

# NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

## NOTICE OF FINAL RULEMAKING

### TITLE 4. PROFESSIONS AND OCCUPATIONS

#### CHAPTER 10. BOARD OF COSMETOLOGY

[R06-33]

#### PREAMBLE

**1. Sections Affected**

R4-10-101  
R4-10-105  
R4-10-108  
R4-10-109  
R4-10-110  
R4-10-111  
R4-10-201  
R4-10-203  
R4-10-204  
R4-10-205  
R4-10-206  
R4-10-401  
R4-10-402  
R4-10-403  
R4-10-404

**Rulemaking Action**

Amend  
Amend  
Amend  
Repeal  
Amend  
Amend

**2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 32-504(A)(1)

Implementing statutes: A.R.S. §§ 32-501, 32-504, 32-507, 32-510, 32-511, 32-512, 32-513, 32-514, 32-515, 32-517, 32-518, 32-531, 32-532, 32-533, 32-537, 32-541, 32-542, 32-543, 32-544, 32-545, 32-551, 32-552, 32-554, 32-555, 32-556, 32-557, 32-558, 32-559, 32-560, 32-561, 32-562, and 32-564.

**3. The effective date of the rules:**

April 8, 2006

**4. A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Rulemaking Docket Opening: 11 A.A.R. 4141, October 21, 2005

Notice of Proposed Rulemaking: 11 A.A.R. 4501, November 14, 2005

**5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Cheryl Adams, Deputy Director and Rules Coordinator

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**6. An explanation of the rule, including the agency's reason for initiating the rule:**

A.R.S. § 32-504 requires the Arizona State Board of Cosmetology to adopt rules for the regulation of the cosmetology profession.

The amendments are meant to clarify rules, eliminate unnecessary requirements, and make grammatical corrections. Further, R4-10-108 allows examination candidates the choice of a live model or a mannequin in some examinations and the change will allow the use of a mannequin only for nail technology and cosmetology examinations. This same rule will now allow for pre-screening of examination candidates allowing them to examine and enter the workforce at an earlier date. R4-10-109 is repealed, as the requirements are outdated. Changes to R4-10-110 will affect the reactivation of a license that has been inactive between three and five years making it easier and less expensive for an inactive licensee to reenter the workforce. R4-404 will clarify requirements for mobile service salons allowed by a law change to A.R.S. § 32-501.

**7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

**8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**9. The summary of the economic, small business, and consumer impact:**

The Board of Cosmetology, licensed schools, and students will bear any costs associated with the rules. Changes such as pre-screening of an application and reactivating inactive licenses will result in a savings, as both changes will allow licensees to enter or reenter the workforce at an earlier date. The requirement for a microdermabrasion machine in R4-10-205 will require some schools to purchase the machine.

Other rules eliminate the requirement of signing before a notary public, which may constitute a savings.

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

Minor editorial changes were made as a result of the Governor's Regulatory Review Council review.

**11. A summary of the comments made regarding the rule and the agency response to them:**

No comments were received.

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**13. Incorporations by reference and their location in the rules:**

None

**14. Was this rule previously made as an emergency rule?**

No.

**15. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 10. BOARD OF COSMETOLOGY**

**ARTICLE 1. GENERAL PROVISIONS**

Section

- R4-10-101. Definitions
- R4-10-105. Application for License by Reciprocity
- R4-10-108. Licensing Examinations
- R4-10-109. ~~Instructor Examinations~~ Repealed
- R4-10-110. Reactivating an Inactive License
- R4-10-111. Display of Licenses and Signs

Notices of Final Rulemaking

ARTICLE 2. SCHOOLS

Section

- R4-10-201. Application for a School License; Renewal
- R4-10-203. General School Requirements
- R4-10-204. School Records
- R4-10-205. Aesthetic School Requirements
- R4-10-206. Cosmetology School Requirements

ARTICLE 4. SALONS

Section

- R4-10-401. Application for a Salon License
- R4-10-402. Changes Affecting a Salon License
- R4-10-403. Salon Requirements and Minimum Equipment
- R4-10-404. Mobile Services

ARTICLE 1. GENERAL PROVISIONS

**R4-10-101. Definitions**

In this Chapter unless otherwise specified:

1. "Accredited" means approved by the:
  - a. New England Association of Schools and Colleges,
  - b. Middle ~~states~~ States Association of Colleges and Secondary Schools,
  - c. North Central Association of Colleges and Schools,
  - d. Northwest Association of Schools and Colleges,
  - e. Southern Association of Colleges and Schools, or
  - f. Western Association of Schools and Colleges.
2. "Administrative completeness review" means the Board's process for determining that an ~~individual applicant has-~~
  - a. ~~Provided provided all of the~~ information and documents required by Board statute or rule for an application; ~~and~~
  - b. ~~If applicable, taken an examination given by the Board.~~
3. "Applicant" means an individual or any of the following seeking licensure by the Board:
  - a. If a corporation, any two officers of the corporation;
  - b. If a partnership, any two of the partners; or
  - c. If a limited liability company, the designated ~~manager~~ corporate contact person, or if no ~~manager~~ contact person is designated, any two members of the limited liability company.
4. "Application packet" means the forms and documents the Board requires an applicant to submit ~~or have submitted on the applicant's behalf.~~
5. "Certification of hours" means a document that states the total number of hours completed at a school including:
  - a. A written statement of the hours a student received in a licensed school, record of license history, or credits a student received, signed by the administrator of the agency authorized to record hours issue cosmetology, nail technician, or aesthetics licenses in the jurisdiction in which the applicant ~~received a license or received certified or accredited vocational or academic training, affixed with the agency's official seal; or~~
  - b. ~~A notarized If a student is transferring from one Arizona school to another under A.R.S. § 32-560, a transfer application that reflects the hours or credits a student received, signed by the administrator of the school where the applicant received certified or accredited training, when a student transfers from one Arizona cosmetology, nail technology, or aesthetics school to another pursuant to A.R.S. § 32-560.~~
6. "Certification of licensure" means the status of the license, signed by the administrator of the agency authorized to issue cosmetology, nail technician, aesthetics, or instructor licenses in the jurisdiction in which the applicant received a license, affixed with the agency's official seal.
7. "Clinic floor" ~~means the area where students perform client services for the public for a fee~~ means the area where a student practices cosmetology, nail technology, or aesthetics on the general public for a fee.
- 7-8. "Course" means an organized subject matter in which instruction is offered within a given period of time and for which credit toward graduation or certification is given.
- 8-9. "Credit" means one earned academic unit of study based on completing a high school's required number of class sessions per calendar week in a course or an earned academic unit of study based on attending a 4 one-hour class session per calendar week at a community college, an accredited college or university, or a school high school.
- 9-10. "Days" means calendar days.
10. "Delinquent" ~~means a license renewal that is not completed and filed with the Board or postmarked on or before the license renewal date required by A.R.S. § 32-501 through 32-564 or this Chapter.~~

