R156. Commerce, Professional Licensing.
R156-11a. Cosmetology and Associated Professions Licensing Act Rule.
R156-11a-101. Title -- Authority -- Relationship to Rule R156-1.

(1) This rule is known as the "Cosmetology and Associated Professions Licensing Act Rule."

(2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 11a, Cosmetology and Associated Professions Licensing Act.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-101.

R156-11a-102. Definitions.

Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and in Title 58, Chapter 11a, Cosmetology and Associated Professions Licensing Act. In addition:

(1) "Acrylic nail," as used in Section 15A-3-402 and Subsections R156-11a-704(14) and R156-11a-705(25), means an extension for natural nails molded out of a polymer powder and a liquid monomer buffed to a shine.

(2) "Advanced pedicures," as used in Subsections 58-11a-102(45)(a)(i)(D), R156-11a-611(2), and R156-11a-703(17), means any of the following while caring for the nails, cuticles or calluses of the feet:

(a) utilizing manual instruments, implements, advanced electrical equipment, tools, or microdermabrasion for cleaning, trimming, softening, smoothing, or buffing;

(b) utilizing blades, including corn or callus planer or rasp, for smoothing, shaving or removing dead skin from the feet as defined in Section R156-11a-611; or

(c) utilizing topical products and preparations for chemical exfoliation as defined in Subsection R156-11a-610(4).

(3) "Aroma therapy" means the application of essential oils that are applied directly to the skin, undiluted or in a misted dilution with a carrier oil or lotion for varied applications such as massage, hot packs, cold packs, compress, inhalation, steam or air diffusion, or in hydrotherapy services.

(4) "BCA acid" means bichloroacetic acid.

(5) "Body wraps," as used in Subsection 58-11a-102(45)(a)(i)(A), means body treatments utilizing products or equipment to enhance and maintain the texture, contour, integrity and health of the skin and body.

(6) "Chemical exfoliation," as defined in Subsections 58-11a-102(45)(a)(i)(C) and R156-11a-610(4), means a resurfacing procedure performed with a chemical solution or product to remove superficial layers of the epidermis to a point no deeper than the stratum corneum.

(7) "Dermabrasion or open dermabrasion" means the surgical application of a wire or diamond frieze for deep skin resurfacing by a physician to abrade the skin to the epidermis and possibly down to the papillary dermis.

(8) "Dermaplane" means the use of a scalpel or bladed instrument under the general supervision of a health care practitioner to shave the upper layers of the stratum corneum.

(9) "Direct supervision by a licensed health care practitioner" means a health care practitioner who, acting within the scope of the licensee's license, authorizes and directs the work of a licensee pursuant to this chapter as defined under Subsection R156-1-102a(1)(a).

(10) "Equivalent number of credit hours" means:

(a) the following conversion table if on a semester basis:

(i) theory - 1 credit hour - 30 clock hours;

(ii) practice - 1 credit hour - 30 clock hours; and

(iii) clinical experience - 1 credit hour - 45 clock hours; and

(b) the following conversion table if on a quarter basis:

(i) theory - 1 credit hour - 20 clock hours;

(ii) practice - 1 credit hour - 20 clock hours; and

(iii) clinical experience - 1 credit hour - 30 clock hours.

(11) "Exfoliation" means the sloughing off of non-living skin cells "corneocytes" by superficial and non-invasive means.

(12) "Extraction" means the following:

(a) "Advanced extraction," as used in Subsections 58-11a-102(45)(a)(i)(F) and R156-11a-611(2)(b), means to perform extraction with a lancet or device that removes impurities from the skin.

(b) "Manual extraction," as used in Subsection 58-11a-102(35)(a), means to remove impurities from the skin with protected fingertips, cotton swabs, or a loop comedone extractor.

(13) "Galvanic current" means a constant low-voltage direct current.

(14) "General supervision by a licensed health care practitioner" means a health care practitioner who, acting within the scope of the licensee's license, authorizes and directs the work of a licensee pursuant to this chapter as defined under Subsection R156-1-102a(1)(c).

(15) "Health care practitioner" means:

(a) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical Practice Act, or under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

(b) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;

(c) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act; or

(d) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act, acting within the supervisor's scope of practice.

(16) "Hydrotherapy," as used in Subsection 58-11a-102(45)(a)(i)(B), means the use of water for cosmetic purposes or beautification of the body.

(17) "Indirect supervision" means the supervising instructor who, acting within the scope of the licensee's license, authorizes and directs the work of a licensee pursuant to this chapter as defined under Subsection R156-1-102a(1)(b).

(18) "Limited chemical exfoliation" means a non-invasive chemical exfoliation and is further defined in Subsection R156-11a-610(3).

(19) "Lymphatic massage," as used in Subsections 58-11a-102(45)(a)(ii) and 58-11a-302(11)(d), means a method using a light rhythmic pressure applied by manual or other means to the skin using specific lymphatic maneuvers to promote drainage of the lymphatic fluid through the tissue.

(20) "Manipulating," as used in Subsection 58-11a-102(35)(a), means applying a light pressure by the hands to the skin.

(21) "Microdermabrasion," as used in Subsection 58-11a-102(45)(a)(i)(E), means a gentle, progressive, superficial, mechanical exfoliation of the uppermost layers of the stratum corneum using a closed-loop vacuum system.

(22) "Microneedling" means the use of multiple tiny solid needles designed to pierce the skin to stimulate collagen production or cellular renewal. Devices used may be in the form of rollers, stamps, or electronic "pens." Microneedling is also known as:

(a) dermal needling;

(b) Collagen Induction Therapy (CIT);

(c) dermal rolling;

(d) cosmetic dry needling;

(e) multitrepannic collagen actuation; or

(f) percutaneous collagen induction.

(23) "NIC" means the National Interstate Council of State Boards of Cosmetology.

(24) "Patch test" or "predisposition test" means applying a small amount of a chemical preparation to the skin of the arm or behind the ear to determine possible allergies of the client to the chemical preparation.

(25) "Pedicure" means any of the following:

(a) cleaning, trimming, softening, or caring for the nails, cuticles, or calluses of the feet;

(b) the use of manual instruments or implements on the nails, cuticles, or calluses of the feet;

(c) callus removal by sanding, buffing, or filing; or

(d) massaging of the feet or lower portion of the leg.

(26) "Source capture system," as used in Subsection 58-11a-502(6), means the source capture system required under Section 15A-3-402.

(27) "TCA acid" means trichloroacetic acid.

(28) "Unprofessional conduct" is further defined in Sections 58-1-501 and R156-11a-502.

R156-11a-301. Change of Legal Entity.

Under Section 58-11a-301, a school shall submit a new application for licensure upon any change of legal entity status. The new legal entity may not engage in practice as a licensed school until the application is approved and a license issued.

R156-11a-302a. Qualifications for Licensure - Examination Requirements.

(1) Except as otherwise provided in Sections 58-1-308 and R156-11a-308 for individuals reinstating a license, applicants for each classification listed in Subsection (2) shall pass within one year before the date of application, or within other reasonable timeframe as approved by the Division upon review of applicable extenuating circumstances, the respective examination with a passing score of at least 70% as determined by the examination provider.

(2) Under Section 58-11a-302, the examination requirements for licensure are established as follows:

(a) an applicant for licensure as a barber shall pass the NIC Barber Theory and Practical Examinations;

(b) an applicant for licensure as a cosmetologist/barber shall pass the NIC Cosmetology/Barber Theory and Practical Examinations;

(c) an applicant for licensure as an electrologist shall pass the NIC Electrology Theory and Practical Examinations;

(d) an applicant for licensure as a basic esthetician shall pass the NIC Esthetics Theory and Practical Examinations;

(e) an applicant for licensure as a master esthetician shall pass the NIC Master Esthetics Theory and Practical Examinations;

(f) an applicant for licensure as a hair designer shall pass the NIC Hair Design Theory and Practical Examinations;

(g) an applicant for licensure as an instructor of barbering, cosmetologist/barbering, electrology, esthetics, hair designer, nail technology, or eyelash and eyebrow technology shall pass the NIC Instructor Examinations;

(h) an applicant for licensure as a nail technician shall pass the NIC Nail Technology Theory and Practical Examinations; and

(i) an applicant for licensure as an eyelash and eyebrow technician shall pass the NIC Eyelash and Eyebrow Theory and Practical Examinations.

