

DEPARTMENT OF REGULATORY AGENCIES

BARBER AND COSMETOLOGY LICENSURE

RULES 4 CCR 731-1

PROPOSED EFFECTIVE DATE JANUARY 1, 2018

**CHAPTER 1 ABBREVIATIONS AND
DEFINITIONS**

1.1 ABBREVIATIONS

- A. DORA: Colorado Department of Regulatory Agencies
- B. C.R.S.: Colorado Revised Statutes.
- C. CCCS: Colorado Community College System, within the Colorado Department of Education.
- D. DPOS: Division of Private Occupational Schools, within the Colorado Department of Education.
- E. EPA: the U.S. Environmental Protection Agency
- F. FDA: the U.S. Food and Drug Administration
- G. OSHA: the U.S. Occupational Safety and Health Administration

1.2 DEFINITIONS

In addition to the definitions found in §12-8-103, C.R.S., the following definitions apply. These definitions may be found throughout the rules. Additional definitions may be found in each Chapter.

- A. **Attest:** swear under penalty of perjury
- B. **Act (or Practice Act):** The law authorizing licensing and regulation of barbers, cosmetologist, estheticians, hair stylists and nail technicians. Colorado Revised Statutes (§12-8-101 through 12-8-133, C.R.S.)

- C. **Active/Valid:** The status of a license or registration. Active or valid status permits one to practice on the public or be open for business.
- D. **Applicant:** An applicant is an Individual or a shop owner who submits an original application, an application for renewal, or an application for reinstatement.
- E. **Director:** Director of the Division of Professions and Occupations, a division of DORA.
- F. **Expired:** The status of a license or registration following a failure to renew the license or registration by the expiration date.
- G. **Free-lance shop operator:** an individual who engages in barbering, hairstyling, or cosmetology or practices as an esthetician or a nail technician at locations other than fixed, or mobile barbershops or beauty shops.
- H. **Independent contractor:** an individual who rents a booth or a space from a registered business owner.
- I. **Conspicuously displayed:** shall mean posting a license or a shop registration in public view.
- J. **Contact hour:** a minimum of 50 minutes of instruction with at least a five-minute break between hours. For purposes of these rules, Clock or Contact hour have the same meaning.
- K. **Credit hour:** credit given for course instruction provided by a school.
- L. **Wax:** includes hard or soft wax and includes the sugaring wax method.

CHAPTER 2 QUALIFICATIONS OF EXAMINATION APPLICANTS

This chapter clarifies the prerequisites necessary for an applicant's eligibility for examination pursuant to §§12-8-108(1)(e) and 12-8-114(3), C.R.S.

2.1 TRAINING REQUIREMENTS

A. An applicant for examination must successfully complete an approved program, and furnish proof of minimum training for each license type:

1. **Barber:** A total of 50 credit hours or 1500 contact hours, covering at least the following course topics: facial massage and treatment; facial shaving; haircutting; permanent waving and chemical hair relaxing; hair coloring; hairstyling; laws and rules; management, ethics, interpersonal skills and salesmanship; and disinfection, cleaning, and safe work practices. The number of hours devoted to each of these topics must be substantially equivalent to those provided in accredited schools approved by the Colorado Division of Private Occupational Schools (DPOS) or the Colorado Community Colleges System (CCCS).
2. **Cosmetologist:** 50 credit hours or 1500 contact hours, covering at least the following course topics: shampooing, rinsing, and conditioning; haircutting; hairstyling; chemical texture services; manicuring and pedicuring; application of artificial nails; facials and skin care; facial makeup; hair removal; laws and rules; management, ethics, interpersonal skills and salesmanship; and disinfection, cleaning, and safe work practices. The number of hours devoted to each of these topics must be substantially equivalent to those provided in accredited schools approved by DPOS or CCCS.
3. **Esthetician:** 20 credit hours or 600 contact hours, covering at least the following course topics: facials and skin care; facial makeup; hair removal; laws and rules; management, ethics, interpersonal skills and salesmanship; and disinfection, cleaning, and safe work practices. The number of hours devoted to each of these topics must be substantially equivalent to those provided in accredited schools approved by DPOS or CCCS.
4. **Hairstylist:** 40 credit hours or 1200 contact hours, covering at least the following course topics: shampooing, rinsing, and conditioning; hair coloring; haircutting; hairstyling; chemical texture services; laws and rules; management, ethics, interpersonal skills and salesmanship; and disinfection, cleaning, and safe work practices. The number of hours devoted to each of these topics must be substantially equivalent to those provided in accredited schools approved by DPOS or CCCS.
5. **Nail Technician:** 20 credit hours or 600 contact hours, covering at least the following course topics: manicuring and pedicuring; application of artificial nails; laws and rules; management, ethics, interpersonal skills and salesmanship; and disinfection, cleaning, and safe work practices. The number of hours devoted to each of these topics must be substantially equivalent to those provided in accredited schools approved by DPOS or CCCS.

2.2 MEETING THE TRAINING REQUIREMENTS IN 2.1

- A. Training in the hours required under Rule 2.1 must take place in school approved by the DPOS or CCCS.
- B. The Director will accept for purposes of training requirements, completion of apprenticeship programs approved by the United States Department of Labor and Employment that include educational components from an approved school by DPOS or CCCS.
- C. The Director will accept as proof of training completion of an internship or externship approved by DPOS or CCCS.
- D. Training hours required and earned, for one license type, may be applied towards the subject areas and hours required for another license type, if the training hours to be applied have been earned and completed from a school approved by the DPOS or CCCS.
- E. Training hours earned out-of-state may also be applied towards the subject areas and hours required of the specific license type sought in Colorado.

2.3 EDUCATION OBTAINED OUTSIDE OF COLORADO

- A. Applicants for examination who have trained in another state must furnish certified proof of having completed the minimum training hours as specified in Rule 2.1 in a program approved by the applicable government agency in the other state.
- B. Applicants for examination who have trained in another state and do not meet the minimum hour requirement for licensure in Colorado may elect to obtain the remainder of their hours at a Colorado school approved by DPOS or CCCS. These applicants are subject to the school's review of their existing hours. When considering the application, the Director may give deference to the school's recommendation as to whether or not the existing hours meet the licensure requirements.
- C. Applicants for examination who have trained in a foreign country must have all of their education or training evaluated by an evaluation agency. The agency will review the applicant's education and recommend to the Director whether the applicant's education and training is substantially equivalent to the requirements specified in Rule 2.1.
 - 1. The Director will only accept evaluation reviews from AEQUO International or organizations that are accredited by National Association of Credential Evaluation Services (NACES), the Association of International Credential Evaluation, Inc. (AICE).
 - 2. All expenses associated with obtaining an evaluation review are the responsibility of the applicant.
 - 3. Failure to comply with the requirements for an evaluation review as specified in this Rule 2.3 will result in the applicant being ineligible to sit for an examination.
 - 4. At the Director's discretion, the recommendation made in the evaluation review may be accepted or refused, in total or in part.

- D. The Director will determine whether or not an applicant's education meets the training requirements under Rule 2.1 on a case-by-case basis.

2.4 WAITING PERIOD FOR FAILED WRITTEN EXAMINATION

Candidates who fail the written examination shall wait at least 30 days before they may reschedule a subsequent examination.

CHAPTER 3 PROHIBITED EXAMINATION CONDUCT

This chapter clarifies conduct of an applicant for examination that is prohibited, may be regarded as “unprofessional or dishonest”, and may be grounds for denial or revocation of a license pursuant to §12-8-132(1)(b) and (f), C.R.S.

- 3.1** Applicants found to have engaged in “unprofessional or dishonest” conduct may be denied licensure.
- 3.2** Conduct of an applicant before, during or after an examination that is prohibited and may be regarded as “unprofessional or dishonest conduct” includes, but is not limited to:
- A. Refusing or failing to fully and promptly comply with any rules, procedures, instructions, directions, or requests made or prescribed by an official overseeing the examination;
 - B. Removing any of the examination materials from the examination room;
 - C. Reproducing or reconstructing any portion of the examination by copying, duplication, memorization, written notes or electronic recording, or by any other method any portion of the licensing examination;
 - D. Selling, distributing, buying, receiving, obtaining, or unauthorized possession of a future, current, or previously administered licensing examination;
 - E. Communicating in any manner with any other examinee or persons, other than an official overseeing the examination, during the administration of the examination;
 - F. Copying or obtaining answers from another examinee or permitting one's answers to be copied or obtained by another examinee during the administration of the examination;
 - G. Possession of, during the administration of an examination, any materials or objects other than the examination materials distributed, including, without limitation, any books, notes, recording devices, or other written, printed or recorded materials or data of any kind;
 - H. Attempting to or taking the examination while impersonating an applicant;
 - I. Permitting another person to appear for or attempt to or take the examination on an applicant's behalf and in an applicant's name; or,
 - J. Engaging in any conduct that disrupts the examination.

CHAPTER 4 LICENSURE BY ENDORSEMENT

The purpose of this chapter is to clarify the qualifications and procedures for applicants seeking licensure by endorsement pursuant to § 12-8-118, C.R.S.

4.1 GENERAL

An applicant who possesses a current and unrestricted license, in good standing under the laws of another state, territory, or foreign country may apply for licensure by endorsement and thereby avoid undergoing any examinations to be licensed in Colorado. An applicant for licensure by endorsement may not practice in Colorado until such application is approved and a Colorado license with the exception of Rule 4.5.

4.2 REQUIREMENTS FOR LICENSURE BY ENDORSEMENT

- A. To be considered for licensure by endorsement under §12-8-118, C.R.S., an applicant must submit a completed application form, all supporting documentation requested, and the appropriate fee. To be eligible for licensure by endorsement, the applicant must provide qualifications of “substantial equivalence” to those applicants required to be examined.
- B. An applicant must submit evidence of at least one active, valid license, in good standing at the time of the application, from another state, territory, or foreign country. An applicant must also identify on the application form under penalty of perjury all licenses ever held in any other state, territory, or foreign country.
- C. The applicant must report any disciplinary actions taken against them in any other jurisdiction. Failure to report any disciplinary action may result in disciplinary proceedings including but not limited to revocation, suspension, or denial of an application to practice in Colorado.
- D. To demonstrate “substantial equivalence” the applicant must attest to the following on the application form under penalty of perjury, that the applicant:
 - 1. Graduated from a school approved by the appropriate governmental agency responsible for approving such schools in that state, territory, or foreign country;
 - 2. Successfully completed training hours for the specific license type that are equal to or greater than the training hours specified in Chapter 2 for the license sought in this state;
 - 3. Passed a written examination administered or accepted by the appropriate licensing agency for that state, territory, or foreign country; and,
 - 4. Passed a practical examination administered by or accepted by the appropriate licensing agency for that state, territory, or foreign country.

- a. Attestation of completion at least 1,000 hours of work experience for the type of license being sought, within 2 years immediately preceding the application receipt, may be substituted for the practical examination.
 5. Will complete a cleaning and disinfection course offered or approved by the Director within six months after having been issued a Colorado license.
- E. An applicant holding a current license from another jurisdiction that does not meet the qualification requirements for licensure by endorsement in Colorado may apply to take the examination(s) (practical or written, or both) not taken and passed in another jurisdiction by the applicant. The Director will determine the examination(s) required on a case-by-case basis.

4.3 ADDITIONAL REQUIREMENTS FOR APPLICANTS FROM FOREIGN COUNTRIES

An applicant for licensure by endorsement holding an active, valid license from a foreign country must submit their credentials to an accepted credential evaluation.

1. Credential reviews will only be accepted from AEQUO International or an organization that is a member of NACES or AICE.
2. All expenses associated with a credential review are the sole responsibility of the applicant.
3. Failure to have a credentials review completed will result in an incomplete application.
4. At the Director's discretion, a credential review may not be accepted in whole or in part.

4.4. MILITARY EDUCATION, TRAINING OR EXPERIENCE

Education, training, or experience gained in military services outlined in § 24-34-102(8.5), C.R.S. to be accepted and applied towards receiving a license, must be substantially equivalent, as determined by the Director, to the qualifications otherwise applicable at the time of receipt of application. It is the applicant's responsibility to provide timely and complete evidence for review and consideration. Satisfactory evidence of such education, training, or service will be assessed on a case-by-case basis.

4.5 MILITARY SPOUSES

A military spouse who has an active license in another state may practice in Colorado without a Colorado license during the spouse's first year of residency pursuant to the provisions of §12-71-101 to 102, C.R.S. In order to continue practicing beyond the first year of residency, the military spouse must have been issued a Colorado license by the start of the second year.

4.6 PROOF OF ADDITIONAL TRAINING (CHAPTER 9)

An applicant for licensure by endorsement who has completed additional training in chemical peels, microdermabrasion, permanent make-up, electric nail files and nail technician hair removal training must attest under penalty of perjury to meeting the training requirements as described in Chapter 9 together with the endorsement application. Supplemental documentation may be required on a case by case basis.

CHAPTER 5
LICENSEE MAINTENANCE, REPORTING, AND REINSTATEMENT REQUIREMENTS

This Chapter clarifies the requirements of maintaining a license including the requirements to renew, or reinstate a license pursuant to §12-8-115, C.R.S. and §24-34-102, C.R.S.

5.1 MAINTENANCE REQUIREMENTS

A. Contact Information Changes

1. Licensees must notify the Director in writing of any name, address, telephone, or email change within 30 days of the change. Notification in any written manner approved by the Director is acceptable.

B. Renewal Notices

1. The Director may send electronic notices for renewal of licenses to the email address on record.
2. Failure to receive renewal notices does not relieve licensees of the obligation to pay the renewal fee and to submit appropriate documentation in support of the renewal application.
3. There is a 60-day grace period following each expiration date in which the licensee can continue to provide services.
4. Failing to renew a license or registration will cause it to expire and will result in the licensee having to complete a reinstatement application. Licensees cannot practice with an expired license.