Notices of Final Rulemaking

11. "Double bracing" means using a stable base of support and two points of contact for the hand while performing a procedure.
12. "Establishment" means a business that operates functions as a school or a salon ~~in a structure that has a physical street address and functions as a salon or school~~ at least an average of 20 hours a week for the majority of the year.
13. "Family member" means:
  - a. ~~The applicant's spouse;~~
  - b. ~~The natural or adopted children, father, mother, grandparents, brothers, sisters, aunts, uncles, first cousins, and second cousins of the applicant; or~~
  - c. ~~The natural or adopted children, father, mother, grandparents, brothers, sisters, aunts, uncles, first cousins, and second cousins of the applicant's spouse.~~
- 14.13. "Graduation" or "graduated from a school" means the completion of the criteria established by a cosmetology, ~~an~~ aesthetics, or a nail technology school for the course in which the applicant was enrolled, including the completion of the required curriculum hours ~~specified in R4-10-302, R4-10-303, R4-10-304, or R4-10-305.~~
- 15.14. "High school equivalency" means:
  - a. A high school diploma from a school recognized by the basic education authority or the Department of Education in the jurisdiction in which the school is located,
  - b. A total score of 45 points on a high school equivalency general educational development test or its equivalent as required by the Department of Education,
  - c. An associate degree or 15 academic credits from a junior college recognized by the basic education authority in the jurisdiction in which the college is located, or
  - d. Any degree from a college or university recognized by the basic education authority in the jurisdiction in which the college or university is located.
- 16.15. "Hour" means one clock hour.
- 17.16. "Instructor training" means the courses ~~required by~~ specified in R4-10-302.
17. "Lab" means the area in which instruction is provided regarding demonstration, theory, and practice on models.
18. "Licensed in another state of the United States or foreign country" means:
  - a. A governmental regulatory agency in the state or country is authorized to examine, for competency, candidates who graduate from a licensed cosmetology, nail technology, aesthetics school, or instructors for these disciplines; and
  - b. The agency issues licenses over which the state or country has jurisdiction and monitors.
- 18.19. "Manager" means an individual licensed by the Board who is responsible for ensuring ~~a~~ salon's an establishment's compliance with A.R.S. §§ 32-501 ~~through 32-575 et seq.~~ and this Chapter.
- 19.20. "Model" means a person or a mannequin on whom an applicant performs demonstrations for the practical section of a licensing examination or lab.
- 20.21. "Owner" means an individual or entity that has a controlling legal or equitable interest and authority and is responsible for ensuring an establishment's compliance with A.R.S. 32-501 et seq. and this Chapter in an establishment.
22. "Patron" means any client of an establishment or student of a school.
23. "Primary category of practice performed in the salon", as stated in A.R.S. § 32-574(A)(2), means:
  - a. ~~The practice, either aesthetics, cosmetology, or nail technology, for which the majority of the salon's employees or independent contractors hold licenses; or~~
  - b. ~~The practice for which the salon owner holds a license.~~
- 21.23. "Personal knowledge" means actual observation of an individual, ~~other than a family member, who is currently practicing~~ practiced aesthetics, cosmetology, or nail technology in any state or country.
- 22.24. "Practice" means engaging in the ~~occupation~~ profession of aesthetics, cosmetology, ~~or~~ nail technology, or instructor.
- 24.25. "Reciprocity" means the procedure for granting an Arizona license to an applicant who received the required hours from a school licensed in another state of the United States or a foreign country or is currently licensed in another state of the United States or a foreign country.
- 25.26. "Substantive review" means the Board's process for determining ~~that whether~~ whether an applicant for licensure meets the requirements ~~of for~~ for A.R.S. §§ 32-501 ~~through 32-575 and this Chapter~~ the license for which application is made including, if applicable, taking and passing an examination given by the Board.
- 26.27. "~~10th~~ Tenth grade equivalency" means:
  - a. ~~10 Ten~~ Ten high school credits, including two in English, from any school recognized by the basic education authority or the Department of Education in the jurisdiction in which the credits were obtained, ~~or proof;~~
  - b. Proof that the prospective student is 23 years old. Satisfactory proof of the prospective student's age is shown by a government-issued driver's license or identification card, a birth certificate, or a passport; or
  - c. High school equivalency.

Notices of Final Rulemaking

~~27-28.~~ "Transfer application", as used in A.R.S. § 32-560, means an application that documents the transfer of a student from one Arizona cosmetology, nail technology, or aesthetics school to another and contains the student's name, address, identification number, ~~phone~~ telephone number, and number of hours of instruction received.

**R4-10-105. Application for License by Reciprocity**

An applicant for an aesthetics, cosmetology, nail ~~technician~~ technology, or instructor license by reciprocity shall submit the applicable fee required in R4-10-102 and all of the following to the Board:

1. An application provided by the Board; ~~and~~ signed by the applicant; ~~and notarized~~ that contains:
  - a. The applicant's name, address, telephone number, gender, passport quality photo, social security Social Security number, and birth date;
  - b. If previously licensed by the Board, the type of license, license number, license expiration date, and the name used on the license; and
  - c. A statement of whether the applicant has ever had an aesthetics, a cosmetology, a nail ~~technician~~ technology, or ~~an~~ instructor license suspended or revoked in any state or foreign country; ~~and~~ and
  - d. ~~A statement under oath by the applicant verifying the truthfulness of the information provided by the applicant;~~
2. A certification of hours and proof of graduation or licensure in another state of the United States or a foreign country that shows the number of hours received in a school or the initial and final dates of licensure; and ~~and~~
3. ~~To demonstrate compliance with the practice requirements in A.R.S. § 32-513 (A)(2) or A.R.S. § 32-532(3), a notarized form, supplied by the Board, that is completed by an owner or manager of a licensed salon, a licensee with personal knowledge of the applicant's practice for at least one of the five years immediately preceding the date of the application, or a supplier of aesthetics, cosmetology, or nail technology products to the applicant that contains:-~~
  - a. ~~The name of the applicant;~~
  - b. ~~The type of practice engaged in by the applicant;~~
  - e. ~~The initial and final dates of applicant's practice;~~
  - d. ~~The name, address, and telephone number of the salon where the applicant is or was practicing;~~
  - e. ~~If completed by a licensee with personal knowledge, the initial and final dates of the practice;~~
  - f. ~~If completed by an individual who is a supplier, the initial and final dates the aesthetics, cosmetology, or nail technology products were provided;~~
  - g. ~~If completed by an owner or manager of a salon, the name, current address, and current telephone number of the owner and license number of the salon where the applicant is or was practicing or the name, current address, and current telephone number of the manager of the salon where the applicant is or was practicing and the manager's license number; and~~
  - h. ~~A statement under oath, signed by the owner or manager, licensed individual, or supplier, verifying the truthfulness of the information.~~

**R4-10-108. Licensing Examinations**

- A. ~~An examination application~~ The Board may complete a pre-screening review of examination qualifications, if requested, before the student graduates from a school, but the Board shall not approve the examination application shall not be accepted until the applicant student has graduated from a cosmetology, nail technology, or aesthetics school, or meets the requirements of A.R.S. §§ 32-510(A)(3)(e) or 32-511(A)(3)(e): completed a minimum of:
  1. 1450 hours of cosmetology training.
  2. 500 hours of aesthetics or nail technician training.
  3. 550 hours of cosmetology instructor training.
  4. 400 hours for aesthetics instructor training, or
  5. 250 hours of nail technician instructor training.
- B. After the Board completes the pre-screening, an applicant may receive an examination date, but the applicant is not allowed in the examination site until the applicant provides a certification of graduation. If the applicant fails to provide a certification of graduation by the date set for the examination or the applicant does not appear at the examination site at the scheduled examination time, the applicant forfeits the examination fee. A pre-screening review is not a substitute for an official agency acceptance or issuance of a license.
- C. If the applicant does not request an examination pre-screening review, the Board shall not consider an examination application until the applicant has received the hours required for graduation and has graduated from a school licensed by the Board.
- D. All examinations shall be held in the Board's examination center at the Board's office unless another location is designated by the Board in its written notice to the applicant.
- ~~C.E.~~ The Board shall notify applicants in writing at least 10 days before the examination of the time and place assigned for the examination.
- ~~D.F.~~ Applicants An applicant shall verify their provide identification upon entering the examination center, with a Acceptable forms of identification include United States issued: passport, driver's driver license, bank identification card, military identification, or government-issued identification card. Identification shall contain a photograph of the applicant.

Notices of Final Rulemaking

~~E-G. Examinations~~ An examination shall consist of both written and practical sections and the practical sections shall include live demonstrations on a model as follows: of aesthetics, cosmetology, or nail technology, whichever is applicable to the examination being taken. Demonstrations of wet sets and comb-outs may be performed on a mannequin.

1. An applicant shall perform a cosmetology or nail technology demonstration on a mannequin.
2. An applicant shall perform a demonstration for an aesthetics examination on a person, and
3. An applicant shall perform demonstrations for an instructor examination on a person for an aesthetics class or a mannequin for a cosmetology or nail technology class.

~~F.H. Applicants~~ An applicant shall comply with all infection control and safety standards required by R410-109 R4-10-112 during the examination.

~~G.I. Applicants~~ An applicant who cannot appear for an examination as scheduled shall notify the Board at least 48 hours before the scheduled examination in order to reschedule without paying another examination fee. Applicants An applicant who arrive arrives to at an examination site after the a scheduled examination has begun begins shall not be examined allowed to test at the scheduled time. Applicants If an applicant who arrive arrives after the examination has begun, begins and applicants or who fail fails to appear for the a scheduled examination, without notifying the Board at least 48 hours before the examination, may reschedule the Board shall reschedule the examination only after paying upon payment of another examination fee. The applicant is allowed a one time cancellation of the examination test date if the applicant cancels at least 48 hours before the examination start time. The Board does not require another examination fee for rescheduling a canceled examination.

