbook

Although your state may not require you to keep a logbook of all equipment usage, cleaning, disinfecting, testing, and maintenance, it may be advisable to keep one.

C CIMA Activity Have students complete the *Containers and Logbooks Quiz*.

J. Cleaning and Disinfecting Nonporous, Reusable Items

State rules require that all multiuse tools and implements be cleaned and disinfected before every service.

Mix all disinfectants according to the manufacturer's directions, always adding the disinfectant to the water, not the water to the disinfectant.

Follow the cleaning and disinfecting nonporous, reusable items procedure described in **Procedure 5-2**.

C CIMA Activity Have students watch the video *Cleaning and Disinfecting Nonporous Reusable Items*.

K. Disinfecting Electrical Tools and Equipment

Hair clippers and other types of electrical equipment have contact points that cannot be completely immersed in liquid. These items should be cleaned and disinfected using an EPA-registered disinfectant designed for use on these devices.

CAUTION

Electric sterilizers, bead sterilizers, and baby sterilizers should not be used to disinfect or sterilize implements. These devices can spread potentially infectious diseases and should never be used in a salon, spa, or barbershop. Additionally, UV lights units will not disinfect or sterilize implements. Most state rules require that you use liquid disinfecting solutions. Autoclaves are effective sterilizers. If you decide to use an autoclave, be sure that you know how to operate and maintain it properly.

L. Disinfecting Work Surfaces

Most states require that all work surfaces be cleaned and disinfected before beginning a service.

Be sure to clean and disinfect any surface a customer's skin may have touched.

M. Cleaning Towels, Linens, and Capes

Clean towels and linens should be used for each client, and some states require freshly laundered capes for every service.

Launder according to the directions on the item's label, and be sure it is thoroughly dried to prevent the growth of mildew and bacteria.

Whenever possible, use disposable towels, especially in restrooms.

All states require the use of a barrier to prevent the client's skin from touching the neckline of the cape.

N. Multiuse Products

When using creams, lotions, gels, or any other product that is dispensed from a multiuse container, it is important not to contaminate the product.

Always use a pump or shaker to dispense products when possible.

O. Soaps and Detergents

- **chelating soaps**

break down stubborn films and remove the residue of products such as scrubs, salts, and masks; also known as *chelating detergents*

The chelating agents in these soaps work in all types of water, are low-sudsing, and are specially formulated to work in areas with hard tap water.

CHECK IN

4. What is the difference between cleaning, disinfecting, and sterilizing?

C CIMA Activity

Before beginning this section, confirm students have read the section *Follow Standard Precautions to Protect Yourself and Your Clients* in their print or eBook.

VI. FOLLOW STANDARD PRECAUTIONS TO PROTECT YOURSELF AND YOUR CLIENTS

Slides 47–51

- **Standard Precautions**
- **asymptomatic**

Because it may not be possible to identify clients with infectious diseases, whether or not they look sick, strict infection control practices should be used with all clients.

guidelines published by the CDC that require the employer and employee to assume that any human blood and body fluids are potentially infectious

In many instances, clients who are just getting sick or are long-term viral carriers are asymptomatic.

showing no symptoms or signs of infection

OSHA and the CDC have set safety standards and precautions that protect employees in situations when they could be exposed to bloodborne pathogens.

Precautions include proper hand washing, wearing of gloves, and proper handling and disposing of sharp instruments and any other items that may have been contaminated by blood or other body fluids.

CAUTION

Taking the time to conduct a thorough hair and skin analysis will enable you to determine whether a customer has any open wounds or abrasions. If the client does have an open wound or abrasion, do not perform services of any kind.

A. Personal Protective Equipment (PPE)

Some equipment, such as gloves, offer protection from exposure to pathogens and should be worn whenever practical.

1. Gloves

OSHA defines PPEs as “specialized clothing or equipment worn by an employee for protection against a hazard.”

Gloves are single-use equipment; a new set is used for every client and at times must be changed during the service, according to the protocol.

Removal of gloves is performed by inverting the cuffs, pulling them off inside out, and disposing of them in the trash. Refer to **Figure 5-22**.

If a service requires moving from one place of service to another several times, or working on different body parts, several sets of gloves will need to be used.

The technician must perform hand washing after removing each set of gloves and before putting on a new set when two services are being performed together, or use antimicrobial gel cleanser between sets of gloves during the same appointment.

CAUTION

When choosing what type of disposable gloves to use, you should avoid latex due to increasingly common allergies to the material. You should also exercise caution when using petroleum-based products, as petroleum-based gloves degrade on contact and cannot maintain a safe barrier. Nitrile gloves are a strong alternative in both instances.


