

Agency Name: Board of Cosmetology - Labor, Licensing and Regulation
Statutory Authority: 40-13-70
Document Number: 4921
Proposed in State Register Volume and Issue: 43/10
House Committee: Regulations and Administrative Procedures Committee
Senate Committee: Labor, Commerce and Industry Committee
120 Day Review Expiration Date for Automatic Approval: 05/13/2020
Final in State Register Volume and Issue: 44/6
Status: Final
Subject: Continuing Education and Continuing Education Programs

History: 4921

<u>By</u>	<u>Date</u>	<u>Action Description</u>	<u>Jt. Res. No.</u>	<u>Expiration Date</u>
-	10/25/2019	Proposed Reg Published in SR		
-	01/14/2020	Received by Lt. Gov & Speaker		05/13/2020
H	01/14/2020	Referred to Committee		
S	01/14/2020	Referred to Committee		
-	05/13/2020	Approved by: Expiration Date		
-	06/26/2020	Effective Date unless otherwise provided for in the Regulation		

Document No. 4921
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF COSMETOLOGY
CHAPTER 35

Statutory Authority: 1976 Code Section 40-13-70

35-23. Continuing Education Requirements; Expired Licenses.

35-24. Continuing Education Programs.

Synopsis:

The South Carolina Board of Cosmetology proposes to amend R.35-23 and 35-24 regarding continuing education and continuing education programs. Specifically, as to R.35-23, the Board proposes to reduce the continuing education requirements for cosmetologists, nail technicians and estheticians from 12 hours biennially to 4 hours biennially and to establish the subjects in which continuing education should be obtained to ensure the health and safety of the public: board laws and regulations, client safety, and/or infection control to include sanitation and disinfection. Additionally, the Board proposes to reduce the continuing education requirements for instructors from 12 hours biennially to 4 hours biennially. The Board further proposes to allow the continuing education hours to be obtained in-person or online. As to R.35-24, the Board proposes clarifying the requirements for continuing education programs, establishing guidance for in-person and online course offerings. The Board additionally establishes requirements to ensure continuing education participants' identities are confirmed and that they receive credit for their attendance at approved courses.

A Notice of Drafting was published in the *State Register* on December 28, 2018.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

35-23. Continuing Education Requirements; Expired Licenses.

(A) For license renewal, all persons licensed by the board as cosmetologists, nail technicians and estheticians must show satisfactory evidence of having obtained four (4) contact hours of board-approved continuing education specific to board laws and regulations, client safety, and/or infection control to include sanitation and disinfection during the licensing period. These hours may be completed through a board-approved in-person class or an online class.

(B) Initial License. Any person shall not be required to complete continuing education during the first licensing period. During the second licensing period and thereafter, the continuing education requirements shall apply.

(C) Expired License. Any license expired for three (3) years or less may be reinstated if the applicant pays the reinstatement fee and submits proof to the board of completion of continuing education requirements for renewal.

After three (3) years, the license is no longer renewable by payment of fees. Both the theory and practical examinations must be re-taken and passed. The licensee will then be considered on the same basis as a newly-licensed individual.

(D) Instructor License – For license renewal, all persons licensed by the Board as instructors must show satisfactory evidence of having obtained four (4) contact hours of board-approved continuing education geared toward teaching during the licensing period. These hours may be completed through a board-approved in-person class or an online class.

(E) The revisions to Reg. 35-23 continuing education requirements regarding the number of hours, permissible instruction in person or online, and course content are effective beginning with the 2021 license renewal period.

35-24. Continuing Education Programs.

(A) Continuing education programs shall meet the criteria established by the board in conjunction with the University of South Carolina. Only continuing education programs approved by the board will be accepted toward meeting license renewal requirements.

(1) The continuing education course shall meet the following criteria for approval:

(a) All education must be generic in nature. All courses must have content sufficient to meet the required number of contact hours for instruction.

(b) All education shall be conducted and monitored by a board approved organization or association. For in-person courses, sponsors must monitor the signing in and out of participants to assure the presence of participants for the required contact hours.

(c) All organizations or associations desiring to sponsor continuing education shall present to the board prior to October 1 of each year a course outline which shall include but may not be limited to the following:

- (i) Instructors Name(s) and summary of qualifications
- (ii) Course outline including lesson plans
- (iii) User and administrative log-in information for online courses
- (iv) List of monitors

(2) Approval of a course is valid for the term of the licensing period in which it was approved, until December 31 of the year preceding the year in which the licensing period ends, or as otherwise determined by the Board; however, the Board may require the provider, during the approved period, to revise a program to update or correct the course material. The provider must timely resubmit the course for board review if it wishes to again provide the course for continuing education credit.

(B) Verification. Each licensee for renewal shall maintain evidence of having earned the required number of hours of continuing education for a period of four years. These records are subject to audit by the board and the licensee may be disciplined for failure to maintain them.

(C) Program Format, Time Frame, and Space for In-Person Courses.