~~H.J. Applicants~~ An applicant shall supply equipment, supplies, tools, or implements instruments, and a model as required. Applicants who choose to perform wet sets and comb-outs on a mannequin shall supply the mannequin.

~~I.K. Current~~ An applicant shall not use a current or former students or student instructors student in an aesthetics, cosmetology, or nail technology schools school shall not be used as a models model in the live demonstration of aesthetics, cosmetology, or nail technology or instructor examinations.

~~J.L. Examination materials~~ shall are not be made available to applicants for inspection or copying before, during, or after an examination by any person nor shall any person attempt to obtain or provide examination materials.

~~K.M. Notebooks, notes, tape recorders, and dictionaries~~ The applicant shall not bring and the examination administrator shall not allow written material or recording media shall not be allowed in either the written or practical sections of the examination for aestheticians, cosmetologists, or nail technicians. The examination administrator may exclude other items from the written or practical sections of the examination that may impede the fair administration or security of the examination. An applicant who seeks to impede the fair administration of an exam, or copies or asks for information from another applicant shall be dismissed from the examination and shall forfeit the examination fee. An applicant who has a blood spill that is not treated following proper blood spill procedures in R4-10-112 shall be dismissed from the examination and shall forfeit the examination fee.

~~L.N. If an applicant has passed passes~~ the examination but does not apply for an original license within one year after the date of the examination, the Board shall void the examination scores shall be voided.

~~M. A written request to review a failed examination shall be made within 30 calendar days of the postmarked date of the examination scores. A written review by a representative of the Board shall be mailed to the applicant within 10 calendar days after the request for review has been received by the Board.~~

~~N.O. The If application is made by reciprocity,~~ the Board may accept a score on a written or practical examination from another jurisdiction if the examination; was

1. Is the same national examination as that administered in Arizona, and the
2. The score is at least the same as the passing score that was required by the Board at the time the applicant took the examination in that the other jurisdiction. The and
3. The applicant shall provide provides the Board with documentation from the other jurisdiction to verify verifying the previous passing score and that the this score was received within one year of the date that the Board received the applicant's application application for reciprocity.

~~O.P.~~ The Board shall conduct all examinations in English and applicants shall submit answers in English.

**R4-10-109. Instructor Examinations Repealed**

~~A. In addition to the requirements set forth in R4-10-104, examinations for instructor licenses in aesthetics, cosmetology, or nail technology shall contain both written and practical sections.~~

~~B. The written aesthetician examination may include questions relating to the Arizona Cosmetology statutes (A.R.S. § 32-501 et seq.), Arizona Cosmetology rules as they relate to aesthetics (R4-10-101 et seq.) and questions from the following subjects:~~

- ~~1. Skin treatments;~~
- ~~2. Facial machines;~~
- ~~3. Cosmetics;~~
- ~~4. Product applications to skin;~~
- ~~5. Depilatories;~~
- ~~6. Artificial eyelashes;~~

Notices of Final Rulemaking

7. Lash and brow tinting;-
  8. Salon management;-
  9. Professional ethics;-
  10. Consultation and analysis;
  11. Theory, principles, and methods of teaching;
  12. Dermatology;
  13. Massage;
  14. Infection control;
  15. Bacteriology;
  16. First aid;
  17. Hygiene;-
  18. Chemistry;-
  19. Histology;-
  20. Anatomy;-
  21. Physiology;-
  22. Aromatherapy;-
  23. Chromatology;-
  24. Light therapy and electricity, as these subjects are related to salon services and the practice of aesthetics.-
- C.** The practical aesthetician examination may consist of a presentation of a theory class and a demonstration before at least one representative of the Board. Subjects shall be assigned at the time applicants are notified of their eligibility to take the examination.
1. The theory class presentation may include any of the following subjects:-
    - a. Skin treatments;-
    - b. Cosmetics;-
    - c. Product applications to skin;-
    - d. Depilatories;-
    - e. Artificial eyelashes;-
    - f. Lash and brow tinting;-
    - g. Salon management;-
    - h. Professional ethics;-
    - i. Facial machines;-
    - j. Consultation and analysis;-
    - k. Dermatology;-
    - l. Massage;-
    - m. Infection control;-
    - n. Bacteriology;-
    - o. First aid;-
    - p. Hygiene;-
    - q. Chemistry;-
    - r. Histology;-
    - s. Anatomy;-
    - t. Physiology;-
    - u. Aromatherapy;-
    - v. Chromatology; and
    - w. Light therapy and electricity, as these subjects relate to salon services and the practice of aesthetics.-
  2. The demonstration may include any of the following subjects:-
    - a. Massage;
    - b. Skin treatments;
    - c. Facial machines;-
    - d. Product applications to skin;-
    - e. Depilatories;-
    - f. Artificial eyelash application;-
    - g. Lash and brow tinting;-
    - h. Consultation and analysis; and
    - i. High frequency application.-
- D.** The written cosmetologist examination may include questions relating to the Arizona Cosmetology statutes (A.R.S. § 32-501 et seq.), Arizona Cosmetology rules relating to cosmetology (R4 10 101 et seq.) and questions from the following subjects:
1. Chemical hair restructuring;-

Notices of Final Rulemaking

2. ~~Hair coloring;~~
  3. ~~Nail technology;~~
  4. ~~Aesthetics and makeup;~~
  5. ~~Scalp and hair treatments;~~
  6. ~~Salon management;~~
  7. ~~Professional ethics;~~
  8. ~~Shampooing and rinsing;~~
  9. ~~Hair shaping;~~
  10. ~~Hairstyling;~~
  11. ~~Depilatories;~~
  12. ~~Consultation and analysis;~~
  13. ~~Theory, principles, and methods of teaching;~~
  14. ~~Massage;~~
  15. ~~Infection control;~~
  16. ~~Bacteriology;~~
  17. ~~First aid;~~
  18. ~~Hygiene;~~
  19. ~~Chemistry;~~
  20. ~~Dermatology;~~
  21. ~~Trichology;~~
  22. ~~Onychology;~~
  23. ~~Histology;~~
  24. ~~Anatomy;~~
  25. ~~Physiology; and~~
  26. ~~Electricity as these subjects are related to salon services and the practice of cosmetology.~~
- ~~E. The practical cosmetologist examination may consist of a presentation of a theory class and a demonstration before least one representative of the Board. Subjects shall be assigned at the time applicants are notified of their eligibility to take the examination:~~
1. ~~The theory class presentation may include any of the following subjects:~~
    - a. ~~Chemical hair restructuring;~~
    - b. ~~Hair coloring;~~
    - e. ~~Nail technology;~~
    - d. ~~Aesthetics and makeup;~~
    - e. ~~Scalp and hair treatments;~~
    - f. ~~Salon management;~~
    - g. ~~Professional ethics;~~
    - h. ~~Shampooing and rinsing;~~
    - i. ~~Hair shaping;~~
    - j. ~~Hairstyling;~~
    - k. ~~Depilatories;~~
    - l. ~~Consultation and analysis;~~
    - m. ~~Massage;~~
    - n. ~~Infection control;~~
    - o. ~~Trichology;~~
    - p. ~~Bacteriology;~~
    - q. ~~First aid;~~
    - r. ~~Hygiene;~~
    - s. ~~Chemistry;~~
    - t. ~~Dermatology;~~
    - u. ~~Onychology;~~
    - v. ~~Histology;~~
    - w. ~~Anatomy;~~
    - x. ~~Physiology; and~~
    - y. ~~Electricity; and~~
    - z. ~~Salon management as they relate to salon services and the practice of cosmetology.~~
  2. ~~The demonstration may include any of the following subjects:~~
    - a. ~~Chemical hair restructuring;~~
    - b. ~~Hair coloring;~~
    - e. ~~Nail technology;~~