B. An Exposure Incident: Contact with Blood or Body Fluid


- **exposure incident**

You should never perform a service on any client who comes in with an open wound, a rash, or an abrasion. However, sometimes accidents happen while a service is being performed.

contact with non-intact (broken) skin, blood, body fluid, or other potentially infectious materials, which is the result of the performance of an employee's duties


Should you or the client suffer a cut or abrasion that bleeds during a service, follow the appropriate steps for handling an exposure incident in **Procedure 5-3** and **Procedure 5-4**.


 **CIMA Activity** Have students watch the video *Handling an Exposure Incident: Client Injury and Handling an Exposure Incident: Employee Injury*.

 **CIMA Activity** Have students complete the *Standard Precautions Quiz*.

CHECK IN

5. What are Standard Precautions?

 **CIMA Activity** Before beginning this section, confirm students have read the section *Demonstrate Safe Work Practices and Safety Precautions* in their print or eBook.

 **CIMA Activity** Put students into small groups or chat rooms and discuss *Hazardous Analysis Discussion*.

VII. DEMONSTRATE SAFE WORK PRACTICES AND SAFETY

Learn to recognize safety hazards to minimize the occurrence of accidents.

PRECAUTIONS

 **Slides 52-59**

A. Water

Water precautions:

- At the shampoo bowl, be careful how you handle the spray hose.
- If the water temperature reaches a scalding level while in the hot position, turn the thermostat on the hot-water tank down to a more acceptable temperature for application to the skin, scalp, and hair.
- As a precaution, always test water temperature on the inside of your wrist before applying to a client's hair or scalp.

B. Tools and Appliances

Precautions when using tools and appliances:

- Tools and equipment should be strategically placed so that items are safely stored when not in use yet are accessible when needed.
- Smaller tools may be placed in countertop receptacles designed for that purpose.
- Disinfecting jars should be set back toward a wall or partition so as not to interfere with other tools.
- If a tool or implement is dropped on the floor during a service, it must be replaced with a disinfected tool or you must stop the service and properly disinfect the tool that was dropped prior to continuing the service.
- All tools and implements should be in good working condition. Do not try to repair tools yourself; send them to the manufacturer for service.
- Electrical cords can often threaten to become a safety hazard in a busy shop. A well-planned workstation with sufficient and conveniently placed outlets can help minimize "tangled cord syndrome."
- Never place any tool or implement in your mouth or pocket.

C. Equipment and Fixtures

Precautions when using tools and appliances:

- Keep all chairs, headrests, tables, heat lamps, and lighting fixtures in good working order.
- Dust and clean regularly to avoid dust buildup and to maintain clean conditions.
- Maintain lighting fixtures. Change bulbs when necessary to keep workstations well lit.

D. Ventilation

Ventilation precautions:

- Proper ventilation and air circulation are extremely important in today's salons, spas, and barbershops.
- Heating and air-conditioning vents should be located to perform their optimum functions without interfering with client services.
- Vents should be vacuumed or cleaned periodically to prevent any buildup of hair that might impede ventilation.
- Fumes from chemical applications and nail care products require sophisticated filtration units that cleanse and detoxify the air.

E. Exits

Precautions regarding exits:

- Exits should be well marked and identifiable.
- Employees should know where exits are located and how to evacuate the building quickly in case of fire or other emergencies.

F. Fire Extinguishers

Fire extinguisher precautions:

- Fire extinguishers should be placed where they are readily accessible.
- All employees should be instructed in fire extinguisher use.
- It is a law that fire extinguishers be checked periodically.

G. Attire

Attire precautions:

- Clothing should be comfortable and professional in appearance.
- Long hair worn in a loose style may easily get caught in blowdryer motor vents and other appliances.
- Necklaces should be of an appropriate length so as not to get caught on equipment or dangle in a client's face at the shampoo bowl or during a shave. Rings should not be worn on the index and middle fingers as they might interfere with haircutting accuracy. Watches should be waterproof and shock absorbent.
- Shoes should have nonskid rubber soles with good support.
- Electronic devices that may distract you, such as cell phones or tablets, should be kept stored away and checked or answered only between clients.

H. Children

Precautions regarding children:

- Children can cause serious risk of injury to themselves in the salon, spa, or barbershop environment. Being aware of their inquisitive nature and the speed with which they can move can help prevent accidents from happening.
- Post notices in the reception area advising patrons that children are not to be left unattended.
- Do not allow children to play, climb, or spin on hydraulic chairs.
- Do not allow children to wander freely with access to workstations, storage areas, and so forth.
- When performing a service on a child, try to anticipate the child's sudden moves.

