

NOTICE OF PUBLIC HEARING



Notice is hereby given the Board of Barber Examiners will hold a public hearing pursuant to Neb. Rev. Stat. 84-901 to 84-920 for the following proposed amendments and adoption of Title 51 Nebraska Administrative Code: Chapter 1, Definitions. Chapter 3, Licensing and Issuance, and Chapter 12, Minimum Curriculum and Requirements For Approved Schools of Barbering, and rewrite inconsistent language through out title 51, on Sunday the 22nd day of July, 2018 at 3 p.m. to be held at the 1220 Lincoln Mall Building, Lincoln, NE in the Barber Board Office, Suite 100, use the south entrance. The proposed Chapter 1 regulation creates definition of a mobile barber shop. Chapter 3 adds a proposed exception to current regulation, Chapter 12 regulation details the recent change of barber training hours in a school or college of barbering. This proposal also amends the minimum number of barber services preformed by each student during their tenure in barber school. The rewrite of Title 51 consist of updating language and preforming a compliance review with recent legislation. There is no fiscal impact to the Board of Barber Examiners, state agencies, political subdivisions, or persons or entities being regulated, due to the proposed adoption of the aforementioned Chapters. Copies of these proposed regulations are available for public examination at the Board of Barber Examiners office, 1220 Lincoln Mall, Suite 100, Lincoln, NE 68508, as well as the office of the Secretary of State, State Capitol Building, Room 1305, Lincoln, NE 68508. All interested persons are invited to attend and comment at the hearing. Written comments are also welcome and will be given the same consideration as comments made in person. Written comment, must be postmarked or received by July 13, 2018. Written comment should be sent to Nebraska Board of Barber Examiners, PO Box 94723, Lincoln, NE 68509 or emailed to barbers.board@nebraska.gov. Individuals with disabilities in need of assistance contact Ken Allen, PO Box 94723, Lincoln, NE 68509 or (402) 471-2051 by July 13, 2018, to discuss accommodations available to meet your needs.

DRAFT/FINAL FISCAL IMPACT STATEMENT

Agency: Board of Barber Examiners	
Title: 51	Prepared by: Ken Allen
Chapter: 1, 3, 12	Date prepared: April 26, 2018
Subject: Definition of Mobile Barber shop, Amend an exception to barber shop licensing, Amend Barber Training hours and Student Practical Requirements, Removal of several words "shall"	Telephone: (402) 471-2051

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
Decreased Revenue	()	()	()
Indeterminable	()	()	()

Provide an Estimated Cost & a Description of Impact:

State Agency:

Political
Subdivision:

Regulated
Public:

If indeterminable, explain why:

CODE AGENICES: SUBMIT TO GOVERNOR BEFORE SUBMITTING TO EXECUTIVE BOARD AND BEFORE PUBLIC HEARING DATE IS SET

**PROPOSED REGULATION
GPRO COVERPAGE
(ATTACH TO REVIEW CHECKLIST)**



Agency: Board of Barber Examiners

Title, Chapter of Rules submitted: Title 51 NAC, Chapters 1, 3, and 12

Subject: Chapter 1 – Definitions, Chapter 3 – Licensing and issuance, Chapter 12 – School Curriculum, Student Minimum Service Requirements, and change language in some chapters for consistency.

Prepared by: Ken Allen

Telephone: (402) 471-2051

Date submitted to Governor: May, 4th, 2018

Projected dates for public hearings July 22, 2018.

Projected deadline for final approval _____.

A copy of the section of laws or federal regulations that triggered these changes is attached.

FOR GOVERNOR OFFICE RECORDS

Advisor Assigned: _____

Date approved to proceed: _____

Options for proceeding: _____

- a) No further contact with GPRO is necessary until final rules have been approved by the Attorney General.
- b) Contact Governor through GPRO concerning issues raised in Negotiated Rulemaking procedures.
- c) Submit Rules and Regulations Policy Review Checklist to Governor if rules are changed hereafter and a new public hearing is scheduled.
- d) Keep the Governor informed through GPRO as issues arise in negotiations, drafting sessions, advisory board meetings, and public hearings.
- e) Specific policy comments per Governor's instructions is attached.

PROPOSED REGULATION POLICY REVIEW CHECKLIST

Agency: Board of Barber Examiners

Title, Chapter of Regulation: Title 51 NAC, Chapters 1, 3, and 12

Subject: CHAPTER 1 - Definition of Mobile Barber Shop, Chapter 3 – Licensing and Issuance of permits, CHAPTER 12 – Barber training hours and Student Minimum Service Requirements

Prepared by: Ken Allen

Contact Info: (402) 471-2051

A. Policy Changes and Impacts

1. The proposed Chapter 1 regulation creates definition of a mobile barber shop. Chapter 3 amendment places an exception on barber shops, Chapter 12 regulation details the recent change of barber training hours in a school or college of barbering. This proposal also amends the minimum number of barber services preformed by each student during their tenure in barber school. There is no impact to the Board of Barber Examiners, state agencies, political subdivisions, or persons or entities being regulated due to the proposed adoption of the aforementioned Chapters.
2. These proposed changes in regulation are to align with recent legislation and passage of LB731, 2018.

B. Why is the rule necessary? Explain and provide an identification of specific authorizing statute(s) or legislative bill(s).

These Rule changes are created by the recent passage of LB731, 2018.

C. What happens if these rules are not adopted?

If these rules are not adapted, there will be conflict with current Rules and Statutes.

D. Policy Checklist

1. Is this an update or editorial change reflecting essentially no change in policy?
Update
2. Does the policy in **the proposed regulation reflect legislative intent? Yes**
3. Is the policy proposed in the regulation **a state mandate on local government?**
Is it funded? **LB731, 2018, Not funded**
4. Is the policy proposed in the regulation **a federal mandate on local government?**
Is it funded? **No on Both**

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E. Fiscal Impact. In addition to completing the required Fiscal Impact Statement (a

copy must be attached to this document), the agency must address the following:

1. Will the proposed regulation reduce, increase, or have no change in resources – funds, personnel or FTE? **No Change**
2. Have initial contacts been made with citizens or organizations that may be impacted by the proposed regulation? **Yes, to the best of my knowledge.**
3. Does the proposed regulation impact another agency? **No** Explain the impact.
4. Will the proposed regulation reduce, increase, or have no change on reporting requirements of businesses? **Mobile barber shops may have a slight increase in reporting requirements, if they choose not to install a GPS tracking device.**
5. What is the agency's best estimate of the additional or reduced spending? **None** If there is none, please note. If receipt of federal funds is contingent upon approval of the proposed regulation, then indicate the amount and nature of the federal funds affected, and enclose laws or correspondence from federal officials substantiating the information.