(3) Any substantially equivalent theory, practical, or instructor examination approved by the licensing authority of any jurisdiction is acceptable for any one or more of the examinations in Subsection (2).

R156-11a-302b. Qualifications for Licensure - Equivalency of Foreign School Education.

Under Subsection 58-11a-302(23), an applicant may demonstrate the educational equivalency of the applicant's foreign school education by submitting to the Division:

(1) an education or credential evaluation from an evaluator listed on the Division's website at https://dopl.utah.gov/cosmetology/; or

(2) other evidence that is satisfactory to the Division in collaboration with the Board.

R156-11a-302c. Qualifications for Licensure - Acceptance of Credit Hours.

Under Subsection 58-11a-302(24), a licensed school shall accept credit hours toward graduation as follows:

(1) the school shall accept credit hours toward any curriculum in Sections R156-11a-700 through R156-11a-708; and

(2) the credit hours accepted may not exceed the number of hours required in Subsection 58-11a-302(1)(c)(i), 58-11a-302(4)(c)(i), 58-11a-302(7)(c), 58-11a-302(10)(c)(i), 58-11a-302(11)(c)(i), 58-11a-302(14)(c)(i), 58-11a-302(17)(c)(i), or 58-11a-302(20)(c)(i) for that professional license in Utah.

R156-11a-303. Renewal Cycle - Procedures.

(1) Under Subsection 58-1-308(1), the renewal date for the two-year renewal cycle for licenses and certificates under Title 58, Chapter 11a, Cosmetology and Associated Professions Licensing Act is established in Section R156-1-308a.

(2) Renewal procedures shall be in accordance with Sections R156-1-308c through R156-1-308l.

R156-11a-308. Reinstatement of License.

Under Subsection 58-1-308(5)(a), an individual may apply for reinstatement of a license between two years and five years from the date of license expiration without being required to pass the exams provided in Section R156-11a-302a.

R156-11a-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) failing to comply with the standards for school curriculums applicable to a school of barbering, cosmetology/barbering, esthetics, electrology, hair design, nail technology, or eyelash and eyebrow technology in Sections R156-11a-700 through R156-11a-708;

(2) using any device classified by the Food and Drug Administration as a prescriptive medical device without the appropriate level of supervision by a licensed health care practitioner acting within the licensed health care practitioner's scope of practice;

(3) performing a service within the individual's scope of practice without having been adequately trained to perform the service;

(4) failing as a supervisor to provide the appropriate level of supervision within the scope of practice in Section 58-11a-102;

(5) performing services within the scope of practice without having the appropriate level of supervision as required in Section 58-11a-102;

(6) violating any standard established in Sections R156-11a-601 through R156-11a-612;

(7) performing a procedure while the licensee has a known contagious disease that may be transmitted by performing the procedure unless the licensee takes medically approved measures to prevent transmission of the disease; and

(8) performing a procedure on a client who has a known contagious disease that may be transmitted by performing the procedure unless the licensee takes medically approved measures to prevent transmission of the disease.

R156-11a-503. Administrative Penalties - Unlawful Conduct.

(1) Citations may not be issued for third offenses, except in extraordinary circumstances approved by the chief investigator or licensing administrator. If a citation is issued for a third offense, the fine is double the second offense amount, with a maximum amount not to exceed the maximum fine allowed under Subsection 58-11a-503(4)(h).

(2) Multiple offenses may be cited on the same citation, if the citation clearly indicates each offense and the fine that is allocated to each offense.

(3) A chief investigator or licensing administrator may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.

(4) The presiding officer shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount imposed by an investigator based upon the evidence reviewed.

R156-11a-601. Standards for Accreditation.

Under Subsection 58-11a-302(3)(c)(iv), 58-11a-302(6)(c)(iv), 58-11a-302(9)(c)(iv), 58-11a-302(13)(c)(iv), 58-11a-302(16)(c)(iv), 58-11a-302(19)(c)(iv), or 58-11a-302(22)(c)(iv), the accreditation standards for a school of barbering, cosmetology/barbering, electrology, esthetics, hair design, nail technology, or eyelash and eyebrow technology include the following:

(1) each school shall be accredited by:

(a) the National Accrediting Commission of Career Arts and Sciences (NACCAS); or

(b) other accrediting bodies recognized by the U.S. Department of Education;

(2) each school shall maintain and keep the accreditation current;

(3) a newly licensed school shall pursue accreditation under this section using the following procedure:

(a) a new school shall:

(i) within one month of the date the school was licensed as a school by the Division, submit to an accrediting commission an application for candidate status;

(ii) within 18 months of the date the school was licensed by the Division, provide the Division evidence of receiving candidate status from the accrediting commission;

(iii) file with the Utah Department of Commerce's Division of Consumer Protection a "Request for Exemption pursuant to the Postsecondary Proprietary School Act" application, pursuant to Sections 13-34-105 and R152-34-5;

(iv) during the pendency of its application for accreditation status, comply with all applicable accreditation standards; and

(v) receive approval for accreditation within 24 months following the date it achieved candidate status; and

(b) the Division shall determine whether a newly licensed school entity has succeeded a previously licensed school entity for the purposes of achieving accreditation;

(c) if a newly licensed school is determined by the Division to be a new entity, then the newly licensed school shall comply with the accreditation deadlines in Subsection (3)(a); and

(d) if a newly licensed school is determined by the Division not to be a new entity, then the newly licensed school shall meet the accreditation deadlines previously set by its accrediting commission;

(4) the Division's determination shall be based upon whether the newly licensed school:

(a) operates on essentially the same premises as the previously licensed school;

(b) uses essentially the same staff;

(c) operates under essentially the same ownership; and

(d) maintains the previously licensed school's accreditation status with the applicable governing accreditation commission;

(5) a licensee whose accreditation has been withdrawn shall immediately notify the Division; and

(6) a licensee who fails to obtain or maintain accreditation status as required shall immediately surrender its license as a school to the Division, and failure to do so shall constitute a basis for immediate revocation of licensure under Section 63G-4-502.

R156-11a-602. Standards for the Physical Facility.

Under Subsection 58-11a-302(3)(c)(iii), 58-11a-302(6)(c)(iii), 58-11a-302(9)(c)(iii), 58-11a-302(13)(c)(iii), 58-11a-302(16)(c)(iii), 58-11a-302(19)(c)(iii), or 58-11a-302(22)(c)(iii), the standards for the physical facilities for a school of barbering, cosmetology/barbering, electrology, esthetics, hair design, nail technology, or eyelash and eyebrow technology shall include:

(1) the governing standards established by the accreditation commission; and

(2) whether or not addressed in the governing standards:

(a) enough of each type of training equipment so that each student has an equal opportunity to be properly trained;

(b) laundry facilities to maintain sanitation and sterilization; and

(c) appropriate amounts of clean towels, sheets, linen, sponges, headbands, compresses, robes, drapes, and other necessary linens for each student's and client's use.

R156-11a-603. Standards for a Student Kit.

(1) Under Subsection 58-11a-302(3)(c)(iv), 58-11a-302(6)(c)(iv), 58-11a-302(9)(c)(iv), 58-11a-302(13)(c)(iv), 58-11a-302(16)(c)(iv), 58-11a-302(19)(c)(iv), or 58-11a-302(22)(c)(iv), a school of barbering, cosmetology/barbering, electrology, esthetics, hair design, nail technology, or eyelash and eyebrow technology shall provide to each student a list of basic kit supplies needed by that student.