Notices of Final Rulemaking

- d. ~~Aesthetics and makeup,~~
  - e. ~~Scalp and hair treatments,~~
  - f. ~~Shampooing and rinsing,~~
  - g. ~~Hair shaping,~~
  - h. ~~Hairstyling,~~
  - i. ~~Depilatories,~~
  - j. ~~Massage, and~~
  - k. ~~High frequency application.~~
- F.** ~~The written nail technician examination may include questions relating to the Arizona Cosmetology statutes (A.R.S. § 32-501 et seq.), Arizona Cosmetology rules relating to nail technology (R4-10-101 et seq.) and questions from the following subjects:~~
- 1. ~~Manicuring,~~
  - 2. ~~Pedicuring,~~
  - 3. ~~Salon management,~~
  - 4. ~~Professional ethics,~~
  - 5. ~~Artificial nail application,~~
  - 6. ~~Nail wraps,~~
  - 7. ~~Theory, principles, and methods of teaching massage,~~
  - 8. ~~Infection control,~~
  - 9. ~~Bacteriology,~~
  - 10. ~~First aid,~~
  - 11. ~~Hygiene,~~
  - 12. ~~Chemistry,~~
  - 13. ~~Dermatology,~~
  - 14. ~~Onychology,~~
  - 15. ~~Histology,~~
  - 16. ~~Anatomy, and~~
  - 17. ~~Physiology as these subjects are related to salon services and the practice of nail technology.~~
- G.** ~~The practical nail technician examination may consist of a presentation of a theory class and a demonstration before at least one representative of the Board. Subjects shall be assigned at the time applicants are notified of their eligibility to take the examination.~~
- 1. ~~The theory class presentation may include any of the following subjects:~~
    - a. ~~Manicuring,~~
    - b. ~~Pedicuring,~~
    - e. ~~Salon management,~~
    - d. ~~Professional ethics,~~
    - e. ~~Consultation and analysis,~~
    - f. ~~Artificial nail applications, and~~
    - g. ~~Nail wraps,~~
    - h. ~~Massage,~~
    - i. ~~Infection control,~~
    - j. ~~Bacteriology,~~
    - k. ~~First aid,~~
    - l. ~~Hygiene,~~
    - m. ~~Chemistry,~~
    - n. ~~Dermatology,~~
    - o. ~~Onychology,~~
    - p. ~~Histology,~~
    - q. ~~Anatomy, and~~
    - r. ~~Physiology as these subjects relate to salon services and the practice of nail technology.~~
  - 2. ~~The demonstration may include any of the following subjects:~~
    - a. ~~Manicuring,~~
    - b. ~~Pedicuring,~~
    - e. ~~Artificial nail applications, and~~
- H.** ~~Each theory class presentation and each demonstration shall last approximately 30 minutes.~~
- I.** ~~At the start of each instructor examination, the applicant shall identify, to the examination administrator, textbooks, visual aids, and other materials and submit to the examination administrator three copies of the lesson plan and clinic sheet to be used for the practical section of the examination. Lesson plans and clinic sheets shall include 10 questions correlating to the subjects assigned.~~

**Notices of Final Rulemaking**

**R4-10-110.     Reactivating an Inactive License**

- A.** A cosmetology, nail technology, ~~aesthetician~~ aesthetics, or instructor license that has been inactive for less than one year will be reactivated by paying the delinquent renewal fee.
- B.** A cosmetology, nail technology, aesthetics, or instructor license that has been inactive for more than one year, but less than ~~two~~ five years, may be reactivated by the licensee paying the delinquent renewal penalty fee and ~~completing 1 of the following requirements:~~
  - 1. ~~Attending~~ completing an Infection Control the infection protection class and a ~~Law Review~~ law review class, offered by the Board, ~~to be but~~ but paid for by the licensee; ~~;~~
  - 2. ~~Passing the written and practical portions of the state license examination; or~~
  - 3. ~~Submitting documentation to the Board that the licensee has satisfied the educational requirements stated in subsection (D) below.~~
- ~~B.C.~~ **C.** A cosmetology, nail technology, aesthetics, or instructor license that has been inactive for more than ~~two~~ five years, but less than 10 years, may be reactivated by the licensee paying the delinquent renewal penalty and completing one if the licensee does all of the following requirements:
  - 1. ~~Passing the written and practical portions of the state license examination, or~~ Provides a certification of licensure;
  - 2. ~~Submitting documentation to the Board that the licensee has satisfied the educational requirements stated in subsection (D) below.~~ Completes the infection protection class and law review class given by the Board;
  - 3. Takes and passes the Board examination pertaining to the type of license formerly held; and
  - 4. Pays the delinquent renewal fee.
- ~~C.D.~~ **D.** If a cosmetology, nail technology, aesthetics, or instructor license has been inactive for more than 10 years, the licensee shall ~~complete~~ comply with all original licensing application requirements in R4-10-104.
- D.** To satisfy the educational requirements in A.R.S. § 32-518(D)(2) to reactivate a license, the licensee shall pay the delinquent renewal penalty and submit documentation to the Board that the licensee received the number of hours of training stated in subsections (D)(1), (2), or (3), while the license was inactive, in a school licensed to provide such training:
  - 1. ~~Aestheticians shall receive 120 hours of training.~~
  - 2. ~~Cosmetologists shall receive 250 hours of training.~~
  - 3. ~~Nail Technicians shall receive 80 hours of training.~~
- E.** To satisfy the educational requirements in A.R.S. § 32-518(D)(2) to reactivate an instructor's license, the licensee shall pay the delinquent renewal penalty and submit documentation to the Board that the instructor has completed one of the following requirements:
  - 1. ~~Received 200 hours of instructor's training, including methods of teaching, while the instructor's license was inactive, in a licensed aesthetics, cosmetology, or nail technology school; or~~
  - 2. ~~Passed the written and practical portions of the state license examination;~~
- F.** ~~The first 120 hours of aesthetics instructor training may be applied to reactivate an aesthetician license.~~
- G.** ~~The first 250 hours of cosmetology instructor training may be applied to reactivate a cosmetology license.~~
- H.** ~~The first 80 hours of nail technology instructor training may be applied to reactivate a nail technician license.~~

**R4-10-111.     Display of Licenses and Signs**

- A.** The name on an establishment's exterior sign, advertising, ~~or and publication~~ publications shall be the same as the name on the establishment license issued by the Board. The establishment's exterior sign shall contain lettering at least 2 1/2 inches in height ~~and identify the establishment as a school or a salon.~~
- B.** ~~Schools~~ A school shall prominently post a class schedule that lists the names of instructors and classes. The ~~establishment~~ school shall display the school and instructor licenses shall ~~be displayed~~ near the ~~establishment~~ school entrance, ~~where visible to the public.~~
- C.** A salon shall prominently post the salon license and ensure that the personal license of each licensee performing services in the salon is posted at the licensee's station.
- D.** A licensee ~~who is~~ performing mobile services shall prominently display a duplicate personal ~~of the~~ and establishment license ~~from the salon where the licensee was dispatched and the licensee's license in the area where mobile services are being provided.~~ The licensee's original license shall be prominently displayed in the salon from ~~where~~ which the licensee was dispatched in accordance with subsection (C).
- ~~D.E.~~ **E.** A copy of ~~R4-10-109~~ R4-10-112 shall be prominently posted in ~~both the each~~ establishment ~~and the mobile service area.~~
- ~~E.F.~~ **F.** A Salons salon shall prominently post a notice of salon services that are not regulated by the Board and that are provided at the salon and are performed by people who are not licensed by the Board.

**ARTICLE 2. SCHOOLS**

**R4-10-201.     Application for a School License; Renewal**

- A.** An applicant for a school license shall submit the documents required in A.R.S. § 32-551 and:
  - 1. ~~Submit an~~ An application on a form provided by the Board, signed by the applicant, and notarized that contains:
    - a. ~~The applicant's name, address, social security number,~~ federal tax identification number, and telephone number;