F. Unique problems or issues and recommendations. **None foreseen**

G. Who is expected to be affected, or to oppose or support the proposed regulation? Explain what initial informal contacts have been made with organizations or citizens who may be affected by the regulation prior to the public hearing. **Barber schools and students will be affected, unknown impact. Schools have been informed of the changes. Unknown impact with the mobile barber shops.**

H. Are these proposed rules a likely candidate for negotiated rulemaking? Explain. Has the process been completed? If so, explain how the issues were addressed. **Our agency does not foresee any negotiation in rulemaking as these rules are less burdensome for those involved.**

Director's Verification of Review

I have reviewed these proposals and verify that, at this stage of the regulation's development, these questions have been accurately addressed.

Director's Signature



Date

5/4/2018

Sec. 79. Section 71-202.01, Revised Statutes Cumulative Supplement, 2016, is amended to read:

71-202.01 For purposes of the Barber Act, unless the context otherwise requires:

- (1) Barber shall mean any person who engages in the practice of any act of barbering;
- (2) Barber pole shall mean a cylinder or pole with alternating stripes of red, white, and blue or any combination of them which run diagonally along the length of the cylinder or pole;
- (3) Barber shop shall mean (a) an establishment or place of business properly licensed as required by the act where one or more persons properly licensed are engaged in the practice of barbering or (b) a mobile barber shop. Barber shop but shall not include barber schools or colleges;
- (4) Barber school or college shall mean an establishment properly licensed and operated for the teaching and training of barber students;
- (5) Board shall mean the Board of Barber Examiners;
- (6) Manager shall mean a licensed barber having control of the barber shop and of the persons working or employed therein;
- (7) License shall mean a certificate of registration issued by the board;
- (8) Barber instructor shall mean a teacher of the barber trade as provided in the act;
- (9) Assistant barber instructor shall mean a teacher of the barbering trade registered as an assistant barber instructor as required by the act;
- (10) Mobile barber shop shall mean a self-contained, self-supporting, enclosed mobile unit licensed under the act as a mobile site for the performance of the practice of barbering by persons licensed under the act;
- (11) (10) Registered or licensed barber shall mean a person who has completed the requirements to receive a certificate as a barber and to whom a certificate has been issued;
- (12) (11) Secretary of the board shall mean the director appointed by the board who shall keep a record of the proceedings of the board;
- (13) (12) Student shall mean a person attending an approved, licensed barber school or college, duly registered with the board as a student engaged in learning and acquiring any and all of the practices of barbering, and who, while learning, performs and assists any of the practices of barbering in a barber school or college; and
- (14) (13) Postsecondary barber school or college shall mean an establishment properly licensed and operated for the teaching and training of barber students who have successfully completed high school or its equivalent as determined by successfully passing a general educational development test prior to admittance.

Sec. 80. Section 71-203, Reissue Revised Statutes of Nebraska, is amended

LB731

2018

-19-

to read:

71-203 The following persons are exempt from the Barber Act while in the proper discharge of their professional or occupational duties: (1) Persons authorized by the laws of this state to practice medicine and surgery; (2) commissioned medical or surgical officers of the United States military services; (3) registered or licensed practical nurses; and (4) persons engaged in operating or employed in cosmetology establishments salons, except that nothing contained in this section shall authorize a cosmetologist to perform barbering as defined in section 71-202 in any licensed barber shop.

Sec. 81. Section 71-204, Reissue Revised Statutes of Nebraska, is amended to read:

71-204 A person is qualified to receive a certificate of registration to practice barbering (1) who has a diploma showing graduation from high school or an equivalent education as determined by passing a general education development test; (2) who is at least seventeen years of age; (3) who has completed one thousand eight hundred hours of training in a barber school or college; (4) who has graduated from a barber school or college approved by the Board of Barber Examiners; and (5) who has passed an examination conducted by the Board of Barber Examiners to determine his or her fitness to practice barbering, which examination shall be taken within two years after the date of entry into barbering school.

Sec. 82. Section 71-208, Revised Statutes Cumulative Supplement, 2016, is amended to read:

71-208 The Legislature finds that, through licensing of barber schools, the Board of Barber Examiners approves barbering programs which lead to a certificate or diploma in Nebraska. No barber school or college shall be approved by the board unless (1)(a) a barber school or college that operates as a postsecondary barber school or college requires, as a prerequisite to admission, high school graduation or its equivalent as determined by successfully passing a general educational development test or (b) a barber school or college that does not operate as a postsecondary barber school or college requires, as a prerequisite to graduation from such school or college, high school graduation or its equivalent as determined by successfully passing a general educational development test, (2) as a prerequisite to graduation it requires a course of instruction of not less than one thousand eight hundred hours, to be completed in a period of not less than one year, of not more than ten hours in any one working day, and (3) the barber school or college meets the standards of the Barber Act and any rules and regulations of the board. Such course of instruction shall include scientific fundamentals for barbering, hygiene, massaging, sterilization, haircutting, and shaving, except

that when a barber school or college is a part of a high school accredited by the State Board of Education or the University of Nebraska, the Board of Barber Examiners shall provide in its rules and regulations that credit in the barber school or college shall be given for hours spent and courses pursued in the high school and that credit shall be given for courses in barbering taken in high school prior to formal enrollment in such barber school or college.

Sec. 83. Section 71-208.08, Reissue Revised Statutes of Nebraska, is amended to read:

71-208.08 (1) Cosmetologists licensed in the State of Nebraska attending a barber school or college may of barbering shall be given credit of one thousand hours of training applied credit toward the course hours required for graduation.