I. Adult Clients

Precautions regarding adult clients:

- As beauty professionals, many of the things we do to assure clients comfort also fall under the category of safety precautions. Using good manners and performing common courtesies will help you gain the reputation of being a safety-conscious and courteous professional.
- Assist clients (especially the elderly) in and out of chairs and onto and off treatment tables. Turn hydraulic chairs so the client may get out of the chair without a risk of feet becoming tangled in any of the cords.
- Always lower a hydraulic chair to its lowest level and lock it in position so that it does not spin before inviting the client to be seated or leave the chair.
- Hold doors open for clients.
- Assist clients in walking whenever necessary.
- Always support the back of the chair, and thus the client, when reclining or raising a chair back. Support the client's head whenever appropriate at the shampoo bowl or during other neck-straining procedures.

J. High-Risk Clients

Precautions regarding high-risk clients:

- While some customers who know that they have impaired immune systems will share that information with you, many will not because they are embarrassed, do not know it is important, or do not know that they have a compromised immune system. Practice proper infection control with every customer.
- Diabetic customers have immune systems that do not work effectively and have impaired hearing. Some type 2 diabetics can be diabetic for years prior to being diagnosed, which means that even if you ask, they may say "no" because they have not yet been diagnosed.
- Lumpectomy/mastectomy patients have had surgical treatment for breast cancer. It is extremely important to these clients that properly disinfected implements be used. Refer to **Figure 5-24**.
- Clients on medication for conditions such as asthma, rheumatoid arthritis, and fibromyalgia are likely to have suppressed immune systems, making them particularly susceptible to infection.
- Clients who are pregnant may be particularly sensitive to harsh smells; their skin may also have unusual reactions to chemicals.

K. Your Professional Responsibilities

Your most important responsibility is to protect your clients' health and safety.

- Never take shortcuts for cleaning and disinfecting.
- It is your professional and legal responsibility to follow state and federal laws and rules.
- Keep your license current and notify the licensing agency if you move or change your name.
- Check your state's website monthly for any change or update to the rules and regulations.
- Be aware of your environment so that you can identify and eliminate potential hazards to make your salon, spa, or barbershop safer for you and your clients.
- Be prepared for emergencies. Every salon, spa, and barbershop should have employee and clientele emergency information available.
- An emergency phone number checklist should include the contact numbers for fire, police, poison control, and medical rescue departments; the nearest hospital emergency room; and taxis.
- Utility service companies are also helpful in an emergency or if something breaks down in the shop. Update this information on an annual basis and you will always be prepared.
- Realize that behavior that stems from a knowledgeable and caring manner is what separates a true professional from a nonprofessional.



CIMA Activity

Have students complete the *Safety Precautions Quiz*.

CHECK IN

6. Why is it of the utmost importance to practice strict infection control protocols with every client?

VIII. APPLY INFECTION CONTROL



Slides 60–61

Congratulations on completing this chapter! Before you move on, take a moment to think about how these Infection Control topics apply to your particular discipline. Discuss with a classmate or study group how you will fit infection control into your daily routine on the job; what special infection control measures you will need to take for specific procedures; what some special needs of your target audience may be; and so on.

SUMMARY AND REVIEW

- Federal and state regulations apply to infection control and safe work practices.
- Beauty professionals can use various procedures to prevent infections from bacteria, viruses, fungi, and pathogens.
- Infections can be controlled through cleaning and disinfection.
- Beauty professionals should always follow proper hand-washing procedures.
- Safe work practices can minimize the occurrence of accidents.
- Beauty professionals should take their responsibility to protect clients' health and safety seriously.

CHECK IN QUESTIONS AND ANSWERS

1. What are the primary purposes of regulatory agencies?

Federal agencies regulate the beauty and wellness professions by setting guidelines for the manufacture, sale, and use of equipment and chemical ingredients and for safety in the workplace. State agencies regulate licensing and enforcement; protect the health, safety, and welfare of the consumer; and guide your conduct when working in a salon, spa, or barbershop.

2. What are four modes of pathogen transmission?

Four modes of transmission are direct, indirect, airborne, and respiratory droplet.

3. List the five types of organisms that are important to a beauty professional.

The five types of organisms important to the beauty professional are bacteria, viruses, fungi, parasites, and biofilms.