Notices of Final Rulemaking

- b. If a partnership, each partner's name and address and an identification of whether a limited or general partner;
  - c. If a corporation, the state of incorporation and the name, title, and address of ~~each officer~~ at least two officers of the corporation;
  - d. The name under which the school will be operated as registered with the Secretary of State;
  - e. The name ~~and address~~ and Board-issued license number of the ~~Board-licensed~~ instructor ~~who is~~ in charge of the school;
  - f. If an existing school, the date the applicant will be assuming ownership; and
  - g. If a new school, the scheduled date of scheduled for opening of the school;
  - 2. If a partnership, a copy of the partnership agreement;
  - 2-3. If a corporation, ~~submit~~ the articles of incorporation and a Certificate of Good Standing from the Corporation Commission;
  - 3-4. ~~Submit an 8 1/2" by 11" floor plan of the school~~ A signed statement that the establishment has the equipment required by statute and rule for the school;
  - 4-5. ~~Submit an An uncompleted unexecuted~~ contract form required by A.R.S. § 32-558;
  - 5-6. ~~Submit a~~ A schedule that includes the hours of each day and each day of a calendar week during which the school will be open for instruction;
  - 6-7. ~~Submit a~~ A proposed schedule of classes to be taught at the school;
  - 8. The name, address, and telephone number of the bonding company and a copy of the bond;
  - 9. A copy of all school policies and procedures;
  - 7-10. ~~Submit a~~ A school catalog ~~containing that contains~~ the information required by A.R.S. § 32-559 and
    - a. The number of days during course enrollment that are necessary to complete the hours for the course;
    - b. The days and hours of operation, vacation periods, and holidays;
    - c. A listing of policies regarding leaves of absence and vacation approval for students;
  - 8-11. Demonstrate evidence of compliance with A.R.S. §§ 32-551 through 32-575 and these rules through a school inspection conducted by the Board; and
  - 9-12. ~~Submit the~~ The fee required in R4-10-102.
- B.** In addition to the requirements in R4-10-107, a licensee shall submit the following when renewing a license:
- 1. ~~An updated floor plan not exceeding 8 1/2" by 11" for all structural improvements~~;
  - 2. The most recent school catalog ~~showing that~~:
    - a. ~~Any~~ Indicates where any modifications, additions, or deletions from the previously submitted catalog may be found;
    - b. ~~An~~ Contains an index ~~reflecting that shows~~ where the information required by A.R.S. § 32-559 is located in the catalog; ~~and~~
    - c. ~~The~~ Contains the names name of each accrediting or approving organization; and
    - d. Provides a signed statement that the establishment has the equipment required by statute and rule for the school.
  - 3-2. ~~A~~ subject description ~~of for~~ each new course and its schedule, if applicable;
  - 4-3. ~~A~~ new operating schedule if changes will occur beginning with the new license year;
  - 5-4. The name and address of any new statutory agent if the change will take effect with the new license year;
  - 6. ~~If the school changes its name, a request for approval of the name and the fee required in R4-10-102; and~~
  - 7-5. The name and license number of the current manager licensed instructor in charge of the school; and
  - 6. The name, address, and telephone number of the bonding company, the bond number, the expiration date of the bond, and a copy of the bond.
- C.** The owner of a school shall submit to the Board the terms and conditions of any management contract entered into for the school after the contract is executed;
- D.** Within five days after a change occurs during the year, the owner of a school shall submit to the Board the subject description of any new course; the name of any new statutory agent; or any change to the catalogue, generic student contract, policies, procedures, hours of operation, or bond.

**R4-10-203. General School Requirements**

- A.** ~~Aesthetic~~ Aesthetics, cosmetology, and nail technology schools shall comply with ~~R4-10-109~~ R4-10-112 and have the following minimum facilities, equipment, supplies, and materials:
- 1. One area of instruction for every 20 students;
  - 2. A licensed instructor as manager or director;
  - 3. A desk, table; and chair, or other instructional fixtures and facilities for each student during theory instruction;
  - 4. Filing cabinets to hold all school and student records;
  - 5. An instruction board in each room used for instruction;
  - 6. At least ~~2~~ two cubic feet of an individual locked area with a different locking device for each enrolled student and each instructor to store personal objects and training kits;
  - 7. A sink area for each 50 students in attendance for the preparation, mixing, and dispensing of supplies and chemicals; and for the disinfection of small tools or ~~implements~~ instruments;

Notices of Final Rulemaking

8. At least one rest room ~~meeting that meets~~ the requirements of ~~R4-10-109~~ R4-10-112.
  9. Separate receptacles for garbage and soiled linens; and
  10. One container for wet disinfectant ~~when~~ for each student performing aesthetics and nail technology ~~as specified by R4-10-109~~.
- B.** The school shall furnish ~~the appropriate amount of~~ equipment, tools, ~~implements~~ instruments, materials, and supplies needed to perform assignments and for instructional purposes, except that the school may require each student to furnish small tools or ~~implements~~ instruments. All equipment, tools, and materials shall be salon quality and maintained in good repair at all times.
- C.** The school shall have a library for student use which contains at least the following materials relating to the ~~course of~~ courses offered by the school:
1. Standard dictionary;
  2. Medical dictionary;
  3. Anatomy chart on bones, muscles, nerves, hands, arms, nails, veins, arteries, circulatory system, hair, and skin;
  4. Three current periodicals on the art and science of cosmetology;
  5. Current cosmetology instruction manuals or textbooks;
  6. Current Arizona Cosmetology ~~laws~~ statutes and rules ~~governing the practice of aesthetics, cosmetology, and nail technology~~; and
  7. A cosmetology dictionary.
- D.** Each school shall maintain a complete file on all current curriculum requirements.
- E.** ~~Schools may award reduced tuition, scholarships, and grants to students.~~ ~~Schools~~ A school shall not pay ~~salaries~~ a salary to ~~an enrolled students~~ student other than ~~a student instructors~~ instructor.
- F.** ~~Licensed schools~~ A licensed school may offer a postgraduate or advanced continuing education cosmetology ~~courses~~ course, including theory and lab, to students currently enrolled in the school or currently licensed individuals without a licensed instructor present; ~~however, credit hours toward graduation or licensure shall not be granted.~~
1. A school shall not report post-graduate credit hours to the Board or apply the hours toward graduation.
  2. Currently enrolled students shall not perform services upon a person without an instructor present.
  3. A student file is not required for licensed individuals.
  4. Each licensee shall have the licensee's current Board-issued license number onsite.
- G.** ~~Individuals~~ An individual licensed ~~pursuant to A.R.S. § 32-501 et seq. by the Board~~ may re-enroll in a licensed school for a refresher course as a current student. Credit hours for training received ~~during regular school hours~~ shall be submitted by the school to the Board.
- H.** ~~Schools~~ A school shall establish a periodic grading schedule and keep student transcripts current.
- I.** ~~Schools~~ A school shall schedule a minimum of four hours of theory classes each week for each full-time student and a minimum of two hours of theory classes each week for each part-time student.
- J.** ~~Safety~~ A school shall teach safety and infection control measures relating to each subject ~~shall be taught~~ in conjunction with that subject.
- K.** ~~Schools~~ A school shall not solicit students for enrollment ~~on the site of at other schools~~ school sites.
- L.** While ~~in school teaching~~, instructors shall wear a tag indicating ~~their~~ the instructor's name and courses ~~they teach~~ taught.
- M.** ~~Schools~~ A school shall ensure compliance with the following:
1. ~~Students~~ A student shall not attend school ~~no~~ more than 56 hours in any one week.
  2. ~~Students~~ A student shall ~~operate only~~ only operate safe equipment in good repair.
  3. ~~Students~~ A student of aesthetics, cosmetology, and nail technology shall perform services within the enrolled course ~~in which they are enrolled~~, upon the public or fellow students, only in the presence of a licensed instructor and, except for shampooing, only after completing the basic training specified in R4-10-303, R4-10-304, and R4-10-305 ~~prescribing their curriculum~~.
  4. ~~Students shall not be prevented or discouraged~~ A school shall not prevent or discourage a student from making a complaint to the Board.
  5. ~~Students may receive a maximum of 16 hours credit for field trips if the trip has been approved by the Board. One licensed instructor shall accompany no more than 20 students.~~
  6. ~~Students~~ A school shall ~~not be dismissed~~ dismiss a student from a scheduled theory instruction or written or practical examination to perform clinical services ~~to~~ for the public; ~~and~~
  7. ~~6.~~ While in school, each student shall wear a tag indicating ~~their~~ the student's name and the course in which ~~they are~~ the student is enrolled; and
  7. If the school has a distant classroom, the school shall ensure that equipment for each classroom is the same as that required for each course of instruction in the school; and
    - a. Private postsecondary facilities shall not extend the school facilities beyond .5 miles apart as verified by Global Positioning System map readings;
    - b. Public educational facilities shall not extend the school beyond the school designated campus;
    - c. A duplicate Board-issued school license shall be posted in each distant facility;

Notices of Final Rulemaking

- d. Duplicate instructor licensees are not required; and
- e. Clinic, retail, all public services, and appointments by the public are prohibited.