5.2 REPORTING CONVICTIONS, JUDGMENTS AND ADMINISTRATIVE PROCEEDINGS

A. Licensees must notify the director in writing within 45 days of any of the following events:

1. A conviction of a felony under the laws of any state, territory, or foreign country. A guilty verdict, plea of guilty, or plea of nolo contendere (no contest) accepted by the court is considered a conviction;
2. A disciplinary action imposed upon the licensee by another state, territory, or foreign country including, but not limited to, a citation, sanction, probation, civil penalty, or a denial, suspension, revocation, or modification of a license whether it is imposed by consent decree, order, or other decision, for any cause other than failure to pay a license fee by the due date;
3. Any judgment, award or settlement of a civil action or arbitration in which there was a final judgment or settlement against the licensee related to the licensee's practice

- B. The written notice to the Director must include the following information:
1. Felony conviction: A copy of the indictment or charges, and any plea or verdict entered by the court., and a copy of the imposition of sentence related to the felony conviction and the completion of all terms of the sentence.
 2. Action by a governmental agency: a copy of the consent decree, order or decision;
 3. Civil action or arbitration proceeding: a copy of the complaint, copy of the verdict, the court or arbitration decision, or, if settled, the settlement agreement and court's order of dismissal.
- C. The licensee may also submit a written statement setting forth background information on the conviction, or government or civil action.

5.3 REINSTATEMENT REQUIREMENTS

- A. An applicant seeking reinstatement of an expired license must complete a reinstatement application and pay all applicable fees.
- B. An applicant seeking reinstatement of a license that has been expired for more than 2 years, but less than 5 years, must establish "competency to practice" under §24-34-102(8)(d)(II)(A) & (D), C.R.S., by: submitting proof of completion of 16 hours of continuing education related to the practice of the applicant's license during the 2 years immediately preceding the receipt date of application for reinstatement; agreeing to submit proof of completing the cleaning and disinfection class provided by the Director within 6 months after reinstatement; and complying with any one of the following two requirements:
1. Verification of an active license (at the time of the application receipt date) from another state, territory, or foreign country in which the applicant has been actively practicing within 2 years immediately preceding the application receipt date; or
 2. Passage of the written examination used for initial licensure under §12-8-110, C.R.S.
- C. An applicant seeking reinstatement of a license that has been expired more than 5 years, must establish "competency to practice" under §24-34-102(8)(d)(II)(A) & (D), C.R.S., by: submitting proof of completion of 24 hours of continuing education related to the practice the applicant's license during the 2 years immediately preceding the receipt date of application for reinstatement; agreeing to submit proof of completing the cleaning and disinfection class provided by the Director within 6 months after reinstatement; and by complying with any one of the following two requirements :
1. Verification of an active license (at the time of the application receipt date) from another state, territory, or foreign country in which the applicant has been actively practicing within 2 years immediately preceding the application receipt date; or
 2. Passage of the written examination used for initial licensure under §12-8-110, C.R.S.

- D. An applicant seeking reinstatement who practiced or performed services in Colorado on an expired license, is subject to denial of the application, disciplinary action, and/or other penalties pursuant to §§12-8-120, and 12-8-132, C.R.S.
- F. The Director may request additional verification and/or documentation of any method used to apply for reinstatement.
- G. The Director may approve other methods for applying for reinstatement.

5.4 APPLYING FOR MULTIPLE LICENSES

- A. The Director will allow licensees who have all three active limited licenses (esthetician, hairstylist, and nail technician) to also hold a cosmetologist license upon a written request and the payment of any applicable fee. Each license type carries a separate fee to maintain the license in active status.
- B. The Director will allow licensees who have all three active limited licenses (esthetician, hairstylist and nail technician) to, upon a written request, consolidate the limited licenses into a single cosmetologist license. The active limited licenses will expire based on the established expiration date during the normal course of the renewal process. Such licensees may also hold a Barber license subject to completing the appropriate training requirements identified in Chapter 2.
- C. The Director will allow licensees who have an active cosmetologist license to, upon a written request, hold one or all three of the limited licenses. Each limited license carries a separate fee to maintain the license in active status. Such licensees may also hold a Barber license subject to completing the appropriate training requirements identified in Chapter 2.

CHAPTER 6 REGISTRATION OF PLACES OF BUSINESS

This chapter clarifies the requirements for the registration of places of business as required in §§12-8-103, 12-8-107, and 12-8-108, C.R.S.

6.1 BUSINESS REGISTRATION REQUIRED

- A. Registration with the Director is required of all owners of a place of business where one or more persons engage in the practice of barbering, cosmetology, hairstyling, or practice as a nail technician or an esthetician. Private Occupational Barber, Beauty and Cosmetology Schools or Community or Technical Colleges where licensed services are offered to the public are regarded as places of business subject to registration and inspection.
- B. Business required to register include permanent, temporary (interim, irregular, seasonal), and fixed locations as well as mobile facilities. Registration is required when services are provided in a licensee's residence.
- C. Registration is not required of a licensee providing services exclusively within a client's residence or place of work. Registration is not required of a free-lance licensee operating within a place of business. Only one registration is required for a place of business that includes within its premises where one or more licensees operating in individual "booths" or other form of separate spaces, so long as all of services in the booths or spaces are provided to the public as a single salon or business.
- D. When the public goes through separate exterior entrances to gain access to an area in which a licensee is providing services, such areas are considered separate places of business for which registration is required.
- E. Businesses providing barbering, esthetic, cosmetology, hairstyling, or manicuring services without a registration shall be deemed a violation of the Act and may be subject to disciplinary action and/or other penalties as authorized in §§12-8-114.5 (3), 12-8-127.5, and 12-8-132, C.R.S.

6.2 REGISTRATION REQUIREMENTS

- A. The owner of a place of business must register by filing an application, under penalty of perjury, containing information as prescribed by the Director; and payment of an application fee established by the Director.

6.3 REPORTING REQUIREMENTS

- A. Business owners (registrants) must submit a written notice to the Director within 30 days of the effective date of a change in any information submitted on the application for registration.
- B. When a place of business closes, the business owner (registrant) must submit a written notice to the

Director within 30 days of the closure of the business.

- C. Business owners (registrants) must notify the Director in writing within 45 days of a felony conviction, disciplinary action imposed by another jurisdiction, or a judgement or settlement of a civil action related to the business owners place of business.

6.4 REGISTRATION RENEWAL AND REINSTATEMENT REQUIREMENTS

- A. The Director may send electronic notices for renewal of registrations to the email address on record. Failure to receive renewal notices does not relieve registrants of the obligation to pay the renewal fee and to submit appropriate documentation in support of the renewal application. Failing to renew a registration will cause it to expire and will result in the registrant having to complete a reinstatement application.
- B. A registrant seeking reinstatement of an expired registration must complete a reinstatement application and pay all applicable fees.
- C. A registration applicant who is an owner of a place of business that has provided barbering, esthetic, cosmetology, hairstyling or manicuring services to the public when a registration was expired, is subject to denial of application, disciplinary action, and/or other penalties as authorized in §§12-8-101, 12-8-114.5(3), 12-8-127.5, C.R.S.

6.5 GENERAL REQUIREMENTS FOR REGISTERED BUSINESSES OWNERS

- A. It is the responsibility of an owner of a place of business (registrant) to ensure that:
 - 1. All work areas in a place of business are kept clean and free from accumulated hair, products, chemicals, dust, and other service debris.
 - 2. All persons providing services in the shop hold current, valid Colorado licenses to practice such services may be deemed aiding or abetting in unlicensed practice under §12-8-132(1)(I), C.R.S.
 - 3. Licensees do not attempt to perform any service outside the scope of the licensee's practice listed under §12-8-103, C.R.S.
 - 4. The business is not in possession or storing of any item, product, device, tool, etc. deemed outside a licensee's scope of practice. Possession or storage of any item shall be considered *prima facie* evidence of use.
 - 5. Licensees do not use any product, device, tool, or supply that has been banned, deemed to be poisonous, unsafe for use in the barbering and cosmetology industry, or is not approved by the United States Food and Drug Administration (FDA) or other local, state or federal governmental agencies responsible for making such determinations. Possession or storage of

any item deemed poisonous, unsafe, or banned by the FDA or other governmental agency shall be considered *prima facie* evidence of use.

- B. The registration for places of business must be conspicuously displayed on site.
- C. All registrants (as well as licensees providing services within the place of business) must comply with health, safety, and infection control and prevention requirements set forth in these rules.
- D. Registrants are subject to discipline pursuant to §12-8-132 (1)(l), C.R.S.
- E. All registrants must have a first aid kit on the premises available for use that contains, at a minimum, bandages, gauze, and antiseptic.
- F. A licensed barber, esthetician, cosmetologist, hairstylist, or nail technician is prohibited from providing services at a place of business that is not registered with the Office.

CHAPTER 7
REQUIREMENTS FOR INFECTION CONTROL AND PREVENTION

Pursuant to §12-8-108(1)(c), C.R.S., this chapter clarifies the requirements for infection control and prevention practices that are necessary to protect the public's health, safety, and welfare.

7.1 DEFINITIONS

The definitions that contain an asterisk (*) are definitions that come from the Centers for Disease Control (CDC).

- A. **Cleaning:** the removal of all visible/surface debris, from all surfaces by washing with soap (or detergent) and water, detergent or chemical cleaner that prepares the items for safe handling and/or further decontamination. *. This process prepares non-porous items for disinfection and reduces the number and slows the growth of pathogens on both porous and non-porous surfaces. Cleaning does not make multi-use items safe for use.
- B. **Contaminated:** state of having actual or potential contact with microorganisms. As used in health care, the term generally refers to the presence of microorganisms that could produce disease or infection. *
- C. **Detergent:** cleaning agent that makes no antimicrobial claims on the label. They comprise a hydrophilic component and a lipophilic component and can be divided into four types: anionic, cationic, amphoteric, and non-ionic detergents. *
- D. **Disinfectant:** usually a chemical or physical agent that destroys disease-causing pathogens or other harmful microorganisms but might not kill bacterial spores. It refers to substances applied to inanimate objects. EPA groups disinfectants by product label claims of "limited," "general," or "hospital" disinfection. * For purposes of these rules, this refers to an EPA registered bactericidal, viricidal and fungicidal disinfectant that is approved for use in hospital settings, following the instruction label for dilution ratio and contact time.
- E. **Disinfection:** chemical destruction of pathogenic and other types of microorganisms. For purposes of these rules, this includes the process of making a non-porous item safe for use. Disinfection requires the use of a chemical intended to kill or denature a bacteria, virus or fungus. Items to be disinfected must be cleaned prior to disinfection. An Ultraviolet ("UV") light or box is not acceptable for disinfection.
- F. **Inanimate surface:** nonliving surface (e.g., floors, walls, furniture). *
For purposes of these rules, this item is also a non-porous item and defined separately.

- G. **Multi-Use Item:** Items that are intended to be used on multiple clients after proper cleaning and disinfection has occurred. Such items include a piece of equipment, implement, or material constructed of hard non-porous materials with smooth surfaces such as metal, glass, plastic, or cloth towels and linens capable of being laundered., this includes towels, capes, etc.
- H. **Non-porous:** material that has no pores and does not allow for liquids to be absorbed or pass through. Common non-porous materials include glass, metal and plastic.
- I. **Porous:** material that has minute spaces or holes through which liquid or air may pass (permeable, penetrable, cellular).
- J. **Sanitation:** for purposes of these rules, means the same as cleaning defined in Rule 7.1.B.
- K. **Sanitizer:** agent that reduces the number of bacterial contaminants to safe levels as judged by public health requirements. Commonly used with substances applied to inanimate objects. According to the protocol for the official sanitizer test, a sanitizer is a chemical that kills 99.999% of the specific test bacteria in 30 seconds under the conditions of the test. A sanitizer is used to clean. *
- N. **Single Application Item:** a piece of equipment, implement or material constructed of paper, wood, or other porous material that is intended for a single application.
- M. **Single-Use Item:** a piece of equipment, implement, or material constructed of paper, wood, or other porous material intended for only one client service.
- N. **Standard precautions:** a set of infection control practices used to prevent the transmission of communicable diseases, including but not limited to blood borne pathogens such as HIV, hepatitis C, and hepatitis B. Previously referred to as Universal precautions.
 - 1. Standard precautions apply to: all body fluids including blood, non-intact skin, mucous membranes, secretions, and excretions regardless of whether or not they contain visible blood.
 - 2. Standard precautions include the utilization of hand washing and appropriate personal protective equipment such as gloves, gowns, and masks whenever touching or exposure to blood and/or body fluids is anticipated.
- O. **Sterilize:** the eradication of all microbial life through the use of heat, steam or chemical sterilant.
- P. **Sterilization:** validated process used to render a product free of all forms of viable microorganisms. In a sterilization process, the presence of microorganisms on any individual item can be expressed in terms of probability. Although this probability can be reduced to a very low number, it can never be reduced to zero. * For purposes of these rules, sterilization is not required.

7.2. CLEANING AND DISINFECTING REQUIREMENTS

- A. Licensees must clean and disinfect: Equipment, tools, implements, and supplies as described in this Chapter. All registrants and licensees must ensure that clean and disinfected implements and materials are available prior to performing any barber, esthetic, cosmetology, hairstyling or manicuring service on each client.
- B. Common work areas and equipment at a minimum on a daily basis. All chairs, treatment tables, nail stations, and shampoo bowls (including the front of the bowl and all handles) must be cleaned and disinfected daily according to the manufacturer's instructions.
- C. Soiled or contaminated tools, implements, supplies, and other items prior to use on each client, and at the end of each day.
- D. All non-porous items (including multi-use items) to be used on multiple clients or on inanimate surfaces prior to use. Equipment used on multiple clients must be cleaned and disinfected between each client following manufacture instructions.
- E. All non-electrical items according to manufacturer's instructions prior to use. Such items include, but are not limited to, combs, brushes, shears, hair clips, hair rollers, pushers, nippers, plastic/metal spatulas.
- F. All electrical items according to manufacturer's instructions prior to use. Such items include, but are not limited to, clippers, nail files, razors, blow dryers, curling and flat irons.
- G. All pedicure bowls according to manufacturer's label prior to each client use.

7.3 GENERAL CLEANING AND WASHING REQUIREMENTS

Licensees must clean or wash:

- A. The licensee's hands with running water and soap and dried with a disposable or unused cloth towel prior to any service, before and after eating, smoking or the use of the restroom. When hand washing is not practical or possible, hand sanitizers (at least 70% alcohol) may be used. However, hand washing is required following the use of the restroom or when hands are visibly soiled— hand sanitizer is not acceptable. Hand sanitizer must be made available at all nail stations for client use prior to a service. Liquid soap and disposable or separate hand towels must be provided for both licensees and customers.
- B. The client's feet or other skin surface with an appropriate cleanser prior to beginning services on the client skin.
- C. All used work surfaces and areas, including but not limited to floors, tables, chairs, esthetic beds, manicuring tables, mats, and cushions after services are performed.