(2) Barbers licensed in the State of Nebraska attending a school of cosmetology may be given credit of one thousand hours of training applied toward the course hours required for graduation.

Sec. 84. In order to be licensed as a mobile barber shop by the board, an applicant shall, in addition to the requirements of the Barber Act, meet, and present to the board evidence of meeting, the following requirements:

(1) The proposed barber shop is a self-contained, self-supporting, enclosed mobile unit;

(2)(a)(i) The mobile unit has a global positioning system tracking device that enables the board to track the location of the barber shop over the Internet;

(ii) The device is on board the mobile unit and functioning at all times the barber shop is in operation or open for business; and

(iii) The owner of the barber shop provides the board with all information necessary to track the barber shop over the Internet; or

(b) The owner of the barber shop submits to the board, in a manner specified by the board, a weekly itinerary showing the dates, exact locations, and times that barbering services are scheduled to be provided. The owner shall submit the itinerary not less than seven calendar days prior to the beginning of the service described in the itinerary and shall submit to the board any changes in the itinerary not less than twenty-four hours prior to the change. A barber shop shall follow the itinerary in providing service and notify the board of any changes;

(3) The barber shop is clearly identified as such to the public by a sign;

(4) The barber shop complies with the sanitary requirements of the Barber Act and the rules and regulations adopted and promulgated under the act;

(5) The entrance into the proposed barber shop used by the general public provides safe access by the public; and

(6) The proposed barber shop includes a functional sink and toilet facilities and maintains an adequate supply of clean water and wastewater storage capacity.

Sec. 85. Any person seeking a license to operate a mobile barber shop shall submit a completed application to the board as provided in section 71-219.02, and along with the application, the applicant shall submit a detailed floor plan or blueprint of the proposed barber shop sufficient to demonstrate compliance with the requirements of section 84 of this act.

Sec. 86. In addition to the requirements of the Barber Act, each application for a license to operate a mobile barber shop shall be reviewed by the board for compliance with the requirements of the Barber Act. If an application is denied, the applicant shall be informed in writing of the grounds for denial, and such denial shall not prejudice future applications by the applicant. If an application is approved, the board shall issue the applicant a certificate of consideration to operate a mobile barber shop pending an operation inspection. The board shall conduct an operation inspection of each barber shop issued a certificate of consideration within six months after the issuance of such certificate. A barber shop which passes the inspection shall be issued a license. A barber shop which fails the inspection shall submit within fifteen days evidence of corrective action taken to improve those aspects of operation found deficient. If evidence is not submitted within fifteen days or if after a second inspection the barber shop does not receive a satisfactory rating, it shall immediately relinquish its certificate of consideration and cease operation.

Sec. 87. In order to maintain its license in good standing, each mobile barber shop shall operate in accordance with the following requirements:

- (1) The barber shop shall at all times comply with all applicable provisions of the Barber Act and all rules and regulations adopted and promulgated under the act;
- (2) The barber shop owner or his or her agent shall notify the board of any change of ownership, name, or office address and if a barber shop is permanently closed;
- (3) No barber shop shall permit any unlicensed person to perform any of the practices of barbering within its confines or employment;
- (4) The barber shop shall display a name upon, over, or near the entrance door distinguishing it as a barber shop;
- (5) The barber shop shall permit any duly authorized agent of the board to conduct an operation inspection or investigation at any time during the normal operating hours of the barber shop, without prior notice, and the owner and manager shall assist the inspector by providing access to all areas of the barber shop, all personnel, and all records requested by the inspector;
- (6) The barber shop shall display in a conspicuous place the following records:
 - (a) The current license or certificate of consideration to operate a barber shop; and
 - (b) The current licenses of all persons licensed under the act who are

employed by or working in the barber shop;

(7) No barbering practices may be performed in a barber shop while the barber shop is moving. The barber shop must be safely and legally parked in a legal parking space at all times while clients are present inside the barber shop. A barber shop shall not park or conduct business within three hundred feet of another licensed barber shop. The board is not responsible for monitoring for enforcement of this subdivision but may discipline a license for a reported and verified violation; and

(8) The owner of the barber shop shall maintain a permanent business address at which correspondence from the board may be received and records of appointments, license numbers, and vehicle identification numbers shall be kept for each barber shop being operated by the owner. The owner shall make such records available for verification and inspection by the board.

Sec. 88. The license of a mobile barber shop that has been revoked or expired for any reason shall not be reinstated. An original application for licensure shall be submitted and approved before such barber shop may reopen for business.

Sec. 89. Each mobile barber shop license issued shall be in effect solely for the owner or owners and the mobile unit named thereon and shall expire automatically upon any change of ownership or mobile unit. An original application for licensure shall be submitted and approved before such barber shop may reopen for business.

Sec. 90. The owner of each mobile barber shop shall have full responsibility for ensuring that the barber shop is operated in compliance with all applicable laws, rules, and regulations and shall be liable for any and all violations occurring in the barber shop.

Sec. 91. Section 71-224, Reissue Revised Statutes of Nebraska, is amended to read:

71-224 Sections 71-201 to 71-248 and sections 84 to 90 of this act shall be known and may be cited as the Barber Act.

CHAPTER 1 – DEFINITIONS

ADEQUATE refers to both quantity, quality and equivalent to sufficient.

ACCEPTABLE shall mean fulfilling the needs and requirements.

APPROVED shall mean accepted by the Board.

ASSISTANT INSTRUCTOR shall mean a teacher of the practice of barbering licensed as an assistant instructor, under the supervision of a registered barber instructor, as required by the Barber Act.

BARBER shall mean any person duly licensed as required by the Barber Act, who engages in the practice of any or all acts of barbering.

BARBER ACT shall mean §§ Neb. Rev. Stat. 71-201 through 71-248.

BARBER SHOP shall mean an establishment or place of business properly licensed as required by the Barber Act, where one or more persons properly licensed is engaged in the practice of barbering, but shall not include barber schools or colleges.