4. What is the difference between cleaning, disinfecting, and sterilizing?

Cleaning is the mechanical process of removing all visible dirt and debris by washing with soap and water or detergent and water. Disinfecting is the chemical process that uses specific products to destroy harmful organisms (except bacterial spores) on environmental surfaces. Sterilizing is the process that completely destroys all microbial life, including spores.

5. What are Standard Precautions?

Standard Precautions are guidelines published by the CDC that require the employer and the employee to assume that all human blood and body fluids are infectious and carry bloodborne pathogens. Precautions include hand washing, wearing gloves, and proper handling and disposal of sharp instruments and items that have been contaminated by blood or other body fluids. It is important that specific procedures are followed if blood or body fluid is present.

6. Why is it of the utmost importance to practice strict infection control protocols with every client?

There are a number of reasons to practice strict infection control protocols with every client:

- *It is your professional and legal responsibility to follow state and federal laws and rules.*
- *Your livelihood and reputation depend upon it.*
- *Standard precautions state that all bodily fluids be treated as potentially infectious.*
- *It is impossible to know which of your clients are at higher risk of infection than others, because they may not tell you or even know themselves. Thus, you must assume all clients are at risk of suffering dire consequences.*

C CIMA Learning Assignments

Reading Check In: Ask students to make sure they have read Chapter 5 in its entirety. Test their knowledge using the chapter review questions.

Essential Discoveries Discussion: Have students discuss what they learned in Chapter 5 by posting at least three new things they have learned in the chat room.

Chapter Review: Slides: To prepare for the final chapter exam, have students review the slides for Chapter 5.

Chapter Review: Flashcards: To prepare for the final chapter exam, have students work individually or in pairs and study Chapter 5 Flashcards.

Chapter Review: Word Review: Have students test their knowledge of Chapter 5 key terms by completing this quiz.

C CIMA Exam

Have students complete the CIMA chapter exam.

Daily Classroom Agenda

TOPIC: State Laws Class: South Dakota Codified Laws & Administrative Rules

OBJECTIVE:

- To be a knowledgeable, successful, and responsible professional in the field of cosmetology, you are required to understand the laws and rules work in or operate a salon.
- Understanding federal and state rules and regulations will safeguard you and your clients.
- Understanding and practicing proper practices within federal, state and local laws/rules will safeguard your business from costly citations for violations.

CLASSROOM PREPARATION:

- Educator Preparation- Read and review the South Dakota State Laws & Rules. Make notes of interesting facts, ideas, connections to the modern Salon Industry, and discussion points. Review the list of Activities and enhance as needed.
- Classroom arrangement- Desks/ Tables and Chairs. Check the ability of all students to be able to see the white board, Flip Charts and any other visual aids.

RESOURCES:

- Milady MindTap
- SPEC requirements and lesson plans

MATERIALS NEEDED:

- Supplies needed for activities: Ipads and Internet
- White Board and Markers
- Notecards for procedures

OPEN / WELCOME	RESOURCES / NOTES
<p>QUESTIONS:</p> <p>1. Why would knowing the State Laws and Rules help make you successful?</p> <p>2. What other professions require the use of Laws & Rules?</p> <p>3. Why do you think Salon Professionals need to be so stringent in knowing and understanding the Laws and rules of the state they wish to work?</p>	

INTRODUCTION AND EARN THE RIGHT:

The educator should recount a memory of an incident that they have had in their career that they were happy they knew and understood the Laws & Rules. Explain how the steps were followed and why it is so memorable.

Have the students imagine and explain a situation where they believe knowing these would be beneficial

WHAT'S IN IT FOR THEM:

- Being responsible for protecting themselves and all their clients.
- A professional image
- Knowledge is power

CODE OF THE CLASSROOM:

Time schedule and agenda

How questions will be fielded

Breaks and lunch

Location of restrooms, break room and smoking area

Rules of Conduct

NO CELL PHONES

Policies and Procedures

Respect: when someone is talking the others in the class will listen quietly.

ICEBREAKER / ACTIVITY:

Prior to Class the instructor will need to set up examples around the room of what would be a violation of random Laws & Rules. Anything from Display of License, Health Hazards, to unlicensed workers and/or unregulated services. At the end of the day ask the students to point out what violations they notice throughout the day.