7.4 CONTAINERS AND STORAGE

- A. Trash containers must have solid sides and a liner must be used. Trash containers must be emptied when full and never allowing the lid to be partially open. If the trash container is stored in a cabinet or closed area, a lid not is required.
- B. Used linens must be immediately placed in a closed container exclusively for storage of used or dirty linens. Containers for soiled linens must be covered and have vented sides to reduce the growth of pathogens. Containers used for soiled linens, must be cleaned daily and disinfected weekly with EPA registered disinfectant sprays or wipes, used as directed on manufacturer's label. Clean linens shall be stored in a closed container, cabinet, or drawer that is exclusively used for the storage of clean linens, regardless of the type of linens stored.
- C. All bottles and containers must be distinctly and correctly labeled to disclose their contents. All bottles containing poisonous or caustic substances (including cleaners and disinfectants) must be additionally and distinctly marked as such and stored in an area not open to the public.
- D. All disposable lancets, disposable razors, and other disposable sharp objects must be disposed of after use in a puncture resistant container marked with a biohazard symbol. Once the container is full, it must be sent to a collection site for proper disposal. Such disposable items must never be used on more than one client.
- E. Disinfected items must be stored in a clean, covered container labeled "disinfected", "ready to use", OR "clean". Disinfected electrical items must be stored in a clean place such as a stand, hook, or on a clean towel covered by a clean paper or cloth towel. Electrical items with a cord may not be stored in a "clean" container.
- G. Implements or tools that have been used on a customer must be placed in a closed, covered, clearly marked container until properly cleaned and disinfected.
 1. The container must be made of solid sides and be able to be disinfected.
 2. The container used for temporary storage of used items must be disinfected daily.
 3. Tools and implements must not be placed in or on clothes, aprons, pockets, bags, or holsters, or worn by the licensee, and must not come into contact with surfaces that have not been disinfected.
- H. Immediately following a hair service, all hair on floor, chair and station must be removed and placed in closed trash container.

7.5 COMMUNICABLE DISEASE

- A. Licensees must not perform any service if they have an acute respiratory or gastrointestinal infection. If the licensee has any contagious condition or known outbreak of a specific condition, the licensee shall not work until cleared by a medical profession for return to work. If licensee has non-intact skin, it should be kept covered and dry; if unable to be kept covered and dry, licensee shall not work until resolved or until cleared by a medical professional for return to work.
- B. Licensee's must not perform a service on a client who has a communicable disease or a contagious condition. This includes visible swelling, eruption, redness, bruising, open wound or sore present on

skin or rash in an area where a service is to be performed. A licensee may perform services after the client provides written authorization from a licensed physician or other health care professional.

7.6. BLOOD EXPOSURE

- A. For client injury, a licensee must stop the service, follow blood exposure procedures, and return to service, if and when possible to do so safely.
- B. For a licensee injury, that licensee must stop the service, follow blood exposure procedures and return to service, if and when possible to do so safely.
- C. When blood and/or body fluid comes in direct contact with a surface area including but not limited to a table, chair, or the floor, clean and disinfect according to the manufacturer's instructions to remove all blood and/or body fluid. Standard Precautions must be utilized when cleaning surface areas contaminated with blood and/or body fluids.

7.7. SINGLE-USE ITEMS

- A. Any item that cannot be properly cleaned and disinfected is considered single use and must be disposed of after each single use
- B. Single-use items may not be stored for customers on the premises and customers may not take single-use items home and return with them for service.
- C. Allowing clients to keep their own implements/single use items and bring them to appointments is prohibited.
- D. Single use items may be given to client for use at home, but may not be brought back for use in salon.
- E. All single- use items must be stored in a clean, covered container marked "clean", "new", or "ready for use" or in their original, single-use packaging.

7.8. LINENS (Capes, Bedding, Towels, Sheets, Robes, etc.)

- A. All linens must be washed prior to each use according to manufacturer fabric-care instructions.
- B. No towel, cloth, sheet or robe may be re-used between customers – this includes towels used for application of hair color remover and towels used as a hand or a foot rest for clients.
- C. Capes shall be washed or disinfected daily when they become contaminated or soiled.
- D. All treatment tables must be covered with a new, paper cover or clean linen or cloth cover prior to each service

7.9. HOT TOWELS AND TOWEL WARMERS

- A. Licensees preparing towels for the warmers must first wash their hands or wear gloves.

- B. Towels must be washed and dried before wetted again and put into a warmer.
- C. Wet towels must be prepared fresh each day. At the end of the day, unused steamed towels must be removed and washed and dried.
- D. All towels used in towel warmers must be washed and dried at end of the day and stored overnight in a clean, covered, closed container (not the towel warmer).
- E. Towel warmers must be cleaned and disinfected daily and must be left open overnight to allow unit to dry completely.

7.10. MAKE-UP ITEMS

- A. All makeup that comes in a cream, cake, powder, liquid or other form, including eyeliner not requiring a sharpener must be transferred to a palette with a disinfected (or single-use) spatula for use with a single customer. Any excess make-up used by the client must be disposed of immediately following the service.
- B. Make-up pencils that require a sharpener must be sharpened prior to each use.
- C. Pencil sharpeners must be cleaned out and properly disinfected after each use.
- D. Disposable applicators must be used in the application of mascara.
- E. Liquid foundation must be dispensed with a pump style bottle or removed from container without allowing the mouth of container to be contaminated.
- F. When make-up displays are accessible to the public, single-use disposable applicators for all make-up must be readily available with proper signage for use.

7.11. WAXING SERVICES AND WAX POT

- A. Roll on wax may be used only if a newly disinfected roller is used for each client.
- B. Wax may be removed for use by one of the following methods:
 - i. Single-use spatula disposed of after a single dip/application.
 - ii. Disinfected plastic spatulas – new spatula for each dip into pot.
 - iii. Removal of wax needed for entire service into single use, disposable cup. ONLY in this circumstance may the same applicator be used for the entire service. Cup (including all remaining wax) and applicators must be disposed of immediately after use. The remaining wax must not be put back into pot.
- C. If wax becomes contaminated or has visible debris, the pot must be emptied, cleaned and disinfected. No wax may be re-used; only new wax may be used in the pot.
- D. Any area of a client's skin to be waxed must be cleaned with antiseptic wipe prior to service to reduce the risk of infection.
- E. Gloves must be worn when performing waxing services.
- F. Paraffin wax must be portioned out for each client in a bag or other container, or dispensed in a manner that prevents contamination of the unused supply. All portions used on a client must be disposed of immediately following use.
- G. Wax pots must remain covered and free from debris.

7.11. OTHER REQUIREMENTS

- A. All places of business and licensees must ensure that Safety Data Sheets that pertain to product ingredients, proper use, storage, disposal and potential hazards for products used that could endanger the public. The documents shall be kept on the premises and immediately available upon need or request. Such document may be electronically available so long as it is available and accessible instantly by all business location personnel.
- B. Creams, cosmetics, astringents, lotions, removers, waxes, paraffin wax, moisturizers, masks, oils and all other such products that become contaminated must be immediately discarded.
- C. Permitted procedures that may be used to avoid cross contamination include, but are not limited to:
 - 1. Placing the amount of product needed to perform a single service into another container and then disposing of any remaining product after service is completed;
 - 2. Using a single-use disposable implement to remove the product from the container and disposing of such implement after application of the product on the client;
 - 3. Using a clean applicator bottle to apply product.

CHAPTER 8
PROHIBITED ACTS AND SCOPE OF PRACTICE

The purpose of this Chapter is to clarify scopes of practice for barbers, hairstylists, nail technicians, estheticians, and cosmetologists pursuant to §§12-8-103(2), (9), (9.4), (9.7) and (10.5), C.R.S. and prohibited acts.

8.1 PROHIBITED ACTS FOR BARBERS, HAIRSTYLISTS, NAIL TECHNICIANS, ESTHETICIANS, AND COSMETOLOGISTS

- A. Licensees are prohibited from performing a service and/or using an implement, device, product, machine, or other technique, or combination of the same that:
1. penetrates, destroys or alters the client's skin beyond the epidermis;
 2. is banned or deemed unsafe by the FDA or any other applicable governmental agency;
 3. would require delegation pursuant to the Medical Practice Act, §12-36-101 *et seq.*, C.R.S., and the Rules as promulgated by the Colorado Medical Board (e.g., Rule 800), unless such delegation is in place; or
 4. has a reasonable likelihood of causing harm to the client.
- B. Licensees are specifically prohibited from any of using the following:
1. Devices and machines listed as Class IIIb medical devices by the FDA for any purpose or procedure other than for which the medical device listing by the FDA is intended (e.g., epilator devices identified by the FDA devices for hair removal must not be used by a licensee for any purpose other than the removal of hair);
 2. ethylmalonic acid or Methacrylate Liquid Monomers, (MMA);
 3. Live fish, leeches, snails, and any other living creature for use in any cosmetic service; or
 4. Any product banned by the FDA.
- C. Possession or storage of devices, substances, and products that are prohibited and described in Rule 8.1 will be considered *prima facie* evidence of use, provided however that it is permissible to use ultraviolet boxes for storage.

8.2 BARBERING SCOPE OF PRACTICE

- A. The scope of practice for barbering covers those practices set forth for barbers in 12-8-103 (2), C.R.S., to include the ordinary and customary services provided by barbers in the state, subject to the infection control rules.
- B. The scope of practice for barbering DOES NOT include providing any of the following services:
1. applying eyelashes, eyelash extensions or enhancements, or make-up;
 2. beautification or skin care for arms, bust, torso, or neck with the exception of preparing the neck for shaving);
 3. performing a microdermabrasion or chemical peel;

4. removing superfluous hair with wax, depilatories, or tweezers;
5. manicures/pedicures;
6. hand, arm, leg or foot massage; or
7. applying artificial nails, cleansing, filing, polishing, or applying product or enhancement to nails.

8.3 HAIRSTYLIST SCOPE OF PRACTICE

A. The scope of practice for hairstylist includes covers those practices set forth for hairstylists in 12-8-103 (9.7), C.R.S., to include the ordinary and customary services provided by hairstylists in the state, subject to the infection prevention and control rules.

B. The scope of practice for hairstylist DOES NOT include providing any of the following services:

1. applying eyelashes, eyelash extensions or enhancements, or make-up;
2. beautification or skin care for arms, bust, face, neck or torso;
3. performing facials;
4. removing superfluous hair with wax, depilatories or tweezers;
5. applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the face, neck, or shoulders;
6. massaging face, leg or foot;
7. manicures/pedicures;
8. application of artificial nails, cleansing, filing, polishing, applying product or enhancement to the nails;
9. shaving the face with the exception of shaving the hairline.

8.4 NAIL TECHNICIANS SCOPE OF PRACTICE

A. The scope of practice for nail technicians covers those practices set forth for nail technicians in 12-8-103 (10.5) and (11), C.R.S., to include the ordinary and customary services provided by nail technicians in the state, subject to the infection control rules and the additional training requirements.

B. The scope of practice for nail technicians DOES NOT include providing any of the following services:

1. applying eyelashes, eyelash extensions or enhancements, or make-up;
2. beautification or skin care for arms, bust, face, neck or torso;
3. facials;
4. removing superfluous hair with wax, depilatories or tweezers, except as provided in Rule 8.4 C below;
5. applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the face, neck, shoulders or scalp;
6. cleansing, coloring, bleaching, cutting, arranging, styling, waving or straightening hair;
7. arranging or styling the hair;
8. trimming a beard or moustache;

9. scalp treatments with massage;
10. massaging the face, neck, shoulders;
11. shaving the face.

C. NAIL TECHNICIAN – ADDITIONAL SCOPE OF PRACTICE AFTER TRAINING

1. Upon successful completion of the training requirements described in Chapter 9, the scope of practice for a nail technician expands to include:
 - a. Use of electric files for natural nail services, filing, maintenance, and removal of artificial enhancement products, and pedicure services.
 - b. Hair removal to a client's leg up to the knee, and the arm up to the elbow, by the use of wax or depilatories only.

8.5 ESTHETICIAN SCOPE OF PRACTICE

A. The scope of practice for an esthetician covers those practices set forth for estheticians in 12-8-103 (9.4), C.R.S., to include the ordinary and customary services provided by estheticians in the state, subject to the infection control rules and the additional training requirements.

B. The scope of practice for an esthetician DOES NOT include providing any of the following services:

1. applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp;
2. cleansing, coloring, bleaching, cutting, arranging, styling, waving or straightening hair;
3. shaving or trimming a beard or moustache;
4. scalp treatments with massage;
5. manicures/pedicures;
6. deep therapy or deep tissue massage; or
7. application of artificial nails, cleansing, filing, polishing, or applying product or enhancement to the nails.

C. ESTHETICIAN – ADDITIONAL SCOPE OF PRACTICE AFTER TRAINING

1. Upon successful completion of the training requirements described in Chapter 9, the scope of practice for an esthetician expands to include:
 - a. the independent use of cosmetic resurfacing exfoliating substances and equipment;
 - b. the performance of microdermabrasion;
 - c. the performance of pigment implantation (Semi and permanent)

D. Safety Data Sheets must be kept for all substances used in the permanent tinting of eyebrows or eyelashes. For such permanent tinting services, the licensee must follow the same precautions that would be used for any coloring or tinting, including but not limited to a predisposition test (also known as a "patch test"). Harm caused to the public by the licensee's use of a color-additive banned by the FDA

may subject the licensee to disciplinary action by the Director.

8.6 COSMETOLOGIST SCOPE OF PRACTICE

A. The scope of practice for cosmetologists covers those practices set forth for cosmetologists in 12-8-103 (9), C.R.S., to include the ordinary and customary services provided by cosmetologists in the state, subject to the infection control rules and the additional training requirements.

B. The scope of practice for cosmetology DOES NOT include providing the following services:

1. shaving or trimming a beard or mustache, sideburns, or the front of the neck.