(2) The basic kit may be supplied by the school or purchased independently by the student.

R156-11a-604. Standards for Prohibition Against Operation as a Barbershop, Salon, or Spa.

(1) Under Subsections 58-11a-302(3)(c)(iii), 58-11a-302(6)(c)(iii), 58-11a-302(9)(c)(iv), 58-11a-302(13)(c)(iii), 58-11a-302(16)(c)(iii), 58-11a-302(19)(c)(iii), and 58-11a-302(22)(c)(iii), if a barbershop, salon, or spa is under the same ownership or is otherwise associated with a school, then the barbershop, salon, or spa shall maintain separate operations from the school.

(2)(a) If the barbershop, salon, or spa is located in the same building as a school, then separate entrances and visitor reception areas are required; and

(b) A barbershop, salon, or spa shall also use separate public information releases, advertisements, and names than those used by the school.

R156-11a-605. Standards for Protection of Students.

Under Subsections 58-11a-302(3)(c)(iii) and (iv), 58-11a-302(6)(c)(iii) and (iv), 58-11a-302(9)(c)(iii) and (iv), 58-11a-302(13)(c)(iii) and (iv), 58-11a-302(16)(c)(iii) and (iv), 58-11a-302(19)(c)(iii) and (iv), and 58-11a-302(22)(c)(iii) and (iv), the standards that a school shall provide for the protection of its students include the following:

(1) if a school ceases to operate for any reason, the school shall:

(a) notify the Division within 15 days by registered or certified mail; and
(b) name a trustee who shall be responsible for:
(i) maintaining the student records for a minimum period of ten years; and
(ii) providing student information, such as accumulated hours and dates of attendance;
(2) a school shall:
(a) provide to each student a copy of the written contract prepared under Section R156-11a-607; and
(b) keep a daily written record of student attendance;
(3) a school may not:
(a) use a student to perform maintenance, janitorial, or remodeling work such as scrubbing floors, walls or toilets, cleaning windows, waxing floors, painting, decorating, or performing any outside work on the grounds or building, except a student may be required to clean up after themselves and to perform or participate in daily cleanup of work areas including the floor space, shampoo bowls, laundering of towels and linen, and other general cleanup duties that are related to the performance of client services;
(b) require a student to sell products applicable to their industry as a condition to graduate but may provide instruction in product sales techniques as part of their curriculums;
(c) remove hours earned by a student except that:
(i) if a student is late for class, the school may require the student to retake the class before giving credit for the class; or
(ii) a school may require a student to take a refresher course or retake a class toward graduation based upon an evaluation of the student's level of competency; or
(d) under Subsection 58-11a-502(2)(a), require a student to participate in hair removal training that pertains to the genitals or anus of a client.

R156-11a-606. Standards for Protection of Schools.

Under Subsection 58-11a-302(3)(c)(iv), 58-11a-302(6)(c)(iv), 58-11a-302(9)(c)(iv), 58-11a-302(13)(c)(iv), 58-11a-302(16)(c)(iv), 58-11a-302(19)(c)(iv), or 58-11a-302(22)(c)(iv), the standards for the protection of a school of barbering, cosmetology/barbering, electrology, esthetics, hair design, nail technology, or eyelash and eyebrow technology include the following:
(1) a school may not be required to release documentation of hours earned to a student until the student has paid the tuition or fees owed to the school as provided in the terms of the contract;
(2)(a) a school may accept a transfer student; and
(b) a school shall determine the number of hours to be accepted toward graduation based upon an evaluation of the student's level of training under Section R156-11a-302c; and
(3) any hours obtained by a student who is enrolled in an apprenticeship may not be used to satisfy any of the required hours of school instruction.

R156-11a-607. Standards for a Written Contract.

(1) Under Subsection 58-11a-302(3)(c)(iv), 58-11a-302(6)(c)(iv), 58-11a-302(9)(c)(iv), 58-11a-302(13)(c)(iv), 58-11a-302(16)(c)(iv), 58-11a-302(19)(c)(iv), or 58-11a-302(22)(c)(iv), a school of barbering, cosmetology/barbering, electrology, esthetics, hair design, nail technology, or eyelash and eyebrow technology shall complete a written contract with each student before admission.
(2) Each contract shall include specifically, or by reference to the school's catalogue or handbook, or both, the following:
(a) the current status of the school's accreditation;
(b) rules of conduct;
(c) attendance requirements;
(d) provisions for make-up work;
(e) grounds for probation, suspension or dismissal; and
(f) a detailed fee schedule which shall include the student's financial responsibility upon voluntarily leaving the school or upon being suspended from the school.
(3) The school shall maintain on file for each student a copy of the contract and of any referenced catalogue or handbook and shall provide a copy of the contract and any catalogue or handbook to the Division upon request.

R156-11a-608. School Staff Requirements.

Under Subsection 58-11a-302(3)(c)(iv), 58-11a-302(6)(c)(iv), 58-11a-302(9)(c)(iv), 58-11a-302(13)(c)(iv), 58-11a-302(16)(c)(iv), 58-11a-302(19)(c)(iv), or 58-11a-302(22)(c)(iv), the staff requirements for a school of barbering, cosmetology/barbering, electrology, esthetics, hair design, nail technology, or eyelash and eyebrow technology shall include the following:
(1)(a) a school shall have a minimum of one licensed instructor for every 20 students, or fraction thereof, attending a practical session, and one licensed instructor for any group attending a theory session; and
(b) a special guest speaker may not reduce the required number of licensed instructors;

(2) a school may give credit for special workshops, training seminars, and competitions, or may invite a special guest speaker who is not licensed in accordance with Section 58-11a-302, to provide instruction or give practical demonstrations to supplement the curriculum as long as a licensed instructor from the school is present; and

(3) a student instructor may not be counted as part of the instructor staff.

R156-11a-609. Standards for Instructors.

(1) Under Subsections 58-11a-102(34), 58-11a-102(37), 58-11a-102(39), 58-11a-102(40), 58-11a-102(42), 58-11a-102(44), and 58-11a-102(47), an instructor of barbering, cosmetology/barbering, electrology, esthetics, hair design, nail technology, or eyelash and eyebrow technology may teach:

(a) only in practice areas for which they have received training and are qualified to teach; and

(b) the use of a mechanical or electrical apparatus only if they are trained and qualified in its use.

(2) Under Subsection 58-11a-102(13), an individual licensed as a cosmetology/barbering instructor may teach:

(a) barbering, basic esthetics, hair design, nail technology, or eyelash and eyebrow technology as part of the cosmetology/barbering or nail technology curriculums in a licensed school of barbering, cosmetology/barbering, hair design, nail technology, or a licensed eyelash and eyebrow technology; and

(b) barbering, hair design, or basic esthetics in an approved apprenticeship in barbering, cosmetology/barbering, hair design, nail technology, or eyelash and eyebrow technology.

R156-11a-610. Standards for the Use of Acids.