BODY	RESOURCES / NOTES
<p>CONTENT:</p> <p>Start the day by explaining what the class is about.</p> <p>It will begin with reading through the terms and definitions of the SD Codified Laws 36-15.</p> <p>Ask students to use their Ipads to complete to use Cengage Mindtap to access the Codified Laws to follow along.</p> <p>As you read through the Codified Laws give random and/or outrageous examples of what to and not to do with each law. Recount a memory. This will attach you and them together in a moment for them use in future.</p> <p>After Codified Laws and rules read through the terms and definitions for Administrative Rules Article 20:42</p> <p>Same as with the Codified Laws give random and/or outrageous examples of what to and not to do with each law. Recount a memory. This will attach you and them together in a moment for them use in future.</p> <p>- At the end of the day, do not forget to have students point out the random violations you have set up as examples.</p> <p>Homework: Students will be given a 50 questions worksheet/quiz on the SDCL & ARSD</p> <p>9:00 - 9:15 Energy 9:15 – 9:30 Set up Ipads and open Mindtap 9:30 - 10:50 Begin reviewing and discussing SDCL 10:50 - 11:05 Break 11:05 - 12:00 Finish review and discussion of SDCL 12:00 - 1:00 Lunch 1:00 - 2:50 Review and discuss ARSD 2:50 3:05 Break 3:05 - 4:15 Have students point out the setup violations and discuss. Make sure to give worksheet for homework and set due date 2 days from then. 4:15 - 4:30 Duties</p>	

Lesson: State Board Preparation and Practice

Topic: Preparing for state board examination and licensure

Class Time: One or Two, 3 ½ hour sessions

Objectives: Student will be prepared for the completion of school, state board application, testing and licensure process

Class Preparation:

- Classroom arrangement: U-shaped, Classroom Style or Chevron to allow the students to see the white board or screen with ease.
- Educator will need to be knowledgeable on the school exit process, state board application, State Board written and practical testing and state licensure process.

Resources:

- State Laws and Rules

Materials Needed:

- Copy of State Laws regarding application, testing requirements, and licensure
- Copy of state application or online application

Class starts time:

Content: OPEN / WELCOME (15 minutes)	Activities / Power Point Flip Chart / White Board
<p>QUESTIONS Opening the class with 2 or 3 questions that everyone can answer helps to gain 100% enrollment and encourage conversation. <u>EXAMPLE:</u> "With a show of hands, "Who in the room is ready and prepared to graduate and start your career?" "Who needs some guidance on the requirements and process to get licensed?" Thank them for sharing.</p> <p>INTRODUCTIONS & ETR If the students are not familiar with you as a classroom educator, take a moment to EARN the RIGHT to teach them about your experience first getting licensed.</p> <p>WIIFM <u>EXAMPLE:</u> "Today you will learn the information that is needed for the exit process from school, be prepared for the state practical and written exams, and start the application process to get your industry license."</p>	<p>Have some energetic music playing as the students enter the classroom.</p>

CODE OF THE CLASSROOM

Setting the Code of the Classroom is essential in the development of a successful presentation. This is the act of setting up the rules and agreements of the class at the beginning. When this information is discussed up-front it will be easier to maintain order, stay on track, and stay on time. It is important to create an environment that is safe and comfortable for everybody. You can eliminate a lot of fear by letting everyone know what they are in for, giving them freedom, and allowing them to be responsible for their own learning.

EXPECTATIONS

You may or may not ask for expectations. If you do, be sure to list them and post them in the classroom as a point of reference to assure you have met the student's needs.

ICEBREAKER / ACTIVITY

Icebreakers are exercises, games or activities that are used to get the group to interact at the beginning of any presentation. Icebreakers create a tone and an energy level that establishes the mood of a program and help build group rapport.

Have the Code of the Classroom listed on a Flip Chart or on the White Board

Code of the Classroom

- Time schedule and agenda
- How questions will be fielded
- Breaks and lunch
- Location of restrooms, smoking areas, etc
- Rules of conduct (leaving the room when necessary)
- Cell Phones turned off and stored in personal locked locker
- Policies and Procedures

Activity:

Give students 2-3 minutes to list as many things that they can on what they've learned and accomplished during school (technical, business, personal development). Have students share with the class.

Time:

Content: **Exit Meeting, State Board Exam (180 minutes, includes break)**

Resources and Notes:

The Educator will go through the exit meeting procedure with students to prepare them for completion of school.

Topics to Cover:

- Scheduling the exit meeting appointment with Admissions or Financial Aid Officer
- Projects that need completed
- State practical requirements need completed (if applicable)
- All work and tests that need to be completed
- Students will need to schedule their state board exam

Share with students what to expect in the exit meeting.

