

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 4. PROFESSIONS AND OCCUPATIONS

#### CHAPTER 10. BOARD OF COSMETOLOGY

#### PREAMBLE

- |                                    |                                 |
|------------------------------------|---------------------------------|
| <b>1. <u>Sections Affected</u></b> | <b><u>Rulemaking Action</u></b> |
| R4-10-102                          | Amend                           |
| R4-10-103                          | 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 statute: A.R.S. § 32-507
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**  
Notice of Rulemaking Docket Opening: 8 A.A.R. 4299, October 11, 2002
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Cheryl Adams  
Address: 1721 E. Broadway  
Tempe, AZ 85282  
Telephone: (480) 784-4539, ext. 227  
Fax: (480) 784-4962  
E-mail: Cheryl.Adams@cb.state.az.us
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**  
The proposed rule amendments relate to recently passed law changes which allow higher fees. The Board is in the process of purchasing a long-awaited E Licensing system which will require constant updating and monitoring by an Outside and Professional Network Engineer. This purchase and upkeep along with higher costs for most services received by the agency requires an increased monetary base. Prior to 2001, the agency carried close to a million dollar reserve fund; however, the last two years have seen that reserve fall to an unacceptable low. Also, the examination component of the agency has historically cost approximately 25 percent of budgetary costs but examination receipts have paid for little more than the actual exams purchased through a national testing company. With this fee package, examinations will begin carrying its fair share of the budget.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to 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

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**7. 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

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

The costs to the Board are minimal to moderate as current staff already processes fees and only the receipt of incorrect fees will burden staff with additional send-backs. Costs to other state agencies will be minimal to none. Small businesses, including individual licensees, will bear the brunt of the fee increases; however, on a one-to-one basis, the cost will remain minimal. Fees through the Board have historically been low. For instance, the Arizona Barber Board fee for a barber biennial renewal is \$80 while a cosmetologist is \$18 per year (\$25 proposed). A first barbershop license is \$150 compared to \$90 (\$110 proposed) for a cosmetology salon while a renewal of a barbershop license is \$50 yearly while a cosmetology salon is \$30 (\$50 proposed) per year. Even the proposed fee increases are low in comparison.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Cheryl Adams  
Address: 1721 E. Broadway  
Tempe, AZ 85282  
Telephone: (480) 784-4539, ext. 227  
Fax: (480) 784-4962  
E-mail: Cheryl.Adams@cb.state.az.us

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Oral and written comments will be accepted at the location listed in item #9 during regular office hours prior to November 14, 2002.

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

None

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

None

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

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 10. BOARD OF COSMETOLOGY**

**ARTICLE 1. GENERAL PROVISIONS**

Section  
R4-10-102. Fees  
R4-10-103. Payment of Fees

**ARTICLE 1. GENERAL PROVISIONS**

**R4-10-102. Fees**

**~~A.~~ Aesthetician fees are as follows:**

- ~~1. Examination \$33.00~~
- ~~2. Re-examination 33.00~~
- ~~3. License 24.00~~
- ~~4. License by reciprocity 60.00~~
- ~~5. Processing a license by reciprocity 12.00~~
- ~~6. License renewal 15.00~~
- ~~7. Delinquent license renewal penalty 30.00~~
- ~~8. Request for inactive status license 20.00~~
- ~~9. Duplicate license 12.00~~