**R4-10-204. School Records**

- A. ~~Student~~ A school shall maintain a student's records shall be kept at the school where the student is enrolled and are subject to inspection by the Board at all times. The Board may inspect the records at any time the school is open.
- B. When a student transfers from one school to another, the school from which the student is transferring shall:
  - 1. ~~keep~~ Keep a copy of the student's transcript, ~~and shall~~
  - 2. ~~forward~~ Forward one copy to the student and another copy to the Board within three days of the date of transfer, and
  - 3. Withdraw the student on the school records and the monthly report submitted to the Board.
- C. Each school shall keep:
  - 1. A complete and accurate record of the time devoted by each student to the enrolled course of study;
  - 2. ~~Records~~ A complete and accurate record which show that shows the school's basis for certification of the student hours. Schools A school shall certify only those hours of training received by the student receives in that school or hours the school accepts as received in another state or country; and
  - 3. ~~an~~ A complete and accurate individual student file for each student enrolled containing:
    - a. Contract and enrollment agreement;
    - b. Financial aid transcript;
    - c. Proof of 10th grade or high school equivalency for a student enrolled in an aesthetics, cosmetology, or nail technology course; and or proof of high school equivalency or 23 years of age for a student enrolled as in an instructor course as specified by R4-10-101;
    - d. Identification numbers number;
    - e. Proof of one year of licensed work experience for a student instructor in aesthetics, cosmetology, or nail technology;
    - f. A signed statement signed by a school administrator and the student indicating receipt that provides a list of contracted the supplies contained in the kit provided to the student. The contract shall set forth the contents of the kit including: materials, instruction manual, or textbook, and Arizona Cosmetology laws and rules
      - i. The price of items contained in the kit;
      - ii. When the items shall be distributed;
      - iii. The manufacturer of the products;
      - iv. The retail value of the kit; and
      - v. A statement that if substitutions occur after the contract is signed, the substitutions shall be of comparable value; and
    - g. A record of completed hours, including proof of cosmetology, nail technology, aesthetics, or instructor hours earned in another state or country and accepted by the school; and
  - 4. ~~Current~~ Complete and accurate academic transcripts and attendance and hour records or time cards for Board inspection.
- D. ~~A~~ The school shall electronically deliver to the Board a complete and accurate monthly report submitted to the Board shall be postmarked no later than the 10th day of each month. The monthly report shall include:
  - 1. ~~The~~ For each student enrolled since the prior monthly report only:
    - a. ~~name;~~ Name;
    - b. ~~student~~ Student identification number; ;
    - c. ~~enrollment~~ Enrollment date; ;
    - d. ~~address;~~ Address;
    - e. ~~telephone~~ Telephone number; ;
    - f. Type of educational documentation that meets the requirements of R4-10-104;
    - g. Proof of hours received from another Board-licensed school, or a school in another state, or country, and certified by the school, if applicable;
    - h. Proof of crossover hours necessary to qualify for R4-10-306, if applicable; and
    - i. ~~birth~~ Birth date of each student enrolled in the school since the prior monthly report; ;
  - 2. The enrollment category of each student, as nail technology, cosmetology, aesthetics, or student instructor;
  - 3. The type of education documentation received by the school to prove that each student is qualified to enroll in cosmetology school;
  - 4. The name, license number, and work schedule of the instructor in charge of the school, and name of the custodian of records;
  - 5-4. The name, license number, and dates of employment work schedule of each instructor employed by the school;
  - 6-5. The signature of the instructor who prepares and certifies that the report as being true and is correct;
  - 7-6. The name of student instructors, the scheduled attendance, and current aesthetician, cosmetologist, or nail technician

**Notices of Final Rulemaking**

- ~~the Board-issued license number for each student instructor from any state or country;~~
  - ~~8-7.~~ For each demonstration given, the name of the demonstrator, the name of the observing instructor, the name of the process or product demonstrated, the number of students in attendance, and the name of the course in which the demonstration was given;
  - ~~9.~~ Documentation at the time of the 1st reporting period after enrollment certifying a student's credit hours from a prior enrollment in any school, or crossover hours as specified by R4-10-306;
  - ~~10-8.~~ Total hours received by each student during the month of the report. Hours received by each student for the prior month, the current month, and total cumulative hours. This total shall not be amended The school shall not amend total hours without satisfactory proof of error;
  - ~~11-9.~~ Signature of each student verifying approval of the certified hours;
  - ~~12-10.~~ Certification The school's certification of those the students who ~~have met~~ meet the graduation requirements of the school, including the day, month, and year of graduation; and
  - ~~13-11.~~ The notation "transferred", "withdrawn", or "leave of absence" for students who discontinue training, and the day, month, and year training was discontinued. Documentation The school shall provide certification to the student within one week to certify of the hours earned by the student prior to discontinuing before the student withdraws or takes a leave of absence shall be provided to the student.
- E. A school shall credit a person who student with additional hours earned after graduation if the student completes the required hours for graduation, registers for the Board examination, and stays in school until the date of the examination has registered for the Board examination and has completed the required hours for graduation, but stays in school until the date of the examination, shall be credited for the additional hours earned after graduation.

**R4-10-205. Aesthetic School Requirements**

- A. Schools ~~which that~~ provide aesthetics 600-hour training for students, 500-hour training for instructors, or both, shall provide the following minimum facilities, equipment, supplies, and materials in addition to that required by R4-10-203 and R4-10-204:
1. A work station for each student in attendance to perform aesthetics services to the public, each having;
    - a. A facial chair or table;
    - b. A table top ~~which that~~ is 32" by 16" 12" x 18" or larger;
    - c. A mirror that is at least 4" by 4" when performing services on a client;
    - ~~d.~~ A dry, disinfected, covered container to store disinfected tools and ~~implements~~ instruments as specified by R4-10-109, and
    - ~~e-d.~~ A labeled receptacle for contaminated tools or ~~implements~~ instruments.
  2. One steamer, vaporizer, or pulverizer machine for ~~every 12 students in attendance~~ each group of four students in attendance during lab and two students in attendance during clinic;
  3. ~~One galvanic current machine~~ One microdermabrasion machine to be used at a non-invasive level;
  4. ~~One suction or vacuum machine with a comedone extractor and a sebum extractor for every 12 students in attendance;~~
  5. ~~One high frequency Tesla or violet ray unit and a facial electrode for every 12 students in attendance;~~
  6. One magnifying lamp of at least 5 diopters for ~~every 12~~ each group of two students in attendance during lab and each group of four students in attendance during clinic ~~students in attendance~~;
  7. ~~One therapeutic lamp for every 12 students in attendance;~~
  - ~~8-5.~~ Cleansing cream Cleansers;
  - ~~9-6.~~ Massage cream medium;
  - ~~10-7.~~ Astringent, toner, and mist Toner;
  - ~~11-8.~~ Mask or pack Exfolients and masks; and
  - ~~12-9.~~ Chemical and physical depilatories; Depilatories.
  - ~~13.~~ Artificial eyelashes; and
  - ~~14.~~ Cosmetics
- B. Each ~~student school~~ shall ~~have~~ provide a student training kit for each enrolled aesthetics student. The kit shall contain enrolled containing at a minimum, the following:
1. One standard textbook for professional aestheticians ~~and Arizona cosmetology laws and rules~~;
  2. One set of four facial brushes without defects copy of Arizona cosmetology statutes and rules;
  3. ~~One professional tweezer~~;
  4. One disinfected, covered container to store disinfected tools and ~~implements~~ instruments as specified by R4-10-109 R4-10-112; and
  - ~~5-4.~~ A container for contaminated tools or ~~implements~~ instruments.