BARBER SCHOOL OR COLLEGE shall mean an establishment properly licensed and operated for the teaching and training of all practices of barbering to students.

BOARD shall mean the Board of Barber Examiners.

BOOTH shall mean that portion of a barber shop rented or proposed to be rented to a person who is or will be practicing barbering under a booth rental permit. A booth may be either a station in an open shop area or an enclosed suite.

BOOTH RENTAL PERMIT shall mean authorization issued by the Board to engage in the practice of barbering as an independent contractor or self-employed person in a space rented on the premises of a licensed barber shop.

BUSINESS HOURS shall mean the office hours of the Board, Monday through Friday, from 8:00 to 5:00, exclusive of state holidays, for purposes of conducting business with the Board or meeting time requirements set by these regulations. For purposes of inspection, business hours include office hours of the Board and those hours stated as shop or booth hours on the application by the licensee or permittee.

CHANGE OF LOCATION shall mean relocation into new surroundings not currently registered with the Board office as a barber shop, booth, or school.

CLEAN shall mean the absence of soil or dirt or the removal of soil or dirt by washing, sweeping, clearing away or any other method.

COMMON AREAS shall mean those portions of a shop premises which all barbers performing services in the shop, or operating under a booth rental permit, use, which may include but are not limited to: reception area, dispensing area, sinks, shampoo bowls, hair dryers and employee lounges.

DISINFECT shall mean to use a process to destroy harmful bacteria.

EFFECTIVE DATE shall mean the date a rule or disciplinary decision goes into effect.



ENCLOSURE shall mean a cabinet, drawer or container.

HAIR INDUSTRY means individuals licensed as a barber or barber instructor, or in states issuing a combination form of licensure, individuals licensed as a barber-cosmetologist or a barber-cosmetology instructor.

INCOMPETENCE shall mean lack of knowledge or skills in discharging professional obligations.

INDEPENDENT CONTRACTOR shall mean a self-employed person who performs work for another but is subject to that person's control only as to the result of the work, and not as to the methods or means used.

INSTRUCTOR shall mean a teacher of the practice of barbering as provided in the Barber Act.

LICENSE shall mean a certificate of registration issued by the Board.

MANAGER shall mean a registered barber who oversees, directs or is in charge of the activities or the flow of business in a barber shop and the persons working or employed therein.

MOBILE BARBER SHOP means a self-contained, self-supporting, enclosed mobile unit that meets all applicable rules and regulations under the Barber Act applicable to barber shops except for Ch.3 003.03 in this section.

NEW BARBER SHOP shall mean an application has been made to the Board office requesting an inspection and approval of the premises for licensing.

PERMIT shall mean a booth rental permit issued by the Board.

PRACTICAL WORK AREA shall mean the act of performing barbering services.

PREMISES shall mean the entire area of the shop or school which the Board has licensed and designated as a shop or school.

PROPERLY shall mean requisite standard of competence and validity.

REGISTERED BARBER shall mean a person who has completed the requirements to receive a certificate as a barber and to whom a certificate has been issued.

RESTORATION FEE shall mean the annual fee assessment for an inactive license or registration.

REVOKED shall mean the license is cancelled, voided, annulled, rescinded. The right to practice barbering is ended.

RULES AND REGULATIONS shall mean any rules authorized to be made by the Board which have been promulgated and filed, as provided in Chapter 84, Article 9, of the Nebraska Revised Statutes.

SANITARY shall mean free from agents of infection, disease or infestation by insects and vermin and free of soil, dust or foreign materials.

SANITIZED shall mean rendered free of soil, dust, foreign materials and agents of disease or infestation by insects or vermin through the use of effective cleaning and disinfecting processes.

SANITIZER shall mean a container holding a sanitizing agent which is large and deep enough to submerge tools or implements, or portions thereof, which are to be disinfected.

SECRETARY TO THE BOARD shall mean the Director appointed by the Board who shall keep a record of the proceedings of the Board.

SELF-EMPLOYED PERSON shall mean an individual who is a sole proprietor, an independent contractor, a member of a partnership, or someone who is otherwise in business for him or herself.

SOILED shall mean an article which has been used and has not been cleaned or sanitized.

STATION shall include, but not be limited to: barber chair, back bar with cabinet storage, linen enclosure, mirror and container for the disposal of soiled towels.

STUDENT shall mean a person attending an approved, licensed barber school and duly registered with the Board as a student engaged in the learning and acquiring of any and all of the practices of barbering and, while learning, performs and assists in any and all of the practices of barbering in a school registered and approved by the Board.

SUSPENSION shall mean the licensee is prohibited from practicing for a specific period of time. 5

THEORY shall mean the written knowledge applicable to approved principles of barber science and practices, including demonstrations and lecturing.

TRANSFER OR CHANGE OF OWNERSHIP shall mean the conveyance of title or property from one person to another.

VERIFICATION OF INCORPORATION shall consist of articles of incorporation or good standing certificate or annual tax report.

CHAPTER 3 - LICENSING AND ISSUANCE OF PERMITS

001 LICENSING OF NEW BARBER SHOPS OR CHANGE OF LOCATION

001.01 Application. Before any person or persons may open a new barber shop or change the location of an existing barber shop, an application shall be made requesting an inspection and approval of the premises at least fifteen days in advance of the opening of that shop.

001.02 Contents of Application. Each application shall be made on a form provided by the Board and submitted with the fee set pursuant to the Barber Act, and shall provide the following:

001.02A Barber shop name.

001.02B Barber shop address.

001.02C Barber shop owner.

001.02D Owner's notarized signature and Social Security number.

001.02E Verification of incorporation if applicable.

001.02F Booth Rental Information.

001.02F1 Rental Agreement. If the applicant proposes to lease any portion of the shop to any independent contractor or self-employed person under a booth rental permit, applicant shall have available for inspection the proposed rental agreement, which shall:

001.02F1a contain notice that under Nebraska law no person

shall lease space on the premises of the barber shop to engage in the practice of barbering as an independent contractor or self-employed person without obtaining and maintaining a booth permit as provided under the laws regulating practice of barbering.