- Final Crosscheck of all Required Documents
- Final Transcript
- Final Payment Arrangements
- Receive Diploma

Cover State Law Requirements

- Application, Fees, and Process
 - Online or Paper Form
- Written Exam Process
- Practical Exam Process

Have a copy of state application or online application

<p>Practical Examination (if applicable in state) Class may be on a different day per curriculum</p> <ul style="list-style-type: none"> • State Board Exam Kit Items <ul style="list-style-type: none"> ○ If student kit includes the state board practical exam items needed, pass out to items to students, label and organize in preparation for exam. ○ If student kit did not include the state board practical exam items needed, share with students a list of everything required and how to properly label and organize in preparation for exam. • Share expectations with students for the State Board Practical Examination • Have students Set Up and Practice the requirements for Mock State Board Practical Examination 	<p>Activity: Have students set up and perform a timed mock state board practical. Educator will observe and offer feedback after each performance.</p>
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<p>Time: Content: The Close (15 minutes)</p>	<p>Activity / LF Process:</p>
<p>Have students create a plan of action</p> <ul style="list-style-type: none"> • Calculate Expected Date of Completion • Verify with Team Leader that Projects and Tests are Complete • Schedule Exit Meeting • Schedule State Board Exam • Complete State License Application 	<p>The students will clean up after themselves in the classroom.</p> <p>The educator will see the classroom is clean and ready for the next class.</p> <p>The students will do their daily assigned sanitation.</p> <p>All the students will gather in the classroom. One student will select a word; gather in the middle of the room, everyone put one hand in the middle of the circle. Someone counts off 3, 2, 1 and everyone shouts out the word!</p>

Lesson: State Law

Topic: State Law

Class Time: Two, 3 ½ hour sessions or One Day (7 hours)

Objectives: The student will become familiar with their State Laws and Rules for Cosmetology

Class Preparation:

- Classroom arrangement: U-shaped, Classroom Style or Chevron to allow the students to see the white board or screen with ease.
- Educator will need to be knowledgeable in their State Laws and Rules.

Resources:

- State Laws and Rules
- Handouts of State Laws and Rules or Online reference

Materials Needed:

- Educator will create a list of questions from cosmetology state law for Scavenger Hunt; if state law is included on state boards make sure to cover this information
- CD Player or iPad for music
- Flip Chart and Markers or White Board

Time:

Content: **OPEN / WELCOME (15 minutes)**

Activities / Power Point
Flip Chart / White Board

QUESTIONS

Opening the class with 2 or 3 questions that everyone can answer helps to gain 100% enrollment and encourage conversation.

EXAMPLE: "With a show of hands, who in the room has ever read the State Laws for Cosmetology?" "How many of you have considered the reason there are State Laws for the Cosmetology industry?" "How many of you have wondered who makes the industries state laws?" Thank them for sharing.

INTRODUCTIONS & ETR

If the students are not familiar with you as a classroom educator, take a moment to EARN the RIGHT to teach them about State Laws.

WIIFM

EXAMPLE: "Today you will learn the laws and rules that regulate the cosmetology industry in our state, along with the importance of those laws in keeping our licensure and keeping the salons and clients safe."

CODE OF THE CLASSROOM

Setting the Code of the Classroom is essential in the development of a successful presentation. This is the act of setting up the rules and agreements of the class at the beginning. When this information is discussed up-front it will be easier to maintain order, stay on track, and stay on time. It is important to create an environment that is safe and comfortable for everybody. You can eliminate a lot of fear by letting everyone know what they are in for, giving them freedom, and allowing them to be responsible for their own learning.

EXPECTATIONS

You may or may not ask for expectations. If you do, be sure to list them and post them in the classroom as a point of reference to assure you have met the student's needs.

ICEBREAKER / ACTIVITY

Icebreakers are exercises, games or activities that are used to get the group to interact at the beginning of any presentation. Icebreakers create a tone and an energy level that establishes the mood of a program and help build group rapport.

Have some energetic music playing as the students enter the classroom.

Have the Code of the Classroom listed on a Flip Chart or on the White Board

Code of the Classroom

- Time schedule and agenda
- How questions will be fielded
- Breaks and lunch
- Location of restrooms, smoking areas, etc
- Rules of conduct (leaving the room when necessary)
- Cell Phones turned off and stored in personal locked locker
- Policies and Procedures

Activity:

In pairs or groups have students discuss why they think state laws and rules are important in the cosmetology industry.

You may select another Activity in relationship to state laws.