**R4-10-206. Cosmetology School Requirements**

- A. Schools ~~which that~~ provide cosmetology 1600-hour training for students, 650-hour training for instructors, or both, shall provide the following minimum facilities, equipment, supplies, and materials in addition to that specified by R4-10-203

Notices of Final Rulemaking

and R4-10-204:

1. A work station for each student in attendance performing cosmetology services to the public for a fee, each having:
    - a. A mirror that is at least 18" by 30" when performing services on a client;
    - b. A table top or counter;
    - c. A client chair;
    - d. A dry, disinfected, covered receptacle to store disinfected tools and ~~implements instruments~~, as specified by R4-10-109; and
    - e. A container for contaminated tools or ~~implements instruments~~;
  2. One shampoo basin for ~~each~~ each group of 10 students in attendance during ~~practical lab or clinic~~ instruction;
  3. One hand-held hair dryer for each student in attendance during ~~practical lab or clinic~~ instruction;
  4. One hooded dryer for ~~each~~ each group of seven 20 students in attendance during ~~practical lab or clinic~~ instruction;
  5. One high-frequency Tesla or violet-ray unit, including a facial and scalp electrode, for ~~each~~ each group of 20 students in attendance during practical instruction;
  6. ~~One Two~~ electric clipper clippers in the school for each five students in attendance during practical instruction;
  7. Chemical and physical depilatories Depilatories;
  8. Chemical hair straighteners including:
    - a. Thioglycolate, and
    - b. Sodium hydroxide.
  9. One nail technology table with a ~~32" x 16"~~ 12" x 18" or larger top for ~~each~~ each group of 10 students in attendance during practical instruction;
  10. A facial work station for ~~each~~ each group of 10 aesthetic student students in attendance during and receiving ~~practical lab or clinic~~ aesthetics instruction;
  11. ~~An~~ A receptacle, large enough to completely immerse ~~both two~~ feet; for ~~each 20~~ each group of 10 cosmetology students in attendance during lab or clinic ~~nail technology~~ practical instruction;
  12. ~~One ultraviolet light in each school;~~
  13. ~~One electric or battery-operated Two~~ nail drill drills for filing and buffing in the school; and
  14. ~~13~~ Nail products for acrylics, gels, tips, wraps, and polishing.
- B. ~~Each enrolled~~ Each school shall provide a student training kit for each enrolled student ~~shall have~~ a nonreturnable student training kit. The kit shall contain containing at a minimum, the following:
1. ~~One instruction manual or textbook of cosmetology, and Arizona Cosmetology laws and rules~~ standard textbook for professional cosmetologists;
  2. ~~One mannequin with sufficient hair on which to practice cosmetology~~ One copy of Arizona cosmetology statutes and rules;
  3. ~~Combs and brushes without defects;~~
  4. ~~One electric curling iron with a Marcel-type handle;~~
  5. ~~One razor;~~
  6. ~~One cutting shear; and~~
  7. One disinfected, covered container to store disinfected tools and ~~implements instruments~~ as specified by R4-10-109; and
  4. A container for contaminated tools or instruments.

ARTICLE 4. SALONS

**R4-10-401. Application for a Salon License**

An applicant for a salon license shall submit:

1. An application on a form provided by the Board, ~~signed by the applicant, and notarized~~ that contains:
  - a. The applicant's name, address, telephone number, social security number federal tax identification number, and signature and telephone number;
  - b. ~~If the~~ applicant is a partnership, each partner's name, address, and an identification of whether each is a limited or general partner;
  - c. If a corporation, the state of incorporation and the name, title, and address of each officer of the corporation and the statutory agent;
  - d. The name of the salon as registered with the Secretary of State;
  - e. ~~The name and license number of the manager licensed by the Board;~~
  - f. If a location change, the previous address;
  - ~~g.f.~~ A history of the salon including:
    - i. ~~If the location was~~ previously licensed by the Board, the ~~last~~ name of the ~~salon or school~~ previous establishment;
    - ii. The name of each business operating at the salon address; and

Notices of Final Rulemaking

- iii. A statement of whether ~~the a cosmetology license of the~~ applicant, any partner of the applicant, or any corporate officer has ever ~~owned a salon in any state or foreign country; been suspended or revoked by any state or foreign country.~~
- iv. ~~A statement of whether the applicant, any partner of the applicant, or any corporate officer has ever had a salon license suspended or revoked in any state or foreign country; and~~
- v. ~~A statement of whether the salon provides mobile services as stated in R4-10-403.~~
- 2. If a corporation, the articles of incorporation and a Certificate of Good Standing from the Corporation Commission;
- 3. If a partnership, a copy of the partnership agreement;
- 4. ~~An 8 1/2" by 11" floor plan of the salon. The floor plan shall designate the location of each~~ A signed statement that the establishment is in compliance with all Board statutes and rules and has all of the following in the salon:
  - a. ~~Wet disinfectant as specified by R4-10-109;~~
  - b. ~~Dry~~ A dry, closed, disinfected container to store disinfected tools and implements ~~instruments~~ as specified by R4-10-109;
  - c. ~~Sink~~ A sink or shampoo bowl with hot and cold running water that is not also used as a dispensary or restroom sink as required by R4-10-403;
  - d. ~~Station~~ A station;
  - e. ~~Restroom~~ A restroom; and
  - f. ~~Electrical outlet; and~~
  - g. ~~Activity~~ Notice posted for activities performed in the salon by individuals who are not licensed by the Board, which are related to cosmetology, but not regulated by A.R.S. § 32-501 through § 32-575 but not regulated by the Board; and
- 5. The fee required in R4-10-102.

**R4-10-402. Changes Affecting a Salon License**

- ~~A. A licensee changing a salon's location shall submit the fee required in R4-10-102 and an application packet as prescribed in R4-10-401.~~
- ~~B. A licensee shall notify the Board in writing at least 30 days before making a change in the ownership of a salon. A new owner shall obtain a license from the Board before beginning operation of a salon.~~
- ~~C. When the controlling ownership in a corporation is transferred or a corporation is reorganized, the new owner shall submit the fee required in R4-10-102, an application packet as prescribed in R4-10-401, and the following:~~
  - ~~1. Former owner's name;~~
  - ~~2. Date of transfer; and~~
  - ~~3. A statement of whether the former owner relinquishes the license, salon name, and salon location.~~
- ~~D. A licensee shall notify the Board in writing at least 30 days before the date of a change in a salon's name and submit the fee required in R4-10-401.~~
- ~~E. A licensee that is a corporation or a limited liability company shall notify the Board in writing at least 3 days before a change in any corporate officer or statutory agent.~~

An owner shall apply for a new salon license when:

  - 1. The salon address changes;
  - 2. The name of a salon changes;
  - 3. The controlling ownership in the corporation is transferred or the corporation is reorganized; or
  - 4. The corporation, limited liability company, or partnership has a change of any corporate officer, partner, or statutory agent.
- B. The salon owner and manager shall ensure that a Board-issued license, indicating proper ownership, is posted in the salon before opening for business.

**R4-10-403. Salon Requirements and Minimum Equipment**

- ~~A. A salon shall perform services to~~ for the public according to the type of license issued ~~as defined by A.R.S. § 32-501.~~
- ~~B. Salons shall have enough equipment, materials, supplies, tools, and~~ implements ~~instruments~~ to ensure infection control and safety for the public and employees.
- ~~C. Each salon shall have:~~
  - ~~1. A work station for each employee or person using space within the salon; and~~
  - ~~2. Electrical outlets;~~
  - ~~3. If the salon is a cosmetology salon, a minimum of one shampoo bowl and one hair dryer that may be a blow dryer, and; if the salon is an aesthetics or nail technology salon, a minimum of one sink in addition to the~~ ~~rest room~~ restroom ~~or dispensary sink; and~~
  - ~~5. Clean linens kept in a closed container.~~
- ~~D. Aestheticians, cosmetologists, and nail technicians shall have disinfected tools and implements for each client.~~
- ~~E. Cosmetologists shall have:~~
  - ~~1. 18 combs;~~

Notices of Final Rulemaking

- 2. ~~12 vent or styling brushes;~~
  - 3. ~~Two client protection robes or capes;~~
  - 4. ~~One comb-out cape; and~~
  - e. ~~If neck brushes are used, each licensee shall have at least three;~~
- F.** ~~Nail technicians shall have enough equipment, materials, supplies, tools, and implements~~ instruments to ensure infection control at all times and disinfection between clients.

**R4-10-404. Mobile Services**

- A.** ~~A~~ If mobile service shall operate services are provided as an extension of a permanent licensed salon and under the mobile service shall advertise using the same licensed name of the salon and ownership. The permanent licensed salon owner and manager ~~are both responsible for compliance by~~ shall ensure that the mobile service services comply with the Board's statutes and rules.
- ~~B.1. A licensee A salon providing mobile cosmetology, nail technology, or aesthetic aesthetics services shall apply for duplicate salon and personal post licenses and post them pursuant to R4-10-108 at the mobile service location as required by R4-10-111.~~
- ~~C.2. Appointments A salon shall make client appointments shall be made through the licensed salon where a book shall be kept of all appointments using an appointment book that lists the appointments and and locations where services are performed;~~
- ~~D.3. A mobile service is Mobile services are subject to inspection by the Board at any time.~~
- ~~E.4. A If a retrofitted mobile unit vehicle is used to conduct provide mobile services, the salon owner and manager shall ensure that the vehicle has shall have the same equipment as specified by R4-10-402 R4-10-403 and shall comply complies with safety and infection control requirements as specified by R4-10-109 R4-10-112.~~
- ~~F.5. Mobile If mobile services which are conducted provided in a location other than a retrofitted mobile unit vehicle, shall have the salon owner and manager shall ensure that equipment for mobile service which is disinfected before use and stored as specified in R4-10-109 R4-10-112.~~
- B.** If a retrofitted motor vehicle is used exclusively as a mobile facility that is dispatched from a business address, the owner and manager of the mobile facility shall:
- 1. Comply with all salon requirements;
  - 2. Comply with all infection control and equipment requirements;
  - 3. Maintain a complete and current list of appointment locations at the business address and display the list in a location listed on the salon application that is available to an inspector at all times when the retrofitted motor vehicle is open for business; and
  - 4. Comply with other statutes and rules of the Board.