001.02F1b identify the respective responsibilities of the shop

owner and booth rental permit holder with regard to the booth and any common areas or other shop premises available to the booth rental permit holder consistent with the laws and rules and regulations governing requirements for barber shops; and

001.02F1c require that a key to a rental booth that is an

enclosed suite be readily available to inspectors at any time during business hours as defined in these regulations, whether or not the permit holder is present or the booth is open for operation during such hours.

001.02F2 Status of Barbers. Applicant shall identify all

barbers who will provide services in the shop as employees and those who will operate in the shop under a booth rental permit. Applicant shall provide proof of employment for all barber employees and, upon request, shall make available for inspection all rental agreements for those who will operate under booth permits.

001.02G Description of the Premises. The application shall describe the physical characteristics of the shop, including the information set forth below. If any portion of the shop is to be leased as a booth, the applicant shall identify those portions of the shop to be leased and shall provide the physical characteristics and other information required with respect to each booth.

001.02G1 Room size.

001.02G2 Type of floor.

001.02G3 Type of wall

001.02G4 Type of ceiling.

001.02G5 Type of lighting.

001.02G6 Methods of ventilation.

001.02G7 Restroom facilities.

001.02G8 Other rooms available and their usages, if applicable.

001.02G9 Water supplies.

001.02G10 Waste disposal.

001.02G11 Hot water capacity/recovery rate.

001.02G12 Number of barber chairs.

001.02G13 Number of shampoo bowls.

001.02G14 Number and description of immersion sterilizers.

001.02G15 Trade names of germicidal solutions.

001.02G16 Proposed opening date.

001.02G17 Any other information the Board deems necessary.

002 BOOTH RENTAL PERMITS

002.01 Application Required. No person shall lease space on the premises of a barber shop to engage in the practice of barbering as an independent contractor or a self-employed person without obtaining a booth rental permit.

002.02 Contents of Application. An application for a booth rental permit shall be made on a form provided by the Board and submitted with the fee set pursuant to 71-219. The application shall include, but not be limited to:

002.02A Applicant's full name.

002.02B Barber license number.

002.02C Telephone, including work and any cell number.

002.02D Work address, including suite or booth number.

002.02E Whether the applicant is an independent contractor or a self-employed person.

002.02F Shop name for the booth, if different from that of the shop owner.

002.02G Days and hours of operation.

002.02H A description of where and/or with whom a key to the booth is to be found and made readily available to the inspector.

002.02I Such other information as the Board may require.

003 LIMITATION ON LOCATION AND USE OF ROOMS USED AS A BARBER SHOP.

003.01 A barber shop in a place where food is prepared and served must be separated by a partition, ceiling height, of lath and plaster, glass or other solid material. If a door is cut through, it shall be hung with spring hinges or other self-closing appliances. If confectionery is sold in a barber shop, it must be in sealed packages.

003.02 No room or rooms licensed as a barber shop shall be used as a sleeping room.

003.03 A barber shop shall be a fixed, permanent structure or a part of one, except for a Mobile Barber Shop defined in Chapter 1.

003.04 In barber shop/cosmetology salons that occupy the same location, the barber practical work area shall be visually distinct from the other and shall be clearly identified as such to the public by a sign.

003.05 A barber shop located in any private dwelling shall permit patrons to enter the shop directly from a public thoroughfare without passing through any other portion of the building. The barber shop area shall be separated from the living area by walls extending from floor to ceiling, except that there may be one connecting door to the private dwelling which shall be kept closed/locked while the shop is in actual operation, and shall not be for use by the general public. Such door into the private dwelling shall only be permitted where a toilet facility exists in that portion of the private dwelling licensed as a barber shop. Both the residence and the barber shop may be serviced by the same electric, gas, water and sewer facilities.

003.06 An application for a barber shop in a private dwelling in any village or city must be accompanied by a document from that government body stating that the new owner has complied with all laws, regulations and codes for that particular location.

004 FIXTURES REQUIRED (MINIMUM)

004.01 In general. The minimum fixtures required for every barber shop are as follows:

004.01A Barber pole or barber sign.

004.01B Barber chair.

004.01C Back bar.

004.01D One shampoo bowl for every five stations.

004.01E Mirror.

004.01F Enclosure for clean towels and implements.

004.01G Containers for disposal of soiled towels and other waste materials.

004.01H Hot water system.

004.01I Restroom facilities.

004.01J Immersion sterilizer.

004.01K Approved germicidal solution.

004.02 Rental booths

004.02A Enclosed Suites. Each booth rented by a barber shop that is an enclosed suite shall contain the minimum fixtures of 004.01, except that:

004.02A1 One barber pole or barber sign is sufficient for the shop as a whole.

004.02A2 Every suite ~~is to shall~~ contain at least one shampoo bowl.

004.02A3 Separate toilet facilities for each suite are not required, provided that access is available to facilities as provided by section 005.07 of these regulations.

004.02B Booths in Open Shops. When rental booths are not enclosed suites, the minimum fixtures described in 004.01 shall be available without obstruction.

005 PROPER QUARTERS

005.01 All fixtures and equipment, including those in the waiting area, shall be kept in a clean, orderly and sanitary condition.

005.02 Sanitized tools and implements shall be stored separately from all others.

005.03 Storage drawers for sanitized tools and implements shall be clean, free of hair and used only for the sanitized tools and implements.

005.04 All soiled tools and implements shall be deposited in a separate receptacle. Nail care and waxing implements that come into direct contact with a client and are not capable of being sanitized in accordance with Rule 8 shall be disposed of in a waste receptacle immediately after use. i.e., emery boards, spatulas, wax and waxing strips.

005.05 Shampoo bowls located in common areas shall have access without obstruction.

005.06 Each barber chair must be in good condition, mechanically sound and with acceptable covering of a material capable of being sanitized and free of tears. Barber chairs shall be placed at least four and one-half feet apart, center to center, and each chair must occupy not less than thirty-five square feet of floor space.