Time:

Content: STATE LAWS AND RULES (180 minutes, includes break)	Resources and Notes:
<p>Educator will pass out copies of state laws and rules or navigate students to state laws and rules online.</p> <p>Going around the room and have students read sections of state laws and rules aloud.</p> <p>Break – Make sure to return from break before students</p> <p>Student State Law Scavenger Hunt review</p> <ul style="list-style-type: none"> Using Scavenger Hunt questions, educator will use these to ask students to find the answers within the state laws and rules Students can be in pairs or groups When students find the answers, they will raise their hands and share the answer and where it was found with the class Take time between questions to clarify and discuss the state laws and rules and how they apply to them as a student and future service provider Have prizes such as candy to give to students as they answer the questions <p>Activity Idea</p> <ul style="list-style-type: none"> Have students get into groups or pairs. Have students create their own new law or select an existing law that they think should be changed. Have students present to class. 	<ul style="list-style-type: none"> Copy of State Laws and Rules or online Scavenger Hunt questions

Time:

Content: The Close (15 minutes)	Activity / LF Process:
<p>Give students time to reflect on what they learned. The students will share one thing they learned in class about state laws and rules.</p> <p>Notes and Ideas for future classes:</p>	<p>The students will clean up after themselves in the classroom.</p> <p>The educator will see the classroom is clean and ready for the next class.</p> <p>The students will do their daily assigned sanitation.</p> <p>All the students will gather in the classroom. One student will select a word; gather in the middle of the room, everyone put one hand in the middle of the circle. Someone counts off 3, 2, 1 and everyone shouts out the word!</p>

1. What are 3 grounds for disciplinary action

- a. _____
- b. _____
- c. _____

2. What are 3 acts prohibited and are a violation as a misdemeanor?

- a. _____
- b. _____
- c. _____

3. Salon and booth rentals must follow the minimum requirements below.

- a. Provide a _____
- b. Equipment must be _____ and all dirty equipment must be kept _____
- c. Space: _____ for the 1st Stylist and _____ per additional stylist.
- d. _____
- e. _____
- f. _____

4. Salons and booth rentals must have the following equipment requirements.

- a. _____
- b. A _____
- c. Sufficient number of _____
- d. Sufficient _____
- e. Sufficient _____
- f. Separate closed containers for _____
- g. A _____ for each working licensee
- h. For nails techs/cosmetologists doing nails:
 - i. A table with a _____, 2 Chairs
 - ii. A _____, a _____ to be emptied daily, and sufficient tools
- i. For estheticians/cosmetologists doing facials
 - i. 2 _____ and _____

5. What do you need to have in your 1st Aid Kit at all times?

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

6. What is the blood exposure procedure if you cut yourself?

7. How should all fluids, semifluid's, creams, and powders be stored?

8. How many hours do you need to be able to use the electric file? _____

9. How many hours do you need to use the microdermabrasion machine? _____

10. The process and protocols that are designed to reduce the rise of spreading pathogens in an environment is called _____

11. Do you need to have a wet disinfectant at your vanity during all working hours? _____

12. Multi-use articles like your combs and brushes do not need to be washed first before putting them in the barbicide? _____

13. How should you keep your electrical and non-electrical equipment? _____

14. If you do not use a separate cape on each new client, what do you have to use? _____

15. What is the blood exposure procedure if you cut a client?

16. What are some of the general infection control requirements for licensees?

- a. Depose of all used _____
- b. Use _____ on each new client
- c. Use _____ on each new client
- d. Use the _____ that you will use to emerge your dirty implements.
- e. Use clean, closed containers for all _____
- f. Before each client, _____

17. If you go and do hair at a nursing home, can you do anybody's hair? _____

18. When will your temporary license expire? _____

19. Esthetics does not include:

20. How many hours do estheticians attend school? _____ Cosmetologists? _____ Nail techs? _____

21. What are 2 duties of the commission members?

- a. _____
- b. _____

22. What are 2 scopes of the rules the Commission can adopt or change?

- a. _____
- b. _____

23. When can the commission or board of health inspect a salon or school?

24. What are 2 of the professions that are exempt from our chapter?

- a. _____
- b. _____

25. When do personal licenses expire? _____

26. What are the 4 services not included in the nail tech license?

- a. _____

- b. _____
- c. _____
- d. _____

27. What are 2 acts not constituting the practice of cosmetology?

- a. _____
- b. _____

28. If you wanted to do a wedding parties hair, would you need to document that through the salon?

29. When do salon, booth or school licenses expire? _____

30. What do you need to tell the commission when applying for a temporary license?

31. Can you transfer your salon/booth license to another person or place? _____

32. Can cosmetologists and barbers work in the same salon? _____

33. Can you use any type of drill on the human nail plate? _____

34. Do you need to have a wet disinfectant at your vanity during all working hours? _____

35. If you have unregulated services in your salon, do you have to state that in a visible place? _____

36. What are the prices for the following?

- | | |
|-----------------------------|-----------------------------|
| a. Exam Fee _____ | Cosmetologist License _____ |
| b. Instructor License _____ | Salon initial License _____ |
| c. Salon Renewal _____ | Duplicate License _____ |
| d. Lapsed License _____ | Reinspection License _____ |
| e. Furnishing Papers _____ | Temporary License _____ |
| f. Retake _____ | |