C. COSMETOLOGIST– ADDITIONAL SCOPE OF PRACTICE

1. Upon successful completion of the training requirements described in Chapter 9, the scope of practice for a cosmetologist expands to include:

- a. The independent use of cosmetic resurfacing exfoliating substances and equipment;
- b. The performance of microdermabrasion;
- c. The performance/application of pigment implantation (semi and permanent).
- d. Use of electric files for natural nail services, filing, maintenance, and removal of artificial enhancement products, and pedicure services.

D. Safety Data Sheets must be kept for all substances used in the permanent tinting of eyebrows or eyelashes. For such permanent tinting services, the licensee must follow the same precautions that would be used for any coloring or tinting, including but not limited to a predisposition test (also known as a “patch test”).

8.7. MEDICAL BOARD DELEGATED SERVICES

A. This Chapter 8 is not applicable to services performed by licensees, which services have been properly delegated pursuant to the Medical Practice Act, §12-36-101 *et seq.*, C.R.S., and the Rules as promulgated by the Colorado Medical Board (e.g., Rule 800).

CHAPTER 9
ADDITIONAL PRACTICES AND TRAINING REQUIREMENTS

This Chapter clarifies the requirements for certain additional practices, and the timing and training that must be completed before a licensed cosmetologist, esthetician, or nail technician may perform advanced practice services.

9.1 CHEMICAL RESURFACING EXFOLIATION REQUIREMENTS FOR ESTHETICIANS AND COSMETOLOGISTS

A. Definitions

1. Chemical Resurfacing Exfoliation means the process of removing the dead cell layer (of the skin by use of resurfacing exfoliating substances.
2. “Resurfacing Exfoliating Substances” are the substances used in chemical resurfacing exfoliation.
3. “Accelerator” means any agent that hastens or quickens the exfoliation process.

B. Chemical resurfacing exfoliation may be performed only by cosmetologist and estheticians who have completed additional training in chemical resurfacing exfoliation as described in Rule 9.1.E.

C. Resurfacing exfoliating substances that may be used in chemical resurfacing exfoliation include those that are ordinarily and customarily used in such exfoliation, and which are not banned or deemed unsafe by the FDA or any other applicable governmental agency.

D. Prohibited resurfacing exfoliating substances that may not be used in chemical resurfacing exfoliation include the following:

1. Retinoic acids;
2. Carboic acid (phenol);
3. Products mixed by the licensee or other person that do not have a manufacturer SDS; and,
4. All adulterated chemical exfoliating/peeling substances.
5. Any substance requiring application or use by a licensed health care provider.

E. Training Requirements for chemical resurfacing exfoliation. Completion of 24 hours of cosmeceutical coursework is required before a licensed cosmetologists and estheticians may perform chemical resurfacing exfoliation. The training must include at least the following course

topics: skin analysis, conditions, contraindications, and aftercare; product ingredients of chemical resurfacing exfoliation substances; and chemical peel treatment procedures and treatment of reactions. If the course is taken in combination with the basic cosmetology or esthetic program, 50% of the basic program must be completed before the additional hours are taken.

- F. The training required in Rule 9.1.E must be completed at a school approved by DPOS or CCCS.
- G. A cosmetologist or esthetician who is licensed by endorsement and who has completed chemical resurfacing exfoliation training at a substantially equivalent program to that of DPOS and CCCS, as determined by the Director, may meet the training requirements necessary to perform chemical resurfacing exfoliation. Complete documentation that supports the cosmetologist's or esthetician's chemical resurfacing exfoliation training must be submitted together with the endorsement application.

9.2 MANUAL RESURFACING EXFOLIATING REQUIREMENTS - ESTHETICIANS AND COSMETOLOGISTS

- A. Definitions
 - 1. Manual Resurfacing Exfoliation means the removal of the dead cell layer of the skin by use of devices and machines listed as Class I medical devices with the FDA including, but not limited to, microdermabrasion equipment, and certain red LED light.
 - 2. The Class I medical device may only be used as intended use, as labeled by the FDA, and in accordance with the Act and these Rules.
 - 3. Manual Resurfacing Exfoliation does not include:
 - a. The use of any medical device listed as Class II or higher with the FDA; or
 - b. Any type of cutting or use of electricity; or
 - c. Any other means to remove warts, skin tags, or skin imperfections below the dead cell layer of the skin.
- B. Training Requirements for microdermabrasion or manual resurfacing exfoliation: Prior to performing manual resurfacing exfoliation, a licensed cosmetologist or esthetician must complete the fourteen hours of coursework in microdermabrasion or manual resurfacing exfoliation. The training must include at least the following course topics: skin; skin type and conditions; microexfoliation; treatment procedures; cleaning, disinfection, sterilization and safety; law and rules; and salesmanship; occupational safety and health. If the course is taken in combination with the basic cosmetology or esthetic program, 50% of the basic program must be completed before the additional hours are taken.

- C. The requisite training described in Rule 9.2.B must be completed at a school approved by DPOS or CCCS.
- D. A cosmetologist or esthetician who is licensed by endorsement, and who has completed manual resurfacing exfoliation training at a substantially equivalent program to that of DPOS and CCCS, as determined by the Director, may meet the training requirements necessary to perform manual resurfacing exfoliation. Complete documentation that supports the cosmetologist's or esthetician's manual resurfacing exfoliation training must be submitted together with the endorsement application as required in Chapter 4.

9.3 CHEMICAL AND/OR MANUAL RESURFACING EXFOLIATING REQUIREMENTS

- A. A licensed cosmetologist or esthetician who has not completed or cannot produce evidence of the training requirements described above in this Chapter 9 is prohibited from using or performing any chemical or manual resurfacing exfoliating devices or procedures.
- B. Upon request by the Director, a cosmetologist or esthetician must supply written documentation that confirms the licensee has completed the required training in chemical or manual resurfacing exfoliation. A "Record of Completion or Certificate" issued by an approved school and that contains the school's official seal, will constitute sufficient documentation. Failure to provide the requisite written documentation is a violation of this rule, and may be used as evidence that the cosmetologist or esthetician is not qualified to provide chemical or manual resurfacing exfoliation.
- C. Chemical and/or manual resurfacing exfoliation can only be provided at places of business that are registered with the Office.
- D. Strict adherence to the infection prevention and control rules as described in Chapter 7 is required when providing a chemical and/or manual resurfacing exfoliation.
- E. In addition to the requirements with respect to client consultation in Chapter 7, prior to providing any procedures related to cosmetic resurfacing and/or exfoliating, cosmetologists and estheticians must inform each client of at least the following:
 - 1. Receiving a chemical and/or manual resurfacing exfoliation procedure may increase the client's susceptibility to adverse reactions as a result of the procedure when a client:
 - a. is currently under physician care/treatment;
 - b. has HSV (cold sores) predisposition;
 - c. is currently pregnant;
 - d. has a history of cosmetic related irritant/allergic reaction; or
 - e. the client's frequency of sun exposure or tanning bed use;
 - f. the client's use of topical and/or oral medications such as tretinoin (a.k.a., Retin-A, Renova), isotretinoin (a.k.a. Accutane);
 - g. the client's previous facial plastic/reconstructive surgery.
- F. Prior to providing a chemical and/or manual resurfacing exfoliation service, cosmetologist and estheticians must inspect the client's skin for at least all of the following conditions:

1. the degree of sebaceous activity (skin oiliness);
2. acne;
3. telangiectasias (broken capillaries);
4. degree of photodamage;
5. sunburn, chemical or thermal burns; and
6. apparent skin irritation or sensitivity.

G. At the conclusion of any chemical or manual resurfacing exfoliation service, and before the client is discharged, an Ultraviolet A/Ultraviolet B Sun Protection Factor (UVA/UVB SPF) 15 or higher sunscreen must be applied to the area of the skin where the client received the service.

9.4 PROHIBITIONS AGAINST PERFORMING CHEMICAL AND/OR MANUAL RESURFACING EXFOLIATING PROCEDURES

A. Providing more than one cosmetic resurfacing exfoliating service, chemical and/or manual, is prohibited during the same procedure or the same visit.

B. Unless the cosmetologist or esthetician has received prior written approval from a licensed physician or other licensed health care professional with knowledge of the client's condition, chemical or manual resurfacing exfoliating procedures are prohibited if any of the following conditions exist:

1. The cosmetologist or esthetician knows or has reason to believe that a client is under the supervision of a physician for skin related disorders; or
2. The client is pregnant; or
3. The client has had a medium or deep chemical peel, laser treatment(s), IPL or plastic/reconstructive surgery in within 6 weeks or less of receiving the service.

C. If the client has any of the conditions described in Rule 9.4.B, a predisposition patch test must be administered to the client 24 hours prior to the initiation of chemical and/or manual resurfacing exfoliating procedure. Any adverse reaction resulting from the predisposition patch test will prohibit the product or procedure to be used on that client.

9.5 PERMANENT/SEMI-PERMANENT MAKEUP REQUIREMENTS FOR ESTHETICIANS AND COSMETOLOGISTS

A. Definitions.

1. "Permanent Makeup" means the process of beautifying the face by inserting or implanting facial cosmetic pigment or color under the surface of the human skin or mucosa with a needle, by a micro blade, or other means, to produce a permanent or semi-permanent mark visible through the skin on the client's face including, but not limited to the application of pigment on the eyebrows, eyeliner, eye shadow, lip color, cheek color, and facials scars. The terms microblading, microstroking or microhairstroking for purposes of these rules are included in the definition of permanent makeup.

2. "Facial cosmetic pigment implantation" and permanent makeup are synonymous terms for the same procedure.
3. "Client's face" means the area above the jaw line and anterior to the ear and frontal hairline.
4. Semi-Permanent or Permanent makeup is limited to the client's face and does not include services to areas beyond the client's face.

B. Permanent makeup does not include pigmentation of areas involving reconstructive surgery or trauma, re-pigmentation of the areola, and/or body art or tattooing. The performance of such services is beyond the scope of this rule, and beyond the scope of the cosmetologist's or esthetician's license. This rule is not applicable to services performed by licensees, which services have been properly delegated pursuant to the Medical Practice Act, §12-36-101 *et seq.*, C.R.S., and the Rules as promulgated by the Colorado Medical Board (e.g., Rule 800).

C. Training Requirements for Semi-Permanent or Permanent Makeup

1. Completion of 132 contact hours of training must be completed prior to a licensed cosmetologist or esthetician performing permanent makeup. The training must include at least the following course topics: cleaning, sterilization, disinfection and safety; skin analysis; equipment and supplies; color theory and effects; client consultation; and application of pigment. If the course is taken in combination with the basic cosmetology or esthetic program, 50% of the basic program must be completed before the additional hours are taken.
2. The training required in Rule 9.5. must be completed at a school approved by DPOS or CCCS.
3. A cosmetologist or esthetician who is licensed by endorsement and who has completed permanent makeup training at a substantially equivalent program to that of DPOS and CCCS, as determined by the Director, may meet the training requirements necessary to perform permanent makeup. Complete documentation that supports the permanent makeup training must be submitted together with the endorsement application.
4. A licensed cosmetologist or esthetician who has not completed or cannot produce evidence of the training requirements described in Rule 9.5.C is prohibited from performing permanent make-up.
5. Upon request by the Director, a cosmetologist or esthetician must supply written documentation that confirms the licensee has completed the required training in permanent makeup. A "Record of Completion Form" issued by an approved school, and that contains the school's official seal, will constitute sufficient documentation. Failure to provide the requisite written documentation is a violation of Rule 9.5, and may be used as evidence that the cosmetologist or esthetician is not qualified to provide permanent makeup.

9.6 ELECTRIC NAIL FILE REQUIREMENTS FOR NAIL TECHNICIANS AND COSMETOLOGISTS

A. Definitions:

1. "Electric file" - means a file, drill, or machine specifically designed for use in the professional nail industry and does not include craft, hardware, or hobby tools.
2. "Natural nail service" - means a cosmetic beauty treatment for real nails that includes, but is not limited to filing, shaping the free edge, use of nippers to remove dead or overgrown cuticle, application of polish and/or nail art, soaking in a softening substance, and the application of lotion, oil, or creams to the real nail or cuticle.
3. "Artificial nail service" - means the application, removal or refreshing of any nail enhancement including, but not limited to, fake nails, false nails, fashion nails, or nail extensions placed over fingernails as a fashion accessory and/or to mimic the appearance of real fingernails. This may include the use of tips, forms, polymethyl methacrylate acrylics (a mixture of polymer powder and liquid monomer, e.g. ethyl methacrylate), "UV Top Coat" hardened under ultraviolet light, fiberglass, silk, or other wraps.

B. An electric file may be used only for manicure and pedicure services and is limited to procedures for natural nail services, filing, maintenance or removal of artificial enhancement products.

C. Training Requirements for Use of Electric File in Natural and Artificial Nail Services: Completion of 8 hours of training that is specific to the use of electric nail files in natural and artificial nail services. The training must include at least the following course topics: cleaning and disinfection; client protection during filing; bit selection and use; machine specifications and uses; natural nail procedures; artificial enhancements; and pedicure procedures. If the course is taken in combination with the basic cosmetology or nail technician program, 50% of the basic program must be completed before the additional hours are taken.

D. The training required in Rule 9.6 must be completed at a school approved by DPOS or CCCS.

E. A cosmetologist or nail technician who is licensed by endorsement and who has completed training at a substantially equivalent program to that of DPOS and CCCS, as determined by the Director, may meet the training requirement necessary to provide nail services with an electric file. Complete documentation that supports the training must be submitted together with the endorsement application as required in Chapter 4.

F. A licensed cosmetologist or nail technician who has not completed or cannot produce evidence of the training requirements described in Rule 9.6 is prohibited from using or performing service with an electric nail file.

- G. Upon request by the Director, a cosmetologists or nail technician must supply written documentation that confirms the licensee has completed the required training in the use of electric file. Failure to provide written documentation is a violation of this rule, and is *prima facie* evidence that the licensed cosmetologist or nail technician is not competent to use an electric file.