(1) The program shall not include breaks and lunch periods in the calculation of credit for time attended.

(2) The program shall be completely generic. No mention, promotion or selling of products can take place.

(3) If the program for any reason is late starting, the ending time shall be extended accordingly.

(4) There shall be no early dismissals except for emergencies.

(5) Adequate space shall be provided so that each attendee shall be able to see and hear all segments of the program.

(6) Chairs shall be provided.

(7) Smoking shall be curtailed while the program is ongoing. Smoking shall take place only during breaks and lunch periods or only in designated areas.

(8) All participants in the CE programs shall provide two forms of identification any time they enter the education area, one of which must be a government-issued photographic identification and one of which must be a copy of the participant's board-issued license.

(D) Program Format for Online Courses.

(1) The program shall be completely generic. No mention, promotion or selling of products can take place.

(2) Prior to beginning instruction, all participants in the program shall provide two forms of identification, one of which must be a government-issued photographic identification and one of which must be a copy of the participant's board issued license. This identification shall be required to be resubmitted at least once during the course.

(E) Instructors and Monitors of Continuing Education.

(1) Instructors shall be licensed Instructors, Hair Fashion Committee Members or Hair Designer Guild Members, except that board-approved Methods of Teaching instructors may teach Instructor continuing education. Any deviation from this list must receive approval by the board. Licensees of this board who participate in teaching a continuing education program with instructors who do not meet these qualifications may be disciplined by the board for aiding the unlicensed practice of cosmetology.

(a) Instructors shall not receive CE credit for any continuing education program they teach.

(2) For In-Person courses:

(a) A monitor shall be on duty at all times while the program is ongoing; and

(b) Monitors shall see that all attendees sign a check in and check out sheet; and

(c) It shall be the duty of the monitor to see that order is maintained at all times and that the verification of attendance forms are completed and signed at the end of the program.

(3) For Online courses, the monitor shall verify that the course has been fully completed by the participant.

(F) The board must approve an organization or association to provide continuing education that qualifies to meet renewal and reinstatement requirements. The board may withdraw approval for an organization or association that fails to comply with the board's statutes and regulations regarding continuing education.

(G) Verification Forms and Electronic Verification Templates. Providers must timely submit to the University of South Carolina in an approved format, verification of a participant's attendance on forms or on an electronic template approved by the board and the University of South Carolina. For in-person courses, all participants and providers shall complete and submit an attendance verification form, which shall not be passed out or completed until the program is over. For online classes, providers shall complete and submit an electronic verification template after the participant has completed the course in full.

(1) The monitor is responsible for ensuring that the attendance verification information submitted on the form or on the template includes the participant's full name, license number, and license type as it is all shown on the participant's board-issued license.

(2) Each sponsoring organization or association shall mail the verification forms for in-person classes and email the electronic verification template for online classes to the University of South Carolina, along with the required registration fee set by the University of South Carolina.

(3) The forms and electronic verification templates shall be kept on record with the University of South Carolina for four years as verification that the participants have met the continuing education requirements.

(4) All participants shall receive from the University of South Carolina a Continuing Education Unit (CEU) Certificate proving verification.

(5) The verification forms or electronic verification template can be obtained by the organizations or associations from the University of South Carolina at least two (2) weeks prior to the start date of the course.

(H) Certifying Agent. The University of South Carolina will serve as the certifying agent for all providers by providing University of South Carolina Continuing Education Unit (CEU) Certificates for participants when the following conditions are met:

(1) The course submitted by any of the course providers must be fully approved by the board.

(2) A complete copy of all participants' verification forms and electronic verification templates must be forwarded to the University of South Carolina before the certifying process can begin. Certificates will be mailed to participants.

(3) The certifying costs shall include:

(a) a University of South Carolina (CEU) Certificate for participant; and

(b) a complete list of course participants forwarded to the sponsoring organization or association;

and

(c) a complete list of course participants and their board-issued license numbers forwarded to LLR;

and

(d) Permanent transcripts developed and maintained on each participant by the University of South Carolina. Retrieval of transcripts by participants will be subject to the policies of the University of South Carolina.

(I) Board to Observe Program. The board or its designated agents may observe any continuing education program at any time.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Rationale:

The updated regulations will reduce the continuing education requirements for cosmetologists, nail technicians and estheticians from 12 hours biennially to 4 hours biennially and to establish the subjects in which continuing education should be obtained to ensure the health and safety of the public: board laws and regulations, client safety, and/or infection control to include sanitation and disinfection. Additionally, the regulations will reduce the continuing education requirements for instructors from 12 hours biennially to 4 hours biennially. The regulations will allow the continuing education hours to be obtained in-person or online. As to R.35-24, the regulations will clarify and establish requirements for continuing education programs, and will establish guidance for in-person and online course offerings. The regulations will additionally establish requirements to ensure continuing education participants' identities are confirmed and that they receive credit for their attendance at approved courses.