37. How many hours do you need to be able to use the microdermabrasion machine? _____

38. How many hours do you need to be able to use the electric file? _____

39. What layer of skin can you not go past? _____

40. The process and protocols that are designed to reduce the risk of the spreading pathogens in an environment is called? _____

41. Can you use nail products containing MMA? _____

42. When doing a waxing service, do you need a covering for the head rest? _____

43. When do you not need a salon license when working in a nursing home?

a. _____

b. _____

44. List 3 conditions you must follow if you have a salon in your home.

a. _____

b. _____

c. _____

45. Natural hair braiding does not involve:

a. _____

b. _____

c. _____

d. _____

e. _____

f. _____

46. When can you apply for a temporary license? _____

Agenda Item

P

NIC Written Practical Examination

Examination Type	Cost per Examination	Examinations Administered Annually	Total Cost
Written Theory (NIC) ₁	\$90.00	350 (Approximately)	\$31,500
Written Practical (NIC) ₂	\$90.00	350*	\$31,500
		Total Cost Scenario 1:	\$31,500 (Approx.)
		Total Cost Scenario 2:	\$63,000 (Approx.)

Note: Implementing the NIC written practical examination would add approximately \$28,000 to the Cosmetology Commission's budget deficit. The practical examination was suspended in 2020 as a precaution to prevent the spread of COVID-19. Our office has not received any complaints about license portability to other states due to the suspension of the practical examination during the tenure of the current Executive Director.

Agenda Item

R

of nail technology. An instructor with an esthetician license may only instruct in the practice of esthetics.

The commission may promulgate rules, pursuant to chapter 1-26, to establish education and experience requirements for a person to serve as a substitute instructor.

Section 3. That § 36-15-42.1 be AMENDED:

36-15-42.1. A salon may not offer apprenticeship education without obtaining an apprentice salon license. The owner of the salon may apply to the commission to be licensed as an apprentice salon if:

- (1) The salon meets the applicable requirements of this chapter and rules promulgated pursuant to this chapter;
- (2) The salon has passed the annual inspection for the current year; and
- (3) The application is accompanied by the fee required in this chapter.

The apprentice salon license expires one year from the date of issuance and is renewable annually. The renewal application must be accompanied by the fee required in this chapter. (MINOR CHANGE TO INCREASE EFFICIENCY)

Section 4. That § 36-15-44 be AMENDED:

36-15-44. An apprentice salon may have up to eight apprentices not to exceed two apprentices per instructor.

Section 5. That § 36-15-47 be AMENDED:

36-15-47. Any apprentice licensed pursuant to this chapter may practice cosmetology if the practice is performed only in a cosmetology, esthetics, or nail salon, as applicable, licensed pursuant to this chapter; the apprentice is under the constant supervision, control, and direction of a licensed instructor at all times; and the apprentice is actually engaged in the study and practice of cosmetology, esthetics, or nail technology at least forty hours a week. At the election of the apprentice, the apprenticeship may be pursued on a part-time basis, with a minimum of twenty hours per week. The apprentice may elect to revert to full-time status at any time by notifying the commission at least fifteen days prior to the change taking effect. (PREVIOUSLY, FULL-TIME ONLY @ 40 HR)

Section 6. That § 36-15-48 be AMENDED:

36-15-48. The commission shall adopt reasonable rules pursuant to chapter 1-26 pertaining to a report on the apprentice's progress and education received from a licensed instructor.

Section 7. That a NEW SECTION be added to chapter 36-15:

A licensed apprentice who has completed hours in cosmetology, esthetics, or nail technology may apply the completed hours towards meeting the curriculum requirements of another apprentice program if the completed hours meet the requirements of the other program. (PREVIOUSLY ALLOWED IN PRACTICE, NOW CODIFIED IN LAW)

Section 8. That a NEW SECTION be added to chapter 36-15:

A person who has completed hours under an apprenticeship or at a licensed school may have those completed hours be transferable between an apprenticeship, program, or school if allowed by the institution to which the person is transferring.

(NOVEL PRACTICE, NO PRECEDENT)