Under Subsections 58-11a-102(35)(b), 58-11a-102(45)(a)(i)(C), and 58-11a-501(17), the standards for the use of any acid or concentration of acids shall be:

(1) the use of any acid or acid solution that would exfoliate the skin below the stratum corneum, including those listed in Subsections (3) and (4), is prohibited unless used under the supervision of a licensed health care practitioner;

(2) the following acids are prohibited unless used under the supervision of a licensed health care practitioner:

(a) phenol;

(b) bichloroacetic acid;

(c) resorcinol, except as provided in Subsection (4)(b); and

(d) any acid in any concentration level that requires a prescription;

(3) limited chemical exfoliation for a basic esthetician does not include the mixing, combining, or layering of skin exfoliation products or services, but does include:

(a) alpha hydroxy acids of 30% or less, with a pH of not less than 3.0; and

(b) salicylic acid of 15% or less;

(4) chemical exfoliation for a master esthetician includes:

(a) acids allowed for a basic esthetician;

(b) modified Jessner solution on the face and the tissue immediately adjacent to the jawline;

(c) alpha hydroxy acids with a pH of not less than 1.0 and at a concentration of 50% shall include partially neutralized acids, and any acid above the concentration of 50% is prohibited;

(d) beta hydroxy acids with a concentration of not more than 30%;

(e) trichloroacetic acid, under Subsection 58-11a-501(17)(c), in a concentration of not more than 15%, but no manual, mechanical, or acid exfoliation can be used before treatment unless under the general supervision of a licensed health care practitioner; and

(f) vitamin-based acids;

(5)(a) a licensee shall prepare and maintain current documentation of the licensee's cumulative experience in chemical exfoliation including:

(i) courses of instruction;

(ii) specialized training;

(iii) on-the-job experience; and

(iv) the approximate percentage that chemical exfoliation represents in the licensee's overall business; and

(b) a licensee shall provide the documentation required by Subsection (5)(a) to the Division upon request;

(6) a licensee may not use an acid or perform a chemical exfoliation that the licensee is not competent to use or perform through training and experience, and as documented under Subsection (5);

(7) only commercially available products used in accordance with manufacturers' instructions may be used for chemical exfoliation purposes; and

(8) a patch test shall be administered to each client before beginning any chemical exfoliation series.

R156-11a-611. Standards for Approval of Mechanical or Electrical Apparatus.

Under Subsections 58-11a-102(45)(a)(i)(H)(II) and (I), the standards for approval of mechanical or electrical apparatus are:

(1) a licensee may use a mechanical or electrical apparatus that is designated as a prescription medical device by the FDA only under the appropriate level of supervision by a licensed health care practitioner acting within the licensed health care practitioner's scope of practice;

(2) dermaplane procedures, dermabrasion procedures, blades, knives, and lancets are prohibited except for:

(a) advanced pedicures;
(b) advanced extraction of impurities from the skin; and
(c) dermaplane procedures for advanced exfoliation as defined in Subsection R156-11a-102(8) by a master esthetician under general supervision of a health care practitioner;
(3) the use of any procedure in which human tissue is cut or altered by laser energy or ionizing radiation is prohibited for individuals licensed under this chapter unless it is within the scope of practice for the licensee and under the appropriate level of supervision by a licensed health care practitioner acting within the licensed health care practitioner's scope of practice;
(4) To be approved, a microdermabrasion machine shall:
(a) be specifically labeled for cosmetic or esthetic purposes;
(b) be a closed-loop vacuum system that uses a tissue retention device; and
(c) the normal and customary use of the machine may not result in the removal of the epidermis beyond the stratum corneum; and
(5) To be approved, a microneedling device shall:
(a) be used only by a master esthetician:
(i) without supervision if needle penetration does not exceed 1.5 mm; or
(ii) with general supervision by a licensed health care practitioner if needle penetration exceeds 1.5 mm; and
(b) be used specifically for cosmetic or esthetic purposes.

R156-11a-612. Standards for Disclosure.

Under Subsections 58-11a-102(35)(b) and (45)(a)(i)(C) and (E), a licensee acting within the licensee's scope of practice shall inform a client of the following before applying a chemical exfoliant, using a microneedling device, or using a microdermabrasion machine:
(1) the procedure may only be performed for cosmetic and not medical purposes, unless the licensee is working under the supervision of a licensed health care practitioner, who is working within the scope of the practitioner's license; and
(2) the benefits and risks of the procedure.

R156-11a-700. Curriculum for Barber Schools.

Under Subsection 58-11a-302(3)(c)(iv), the curriculum for a barber school shall consist of 1,000 hours of instruction in the following subject areas:
(1) introduction consisting of:
(a) history of barbering; and
(b) an overview of the barber curriculum;
(2) personal, client, and shop safety including:
(a) aseptic techniques and sanitary procedures;
(b) disinfection and sterilization methods and procedures; and
(c) health risks to the barber;
(3) business and shop management including:
(a) developing a clientele;
(b) professional image;
(c) professional ethics;
(d) professional associations;
(e) public relations; and
(f) advertising;
(4) legal issues including:
(a) malpractice liability;
(b) regulatory agencies; and
(c) tax laws;
(5) human immune system;
(6) diseases and disorders of the hair and scalp including:
(a) bacteriology;
(b) sanitation;
(c) sterilization;
(d) decontamination; and
(e) infection control;
(7) implements, tools, and equipment for barbering;
(8) first aid;
(9) anatomy;
(10) science of barbering;
(11) chemistry for barbering;
(12) analysis of the hair and scalp;
(13) properties of the hair, skin, and scalp;
(14) basic hairstyling and hair cutting including:

(a) draping;
(b) clipper variations;
(c) scissor cutting; and
(d) wet and thermal styling;
(15) shaving and razor cutting;
(16) mustache and beard design;
(17) elective topics; and
(18) Barber Examination review.

R156-11a-701. Curriculum for Electrology Schools.

Under Subsection 58-11a-302(9)(c)(iv), the curriculum for an electrology school shall consist of 600 hours of instruction in the following subject areas:

(1) introduction consisting of:
(a) the history of electrology; and
(b) an overview of the curriculum;
(2) personal, client, and salon safety including:
(a) aseptic techniques and sanitary procedures;
(b) disinfection and sterilization methods and procedures; and
(c) health risks to the electrologist;
(3) business and salon management including:
(a) developing a clientele;
(b) professional image;
(c) professional ethics;
(d) professional associations;
(e) public relations; and
(f) advertising;
(4) legal issues including:
(a) malpractice and liability;
(b) regulatory agencies; and
(c) tax laws;
(5) human immune system;
(6) diseases and disorders of hair and skin;
(7) implements, tools, and equipment for electrology;
(8) first aid;
(9) anatomy;
(10) science of electrology;
(11) analysis of the skin;
(12) physiology of hair and skin;
(13) medical definitions including:
(a) dermatology;
(b) endocrinology;
(c) angiology; and
(d) neurology;
(14) evaluating the characteristics of skin;
(15) evaluating the characteristics of hair;
(16) medications affecting hair growth including:
(a) over-the-counter preparations;
(b) anesthetics; and
(c) prescription medications;
(17) contraindications;
(18) disease and blood-borne pathogens control including:
(a) pathogenic bacteria and non-bacterial causes; and
(b) American Electrology Association (AEA) infection control standards;
(19) principles of electricity and equipment including:
(a) types of electrical currents, their measurements and classifications;
(b) Food and Drug Administration (FDA) approved needle type epilation equipment;
(c) FDA approved hair removal devices; and
(d) epilator operation and care;
(20) modalities for need type electrolysis including:
(a) needle or probe types, features, and selection;
(b) insertions, considerations, and accuracy;
(c) galvanic multi-needle technique;

(d) thermolysis manual and flash technique;
(e) blend and progressive epilation technique; and
(f) one-and two-handed techniques;
(21) clinical procedures including:
(a) consultation;
(b) health and medical history;
(c) pre and post treatment skin care;
(d) normal healing skin effects;
(e) tissue injury and complications;
(f) treating ingrown hairs;
(g) face and body treatment;
(h) cosmetic electrology; and
(i) positioning and draping;
(22) elective topics; and
(23) Electrology Examination review.

R156-11a-702. Curriculum for Esthetics School - Basic Esthetician Programs.