005.07 A barber shop shall have toilet facilities which shall be located on shop premises, except for a barber shop located in a commercial building in which public toilet facilities are available and reasonably

accessible directly from the public thoroughfare. All toilet facilities located on the shop premises shall be kept clean, sanitary and in working order at all times. Toilet facilities shall not be required in barber shops holding a valid barber shop license March 25, 1989.

005.08 Floor surfaces in the work area of a shop shall be of washable, non-absorbent material and shall be kept clean and in good condition. Plastic floor mats or runners are required in shops with carpeted floor covering in the work area, holding a valid barber shop license prior to the effective date of this rule. Wooden floors may be acceptable if they have a water-proof finish.

005.09 Tanning areas, including tanning devices and equipment located on the licensed premises, is to shall be maintained in a clean and sanitary condition and operated in accordance with the manufacturer's instructions. Owners' request the manufacturer include in the purchasing agreement that their equipment, materials and advertising are in compliance with FDA laws and regulations. Tanning equipment shall be sanitized after each use, a sanitary towel provided to each client, a receptacle available for the disposal of all soiled towels and the client furnished with protective eye wear.

006 INSPECTION

006.01 An inspection of the new barber shop shall be conducted to determine compliance with sanitary requirements. The inspector shall file a report of his inspection. No barber shop license shall be issued until the shop has been inspected and deemed satisfactory.

006.02 Every barber shop licensed by the Board is subject to entry for inspection at least once during each licensing period, at any time during business hours as defined in these regulations, to be eligible for renewal of certification or registration.

006.02A Responsibilities of Shop and Booth Rental Permit Holders. For purposes of inspection and compliance with laws and regulations, when a barber shop leases booths for practice of barbering by independent contractors or self-employed persons:

006.02A1 The shop owner is to shall be responsible for compliance with all laws and regulations governing barber shops, except that the holder of a booth rental permit shall meet all sanitary and infection control requirements with respect to the premises covered under the booth permit and for his or her use of the premises consistent with the laws and regulations governing barber shops;

006.02A2 It is to shall be the responsibility of both the shop owner and permit holder to insure that a key to the booth is readily available to inspectors at any time during business hours as defined in these regulations, whether or not the permit holder is present or the booth is open for operation during such hours.

007 CLOSING A SHOP

007.01 Shop owners closing their shop shall inform the Board office within thirty (30) days of closure. If the same owner re-opens the shop while the license is still current, the Board office must be notified prior to the opening.

CHAPTER 12 - MINIMUM CURRICULUM AND REQUIREMENTS FOR APPROVED SCHOOLS OF BARBERING

001 MINIMUM HOURS FOR DIPLOMA, DURATION OF COURSE, GRADUATION FROM OTHER SCHOOLS, HOURS IN WORKING DAY, NUMBER OF INSTRUCTORS

001.01 Each Nebraska school of barbering approved by the Board shall conduct a course of study of at least eighteen ~~twenty-one~~ hundred (1800) ~~(2100)~~ hours, to be equally divided over a one (1) year period.

001.02A A barber school or college that operates as a postsecondary barber school or college shall require, as a prerequisite to admission, high school graduation or its equivalent as determined by successfully passing a general educational development test.

001.02B A barber school or college that does not operate as a postsecondary barber school or college shall require, as a prerequisite to graduation from such school or college, high school graduation or its equivalent as determined by successfully passing a general educational development test.

001.03 Period of daily classes shall be at the discretion of the faculty of the school.

001.04 No student is to shall exceed ten (10) hours in any one (1) working day.

001.05 Said course is to shall be under the tutelage of a registered barber instructor and assistant instructor.

001.06 Each barber school is to shall be permitted, on a working ratio of two assistant instructors for every registered barber instructor.

001.07 There is to shall be one (1) registered instructor or assistant instructor for each fifteen (15) students, or fraction thereof, enrolled in school.

002 ORIENTATION PERIOD, BARBER COURSE 300 HOURS - THEORY AND SUPERVISED PRACTICES ON STUDENTS AND MANNEQUINS is to shall include, but not be restricted exclusively to:

002.01 Laws and rules and regulations for barbering.

002.02 History of barbering.

002.03 Barber equipment and product knowledge, its uses and safety precautions.

002.04 Sanitation, sterilization, hygiene and first aid.

002.05 Haircutting, long and tapered styles, haircutting techniques and braiding.

002.06 Shaving, honing and stropping.

002.07 Scalp care, treatments and shampooing.

002.08 Facials, massages and packs.

002.09 Coloring, bleaching and rinsing.

002.10 Chemical waving and relaxing.

002.11 Natural and artificial nail care.

002.12 Waxing.

002.13 Cosmetologists licensed, or eligible for licensure, in the State of Nebraska, attending a school of barbering, is to shall be required no fewer than eighty (80) hours in the orientation period. The contents of these eighty (80) hours is to shall be at the discretion of the instructor, based upon the knowledge and experience of the student.

002.14 No student ~~is shall be~~ permitted to render practical services on members of the public until such student has completed the orientation period, except that the Board may establish guidelines by which it may approve such practical services as part of the orientation period.

003 MINIMUM NUMBER OF REQUIRED SERVICES: Following are the services and the number of each that are to be performed by each student during his or her tenure in school. These services are to be performed in the clinic area. Services performed during the student's orientation period are not to be counted. These are the minimum number of services to be performed on members of the public, spread out over the entire course, not condensed into a small period of time:

	BARBER	BARBER/COS
003.01 Haircut, taper	75 <u>100</u>	75 <u>100</u>
003.02 Haircut, long style	75 <u>100</u>	50 <u>75</u>
003.03 Shampoo	75	50 <u>0</u>
003.04 Shave	10 <u>25</u>	10 <u>25</u>
003.05 Beard trim	10 <u>20</u>	10 <u>20</u>
003.06 Facial	24	12
003.07 Chemical waving	24	12 <u>6</u>
003.08 Perm rod rolling / braiding (mannequin)	90 10	45 5
003.09 Hair coloring	20 <u>40</u>	10
003.10 Bleaching or highlighting	6 <u>15</u>	3 <u>5</u>

004 THEORY - DEMONSTRATIONS AND LECTURES ~~are to shall~~ include the following, but not be restricted exclusively to:

- 004.01** Laws, rules and regulations for barbering.
- 004.02** Barber equipment and product knowledge, its uses and safety precautions.
- 004.03** Barber shop management, ethics and economics.
- 004.04** Sanitation, sterilization, personal hygiene and first aid.
- 004.05** Bacteriology.
- 004.06** Applied electricity.
- 004.07** Hairpieces.