9.7 HAIR REMOVAL REQUIREMENTS FOR NAIL TECHNICIANS

- A. Pursuant to § 12-8-103(10.5), C.R.S, the scope of hair removal by licensed nail technicians is limited to the client's leg up to the knee and the arm up to the elbow. The Director considers the hands and feet to be within the scope and appropriate areas for waxing. Hair removal on any other part of the body, such as eyebrows, lips, bikini areas, etc., is not permitted by licensed nail technicians and must be performed by licensed cosmetologists or estheticians.
- B. Licensed nail technician may use wax or depilatories to remove superfluous hair in the limited areas described in Rule 9.7 A above.
- C. Training Requirements for Hair Removal by Licensed Nail Technicians: Completion of 6 hours of training in the use and procedures for removal of hair by waxing is required. The training must include at least the following course topics: skin histology, anatomy, and disorders; client safety, consultation and contraindications of hair removal; types of products for hair removal and application; and disinfection, sanitation, rules, and safe work practices. If the course is taken in combination with the basic cosmetology or nail technician program, 50% of the basic program must be completed before the additional hours are taken.
- D. The training required in Rule 9.7 must be completed at a school approved by DPOS or CCCS.
- E. A nail technician who is licensed by endorsement and who has completed a hair removal training program at a substantially equivalent program to that of DPOS and CCCS, as determined by the Director, may meet training requirements necessary to perform hair removal as described above in Rule 9.7A. Complete documentation that supports the nail technician's training must be submitted together with the endorsement application.
- F. A licensed nail technician who has not completed or cannot produce evidence of the training requirements described in Rule 9.7.C is prohibited from performing hair removal services unless also licensed as a cosmetologist or an esthetician.
- G. Upon request by the Director, a nail technician must supply written documentation that confirms the licensee has completed the required training for hair removal. Failure to provide written documentation is a violation of this rule, and is *prima facie* evidence that the nail technician is not competent to remove hair by waxing.

CHAPTER 10 INSPECTIONS

Pursuant to §§12-8-108 (1)(f), and 12-8-123, C.R.S. this chapter clarifies the procedures regarding inspections of barbershops, beauty salons, nail salons, spas, and places of business and booths rented or operated by independent licensees.

- A. The Director may order an inspection of places of business, where services subject to licensure are provided to the public, including booths or workstations rented in such places by independent licensees. "Places of business" include the following by way of example: barber shops, beauty salons, nail salons, and spas; schools where services subject to licensures are provided to the public; permanent, temporary (interim, irregular, seasonal), fixed, and mobile locations where services are provided, including a licensee's residence,
- B. All licensees and registrants (or the onsite representative of the registrant) must provide to the Director's inspector(s) their professional license or registration, a picture ID and any certificate of additional training required by the Director to perform the services that are being offered to the public.
- C. The inspector(s) may conduct an inspection of the entire business premises. This includes without limitation, doors, drawers, closets, shelves, and storerooms. The inspector(s) may document the inspected areas by use of a camera, video equipment or any other method. The refusal by a registrant (or the onsite representative of the registrant) or licensee to open any locked area within the licensed area of the business may be deemed unprofessional conduct under §12-8-132(1)(f), C.R.S. or a violation of these rules. .
- D. All registrants (or the onsite representative of the registrant) and licensees are required to answer questions truthfully and completely, must not attempt to or hide any persons, items, tools, devices, etc from the inspector, throw items away during the inspection, refuse to comply with the inspection or behave in any manner that hinders the inspection.
- E. The inspector may issue a violation notice to registrants and licensees found to be in violation of the Act and these rules. Such violation notice must be posted in public view until such time as the Director authorizes its removal.

CHAPTER 11
PETITIONS FOR DECLARATORY ORDERS

This chapter establishes procedures for the handling of requests for declaratory orders filed pursuant to §24-4-105(11), C.R.S.

- 11.1. Any person may petition the Director for a declaratory order to terminate controversies or remove uncertainties as to the applicability of any statutory provision or of any rule or order of the Director.
- 11.2. The Director will determine, in his or her discretion and without notice to petitioner, whether to rule upon any such a petition. If the Director determines that they will not rule upon such a petition, the Director shall promptly notify the petitioner of their action and state the reasons for such decision.
- 11.3. In determining whether to rule upon a petition filed pursuant to this rule, the Director will consider the following matters, among others:
 - A. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provisions or rule or order of the Director.
 - B. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court involving one or more petitioners.
 - C. Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Director or a court but not involving any petitioner.
 - D. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
 - E. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Colorado Rules of Civil Procedure 57, which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.
- 11.4. Any petition filed pursuant to this rule shall set forth the following:
 - A. The name and address of the petitioner and whether the petitioner is registered pursuant to Title 12, Article 55.5.
 - B. The statute, rule, or order to which the petition relates.
 - C. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or

potentially applies to the petitioner.

11.5. If the Director determines that they will rule on the petition, the following procedure shall apply:

A. The Director may rule upon the petition based solely upon the facts presented in the petition. In such a case:

- i. Any ruling of the Director will apply only to the extent of the facts presented in the petition and any amendment to the petition.
- ii. The Director may order the petitioner to file a written brief, memorandum or statement of position.
- iii. The Director may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
- iv. The Director may dispose of the petition on the sole basis of the matters set forth in the petition.
- v. The Director may request the petitioner to submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition.
- vi. The Director may take administrative notice of facts pursuant to the State Administrative Procedure Act at §24-4-105(8), C.R.S and may utilize their experience, technical competence and specialized knowledge in the disposition of the petition.

B. If the Director rules upon the petition without a hearing, the Director shall promptly notify the petitioner of the decision.

C. The Director may, in their sole discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The hearing notice to the petitioner shall set forth, to the extent known, the factual or other matters into which the Director intends to inquire.

D. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty; and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Director to consider.

11.6. The parties to any proceeding pursuant to this rule shall be the Director and the petitioner. Any other person may seek leave of the Director to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Director. A petition to intervene shall set forth the same matters as required by Rule 9.4. Any reference to a "petitioner" in this rule also refers to any person who has been

granted leave to intervene by the Director.

- 11.7. Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute final agency action subject to judicial review pursuant to §24-4-106, C.R.S.

DEPARTMENT OF REGULATORY AGENCIES

Office of Barber and Cosmetologist Licensing

BARBERS AND COSMETOLOGISTS

4 CCR 731-4

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

BARBERING AND COSMETOLOGY LICENSURE

RULE 1 – ADVISORY COMMITTEE

The purpose of this rule to clarify the terms and scope of the five member advisory committee established pursuant to § 12-8-108(2), C.R.S.

- A. The Director may remove any member for cause as the Director deems appropriate.
- B. Any member may resign at any time by filing a written notice with the Director. Upon receipt of a resignation, the Director may appoint an individual to serve the remainder of the unexpired term, which shall constitute as one full term regardless of the time remaining.
- C. The members shall be responsible for making recommendations concerning regulation of the barbering, esthetics, cosmetology, hairstyling, and manicuring professions to the Director. Such recommendations are subject to the final approval by the Director.

RULE 2 – CLEANING AND DISINFECTION

The purpose of this rule to enhance the safe and effective cleaning and disinfection practices within the profession that are necessary to protect the public's health, safety and welfare pursuant to § 12-8-101 et seq., C.R.S.

A. General Requirements and Definitions.

1. As used herein, "Office" means the Colorado Office of Barbering and Cosmetology Licensure.
2. All places of business and licensees shall utilize clean and disinfected equipment, tools, implements, and supplies as outlined in this rule and commonly accepted professional standards, and shall personally employ good hygiene habits while providing barbering, esthetic, cosmetology, hairstyling, and manicuring services.
3. A licensee shall not perform services on a client if the licensee has reason to believe the client has an unhealthy condition; a communicable disease; contagious condition; skin or nail tissue that is inflamed, infected, broken, raised or swollen; or an open wound or sore in the area affected unless the client provides written authorization from a licensed

physician.

4. ~~As used herein, "cleaning" is not disinfection, but means to physically remove all visible debris by:~~

~~(a) Brushing by hand;~~

- ~~(b) Washing or scrubbing with liquid soap, detergent, or antiseptic;~~
- ~~(c) Laundering in a washing machine or dishwasher with detergent;~~
- ~~(d) Using an ultrasonic cleaner;~~
- ~~(e) Using a solvent; or~~
- ~~(f) Other adequate methods.~~

~~5. As used herein, "disinfection" is not cleaning, but is the use of chemicals that destroy pathogens on implements and other nonliving surfaces that renders an item safe for handling, use, and disposal.~~

~~(a) Appropriate disinfectants include the following:~~

- ~~(i) EPA-registered hospital disinfectants used according to manufacturer's instructions;~~
- ~~(ii) Bleach solution mixed daily at a minimum standard of $\frac{3}{4}$ cup of bleach per gallon of water with a contact time of 10 minutes;~~
- ~~(iii) 70% isopropyl alcohol with a contact time of 10 minutes; or~~
- ~~(iv) 70%-85% ethyl alcohol with a contact time of 10 minutes.~~

~~(b) All bottles and containers containing alcohol or bleach disinfectants shall be properly labeled as to contents and date mixed, and stored in a covered container away from other salon chemicals and open flames.~~

~~(c) Appropriate disinfecting methods are:~~

- ~~(i) Disinfection by complete immersion where the entire item, implement, or surface is covered by the disinfectant for 10 minutes or according to manufacturer's instructions; or~~
- ~~(ii) Disinfection by spraying where the entire item, implement, or surface is sprayed with the disinfectant to stay moist for 10 minutes or according to manufacturer's instructions.~~

~~6. Multi-use equipment, implements, or materials ("multi-use items") not addressed in this rule shall be cleaned and disinfected immediately after each client. — Multi-use items are items constructed of hard non-porous materials with smooth surfaces such as metal, glass, or plastic; cloth towels and linens capable of being laundered; and typically can be used on more than one client.~~

~~7. Single-use equipment, implements, or materials ("single-use items") not addressed in this rule shall be discarded after each application or service. — Single-use items are items made or constructed of paper, wood, or other porous materials usually intended for one application or client service.~~

~~8. Electrical equipment that cannot be immersed in liquid shall be brushed or wiped clean and sprayed with an EPA-registered hospital disinfectant; isopropyl alcohol; ethyl alcohol; or bleach solution immediately after each client.~~

- ~~9. Lancets, disposable razors, and other sharp objects shall be disposed in a puncture resistant container marked with a biohazard symbol immediately after each client. Such containers shall be sent to a collection site for proper disposal.~~
- ~~10. All clean and disinfected implements and materials when not in use shall be stored in a clean, dry container, or other sanitary manner, that is separate from soiled implements and materials.~~
- ~~11. Items subject to possible cross contamination by re-dipping into a multi-use container such as creams, cosmetics, astringents, lotions, removers, waxes including paraffin wax, moisturizers, masks, and oils shall be used in a manner so as not to contaminate the remaining product. Any product that becomes contaminated shall be discarded after use on that particular client. Permitted procedures to avoid cross contamination are:~~
- ~~(a) Removing and placing the product into a smaller container for use on the client and then disposing of the product remaining in the smaller container after the service;~~
 - ~~(b) Using a single-use disposable implement such as a wooden spatula to remove the product from the container and disposing of such implement after application of the product on the client;~~
 - ~~(c) Using a clean applicator bottle to apply the product; or~~
 - ~~(d) Other adequate methods.~~

~~B. Cleaning and Disinfection Standards Applicable to Manicuring.~~

- ~~1. All equipment, implements, and materials shall be properly cleaned and disinfected immediately after each client in accordance with this rule.~~
- ~~2. Prior to performing any manicuring services, cosmetologists and manicurists shall wash their hands, and ensure that each client's hands or feet are washed with soap and water or a waterless hand sanitizer.~~
- ~~3. Immediately after each manicuring service, the surface(s) of all equipment that comes in direct contact with a client's skin including manicuring tables, mats, and cushions shall be cleaned of all visible debris.~~
- ~~4. Immediately after each client, the following multi-use implements shall be cleaned to remove all visible debris and disinfected by complete immersion in an appropriate disinfectant in accordance with this rule:~~
 - ~~(a) Metal and hard plastic nail pushers;~~
 - ~~(b) Non-porous and plastic nail files;~~
 - ~~(c) Cuticle nippers;~~
 - ~~(d) Tweezers;~~
 - ~~(e) Nail and dusting brushes;~~
 - ~~(f) Fingernail clippers;~~

~~(g) Electric file diamond, carbide, natural, and metal bits; and~~

~~(h) Metal and plastic spatulas.~~

~~5. Immediately after each client, the following single-use implements shall be discarded in a trash container:~~

~~(a) Orangewood stick;~~

~~(b) Cotton balls;~~

~~(c) Nail wipes;~~

~~(d) Tissues;~~

~~(e) Paper towels;~~

~~(f) Emery boards or porous nail files;~~

~~(g) Buffer blocks;~~

~~(h) Disposable gloves;~~

~~(i) Electric file sanders, arbor bands, and sleeves; and~~

~~(j) Pumice stones.~~

~~6. The following materials that are used during a manicure or pedicure service shall be either new or changed with clean and laundered articles immediately after each client:~~

~~(a) Disposable or terry cloth towels;~~

~~(b) Toe separators;~~

~~(c) Pedicure slippers; and~~

~~(d) Electric file buffing bits and chamois.~~

~~C. Cleaning and Disinfection of Pedicure Equipment.~~

~~1. All types of pedicure equipment including whirlpool units, air-jetted basins, pipe-less units, non-whirlpool basins, sinks, bowls, and tubs shall be cleaned and disinfected in accordance with this rule.~~

~~2. Immediately after each client:~~

~~(a) Drain all water and remove all debris from the foot spa;~~

~~(b) Clean the surfaces and walls of the foot spas with soap or detergent to remove all visible debris, oils, and product residue and then rinse with clear water;~~

~~(c) Disinfect by spraying the surface of the foot basin with an appropriate disinfectant; and~~

~~(d) Wipe dry with a clean towel.~~

~~3. Immediately after the last client at the end of each day:~~

~~(a) Drain all water and remove all debris from the foot spa;~~

~~(b) Remove the screen and any other removable parts;~~

~~(c) Remove all debris trapped behind the screen and clean the inlet with soap or detergent to remove all visible debris, oil, and product residue;~~

~~(d) Clean the screen and any other removable parts with soap or detergent to remove all visible debris, oil, and product residue;~~

~~(e) Clean the surfaces and walls of the basin with soap or detergent to remove all visible debris, oil, and product residue and then rinse with clear water;~~

~~(f) Wipe the basin dry with a clean towel;~~

~~(g) After replacing the screen and any other removable parts, flush the spa system with low suds soap or a chelating detergent in warm water for 5 minutes;~~