Under Subsection 58-11a-302(13)(c)(iv), the curriculum for an esthetics school basic esthetician program shall consist of 600 hours of instruction in the following subject areas:

(1) introduction consisting of:
(a) history of esthetics; and
(b) an overview of the curriculum;
(2) personal, client, and salon safety including:
(a) aseptic techniques and sanitary procedures;
(b) disinfection and sterilization methods and procedures; and
(c) health risks to the basic esthetician;
(3) business and salon management including:
(a) developing a clientele;
(b) professional image;
(c) professional ethics;
(d) professional associations;
(e) public relations; and
(f) advertising.
(4) legal issues including:
(a) malpractice liability;
(b) regulatory agencies; and
(c) tax laws;
(5) human immune system;
(6) diseases and disorders of the skin including:
(a) bacteriology;
(b) sanitation;
(c) sterilization;
(d) decontamination; and
(e) infection control;
(7) implements, tools, and equipment for basic esthetics including;
(a) high-frequency or galvanic current; and
(b) heat lamps;
(8) first aid;
(9) anatomy;
(10) science of basic esthetics;
(11) analysis of the skin;
(12) physiology of the skin;
(13) facials, manual and mechanical;
(14) limited chemical exfoliation including:
(a) pre-exfoliation consultation;
(b) post-exfoliation treatments; and
(c) chemical reactions;
(15) chemistry for basic esthetics;
(16) temporary removal of superfluous hair by waxing;
(17) treatment of the skin;
(18) packs and masks;
(19) aroma therapy;

(20) application of makeup including:
(a) application of artificial eyelashes;
(b) arching of the eyebrows; and
(c) tinting of the eyelashes and eyebrows;
(21) medical devices;
(22) cardiopulmonary resuscitation (CPR);
(23) basic facials;
(24) chemistry of cosmetics;
(25) skin treatments, manual and mechanical;
(26) massage of the face and neck;
(27) natural nail manicures and pedicures;
(28) elective topics; and
(29) Esthetic Examination review.

R156-11a-703. Curriculum for Esthetics School - Master Esthetician Programs.

Under Subsection 58-11a-302(13)(c)(iv), the curriculum for an esthetics school master esthetician program shall consist of 1,200 hours of instruction: 600 hours shall consist of the curriculum for a basic esthetician program, and the remaining 600 hours shall be in the following subject areas:

(1) introduction consisting of:
(a) history of esthetics and master esthetics; and
(b) an overview of the curriculum;
(2) personal, client, and salon safety including:
(a) aseptic techniques and sanitary procedures;
(b) disinfection and sterilization methods and procedures; and
(c) health risks to the master esthetician;
(3) business and salon management consisting of:
(a) developing clients;
(b) professional image;
(c) professional ethics;
(d) professional associations;
(e) advertising; and
(f) public relations;
(4) legal issues including:
(a) malpractice liability;
(b) regulatory agencies; and
(c) tax laws;
(5) the human immune system;
(6) diseases and disorders of the skin including:
(a) bacteriology;
(b) sanitation;
(c) sterilization;
(d) contamination; and
(e) infection controls;
(7) implements, tools, and equipment for master esthetics;
(8) first aid;
(9) anatomy;
(10) science of master esthetics;
(11) analysis of the skin;
(12) physiology of the skin;
(13) advanced facials, manual and mechanical;
(14) chemistry for master esthetics;
(15) advanced chemical exfoliation, including:
(a) pre-exfoliation consultation;
(b) post-exfoliation treatments; and
(c) reactions;
(16) temporary removal of superfluous hair by waxing and advanced waxing;
(17) advanced pedicures;
(18) advanced aroma therapy;
(19) the aging process and its damage to the skin;
(20) medical devices;
(21) cardiopulmonary resuscitation (CPR) training;
(22) hydrotherapy;

(23) advanced mechanical and electrical devices including instruction in using:
(a) sanding and microdermabrasion techniques;
(b) galvanic or high-frequency current for treatment of the skin;
(c) devices equipped with a brush to cleanse the skin;
(d) devices that apply a mixture of steam and ozone to the skin;
(e) devices that spray water and other liquids on the skin; and
(f) any other mechanical devices, esthetic preparations, or procedures approved by the Division in collaboration with the Board for the care and treatment of the skin;
(24) elective topics;
(25) the requirements in Section R156-11a-707;
(26) for schools teaching lymphatic massage, under Subsections 58-11a-102(39)(a)(ii) and 58-11a-302(11)(e), 200 hours of instruction is required and shall consist of:
(a) 40 hours of training in anatomy and physiology of the lymphatic system;
(b) 70 applications of one hour each in manual lymphatic massage of the full body; and
(c) 90 hours of training in lymphatic massage by other means, including to energy, mechanical devices, suction-assisted massage with or without rollers, compression therapy with equipment, or garment therapy; and
(27) Master Esthetician Examination review.

R156-11a-704. Curriculum for Nail Technology Schools.

Under Subsection 58-11a-302(19)(c)(iv), the curriculum for a nail technology school shall consist of 300 hours of instruction in the following subject areas:
(1) introduction consisting of:
(a) history of nail technology; and
(b) an overview of the curriculum;
(2) personal, client, and salon safety including:
(a) aseptic techniques and sanitary procedures;
(b) disinfection and sterilization methods and procedures; and
(c) health risks to the nail technician;
(3) business and salon management including:
(a) developing clientele;
(b) professional image;
(c) professional ethics;
(d) professional associations;
(e) public relations; and
(f) advertising;
(4) legal issues including:
(a) malpractice liability;
(b) regulatory agencies; and
(c) tax laws;
(5) human immune system;
(6) diseases and disorders of the nails and skin including:
(a) bacteriology;
(b) sanitation;
(c) sterilization;
(d) decontamination; and
(e) infection control;
(7) implements, tools, and equipment for nail technology;
(8) first aid;
(9) anatomy;
(10) science for nail technology;
(11) theory of basic manicuring including hand and arm massage;
(12) physiology of the skin and nails;
(13) chemistry for nail technology;
(14) artificial nail techniques consisting of:
(a) wraps;
(b) nail tips;
(c) gel nails;
(d) sculptured and other acrylic nails; and
(e) nail art;
(15) pedicures and massaging the lower leg and foot;
(16) elective topics; and
(17) Nail Technology Examination review.

R156-11a-705. Curriculum for Cosmetology/Barber Schools.

Under Subsection 58-11a-302(6)(c)(iv), the curriculum for a cosmetology/barber school shall consist of 1,600 hours of instruction in the following subject areas:

(1) introduction consisting of:
(a) history of barbering, cosmetology/barbering, esthetics, nail technology, eyelash and eyebrow technology; and
(b) overview of the curriculum;
(2) personal, client, and salon safety including:
(a) aseptic techniques and sanitary procedures;
(b) disinfection and sterilization methods and procedures; and
(c) health risks to the cosmetologist/barber;
(3) business and salon management including:
(a) developing clientele;
(b) professional image;
(c) professional ethics;
(d) professional associations;
(e) public relations; and
(f) advertising;
(4) legal issues including:
(a) malpractice liability;
(b) regulatory agencies; and
(c) tax laws;
(5) human immune system;
(6) diseases and disorders of skin, nails, hair, and scalp including:
(a) bacteriology;
(b) sanitation;
(c) sterilization;
(d) decontamination; and
(e) infection control;
(7) implements, tools, and equipment for cosmetology, barbering, basic esthetics, nail technology, and eyebrow and eyelash technology, including:
(a) high-frequency or galvanic current; and
(b) heat lamps;
(8) first aid;
(9) anatomy;
(10) science of cosmetology/barbering, basic esthetics, nail technology, and eyebrow and eyelash technology;
(11) analysis of the skin, hair, and scalp;
(12) physiology of the human body including skin and nails;
(13) electricity and light therapy;
(14) limited chemical exfoliation including:
(a) pre-exfoliation consultation;
(b) post-exfoliation treatments; and
(c) chemical reactions;
(15) chemistry for cosmetology/barbering, basic esthetics, nail technology, and eyebrow and eyelash technology;
(16) temporary removal of superfluous hair including by waxing;
(17) properties of the hair, skin, and scalp;
(18) basic hairstyling including:
(a) wet and thermal styling;
(b) permanent waving;
(c) hair coloring;
(d) chemical hair relaxing; and
(e) thermal hair straightening;
(19) haircuts including:
(a) draping;
(b) clipper variations;
(c) scissor cutting;
(d) shaving; and
(e) wigs and artificial hair;
(20) razor cutting;
(21) mustache and beard design;
(22) basic esthetics including:
(a) treatment of the skin, manual and mechanical;

(b) packs and masks;
(c) aroma therapy;
(d) chemistry of cosmetics;
(e) application of makeup including:
(i) application of artificial eyelashes;
(ii) arching of the eyebrows; and
(iii) tinting of the eyelashes and eyebrows;
(f) massage of the face and neck; and
(g) natural manicures and pedicures;
(23) medical devices;
(24) cardiopulmonary resuscitation (CPR);
(25) artificial nail techniques consisting of:
(a) wraps;
(b) nail tips;
(c) gel nails;
(d) sculptured and other acrylic nails; and
(e) nail art;
(26) pedicures and massaging of the lower leg and foot;
(27) the requirements in Section R156-11a-707;
(28) elective topics; and
(29) Cosmetology/Barber Examination review.