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- B.** Cosmetologist fees are as follows:
1. Examination ~~\$37.00~~
  2. Re-examination ~~37.00~~
  3. License ~~27.00~~
  4. License by reciprocity ~~80.00~~
  5. Processing a license by reciprocity ~~12.00~~
  6. License renewal ~~18.00~~
  7. Delinquent license renewal penalty ~~37.00~~
  8. Request for inactive status license ~~20.00~~
  9. Duplicate license ~~12.00~~
- C.** Nail Technician fees are as follows:
1. Examination ~~\$30.00~~
  2. Re-examination ~~30.00~~
  3. License ~~22.00~~
  4. License by reciprocity ~~60.00~~
  5. Processing a license by reciprocity ~~12.00~~
  6. License renewal ~~12.00~~
  7. Delinquent license renewal penalty ~~22.00~~
  8. Request for inactive status license ~~20.00~~
  9. Duplicate license ~~12.00~~
- D.** Instructor fees are as follows:
1. Examination ~~\$50.00~~
  2. Re-examination ~~50.00~~
  3. License ~~30.00~~
  4. License by reciprocity ~~90.00~~
  5. Processing a license by reciprocity ~~12.00~~
  6. License renewal ~~24.00~~
  7. Delinquent license renewal penalty ~~48.00~~
  8. Duplicate license ~~12.00~~
- E.** Aesthetics salon fees are as follows:
1. License ~~\$80.00~~
  2. License renewal ~~30.00~~
  3. Delinquent license renewal penalty ~~50.00~~
  4. Transfer of ownership or location change ~~80.00~~
  5. Name change ~~15.00~~
  6. Duplicate license ~~12.00~~
- F.** Cosmetology salon fees are as follows:
1. License ~~\$90.00~~
  2. License renewal ~~30.00~~
  3. Delinquent license renewal penalty ~~50.00~~
  4. Transfer of ownership or location change ~~90.00~~
  5. Name change ~~15.00~~
  6. Duplicate license ~~12.00~~
- G.** Nail technology salon fees are as follows:
1. License ~~\$70.00~~
  2. License renewal ~~30.00~~
  3. Delinquent license renewal penalty ~~50.00~~
  4. Transfer of ownership or location change ~~70.00~~
  5. Name change ~~15.00~~
  6. Duplicate license ~~12.00~~
- H.** School fees are as follows:
1. License ~~\$450.00~~
  2. License renewal ~~400.00~~
  3. Delinquent license renewal penalty ~~500.00~~
  4. Transfer of ownership ~~450.00~~
  5. Change of trade name ~~15.00~~
  6. Duplicate license ~~12.00~~
- I.** The fee for a certification is ~~\$15.00~~.

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~~J.~~ The fee for copying public documents is 25¢ a page. The fee for providing a list of licensees' names and addresses is 25¢ for each licensee.

~~K.~~ The for providing an insufficient funds check is \$10.00.

Fees are as follows:

1. Written examination, \$50.00;
2. Practical examination, \$50.00;
3. First personal license, \$40.00;
4. Personal Licensing Renewal Fees, \$30.00;
5. Delinquent Personal License Renewal for each year or portion of a year for which the license was inactive to a maximum of four years delinquent fees, \$50.00;
6. Duplicate license, \$20.00;
7. Reciprocity, \$110.00;
8. Salon initial license, \$110.00;
9. Salon renewal, \$50.00;
10. Salon delinquent renewal, \$80.00;
11. School license, \$600.00;
12. School renewal, \$500.00;
13. Delinquent school renewal, \$600.00;
14. Board Administered Educational Classes, \$25.00;
15. Review of examination, \$50.00;
16. Regrading of examination, \$25.00;
17. Certification of licensure or hours, \$30.00;
18. Alternative payment method per transaction, 2.5%;
19. The fee for copying public documents is 50¢ a page. The fee for audiotapes, videotapes, computer discs or other mediums used for recording sounds, images or information, is \$15.00 per tape, disc, page, or other medium.
20. The fee for providing a list of licensees' names and addresses is 25¢ for each name.
21. A penalty of \$20.00 will be assessed for the return of a dishonored check or the failure of any other means of payment to be honored.

**R4-10-103. Payment of Fees**

- A. A fee shall not be considered paid until the Board receives the amount tendered is received by the Board required. The Board shall not provide services, administer examinations, or issue certifications or licenses until it has received the required fee.
- B. Personal checks shall be accepted by the Board only for license renewals. If a check for a license renewal is returned because ~~of it is dishonored for any reason including~~ insufficient funds, the renewal application is incomplete, and any license renewal which has been issued is void effective ~~upon~~ the date ~~that~~ the Board mails written notice to the licensee that the license is void.
- C. ~~A person who has paid~~ An applicant or licensee whose fee payment to the Board by was dishonored for any reason including an insufficient funds check ~~shall is~~ not be entitled to further services, examinations, certifications, or licenses until ~~the~~ fee for which the check was tendered, applicable delinquent penalty fees, and the \$10.00 penalty for an insufficient funds check, ~~provided by R4-10-102(K), have been paid.~~ the Board receives the following:
  1. The amount of the fee for which the payment was dishonored;
  2. The penalty provided in R4-10-102(20);
  3. If applicable, the delinquent fee for each year or part of a year the license was inactive for the type of license to be renewed.
- D. Fees are nonrefundable.
- E. Fees tendered for \$5.00 or less over the amount specified in R4-10-102 will not be refunded.