~~(h) Drain the soapy solution and rinse the basin with clean water;~~

~~(i) Refill the basin with water and circulate an EPA-registered hospital disinfectant mixed according to manufacturer's instructions or bleach solution through the basin for 10 minutes;~~

~~(j) Drain, rinse, and wipe the basin with a clean towel; and~~

~~(k) Make a record of the date and time of this cleaning and disinfecting process.—The record for the last 30 days shall be readily accessible and available upon client or Office inspector request.~~

~~D. Cleaning and Disinfection Standards Applicable to Hairstyling and Barbering.~~

~~1. All equipment, implements, and materials should be properly cleaned to remove all visible residue and disinfected after each client in accordance with this rule.~~

~~2. Immediately after each client, the following implements shall be brushed or wiped clean and sprayed with an appropriate disinfectant:~~

~~(a) Haircutting shears;~~

~~(b) Thinning shears;~~

~~(c) Straight razors and razor shapers; and~~

~~(d) Clippers and edgers.~~

~~3. After each client, the following implements shall be cleaned and disinfected by complete immersion or stored in a container for soiled or dirty items until the implements can be cleaned and disinfected at the end of the day:~~

~~(a) Sectioning clips and clippies;~~

~~(b) Rods and rollers; and~~

~~(c) Combs, brushes, and picks.~~

~~4. At the end of each day of use, the above items in subsections (2) and (3) along with any other tools not mentioned above shall be cleaned by manually scrubbing with soap and water or other adequate methods, and then disinfected by complete immersion except for electrical equipment.~~

~~E. Cleaning and Disinfection Standards Applicable to Esthetic Services.~~

~~1. All equipment, implements, and materials shall be properly cleaned to remove all visible debris and disinfected after each client in accordance with this rule.~~

~~2. Before providing any esthetics service, cosmetologists and estheticians shall wash their hands with soap and water or use a waterless hand sanitizer.~~

~~3. Facial chairs and beds shall be cleaned after each client.~~

~~4. After each client, the following multi-use items shall be cleaned of all visible debris and disinfected by complete immersion:~~

~~(a) Tweezers;~~

~~(b) Eyebrow and makeup brushes;~~

~~(c) Comedone extractors; and~~

~~(d) Metal and plastic spatulas.~~

~~5. The following implements are single-use items and shall be discarded in a trash container after each use:~~

~~(a) Cotton pads, balls and pledgets;~~

~~(b) Gauze;~~

~~(c) Wooden applicators and spatulas;~~

~~(d) Tissues;~~

~~(e) Disposable wipes and paper towels; and~~

~~(f) Fabric strips.~~

~~6. The following materials that are used during esthetics services shall be either new or changed with clean and laundered items immediately after each client:~~

~~(a) Terry cloth towels;~~

~~(b) Hair caps or headbands;~~

- ~~(c) Gowns;~~
- ~~(d) Linens;~~
- ~~(e) Disposable gloves; and~~
- ~~(f) Sponges.~~

~~F. Cleaning and Disinfection for contact with Blood or Body Fluid.~~

- ~~1. In the case of blood or body fluid that comes in direct contact on any surface area such as a table, chair, or the floor, an EPA-registered hospital disinfectant, or a 10% bleach solution, shall be used per manufacturer's instructions to clean up all visible blood or body fluid. Ethyl and isopropyl alcohol is not appropriate. Universal Precautions shall be utilized to clean blood and body fluids.~~
- ~~2. Styptic shall be used to stop minor bleeding with a disposable applicator.~~
- ~~3. If any multi-use instrument is contacted with blood or body fluid, it shall be immediately cleaned and disinfected using an EPA-registered hospital disinfectant in accordance with manufacturer's instructions, or totally immersed in a 10% bleach solution for 10 minutes.~~
- ~~4. If any single-use instrument contacts blood or body fluid, it shall be immediately double-bagged and discarded in a closed trash container or biohazard container.~~

~~RULE 3—COSMETIC RESURFACING EXFOLIATING PROCEDURES~~

~~The purpose of this rule to enhance the safe and effective application of professional cosmetic resurfacing exfoliating substances and equipment as provided by licensed estheticians and cosmetologists that are necessary to protect the public's health, safety and welfare pursuant to § 12-8-102, § 12-8-120, § 12-8-132(1)(c), and § 12-8-103(7) & (9), C.R.S.~~

~~A. Definitions Applicable To This Rule~~

- ~~1. "Cosmetic Resurfacing Exfoliating Substances and Equipment" includes cosmetic use of the following:~~
 - ~~(a) 30% alpha hydroxy acid (AHAs which includes glycolic, tartaric, malic, or lactic acids. Such AHAs should not be lower than a pH of 2.5);~~
 - ~~(b) 20% beta hydroxy acid (BHAs which include salicylic acid);~~
 - ~~(c) Trichloroacetic Acid (TCA) with levels less than 20%;~~
 - ~~(d) Jessner's solutions;~~
 - ~~(e) 2% resorcinol;~~
 - ~~(f) Proteolytic enzymes (such as papain and bromelain) when used with an accelerator; and~~
 - ~~(g) Devices and machines listed as Class I medical devices with the U.S. Food and Drug Administration (FDA) including, but not limited to microdermabrasion equipment, electrolysis, and some red LED light.~~

~~2. "Cosmetic Resurfacing Exfoliating Substances and Equipment" does not include the following, which are deemed beyond the scope of practice for cosmetologists and estheticians and such independent use is prohibited:~~

~~(a) Retinoids;~~

~~(b) Carbohic acid (phenol);~~

~~(c) Products listed above that exceed the stated maximum levels or combinations thereof;~~

~~(e) All adulterated chemical exfoliating/peeling substances; and~~

~~(f) Devices and machines listed as Class II, III, and IV medical devices by the FDA including, but not limited to lasers, ultrasound, blue LED light, and intense pulse light therapy.~~

~~B. Scope~~

~~1. Cosmetologists and estheticians who satisfy the training requirements below can independently use Cosmetic Resurfacing Exfoliating Substances and Equipment as defined above in section A(1).~~

~~2. This rule is not applicable to cosmetologists and estheticians working under the direction and supervision of a Colorado licensed physician. — Such practice may be considered the delegated practice of medicine and subject to the Medical Practice Act, § § 12-36-101 et seq., C.R.S., and the associated Rules and Regulations as promulgated by the Colorado Board of Medical Examiners.~~

~~3. Cosmetologists and estheticians performing services prohibited in section A(2) above without proper delegation from a physician may be subject to disciplinary action by the Director.~~

~~4. Cosmetologists and estheticians shall only use machines and devices that are registered with the FDA.~~

~~C. Training Requirements~~

~~1. Cosmetologists and estheticians using Cosmetic Resurfacing Exfoliation Substances and Equipment as defined above in section A(1), but not including Microdermabrasion, must receive adequate training regarding safe application procedures by completing a minimum of twenty four (24) hours in cosmeceutical courses. Cosmetologists and estheticians must attain the training through schools approved by the Colorado Division of Private Occupational Schools (DPOS) or Colorado Community Colleges System (CCCS) to be deemed competent to practice such procedures pursuant to § 12-8-132(1)(c), C.R.S. If a Licensed Practitioner has not received training in accordance with this rule, then such cosmetologists and estheticians are not authorized to use any Cosmetic Resurfacing Exfoliating Substances and Equipment as defined above in subsection A(1). — The twenty four (24) hours of training must include the following:~~

(a)	————— Skin Analysis, Conditions, Contraindications and Aftercare	8 hours
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- | | | |
|-----|--|---------|
| (b) | Product Ingredients of
Cosmetic Resurfacing
Exfoliating Substances | 8 hours |
| (c) | Chemical Peel Treatment
Procedures and Treatment
of Reactions | 8 hours |

~~Manufacturer courses taken prior to March 31, 2004 will count towards the 24 hours of training required in section C(1) only if the training can be documented.—After April 1, 2004, all training must be obtained, or completed if in transition, from a program approved by the Division of Private Occupational Schools or Colorado Community Colleges System.~~

~~2. To be deemed competent to practice Microdermabrasion pursuant to § 12-8-132(1)(c), C.R.S., cosmetologists and estheticians shall take a minimum of fourteen (14) hours of training in Microdermabrasion through courses taught at schools approved by the Colorado Division of Private Occupational Schools or the Colorado Community Colleges System.—If a Licensed Practitioner has not received this training, then such cosmetologists and estheticians are not authorized to perform microdermabrasion.—The fourteen (14) hours of microdermabrasion training must include the following:~~

- | | | |
|-----|--|---------|
| (a) | Skin | 1 hour |
| (b) | Skin Type/Conditions | 1 hour |
| (c) | Microexfoliation | 2 hours |
| (d) | Treatment Procedures | 5 hours |
| (e) | Cleaning, Disinfection,
Sterilization, and Safety | 2 hours |
| (f) | Law, Rule, and Regulations | 1 hour |
| (g) | Salesmanship | 1 hour |
| (h) | Occupational Safety and
Health | 1 hour |

~~3. Cosmetologists and estheticians must be able to supply written documentation, upon request by the Director, which substantiates appropriate training as required above.—The Record of Completion Form issued by the approved school containing the school's official seal shall constitute sufficient documentation.—Failure to provide written documentation is a violation of this rule, and is evidence that the cosmetologist or esthetician is not competent to practice and may be subject to disciplinary action.~~

~~4. Cosmetologists and estheticians not possessing the training required by this rule may continue to perform Cosmetic Resurfacing Exfoliating Procedures and Microdermabrasion until June 30, 2005.—Such cosmetologists and estheticians have until June 30, 2005 to obtain the necessary Microdermabrasion and cosmeceutical training contained in this rule.—After July 1, 2005, cosmetologists and estheticians may not perform Cosmetic~~

~~Resurfacing Exfoliating Procedures or use Cosmetic Resurfacing Exfoliating Equipment including Microdermabrasion, without the necessary training as required herein.~~

~~D. Cosmetic Resurfacing Exfoliating Procedures~~

- ~~1. Cosmetologists and estheticians shall only apply and use Cosmetic Resurfacing Exfoliation Substances and Equipment in places of business registered with the Office, and must follow the cleaning and disinfection rules promulgated by the Director.~~
- ~~2. Prior to providing any procedures related to cosmetic resurfacing and/or exfoliating, cosmetologists and estheticians shall inform each client that the following may increase the client's susceptibility to adverse reactions as a result of the procedure: currently under physician care/treatment; HSV (cold sores) predisposition; whether client is currently pregnant; history of cosmetic related irritant/allergic reaction; frequency of sun exposure or tanning bed use; use of topical and/or oral medications such as tretinoin (a.k.a., Retin A, Renova), isotretinoin (a.k.a. Accutane); Previous facial plastic/reconstructive surgery.~~
- ~~3. Prior to providing any procedures related to cosmetic resurfacing and/or exfoliating, cosmetologists and estheticians shall do a visual inspection of the client's skin for the following conditions: (1) degree of sebaceous activity (skin oiliness), acne, telangiectasias (broken capillaries) and degree of photodamage; and (2) open cuts, sores, lesions or apparent skin irritation or sensitivity.~~
- ~~4. Cosmetologists and estheticians shall conclude all cosmetic resurfacing and/or exfoliating procedures with application of UVA/UVB SPF 15 (or higher) sunscreen to client before discharge.~~

~~E. Restrictions Regarding Use~~

- ~~1. The use of multiple cosmetic resurfacing exfoliating services, chemical and/or mechanical, are prohibited during the same procedure.~~
- ~~2. Cosmetic Resurfacing Exfoliating Substances shall not be performed when the cosmetologist or esthetician has reason to believe that a client is under the supervision of a physician for skin related disorders; is pregnant; is post chemical peel, has laser treatments or plastic/reconstructive surgery without the written approval of the physician.~~
- ~~3. If the client history indicates a positive answer to any questions set forth in this rule at paragraph D2 above, a predisposition patch test must be performed 24 hours before the procedure is performed and/or written approval from a physician must be provided to authorize the procedure.~~
- ~~4. Cosmetic Resurfacing Exfoliating Substances shall not be administered to skin exhibiting open cuts, sores, sunburn, chemical or thermal burns, apparent skin irritation or sensitivity. Sensitivity to chemical exfoliating products can only be determined by administering a predisposition patch test, and thus, such procedure must be performed 24 hours before the application of chemical exfoliating substances.~~
- ~~5. Cosmetic Resurfacing Exfoliating Equipment shall not be used beyond its appropriate scope. The appropriate scope is evidenced by either its filing with the FDA; a licensee's liability insurance, if applicable; or the Barbers and Cosmetologists Practice Act at § 12-8-101 et seq., C.R.S.~~

~~RULE 4—DECLARATORY ORDERS~~

~~The purpose of this rule is to establish procedures for the handling of requests for declaratory orders filed pursuant to the Colorado Administrative Procedures Act at § 24-4-105(11), C.R.S.~~

~~A. Any person or entity may petition the Director for a declaratory order to terminate controversies or remove uncertainties as to the applicability of any statutory provision or of any rule or order of the Director.~~

~~B. The Director will determine, at his/her discretion and without notice to petitioner, whether to rule upon any such petition. If the Director determines that he/she will not rule upon such a petition, the Director shall promptly notify the petitioner of his/her action and state the reasons for such decision.~~

~~C. In determining whether to rule upon a petition filed pursuant to this rule, the Director will consider the following matters, among others:~~

~~1. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provisions or rule or order of the Director.~~

~~2. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court involving one or more petitioners.~~

~~3. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court but not involving any petitioner.~~

~~4. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.~~

~~5. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to CRCP 57, which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.~~

~~D. Any petition filed pursuant to this rule shall set forth the following:~~

~~1. The name and address of the petitioner and whether the petitioner is licensed pursuant to Title 12, Article 8.~~

~~2. The statute, rule or order to which the petition relates.~~

~~3. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner.~~

~~E. If the Director determines that he/she will rule on the petition, the following procedures shall apply:~~

~~1. The Director may rule upon the petition based solely upon the facts presented in the petition. In such a case:~~

~~a. Any ruling of the Director will apply only to the extent of the facts presented in the petition and any amendment to the petition.~~