R156-11a-706. Curriculum for Hair Design Schools.

Under Subsection 58-11a-302(16)(c)(iv), the curriculum for a hair design school shall consist of 1,200 hours of instruction in the following subject areas:

(1) introduction consisting of:
(a) history of hair design; and
(b) overview of the curriculum;
(2) personal, client, and salon safety, including:
(a) aseptic techniques and sanitary procedures;
(b) disinfection and sterilization methods and procedures; and
(c) health risks to the hair designer;
(3) business and salon management including:
(a) developing clientele;
(b) professional image;
(c) professional ethics;
(d) professional associations;
(e) public relations; and
(f) advertising;
(4) legal issues, including:
(a) malpractice liability;
(b) regulatory agencies; and
(c) tax laws;
(5) human immune system;
(6) diseases and disorders of hair and scalp, including:
(a) bacteriology;
(b) sanitation;
(c) sterilization;
(d) decontamination; and
(e) infection control;
(7) implements, tools, and equipment for hair design, including:
(a) high-frequency current; and
(b) heat lamps;
(8) first aid;
(9) anatomy;
(10) science of hair design;
(11) analysis of the hair and scalp;
(12) physiology of the human body;
(13) electricity and light therapy;
(14) chemical reactions;
(15) chemistry for hair design;
(16) properties of the hair and scalp;

(17) basic hairstyling including:
(a) wet and thermal styling;
(b) permanent waving;
(c) hair coloring;
(d) chemical hair relaxing; and
(e) thermal hair straightening;
(18) haircuts, including:
(a) draping;
(b) clipper variations;
(c) scissor cutting;
(d) shaving; and
(e) wigs and artificial hair;
(19) razor cutting;
(20) mustache and beard design;
(21) cardiopulmonary resuscitation (CPR);
(22) elective topics; and
(23) Hair Designer Examination review.

R156-11a-707. Curriculum for Eyelash and Eyebrow Technology Schools.

Under Subsection 58-11a-302(22)(c)(iv), the curriculum for an eyelash and eyebrow technology school shall consist of 100 hours of instruction in the following subject areas:

(1) introduction consisting of:
(a) history of eyelash and eyebrow technology; and
(b) overview of the curriculum;
(2) personal, client, and salon safety, including:
(a) aseptic techniques and sanitary procedures;
(b) disinfection and sterilization methods and procedures; and
(c) health risks to the eyelash and eyebrow technician;
(3) business and salon management including:
(a) developing clientele;
(b) professional image;
(c) professional ethics;
(d) professional associations;
(e) public relations; and
(f) advertising;
(4) legal issues, including:
(a) malpractice liability;
(b) regulatory agencies; and
(c) tax laws;
(5) human immune system;
(6) diseases, disorders, and allergies of the eye area, including:
(a) bacteriology;
(b) sanitation;
(c) sterilization;
(d) decontamination; and
(e) infection control;
(7) implements, tools, and equipment for eyelash and eyebrow;
(8) first aid;
(9) anatomy and physiology of the eye area;
(10) application of makeup including:
(a) application of artificial eyelashes;
(b) arching of the eyebrows; and
(c) tinting of the eyelashes and eyebrows;
(11) chemical reactions;
(12) chemistry for eyelash and eyebrow design;
(13) eyebrow shaping;
(14) eyelash and eyebrow extension including:
(a) preparation;
(b) application;
(c) aftercare; and
(d) removal;
(15) eyelash and eyebrow chemical services including:

(a) lash lift;
(b) brow lamination;
(c) lash tinting;
(d) brow tinting; and
(e) aftercare;
(16) contraindications;
(17) elective topics; and
(18) Eyebrow and Eyelash Examination review.

R156-11a-708. Curriculum for Instructor Schools.

Under Subsection 58-11a-302(2)(d)(i), 58-11a-302(5)(d)(i), 58-11a-302(8)(d)(i), 58-11a-302(12)(d)(i), 58-11a-302(15)(d)(i), 58-11a-302(18)(d)(i), or 58-11a-302(21)(d)(i), the curriculum for an approved instructor school shall consist of instructor training in the following subjects:

(1) motivation and the learning process;
(2) teacher preparation;
(3) teaching methods;
(4) classroom management;
(5) testing;
(6) instructional evaluation;
(7) laws, rules, and regulations; and
(8) Barber, Cosmetology/Barber, Esthetics (Master level), Electrology, Hair Designer, Nail Technology, and Eyebrow and Eyelash Technology Instructors Examination review.

R156-11a-800. Approved Barber Apprenticeship Requirements.

Under Subsection 58-11a-102(1), the requirements for an approved barber apprenticeship shall include the following:

(1)(a) under Subsection 58-11a-306(1)(b)(ii), an instructor shall provide one-on-one direct supervision of their apprentice during the apprenticeship program, but this does not preclude an instructor from having more than one apprentice; and
(b) if an instructor has more than one apprentice:
(i) the instructor may not simultaneously supervise the apprentices; and
(ii) the same hour or hours of instruction may not be credited toward more than one apprentice;
(2) the apprentice shall register with the Division by submitting a form prescribed by the Division;
(3) The instructor shall be approved by the Division for the apprenticeship, and the instructor may not have had any disciplinary action in the preceding three years;
(4) there shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training";
(5)(a) the instructor and apprentice shall keep a daily record that documents the total number of hours of training, which shall include:
(i) the hours of theory instruction;
(ii) the hours of practical instruction; and
(iii) the number and type of client services performed, and other services performed; and
(b) the daily record shall be available to the Division immediately upon request;
(6) a complete set of barber texts shall be available to the apprentice;
(7) an apprentice may be compensated for services performed;
(8) the instructor shall provide training and technical instruction of 1,250 hours using the curriculum defined in Section R156-11a-700;
(9) the instructor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days;
(10) an apprentice may not perform work on the public until the apprentice has received at least 10% of the hours of technical training, with at least a portion of that time devoted to each of the subjects in Section R156-11a-700;
(11) hours obtained while enrolled in a school of barbering, cosmetology/barbering, or hair design may not be used to satisfy the required 1,250 hours of apprentice training; and
(12) if an apprentice completes the apprenticeship and fails the NIC Barber Theory Examination or NIC Barber Practical Examination three times, the apprentice and instructor shall:
(a) meet with the Board at the next appropriate Board meeting;
(b) explain to the Board why the apprentice is not able to pass the examination; and
(c) provide to the Board a plan of study in the appropriate subject matter to assist the apprentice in passing the examination.

R156-11a-801. Approved Cosmetologist/Barber Apprenticeship Requirements.