005 INSTRUCTORS AND ASSISTANT INSTRUCTORS: All Barber Instructors and Assistant Instructors must meet all the requirements set forth in Section 71-208.02.

005.01 A person shall be eligible for registration as a barber instructor if he or she has earned at least eighteen hours of college credit at or above the post-secondary level, including at least three (3) credits each in:

005.01A Methods of Teaching, 3 hours - Principles of teaching vocational subjects is designed to acquaint the teacher with various activities involved in the teaching of vocational education. Further, it will help the prospective teacher

develop and perfect the methods, procedures and techniques which have been found to be most effective in successful teaching.

005.01B Curriculum Development, 3 hours - This is a professional vocational education course. It is designed to provide the opportunity to develop techniques and procedures in writing, selection and organization of subject matter for instructional purposes. The course has been organized into five major units of instruction as listed: (1) course planning and the lesson plan format (2) writing and classifying objectives (3) developing lesson plans (4)

student evaluation and (5) texts and the instructional systems.

005.01C Special Vocational Needs, 3 hours - This course is designed to introduce the prospective vocational teacher to learners with special needs. Emphasis will be placed on (A) recognizing vocational special needs students as individuals with legitimate rights to respect and dignity (B) nurturing an appreciation for individual differences (C) changing negative attitudes, prejudice and bias toward vocational learners with special needs.

005.01D Educational Psychology, 3 hours - Explore psychological concepts as they relate to the developmental studies area. Topics covered include: the learning process, clarifying values and attitudes, problem solving, decision making, coping with stress and setting goals.

005.01E Speech Communication, 3 hours - Basic principals of effective communications, theory and practical, with emphasis on developing the preparation and delivery of effective oral communication skills.

005.01F Introduction to Business, 3 hours - Basic factors of organization, operations, business control and procedures effecting each. Broad look at interrelated roles of operating a small business.

005.02 A person shall be eligible for registration as a assistant barber instructor if he or she has completed application and paid the fee prescribed by section 71-219, has been a licensed and actively practicing barber for one year, and is currently enrolled or will enroll at the first regular college enrollment date after registration in an educational program leading to the completion of the hours required under subsection (2) (a) of 71-208.02. Applicants for registration as an assistant barber instructor must provide the Board with evidence of enrollment or acceptance into the educational program for at least one course resulting in credit for one of the requirements of 71-208.02 (2) (a).

005.03 Courses required in Section 71-208.02 (2) (a) must be accredited by the Career College Institute, Higher Learning Commission of the North Central Association of Colleges and Schools or by a substantially equivalent accrediting agency as determined by the Board, or be validated otherwise by the Board upon application on a form provided by the Board. The Board or an individual approved by the Board must proctor all final course examinations, including examinations for courses offered on-line.

005.04 Each barber school ~~is to shall~~ be permitted, on a working ratio, two assistant instructors for every barber instructor who shall qualify for registration as set forth in Subsection 1 of Section 71-208.02.

005.05 Instructors and Assistant Instructors ~~are to shall~~ devote their entire time during school hours to instructing and supervising all student work and shall not apply their time to private or public practice of barbering for any reason.

005.06 Supervision of Assistant Barber Instructors.

005.06A Direct Supervision. A person registered as an assistant barber instructor who is or will be enrolled in an educational program leading to completion of the hours required under 71-208.02(5)(a) shall serve under the *direct* supervision of the supervising Barber Instructor. For purposes of this section, "direct supervision" means the physical presence of the supervising barber instructor in the clinical area, practice lab or theory classroom to instruct, guide, direct, demonstrate, evaluate or supervise practice by an assistant barber instructor.

005.06B Indirect Supervision. "Indirect supervision" means the supervising barber instructor is present within the facility in which the assistant barber instructor is providing services, and is available to provide immediate face to face communication with the person being supervised. A person registered as an assistant barber instructor who has

completed nine college credit hours as required by 71-208.02(5)(b) may serve under the *indirect* supervision of a barber instructor if he or she:

005.06C1 has completed one year of instructor training under direct in-house supervision of an active, full-time, registered barber instructor; or

005.06C2 has completed the requirements of a barber instructor course developed or approved by the Board.

005.07 General Requirements for Assistant Instructor Training. Training of an assistant barber instructor through either a Board-approved barber instructor course or a one-year training program under a barber instructor in a school must:

005.07A Provide a prospective barber instructor with practical, supervised opportunities to develop and to demonstrate that he/she:

005.07A1 Has a sound understanding of the subject matter he or she will teach;

005.07A2 Can manage the classroom and the conduct of the students effectively;

005.07A3 Understands how students learn and how they differ in their approaches to learning, and how to make the subject matter meaningful for students;

005.07A4 Can plan and carry out daily lessons to accomplish the course goals within the timelines for the course;

005.07A5 Creates learning experiences that support how students learn, work together, and develop their performance skills;

005.07A6 Has the skills necessary to be a clear communicator orally and in demonstrating barbering techniques;

005.07A7 Understands and uses formal and informal assessment strategies to evaluate and ensure the continuous development of the students.

005.07B Have effective measures to assure and verify attendance and, in the case of an assistant instructor in a school, the hours of service;

005.07C Have effective evaluation mechanisms for assuring that the assistant instructor has satisfactorily attained the knowledge and skills to be an effective barber instructor.

005.08 Requirements for Direct Supervision in a School.

005.08A Plan. A barber instructor who is responsible for the direct supervision of an assistant barber instructor for one year of instructor training in a school ~~is to shall~~ develop and maintain a plan for the training of the assistant barber instructor that provides for specific, practical experience for the development of basic skills and for expansion of his or her instructional expertise and delivery strategies as skills are gained. The overall plan for the supervision period shall encompass the subjects for coursework required for a barber instructor by 71-208.02(2)(a) and shall meet the requirements of **005.07** of this chapter.