- b. ~~The Director may order the petitioner to file a written brief, memorandum or statement of position.~~
- c. ~~The Director may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.~~
- d. ~~The Director may dispose of the petition on the sole basis of the matters set forth in the petition.~~
- e. ~~The Director may request the petitioner to submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition.~~
- f. ~~The Director may take administrative notice of facts pursuant to the Administrative Procedure Act at § 24-4-105(8), C.R.S., and may utilize his/her experience, technical competence, and specialized knowledge in the disposition of the petition.~~

2. ~~If the Director rules upon the petition without a hearing, he/she shall promptly notify the petitioner of her decision.~~

3. ~~The Director may, at his/her discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner shall set forth, to the extent known, the factual or other matters into which the Director intends to inquire.~~

~~For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all the facts stated in the petition; all of the facts necessary to show the nature of the controversy or uncertainty; and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Director to consider.~~

F. ~~The parties to any proceeding pursuant to this rule shall be the Director and the petitioner. Any other person may seek leave of the Director to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Director. A petition to intervene shall set forth the same matters as are required by Section D of this Rule. Any reference to a "petitioner" in this Rule also refers to any person who has been granted leave to intervene by the Director.~~

G. ~~Any declaratory order or other order disposing of a petition pursuant to this Rule shall constitute agency action subject to judicial review pursuant to the Colorado Administrative Procedures Act at § 24-4-106, C.R.S.~~

~~RULE 5 – REGISTRATION OF PLACES OF BUSINESS~~

~~The purpose of this rule is to clarify the requirements pertaining to the registration for places of business as required in § 12-8-107, C.R.S.~~

A. ~~Section 12-8-107 of the Barbers and Cosmetologists Practice Act ("the Act") states that the Director shall keep a register of places of business. A place of business is a location where one or more persons engage in the practice of barbering, esthetic services, cosmetology, hairstyling, or manicuring, and customers go to that location to receive those services. Private Occupational Barber, Beauty and Cosmetology Schools and Colleges are regarded as places of business subject to registration.~~

- ~~B. All places of business required to register are those defined in § 12-8-103(13), as well as barber, beauty, and cosmetology schools, but does not include:~~
- ~~1. Free-lance shop operators;~~
 - ~~2. Independent contractors; and~~
 - ~~3. Booth renters.~~
- ~~C. Temporary locations that must be registered are places where customers go to receive barbering, esthetic services, cosmetology, hairstyling, or manicuring services, but the services are provided at a location on an interim, irregular, seasonal, temporary, or transitional basis.~~
- ~~D. A Colorado-licensed barber, esthetician, cosmetologist, hairstylist, or manicurist shall not provide services at a place of business that is not registered with the Office of Barber and Cosmetology Licensure (“the Office”).~~
- ~~E. All registrations for places of business issued by the Office shall be conspicuously displayed in the place of business.~~
- ~~F. When a place of business closes, the owner or person responsible must notify the Office within five (5) days after closing.~~
- ~~G. All registrations issued to places of business shall not exceed two years, and must be renewed prior to the expiration date on the registration.— A registration that is not timely renewed will lapse, and the place of business will be required to register again by submitting an application and appropriate fee.~~

~~RULE 6—REQUIREMENTS FOR PLACES OF BUSINESSES AND LICENSEES~~

~~The purpose of this rule to establish safe and efficient requirements for places of business and licensees providing barbering, esthetic, cosmetology, hairstyling, and manicuring services that is necessary to protect the public’s health, safety and welfare pursuant to § 12-8-102, C.R.S.~~

~~A. General Requirements.~~

- ~~1. All places of business and licensees that provide barbering, esthetic, cosmetology, hairstyling, or manicuring services shall comply with health, safety, cleaning and disinfection requirements set forth in these rules, the Barbers and Cosmetologists Practice Act at § § 12-8-101 *et seq.*, C.R.S., and the rules and regulations promulgated by the Director. Compliance with these rules does not infer compliance with other requirements set forth by federal, state and local laws; city and county codes and ordinances; and other regulations applicable to business operations, physical construction and maintenance, safety, and public health.~~
- ~~2. Licensees shall not attempt to perform any service outside their scope of practice. Possession or storage of any item deemed outside a licensee’s scope of practice shall be considered prima facie evidence of use.~~
- ~~3. It shall be the responsibility of shop and salon owners to assure that all persons providing barbering, esthetic, cosmetology, hairstyling, and manicuring services hold current, valid Colorado licenses to practice such services, and that all licensees providing services in the shop or salon comply with the Colorado Barbers and Cosmetologists Practice Act, § § 12-8-101 *et seq.*, C.R.S., and the Director’s Rules and Regulations.~~

- ~~4. Licensees shall not use any product or supply that has been banned, deemed to be poisonous, unsafe for use in the barbering and cosmetology industry, or not approved by the United States Food and Drug Administration (FDA) or other local, state or federal governmental agencies responsible for making such determinations. Possession or storage of any item deemed poisonous, unsafe, or banned by the FDA or other governmental agency shall be considered prima facie evidence of use.~~
- ~~5. Material Safety Data Sheets (MSDS) relative to product ingredients, proper use, storage, disposal, and potential hazards for products in use at places of businesses that endanger the public shall be kept on the premises and available upon need or request.~~

~~B. Specific Requirements.~~

- ~~1. Bottles and Containers. All bottles and containers in use shall be distinctly and correctly labeled to disclose their contents. All bottles containing poisonous or caustic substances shall be additionally and distinctly marked as such and shall be stored in an area not open to the public. All poisonous or caustic substances shall be stored according to manufacturer's instructions.~~
- ~~2. Cleaning and Disinfection. All items used to provide barbering, esthetic, cosmetology, hairstyling, and manicuring services shall be cleaned and disinfected in accordance with Rule 2.~~
- ~~3. First Aid Kit. All places of business shall have a first aid kit on the premises available for use that contains, at a minimum, bandages, gauze, and antiseptic~~
- ~~4. Liquids, Creams, and Other Preparations. All liquids, creams, and other preparations shall be kept in properly labeled clean and closed containers.~~
- ~~5. Physical Facilities. All work areas in a place of business shall be kept clean and free from excessive accumulation of hair, dust, and other debris.~~
- ~~6. Storage of Tools, Implements, and Supplies. Clean and disinfected tools, implements, supplies and other items, when not in use, shall be stored in a clean manner or container separate from soiled or dirty items. Soiled or dirty tools, implements, supplies and other items shall be stored in a container separate from clean items until such time it is cleaned and disinfected.~~

RULE 7 – QUALIFICATIONS OF APPLICANTS

The purpose of this rule is to establish the criteria for an applicant's examination eligibility pursuant to § 12-8-108(1)(e) and § 12-8-114(3), C.R.S.

A. The following number of clock or contact hours in the respective subject areas shall remain in effect for all applicants by examination who complete an approved program on or before June 30, 2006:

1. Barber

Sanitation, sterilization & safety	45
Permanent waving & chemical relaxing	250
Massage & skin care	150
Shampoo & scalp treatments	150
Hair tinting	135
Hair cutting - styling	300
Shaving, honing, & stropping	150
Law and rules and regulations	25
Management, ethics, interpersonal skills & salesmanship	25
Occupational safety and health	20
TOTAL	1,250

2.—Cosmetologist

Sanitation, sterilization & safety	45
Permanent waving & chemical relaxing	250
Hairstyling - wet styling, hair pressing & iron curling	250
Massage, skin care & makeup	100
Shampoo & scalp treatments	75
Hair tinting & bleaching	225
Hair cutting	225
Basic manicuring and pedicuring	75
Application of artificial nails	135
Law and rules and regulations	25
Management, ethics, interpersonal skills & salesmanship	25
Occupational safety and health	20
TOTAL	1,450

3.—Cosmetician/Esthetician

Sanitation, sterilization & safety	70
Electricity, chemistry and light therapy	235
Massage, skin care & makeup	175
Law and rules and regulations	25
Management, ethics, interpersonal skills & salesmanship	25
Occupational safety and health	20
TOTAL	560

4.—Hairstylist

Sanitation, sterilization & safety	45
Permanent waving & chemical relaxing	250
Hairstyling - wet styling, hair pressing & iron curling	250
Shampoo & scalp treatments	75
Hair tinting & bleaching	225
Hair cutting	225
Law and rules and regulations	25
Management, ethics, interpersonal skills & salesmanship	25
Occupational safety and health	20
TOTAL	1,140

5.—Manicurists

Sanitation, sterilization & safety	70
Basic manicuring and pedicuring	75
Application of artificial nails	135
Law and rules and regulations	25
Management, ethics, interpersonal skills & salesmanship	25
Occupational safety and health	20
TOTAL	350

B. An applicant who completes an approved program on or after July 1, 2006 shall furnish proof of training in the subject areas in which the applicant seeks licensure with the following minimum number of credit hours:

1.—Barber

Treatment of hair & scalp	2
Facial massage & treatments	3
Shaving	3
Haircutting	9
Hairstyling	9
Permanent waving & chemical hair relaxing	8
Haircoloring	8
Law, rules & regulations	1
Management, ethics, interpersonal skills & salesmanship	1
Disinfection, cleaning & safe work practices	6
TOTAL	50

2.—Cosmetologist

Shampooing, rinsing & conditioning	2
Haircoloring	8
Haircutting	8
Hairstyling	7
Chemical texture services	4
Manicuring & pedicuring	7
Application of artificial nails	5
Facials & skin care	7
Facial makeup	1
Hair removal	3
Law, rules & regulations	1
Management, ethics, interpersonal skills & salesmanship	1
Disinfection, cleaning & safe work practices	6
TOTAL	60

3.—Esthetician

Facials & skin care	7
Facial makeup	1
Hair removal	3
Law, rules & regulations	1
Management, ethics, interpersonal skills & salesmanship	1
Disinfection, cleaning & safe work practices	7
TOTAL	20

~~4. — Hairstylist~~

Shampooing, rinsing & conditioning	2
Haircoloring	8
Haircutting	8
Hairstyling	7
Chemical texture services	4
Law, rules & regulations	1
Management, ethics, interpersonal skills & salesmanship	1
Disinfection, cleaning & safe work practices	9
TOTAL	40

~~5. — Manicurist~~

Manicuring & pedicuring	7
Application of artificial nails	5
Law, rules & regulations	1
Management, ethics, interpersonal skills & salesmanship	1
Disinfection, cleaning & safe work practices	6
TOTAL	20

~~C. At least 75% of the credit hours in section (B) shall be obtained by clinical instruction.—The remaining 25% may be obtained by theory or lecture.~~

~~D. Any applicant enrolled in a training program prior to July 1, 2004, shall have until June 30, 2007 to satisfy the clock/contact hour requirement in section (A) above.—Failure to complete the program by June 30, 2007 will require the applicant to convert his/her training into credit hours and complete any deficient credit hours before being eligible to apply for licensure.~~

~~E. Credit hours earned in similar subject areas in one training program may be applied towards the hours required in another licensure type if earned from a school approved by the Colorado Division of Private Occupational Schools or Colorado Community Colleges System.~~

~~F. Applicants who have graduated from a school located outside Colorado and apply after July 1, 2006, shall furnish certified proof that he/she has obtained the minimum total number of credit hours in section (B) above. If such training is reported in clock/contact hours, a ratio of one (1) credit hour will be recognized per thirty (30) clock hours obtained to determine when the applicant is eligible to sit for the licensure examinations.~~

~~RULE 8 – EXAMINATION CONDUCT~~

~~The purpose of this rule is to delineate conduct and penalties for applicants seeking licensure by examination as required by § 12-8-114 and 12-8-110, C.R.S., who attempt or engage in dishonest conduct that subverts the examination process.~~

~~A. Subversion of Examination Process~~

- ~~1. An examinee engaging or attempting to engage in conduct that subverts or undermines the integrity of the examination process shall be subject to the sanctions specified in this rule.~~
- ~~2. Conduct which subverts or undermines the integrity of the examination process shall be deemed to include, but is not limited to:
 - ~~(a) refusing or failing to fully and promptly comply with any rules, procedures, instructions, directions, or requests made or prescribed by the examination proctors;~~
 - ~~(b) removing from the examination room any of the examination materials;~~
 - ~~(c) reproducing or reconstructing by copying, duplication, memorization, written notes or electronic recording, any portion of the licensing examination;~~
 - ~~(d) selling, distributing, buying, receiving, obtaining, or having unauthorized possession of a future, current, or previously administered licensing examination;~~
 - ~~(e) communicating in any manner with any other examinee or any other person, other than a proctor, during the administration of the examination;~~
 - ~~(f) copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the examination;~~
 - ~~(g) having in one's possession during the administration of the examination any materials or objects other than the examination materials distributed, including, without limitation, any books, notes, recording devices, or other written, printed or recorded materials or data of any kind;~~
 - ~~(h) impersonating an examinee;~~
 - ~~(i) permitting another person to appear for and take the examination on an applicant's behalf and in an applicant's name; or~~
 - ~~(j) engaging in any conduct that disrupts the examination or the taking thereof by other examinees.~~~~

B. Finding of Subversion

- ~~1. When, during the administration of an examination, there exists reasonable cause to believe that an applicant/examinee is engaging or attempting to engage in subversion, action shall be taken as deemed necessary or appropriate to terminate such conduct and such conduct shall be reported to the Office of Barber and Cosmetology Licensing ("the Office").~~
- ~~2. When the Director of Registrations ("the Director") has reasonable cause to believe that an applicant has engaged or attempted to engage in conduct that subverts or undermines the integrity of the examination process, the Director shall so advise the applicant and provide him/her with an opportunity for hearing pursuant to the Colorado Administrative Procedure Act.~~

C. Sanctions for Subversion of Examination

- ~~1. An applicant who is found by the Director prior to the administration of the examination to have engaged in conduct or to have attempted to engage in conduct, which subverts or undermines the integrity of the examination process shall not be seated for the upcoming examination, and may be sanctioned or disciplined in accordance with this rule and the Barbers and Cosmetologists Practice, § 12-8-101 et seq., C.R.S.~~
- ~~2. An applicant/examinee who is found by the Director to have engaged or to have attempted to engage in conduct that subverts or undermines the integrity of the examination process shall be deemed to have failed the examination, and may be sanctioned or disciplined in accordance with this rule and the Barbers and Cosmetologists Practice, § 12-8-101 et seq., C.R.S. Such failure shall be recorded in the official records of the Office.~~
- ~~3. In addition to the sanctions permitted or mandated above, as to an applicant/examinee found by the Director to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process, the Director may:
 - ~~(a) deny the applicant's application for licensure;~~
 - ~~(b) revoke, suspend, or impose probationary conditions on any license issued to such applicant; or~~
 - ~~(c) disqualify the applicant for a specified number of subsequent administrations of the examination.~~~~