Under Subsection 58-11a-102(1), the requirements for an approved cosmetologist/barber apprenticeship include the following:

(1)(a) under Subsection 58-11a-306(2)(b)(ii), an instructor shall provide one-on-one direct supervision of their apprentice during the apprenticeship program, but this does not preclude an instructor from having more than one apprentice; and

(b) if an instructor has more than one apprentice:
(i) the instructor may not simultaneously supervise the apprentices; and
(ii) the same hour or hours of instruction may not be credited toward more than one apprentice;
(2) the apprentice shall be registered with the Division by submitting a form prescribed by the Division;
(3) the instructor shall be approved by the Division for the apprenticeship, but the instructor may not have had any disciplinary action in the preceding three years;
(4) there shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training";
(5)(a) the instructor and apprentice shall keep a daily record that documents the total number of hours of training, which shall include:
(i) the hours of theory instruction;
(ii) the hours of practical instruction; and
(iii) the number and type of client services performed, and other services performed; and
(b) the daily record shall be immediately available to the Division upon request;
(6) a complete set of cosmetology/barber texts shall be available to the apprentice;
(7) an apprentice may be compensated for services performed;
(8) the instructor shall provide training and technical instruction of 2,500 hours using the curriculum defined in Section R156-11a-705;
(9) the instructor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days;
(10) an apprentice may not perform work on the public until the apprentice has received at least 10% of the hours of technical training, with at least a portion of that time devoted to each of the subjects in Section R156-11a-705;
(11) any hours obtained while enrolled in a cosmetology/barber school may not be used to satisfy the required 2,500 hours of apprentice training; and
(12) if an apprentice completes the apprenticeship and fails the NIC Barber/Cosmetology Theory Examination or NIC Barber/Cosmetology Practical Examination three times, the apprentice and instructor shall:
(a) meet with the Board at the next appropriate Board meeting;
(b) explain to the Board why the apprentice is not able to pass the examination; and
(c) provide to the Board a plan of study in the appropriate subject matter to assist the apprentice in passing the examination.

R156-11a-802. Approved Basic Esthetician Apprenticeship Requirements.

Under Subsection 58-11a-102(2), the requirements for an approved basic esthetician apprenticeship include the following:
(1)(a) under Subsection 58-11a-306(4)(b)(ii), an instructor shall provide one-on-one direct supervision of their apprentice during the apprenticeship, but this does not preclude an instructor from having more than one apprentice; and
(b) if an instructor has more than one apprentice:
(i) the instructor may not simultaneously supervise the apprentices; and
(ii) the same hour or hours of instruction may not be credited toward more than one apprentice;
(2) the apprentice shall be registered with the Division by submitting a form prescribed by the Division;
(3) the instructor shall be approved by the Division for the apprenticeship, but the instructor may not have had any disciplinary action in the preceding three years;
(4) there shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training";
(5)(a) the instructor and apprentice shall keep a daily record that documents the total number of hours of training, which shall include:
(i) the hours of theory instruction;
(ii) the hours of practical instruction; and
(iii) the number and type of client services performed, and other services performed; and
(b) the daily record shall be immediately available to the Division upon request;
(6) a complete set of esthetics texts shall be available to the apprentice;
(7) an apprentice may be compensated for services performed;
(8) the instructor shall provide training and technical instruction of 800 hours using the curriculum defined in Section R156-11a-702;
(9) the instructor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days;
(10) an apprentice may not perform work on the public until the apprentice has received at least 10% of the hours required in technical training, with at least a portion of that time devoted to each of the subjects in Section R156-11a-702;
(11) any hours obtained while enrolled in a school of esthetics or cosmetology/barbering may not be used to satisfy the required 800 hours of apprentice training; and
(12) if an apprentice completes the apprenticeship and fails the NIC Esthetics Theory Examination or NIC Esthetics Practical Examination three times, the apprentice and instructor shall:
(a) meet with the Board at the next appropriate Board meeting;
(b) explain to the Board why the apprentice is not able to pass the examination; and

(c) provide to the Board a plan of study in the appropriate subject matter to assist the apprentice in passing the examination.

R156-11a-803. Approved Master Esthetician Apprenticeship Requirements.

Under Subsection 58-11a-102(5), the requirements for an approved master esthetician apprenticeship include the following:

(1)(a) under Subsection 58-11a-306(5)(b)(ii), an instructor shall provide one-on-one direct supervision of their apprentice during the apprenticeship program, but this does not preclude an instructor from having more than one apprentice; and

(b) if an instructor has more than one apprentice:

(i) the instructor may not simultaneously supervise the apprentices; and

(ii) the same hour or hours of instruction may not be credited toward more than one apprentice;

(2) the apprentice shall be registered with the Division by submitting a form prescribed by the Division;

(3) the instructor shall be approved by the Division for the apprenticeship, but the instructor may not have had any disciplinary action in the preceding three years;

(4) there shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training";

(5)(a) The instructor and apprentice shall keep a daily record that documents the total number of hours of training, which shall include:

(i) the hours of theory instruction;

(ii) the hours of practical instruction; and

(iii) the number and type of client services performed, and other services performed; and

(b) the daily record shall be immediately available to the Division upon request;

(6) a complete set of esthetics texts shall be available to the apprentice;

(7) an apprentice may be compensated for services performed;

(8) the instructor shall provide training and technical instruction of 1,500 hours using the curriculum defined in Section R156-11a-703;

(9) the instructor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days;

(10) an apprentice may not perform work on the public until the apprentice has received at least 10% of the required hours of technical training, with at least a portion of that time devoted to each of the subjects in Section R156-11a-703;

(11) any hours obtained while enrolled in a school of esthetics or cosmetology/barbering may not be used to satisfy the required 1,500 hours of apprentice training; and

(12) if an apprentice completes the apprenticeship and fails the NIC Master Esthetics Theory Examination or NIC Master Esthetics Practical Examination three times, the apprentice and instructor shall:

(a) meet with the Board at the next appropriate Board meeting;

(b) explain to the Board why the apprentice is not able to pass the examination; and

(c) provide to the Board a plan of study in the appropriate subject matter to assist the apprentice in passing the examination.

R156-11a-804. Approved Hair Designer Apprenticeship Requirements.

Under Subsection 58-11a-102(4), the requirements for an approved hair designer apprenticeship include the following:

(1)(a) under Subsection 58-11a-306(3)(b)(ii), an instructor shall provide one-on-one direct supervision of their apprentice during the apprenticeship program, but this does not preclude an instructor from having more than one apprentice; and

(b) if an instructor has more than one apprentice:

(i) the instructor may not simultaneously supervise the apprentices; and

(ii) the same hour or hours of instruction may not be credited toward more than one apprentice;

(2) the apprentice shall be registered with the Division by submitting a form prescribed by the Division;

(3) the instructor shall be approved by the Division for the apprenticeship, but the instructor may not have had any disciplinary action in the preceding three years;

(4) there shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training";

(5)(a) The instructor and apprentice shall keep a daily record that documents the total number of hours of training, which shall include:

(i) the hours of theory instruction;

(ii) the hours of practical instruction; and

(iii) the number and type of client services performed, and other services performed; and

(b) the daily record shall be available to the Division immediately upon request;

(6) a complete set of hair designer texts shall be available to the apprentice;

(7) an apprentice may be compensated for services performed;

(8) the instructor shall provide training and technical instruction of 1,600 hours using the curriculum defined in Section R156-11a-706;

(9) the instructor shall limit the training of the apprentice to not more than 40 hours per week, and not more than five days out of every seven consecutive days;

(10) an apprentice may not perform work on the public until the apprentice has received at least 10% of the hours of technical training, with at least a portion of that time devoted to each of the subjects in Section R156-11a-706;

(11) any hours obtained while enrolled in a school of barbering, cosmetology/barbering, or hair design may not be used to satisfy the required 1,600 hours of apprentice training; and

(12) if an apprentice completes the apprenticeship and fails the NIC Hair Designer Theory Examination or NIC Hair Designer Practical Examination three times, the apprentice and instructor shall:

(a) meet with the Board at the next appropriate Board meeting;

(b) explain to the Board why the apprentice is not able to pass the examination; and

(c) provide to the Board a plan of study in the appropriate subject matter to assist the apprentice in passing the examination.

R156-11a-805. Approved Nail Technician Apprenticeship Requirements.