**NOTICE OF FINAL RULEMAKING**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 16. ARIZONA MEDICAL BOARD**

[R06-73]

**PREAMBLE**

**1. Sections Affected**

- R4-16-101
- R4-16-401
- R4-16-401
- R4-16-401
- R4-16-402
- R4-16-402
- R4-16-403

**Rulemaking Action**

- New Section
- Repeal
- Renumber
- Amend
- Renumber
- Amend
- Renumber

**2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

- Authorizing statute: A.R.S. § 32-1404(D)
- Implementing statute: A.R.S. § 32-1456(B) and (D)

**3. The effective date of the rules:**

February 23, 2006

Notices of Final Rulemaking

Immediately upon filing with the Secretary of State. The Board requests an immediate effective date. A.R.S. § 41-1032(A)(4). The public will benefit from the rulemaking because it updates the incorporation by reference, which will allow medical assistants to perform the duties in the incorporation, thereby containing some of the costs of healthcare.

**4. A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Rulemaking Docket Opening: 11 A.A.R. 2037, May 27, 2005

Notice of Proposed Rulemaking: 11 A.A.R. 1966, May 27, 2005

**5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Timothy C. Miller, Executive Director

Address: 9545 E. Doubletree Ranch Rd.  
Scottsdale, AZ 85258-5514

Telephone: (480) 551-2791

Fax: (480) 551-2828

E-mail: tmiller@azmd.gov

Please visit the board web site to track progress of this rule and any other agency rulemaking matters at [www.azmd.gov](http://www.azmd.gov).

**6. An explanation of the rule, including the agency's reason for initiating the rule:**

In this rulemaking, the Board:

- a. Moves Article 4's single definition under R4-16-401 into lead Chapter 16 Section R4-16-101 for definitions applicable to the entire Chapter;
- b. Renumbers the remaining Article 4 Sections as R-4-16-401 and R4-16-402 for efficiency after moving the definition to Article 1;
- c. Updates the incorporation by reference of the Commission on Accreditation of Allied Health Education Program's "Standards and Guidelines for an Accredited Educational Program for the Medical Assistant" to reflect the 2003 published standards that expands a medical assistant's duty competencies; and
- d. Makes other lexical, stylistic, or syntactical changes that reflect current publication standards of the Governor's Regulatory Review Council and the Secretary of State.

This rulemaking arises from a promised action in a five-year rule review (F-05-0502) approved by the Governor's Regulatory Review Council on May 3, 2005.

**7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Board did not rely on any study for this rulemaking.

**8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**9. The summary of the economic, small business, and consumer impact:**

The material incorporated by reference effectively expands a medical assistant's medical office functionality providing for increased duty competency in the following areas:

- a. Medical transcription;
- b. Specimen collection;
- c. Patient care test screening and follow-up;
- d. Knowledge of federal and state healthcare regulations; and
- e. Application of quality control methods.

It is assumed that the additional medical assistant competencies will not cause increase in training time or financial burden. The benefit is that the medical assistant becomes more versatile in a busy medical office setting to free higher cost professionals from tasks that may now be performed more cost effectively by a medical assistant. The result to the consumer is preservation of primary healthcare services at the lowest possible overhead cost.

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

The Board made minor grammatical, syntactical, and stylistic changes recommended by Governor's Regulatory Review Council staff.

Notices of Final Rulemaking

**11. A summary of the comments made regarding the rule and the agency response to them:**

The Board received no comment on this rulemaking.

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**13. Incorporations by reference and their location in the rules:**

Commission on Accreditation of Allied Health Education Program's "Standards and Guidelines for an Accredited Educational Program for the Medical Assistant" (2003 revised edition). The incorporation by reference is in R4-16-402.

**14. Was this rule previously made as an emergency rule?**

No.

**15. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 16. ARIZONA MEDICAL BOARD**

**ARTICLE 1. GENERAL PROVISIONS**

Section

R4-16-101. ~~Renumbered~~ Definitions

**ARTICLE 4. MEDICAL ASSISTANTS**

Section

~~R4-16-401. Definitions Repealed~~

~~R4-16-402. R4-16-401. Medical Assistant Training Requirements~~

~~R4-16-403. R4-16-402. Authorized Procedures for Medical Assistants~~

**ARTICLE 1. GENERAL PROVISIONS**

**R4-16-101. Renumbered Definitions**

Unless context otherwise requires, definitions prescribed under A.R.S. § 32-1401 and the following apply to this Chapter:

"Approved medical assistant training program" means a program accredited program by the Commission on Accreditation of Allied Health Education Programs (CAAHEP); the Accrediting Bureau of Health Education Schools (ABHES); a medical assisting program accredited by any accrediting agency recognized by the United States Department of Education; or a training program designed and offered by a licensed allopathic physician that meets or exceeds any of the prescribed accrediting programs and verifies the entry-level competencies of a medical assistant prescribed under R4-16-402(A).

**ARTICLE 4. MEDICAL ASSISTANTS**

**~~R4-16-401. Definitions Repealed~~**

For the purposes of A.R.S. Title 32, Chapter 13 and of this Chapter, unless the context otherwise requires:

~~"Approved medical assistant training program" means a program accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP), the Accrediting Bureau of Health Education Schools (ABHES), a medical assisting program accredited by any accrediting agency recognized by the United States Department of Education, or a training program designed and offered by a licensed allopathic physician, that meets or exceeds any of these three accrediting programs, and verifies the entry-level competencies of a medical assistant referenced in R4-16-303.~~

**~~R4-16-402. R4-16-401. Medical Assistant Training Requirements~~**

A. The A supervising physician or physician assistant shall ensure that a medical assistant satisfies one of the following training requirements ~~prior to the medical assistant's employment~~ before employing the medical assistant:

1. Completion of an approved medical assistant training program; ~~or~~
2. Completion of an unapproved medical assistant training program and passage of the medical assistant examination administered by either the American Association of Medical Assistants or the American Medical Technologists.

Notices of Final Rulemaking

- B. This ~~rule~~ Section does not apply to any person who:
1. ~~Prior to the effective date of these rules completed an unapproved medical assistant training program and was employed as a medical assistant since completion of the program.~~
  2. ~~Prior to the effective date of these rules was directly supervised by the same physician, group of physicians, or physician assistant for at least 2000 hours.~~
  3. ~~Completes a medical services training program of the Armed Forces of the United States.~~
1. Before February 2, 2000:
    - a. Completed an unapproved medical assistant training program and was employed as a medical assistant after program completion; or
    - b. Was directly supervised by the same physician, physician group, or physician assistant for a minimum of 2000 hours; or
  2. Completes a United States Armed Forces medical services training program.

~~R4-16-403. R4-16-402.~~ **Authorized Procedures for Medical Assistants**

- A. A medical assistant may perform, under the direct supervision of a physician or a physician assistant, the medical procedures listed in the ~~April 1999~~ 2003 revised edition, Commission on Accreditation of Allied Health Education Program's, "Standards and Guidelines for an Accredited Educational Program for the Medical Assistant, Section (2)(A)(5)(a through e) (III)(C)(3)(a) through (III)(C)(3)(c)." ~~The address is 35 E. Wacker Drive, Suite 1970, Chicago, Illinois 60601. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State and may be obtained from the publisher at 35 East Wacker Drive, Suite 1970, Chicago, Illinois 60601, www.caahep.org, or the Arizona Medical Board at 9545 E. Doubletree Ranch Road, Scottsdale, AZ 85258, www.azmd.gov.~~
- B. No change