RULE 9—MANICURING

~~The purpose of this rule to enhance the safe and efficient application of manicuring services as provided by licensed manicurists and cosmetologists that are necessary to protect the public's health, safety and welfare pursuant to § 12-8-102, § 12-8-103(9) & (10.5), § 12-8-108(1)(a) & (c), § 12-8-120, and § 12-8-132(1)(c), C.R.S.~~

A. Electric Files:

- ~~1. Electric files can be used for manicuring and limited to the following procedures:
 - ~~(a) Natural nail services;~~
 - ~~(b) Filing, maintenance, and removal of artificial enhancement products; and~~~~

~~(c) Pedicure services.~~

~~2. Only electric files, drills, or machines specifically designed for use in the professional nail industry can be used at places of business.— Craft, hardware, and hobby tools cannot be used under any circumstances.~~

~~3. To be deemed competent to use an electric file pursuant to § 12-8-132(1)(c), C.R.S., licensed cosmetologists and manicurists must obtain eight (8) hours of training.— If licensed cosmetologists and manicurists have not received such training, then they shall not use electric files until the training is completed.~~

~~The eight (8) hours of training must be obtained from a school program approved by the Colorado Division of Private Occupational Schools (DPOS) or Colorado Community-Colleges System (CCCS).— The eight (8) hours of training must include the following subject areas:~~

(a)	Cleaning and disinfection	2½ hours
(b)	Client protection during filing	1 hour
(c)	Bit selection and use	½ hour
(d)	Machine specifications and uses	½ hour
(e)	Natural nail procedures	½ hour
(f)	Artificial enhancements	2 hours
(g)	Pedicure procedures	1 hour

~~Certification by the Association of Electric File Manufacturers (AEFM) received on or before December 31, 2006 satisfies the above training requirements for electric files.— AEFM certifications issued on or after January 1, 2007 will not be recognized unless issued under an approved program by DPOS or CCCS.~~

~~4. Licensed cosmetologists and manicurists using electric files must be able to supply written documentation, upon request by the Director, which substantiates appropriate training as required above.— Failure to provide written documentation is a violation of this rule, and is prima facie evidence that the licensed cosmetologist or manicurist is not competent to use an electric file.~~

~~B. Prohibited Practices.— Licensed cosmetologists and manicurists may not use any of the following substances or products:~~

~~1. Methyl Methacrylate Liquid Monomers, a.k.a., MMA; and~~

~~2. Razor-type callus shavers designed and intended to cut growths of skin such as corns and calluses.~~

~~Possession or storage of the above substances and products shall be considered prima facie evidence of use.~~

~~C. Hair Removal by Waxing:~~

- ~~1. Section 12-8-103(10.5), C.R.S., limits the scope of waxing by manicurists to the client's leg up to the knee and the arm up to the elbow. The Director considers the hands and feet to be within the scope and appropriate areas for waxing. Hair removal on any other part of the body, such as eyebrows, lips, bikini areas, etc., is not permitted by manicurists and must be performed by licensed cosmetologists or estheticians.~~
- ~~2. The use of soft and hard waxes, sugar, depilatories, and tweezers are appropriate methods by licensed manicurists to remove superfluous hair.~~
- ~~3. To be deemed competent to remove hair by waxing pursuant to § 12-8-132(1)(c), C.R.S., licensed manicurists must obtain six (6) hours of training. If licensed manicurists have not received such training, then they shall not remove hair by waxing until the training is completed.~~

~~The six (6) hours of training must be obtained from a school program approved by the Colorado Division of Private Occupational Schools or Colorado Community Colleges System. The six (6) hours of training must include the following subject areas:~~

~~(a) Skin Histology—1 hour~~

- ~~—Anatomy of the Skin~~
- ~~—Functions of the Skin~~
- ~~—Disorders of the Skin~~

~~(b) Client Safety and Protection: 1 hour~~

- ~~—Client Consultation~~
- ~~—Contraindications of Hair Removal:~~
 - ~~—Minor contraindications: sensitive skin, sunburn, pustules and papules, chemical peels, botox or collagen injection, surgery~~
 - ~~—Major contraindications: Retin-A, Renova, hydroquinone, blood-thinning medications, topical or cortisone medication, Accutane~~

~~—Release Forms~~

~~—Product testing~~

~~(c) Types of Products for Hair Removal & Application—3 hours~~

- ~~—Tweezing~~
- ~~—Depilatories~~
- ~~—Waxing: Sugaring, Hard and Soft Waxes~~

~~(d) Disinfection, Sanitation, State Rules, & Safe Work Practices 1 hour~~

~~Certification by the Pedicure Protection Program (PPP) received on or before December 31, 2006 satisfies the above training requirements for hair removal by waxing.— PPP certifications issued on or after January 1, 2007 will not be recognized unless issued under an approved program by DPOS or CGCS.~~

- ~~4. Licensed manicurists removing hair by waxing must be able to supply written documentation, upon request by the Director, which substantiates appropriate training as required above. Failure to provide written documentation is a violation of this rule, and is prima facie evidence that the licensed manicurist is not competent to remove hair by waxing.~~

~~RULE 10—LICENSURE BY ENDORSEMENT~~

~~The purpose of this rule is to establish the qualifications and procedures for applicants seeking licensure by endorsement pursuant to § 12-8-118, C.R.S.~~

- ~~A. An applicant for licensure by endorsement must have a verification of licensure sent directly to the Office of Barbering and Cosmetology Licensure from all states or foreign countries in which the applicant has been licensed to practice during the last five (5) years from the date of application. The applicant must possess at least one (1) active, valid license in good standing at the time of application to Colorado to seek licensure by endorsement.— An applicant previously licensed in another jurisdiction who does not hold an active, valid license at the time of application shall be required to meet the educational qualifications set forth in section 12-8-114, C.R.S., the examination requirements in section 12-8-110, C.R.S., and any applicable rules to obtain Colorado licensure.~~
- ~~B. The following shall constitute substantially equivalent licensure and qualifications for applicants for licensure by endorsement within the meaning of § 12-8-118(1)(a) of the Barbers and Cosmetologists Practice Act (“the Act”): proof of graduation from a barber or beauty school approved by the appropriate governmental agency responsible for approving such schools in that state or country, and proof of passage of a written and practical examination administered by the appropriate licensing agency for that state or country.~~
- ~~C. An applicant holding a current license from another jurisdiction not meeting the substantially equivalent qualifications for licensure by endorsement as set forth in the Act and this rule shall be issued a license upon passage of Colorado’s written examination used for initial licensure under § 12-8-110, C.R.S.~~
- ~~D. Foreign-trained and licensed applicants seeking licensure by endorsement must submit their qualifications, credentials, and work experience to a credentialing agency for review.— The credentialing agency will review the applicant’s qualifications, training, and work experience and determine whether such applicant satisfies the requirements for licensure by endorsement as contained in the Act and this rule.~~
- ~~1. Credential reviews will only be accepted from either International Credentialing Associates (“ICA”) or International Education Research Foundation (“IERF”).— The Director will not accept a credentials review from an organization not listed in this rule.~~
 - ~~2. All expenses associated with the credential review are the responsibility of the applicant.~~
 - ~~3. Failure to have a credentials review completed pursuant to the terms of this rule will result in the Director denying the application.~~

~~4. The Director, at his/her discretion, may accept and/or refuse any recommendation made in the credential review.~~

RULE 11 – PERMANENT MAKEUP

~~The purpose of this rule to enhance the safe and effective application of permanent makeup and facial cosmetic pigment implantation services as provided by licensed estheticians and cosmetologists that are necessary to protect the public's health, safety and welfare pursuant to § 12-8-102, § 12-8-103(7), (8), & (9), and § 12-8-132(1)(c), C.R.S.~~

~~A. General Requirements and Definitions:~~

- ~~1. Permanent Makeup or Facial Cosmetic Pigment Implantation Services is the process of beautifying the face by inserting or implanting facial cosmetic pigment under the surface of the human skin or mucosa in which any color or pigment is applied with a needle, or other means, to produce a permanent or semi-permanent mark visible through the skin on the client's face including, but not limited to the application of eyeliner, eye shadow, lip color, cheek color, and facials scars.—The client's face is defined as the area above the jaw line and anterior to the ear and frontal hairline.~~
- ~~2. Permanent Makeup or Facial Cosmetic Pigment Implantation Services is limited to the client's face and does not include services to areas beyond the client's face as defined above. Permanent makeup or facial cosmetic pigment implantation services does not include pigmentation of areas involving reconstructive surgery or trauma, repigmentation of the areola, and/or body art.—The performance of such services are deemed beyond the scope of this rule, and licensed estheticians and cosmetologists may perform such services so long as they comply with the requirements, if any, of the Colorado Department of Health, Colorado Board of Medical Examiners, and local and county regulatory authority.~~
- ~~3. A Colorado licensed esthetician or cosmetologist may perform permanent makeup or facial cosmetic pigment implantation services only if the esthetician or cosmetologist has obtained the necessary education as required herein.~~

~~B. Education Requirements:~~

- ~~1. To be deemed competent to perform permanent makeup or facial cosmetic pigment implantation services pursuant to § 12-8-132(1)(c), C.R.S., licensed cosmetologists and estheticians must obtain 132 clock hours of training in the following topic areas specifically related to permanent makeup or facial cosmetic pigment implantation services:~~

<u>Course Topic</u>	<u>Hours</u>
Cleaning, Disinfection, Sterilization, and Safety	12
Skin Analysis	8
Equipment and Supplies	8
Color Theory and Effects	32
Client Consultation	8

Application of Pigment	64
Total	132

~~Cleaning, Disinfection, Sterilization, and Safety includes specialized knowledge of cleaning, disinfection, sterilization, and safety; methods of cleaning, disinfection, and sterilization; selection of appropriate procedures and products; identifying hazards; and legal requirements established by the Director, Colorado Department of Health, and applicable local (city and county) jurisdictions.~~

~~Skin Analysis includes basic knowledge of skin elasticity, skin tones, skin texture and thickness, and any related conditions, diseases, and/or disorders that may result in increased incidence of adverse reactions to the service.~~

~~Equipment and Supplies includes knowledge of the various types of implanters, proper storage, inspection of needles, sources of equipment and supplies, maintenance of equipment, and requirements set by the Occupational Safety and Health Administration (OSHA).~~

~~Color Theory and Effects includes knowledge of the color wheel, natural skin tones, principles of selection, and results of exposure to natural elements and aging.~~

~~Client Consultation includes knowledge of communication skills; ethics in decisions and selections; importance of decisions based upon permanency of application; methods of implanting, correcting, and removal; health and medical history; expectation of results; and aftercare.~~

~~Application of Pigment includes knowledge of shape selection, selection of technique, pain and swelling control, and conservative application.~~

~~2. On or after January 1, 2007, a licensee must obtain 132 clock hours as described above from either a school program approved by the Colorado Division of Private Occupational Schools or the Colorado Community Colleges System.~~

~~3. Education obtained on or before December 31, 2006 will be accepted if 132 clock hours has been obtained from a program approved by either the Colorado Division of Private Occupational Schools (DPOS) or Colorado Community Colleges System (CCCS); a school program located in another state or country approved by the governmental agency responsible for approving such schools or programs in that state or country; or a course approved, sponsored, or affiliated by either the Society of Permanent Cosmetic Professionals, American Institute of Permanent Color Technology, or American Academy of Micropigmentation unless issued under an approved program by DPOS or CCCS. Such hours can vary by course topic as identified in subsection 1 above, but shall equal 132 clock hours of training in Permanent Makeup or Facial Cosmetic Pigment Implantation Services.~~

~~G. Compliance.~~

~~1. Licensed cosmetologists and estheticians must be able to supply written documentation, upon request by the Director, which substantiates appropriate training as required above. Failure to provide written documentation is a violation of this rule, and is prima facie~~

~~evidence that the licensed cosmetologist or esthetician is not competent and not permitted to perform permanent makeup or facial cosmetic pigment implantation services.~~

- ~~2. The rules and regulations governing body art in the state of Colorado as promulgated by the Colorado Department of Health, 6 Colo. Code Regs. 1010-22, are incorporated herein by reference and all estheticians and cosmetologists performing permanent makeup or facial cosmetic pigment implantation services must comply with such rules. — Failure to comply with the Colorado Department of Health’s rules and regulations are a violation of this rule, and estheticians and cosmetologists will be subject to discipline pursuant to section 12-8-132(1)(i), C.R.S.~~

~~RULE 12—LICENSURE REINSTATEMENT~~

~~The purpose of this rule is to establish the qualifications and procedures for applicants seeking reinstatement of expired licenses pursuant to § 12-8-115, C.R.S., § 24-34-102(8)(d)(II) & (10), C.R.S., and § 24-34-105, C.R.S.~~

- ~~A. An applicant seeking reinstatement of an expired license shall complete a reinstatement application and pay all applicable renewal and reinstatement fees.~~
- ~~B. An applicant seeking reinstatement of a license that has been expired for more than two years, but less than five years, will have to establish “competency to practice” under § 24-34-102(8)(d)(II)(A) & (D), C.R.S., by submitting the following:
 - ~~1. Proof of 400 hours of work experience within the previous five (5) years immediately preceding the date of application. — The applicant shall attest to the number of work experience hours submitted.~~
 - ~~2. If the applicant provides proof of work experience from another state or jurisdiction, the applicant shall provide a verification of licensure from all states or jurisdictions in which the applicant has been actively practicing during the last five (5) years prior to the date of application.~~~~
- ~~C. An applicant who cannot provide proof of work experience or seeks to reinstate a license that has been expired for more than five years will be required to pass the written examination used for initial licensure under § 12-8-110, C.R.S., in order to reinstate the expired license.~~
- ~~D. An applicant for reinstatement who has actively practiced in Colorado on an expired license in violation of § 12-8-120, C.R.S., is subject to denial of application, disciplinary action, and/or other penalties as authorized in the Barbers and Cosmetologists Practice Act at §§ 12-8-101 *et seq.*, C.R.S., and in accordance with § 24-34-102 *et seq.*, C.R.S.~~

~~Editor’s Notes~~

~~History~~