Under Subsection 58-11a-102(6), the requirements for an approved nail technician apprenticeship include the following:

(1)(a) under Subsections 58-11a-306(6)(b)(ii) and (iii), an instructor shall provide one-on-one direct supervision of a single apprentice during the apprenticeship program or one-on-two direct supervision to two apprentices during the apprenticeship program, but this does not preclude an instructor from having more than two apprentices; and

(b) if an instructor has more than two apprentices:

(i) the instructor may not simultaneously supervise more than two apprentices; and

(ii) the same hour or hours of instruction may not be credited toward more than two apprentices;

(2) the apprentice shall be registered with the Division by submitting a form prescribed by the Division;

(3) the instructor shall be approved by the Division for the apprenticeship, but the instructor may not have had any disciplinary action in the preceding three years;

(4) there shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training";

(5)(a) the instructor and apprentice shall keep a daily record that documents the total number of hours of training, which shall include:

(i) the hours of theory instruction;

(ii) the hours of practical instruction; and

(iii) the number and type of client services performed, and other services performed; and

(b) the daily record shall be immediately available to the Division upon request;

(6) a complete set of nail technician texts shall be available to the apprentice;

(7) an apprentice may be compensated for services performed;

(8) the instructor shall provide training and technical instruction of 375 hours using the curriculum defined in Section R156-11a-704;

(9) the instructor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days;

(10) an apprentice may not perform work on the public until the apprentice has received at least 10% of the hours of technical training, with at least a portion of that time devoted to each of the subjects in Section R156-11a-704;

(11) any hours obtained while enrolled in a school of nail technology or cosmetology/barbering may not be used to satisfy the required 375 hours of apprentice training; and

(12) if an apprentice completes the apprenticeship and fails the NIC Nail Technology Theory Examination or NIC Nail Technology Practical Examination three times, the apprentice and instructor shall:

(a) meet with the Board at the next appropriate Board meeting;

(b) explain to the Board why the apprentice is not able to pass the examination; and

(c) provide to the Board a plan of study in the appropriate subject matter to assist the apprentice in passing the examination.

R156-11a-806. Approved Eyelash and Eyebrow Technician Apprenticeship Requirements.

Under Subsection 58-11a-102(3), the requirements for an approved eyelash and eyebrow technician apprenticeship include the following:

(1)(a) under Subsections 58-11a-306(7)(b)(ii) and (iii), an instructor shall provide one-on-one direct supervision of a single apprentice during the apprenticeship program or one-on-two direct supervision of two apprentices during the apprenticeship program, but this does not preclude an instructor from having more than two apprentices; and

(b) if an instructor has more than two apprentices:

(i) the instructor may not simultaneously supervise more than two apprentices; and

(ii) the same hour or hours of instruction may not be credited toward more than two apprentices;

(2) the apprentice shall be registered with the Division by submitting a form prescribed by the Division;

(3) the instructor shall be approved by the Division for the apprenticeship, but the instructor may not have had any disciplinary action in the preceding three years;

(4) there shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training";

(5)(a) the instructor and apprentice shall keep a daily record that documents the total number of hours of training, which shall include:

(i) the hours of theory instruction;

(ii) the hours of practical instruction; and

(iii) the number and type of client services performed, and other services performed; and

(b) the daily record shall be immediately available to the Division upon request;

(6) a complete set of eyelash and eyebrow technician texts shall be available to the apprentice;

(7) an apprentice may be compensated for services performed;

(8) the instructor shall provide training and technical instruction of 125 hours using the curriculum defined in Section R156-11a-707;

(9) the instructor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days;

(10) an apprentice may not perform work on the public until the apprentice has received at least 10% of the hours of technical training, with at least a portion of that time devoted to each of the subjects in Section R156-11a-707;

(11) any hours obtained while enrolled in a school of eyelash and eyebrow technology or cosmetology/barbering may not be used to satisfy the required 125 hours of apprentice training; and

(12) if an apprentice completes the apprenticeship and fails the NIC Eyelash and Eyebrow Technology Theory Examination or NIC Eyelash and Eyebrow Technology Practical Examination three times, the apprentice and instructor shall:

(a) meet with the Board at the next appropriate Board meeting;

(b) explain to the Board why the apprentice is not able to pass the examination; and

(c) provide to the Board a plan of study in the appropriate subject matter to assist the apprentice in passing the examination.

R156-11a-810. Conflicts of Interest.

An apprentice instructor may not be an employee of an apprentice or be involved in any relationship with an apprentice or others that would interfere with the instructor's ability to teach and train the apprentice.

R156-11a-901. Standards for an On-the-Job Training Internship.

Under Subsection 58-11a-304(8), a student enrolled in a licensed cosmetology/barber school may participate in an on-the-job training internship if the student meets the following requirements:

(1) the on-the-job training intern shall have completed at least 1,000 hours of the training contracted with a cosmetology/barber school, of which 400 hours shall be clinical hours;

(2) there shall be a conspicuous sign near the workstation of the on-the-job training intern stating, "Intern in Training";

(3) a licensed "on-site" cosmetology/barber shall supervise only one on-the-job training intern at a time;

(4) an on-the-job training intern, while working under the direct supervision of an "on-site" licensed cosmetologist/barber, may perform the following procedures:

(a) draping;

(b) shampooing;

(c) roller setting;

(d) blow drying styling;

(e) applying color;

(f) removing color by rinsing and shampooing;

(g) removing permanent chemicals;

(h) removing permanent rods;

(i) removing rollers;

(j) applying temporary rinses, reconditioners, and rebuilders;

(k) acting as receptionists;

(l) doing retail sales;

(m) sanitizing the salon;

(o) doing inventory and ordering supplies; and

(p) handing equipment to the cosmetologist/barber supervisor;

(5) the "on-site" cosmetologist/barber supervisor shall have in the supervisor's possession a letter, which must be updated on a quarterly basis, from the school where the on-the-job training intern is enrolled stating that the on-the-job training intern is currently in good standing at the school and is complying with school requirements; and

(6) hours of training spent while performing on-the-job training as an intern may not apply toward credits required for graduation.

R156-11a-902. Standards for On-the-Job Instructor Training.

(1) Under Subsection 58-11a-302(2)(d)(ii), 58-11a-302(5)(d)(ii), 58-11a-302(8)(d)(ii), 58-11a-302(12)(d)(ii), 58-11a-302(15)(d)(ii), 58-11a-302(18)(d)(ii), or 58-11a-302(21)(d)(ii), an individual employed by a licensed school of barbering, cosmetology/barbering, electrology, esthetics, hair design, nail technology, or eyelash and eyebrow technology may obtain on-the-job training to become a licensed instructor if they meet the requirements of this section.

(2) The on-the-job instructor training shall be under the supervision of an instructor licensed as an instructor in the same category as the trainee, except that an instructor providing on-the-job instructor training supervision for basic esthetics instruction shall be licensed as a master esthetician.

(3) The instructor trainee shall have an active license in the same category for which the instructor trainee is seeking licensure to instruct, except an instructor trainee receiving on-the-job training to instruct basic esthetics shall be licensed as a master esthetician.

(4) The on-the-job instructor training shall include the following categories:

(a) motivation and the learning process;

(b) teacher preparation;

(c) teaching methods;

(d) classroom management;

(e) testing;

(f) instructional evaluation;

(g) laws, rules, and regulations; and

(h) Barber, Cosmetology/Barber, Esthetics (Master level), Electrology, Hair Design, Nail Technology, and Eyelash and Eyebrow Technology Instructors Examination review.

(5) The instructor trainee may not count toward the instructor-to-student ratio.

(6) The on-the-job instructor training shall be completed within one year, unless the instructor trainee provides documentation of extenuating circumstances justifying an extension.

KEY: barber, cosmetologist, cosmetologist/barber, esthetician, electrologist, hair designer, nail technician, eyelash and eyebrow technician
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