005.08B Evaluation. The barber instructor ~~is to shall~~ provide regular informal and formal review of the assistant barber instructor's performance. Formal review shall be made using specific assessment criteria through regular evaluations by the barber instructor with recommendations for continued growth and through:

005.08B1 An on-site evaluation visitor visits by a member of the Board of Barber Examiners, its Executive Director or other agent appointed by the Board; or

005.08B2 An onsite evaluation visit or visits by a guest barber instructor approved by the Board; or

005.08B3 A combination of the foregoing.

005.09 Application

005.09A One-Year Supervised Training under a Barber Instructor in a School. A barber school may apply for approval of one year of supervised training of an assistant barber instructor on a form provided by the Board. The application shall include the plan for training and the proposed tools for formal evaluation, and shall specify the method(s) of evaluation to be used as required by **005.08** of this chapter.

005.09B Barber Instructor Course. The Board may develop a barber instructor course or courses to offer in lieu of one year of supervised training in a barber school. In addition, an educational institution or other entities may apply to the Board to approve a barber instructor course. Applications shall be made on a form provided by the Board and shall demonstrate how the course meets the requirements of section **005.07** of this chapter and provide such other information as the Board may require to assure that the proposed course will be offered by a qualified institution or entity.

005.10 Board Review. The Board shall review each application for approval and the documents submitted in support of the application and determine within ninety (90) days whether to approve the course or courses. If the Board determines not to approve a course, the applicant may appeal the decision of the Board in accordance with the Administrative Procedure Act.

005.11 List of Approved Courses. The Board shall maintain a list of barber instructor courses developed or approved by the Board for purposes of this section.

006 CLASS ROOMS

006.01 An approved school of barbering ~~is to shall~~ have two (2) rooms accessible.

006.02 One (1) to be used for class study, examinations and lectures.

006.03 One (1) to be used for practical demonstrations.

006.04 Rooms shall be fully equipped to comply in every way, and at all times, with the rules and regulations of the Board.

006.05 Class rooms shall meet inspection requirements set forth in sections of these rules.

006.06 Study and lecture room ~~shall to~~ be used for the sole purpose of giving scientific instruction.

006.06A ~~Blackboard~~ Writing board and charts of skin, scalp, hair, nails and their disorders.

006.07 Schedules of classes shall be filed with the Board office.

007 SCHOOL EQUIPMENT shall consist of a minimum as follows:

007.01 One (1) barber chair for each two students enrolled.

007.02 One (1) shampoo bowl for every-five stations.

007.03 One (1) station for each two students enrolled.

007.04 One (1) immersion sterilizer for each student.

007.05 One (1) text book for each student and instructor.

007.06 Electrical equipment.

007.06A Vibrator.

007.07 Sufficient clean linen storage in enclosed cabinet/containers.

007.08 ~~Blackboard~~ Writing board.

007.09 Bulletin board, conspicuously located for posting rules and regulations, notices and other information.

007.10 One (1) set of record files for student history, activities and duplicate copies of reports filed.

007.11 Sanitary hair removal equipment, either vacuum, compressed air or individual wipes.

007.12 Automatic lather mixer or canned lather.

007.13 Supply of standard tonics, lotions, shampoos and other cosmetics.

007.14 One (1) time clock.

007.15 One (1) mannequin for each student.

007.16 One (1) first aid kit.

007.17 Hooded hair dryers.

007.18 Library facilities which shall contain at least the following materials:

007.18A Current version of State of Nebraska Laws Relating to the Practice of Barbering.

007.18B Current version of Board of Barber Examiners Rules and Regulations.

007.18C Standard Dictionary of the English Language.

007.18D Standard Medical Dictionary.

007.18E Approved textbooks of barbering and hairstyling, hair structure, chemistry and physics.

008 BARBER CHAIR

008.01 Each barber chair must be in good condition, mechanically sound and with acceptable covering of a material capable of being sanitized and free of tears.

008.02 Barber chairs shall be placed at least four and one-half (4 1/2) feet apart, center to center, and each chair must occupy not less than thirty-five (35) square feet of floor space.

009 RECORDS

009.01 Enrollment: Each school shall forward to the Board, a record of student enrollment upon the date of admittance of the student.

009.02 Transfer of student credit hours from one school to another is at the discretion of the official school administrator, specific requirements having been met, as set forth herein.

009.03 Student has certificate of enrollment with his state barber administration or board.

~~**009.04** No more than two (2) years shall lapse from the date of initial enrollment in school from which transfer is requested, and the taking of the registered examination.~~

~~**009.04**~~ **009.05** All student requirements set forth in the statutes of this state have been met.

~~**009.05**~~ **009.06** Each school shall keep daily class records of each student, showing information as follows:

~~**009.05A**~~ **009.06A** Hours devoted to respective subjects.

~~**009.05B**~~ **009.06B** Hours in attendance.

~~**009.05C**~~ **009.06C** Records shall be subject to inspection by the examiners or representatives at any time during business hours.

~~009.06~~ ~~009.07~~ An owner of a school shall furnish the Board, at the end of each month, the names of students enrolled, enrollment status and accredited hours earned.

~~009.07~~ ~~009.08~~ The time and clinical operations of each student in each phase of demonstration, lectures and practical supervision shall be filed with the Board office at the end of each quarter.

010 FINAL RECORD: The school owner, instructor, manager or other qualified individuals designated by the school owner shall compile from his or her records:

010.01 A summary of each student's grades.

010.02 Hour and clinical service reports, shall be presented to the student upon graduation, and such reports shall be made a part of his or her application for examination. Any individual identified in 010 of this section must sign each report required and certify the record is correct and that the student has received a diploma from the school.

011 PROPER QUARTERS:

011.01 Shampoo bowls located in common areas shall have access without obstruction.

011.02 Toilet facilities shall be located on the school premises and kept clean, sanitary and in working order at all times.

011.03 Barber school/school of cosmetology that occupy the same location, the barber practical work area shall be visually distinct from the other and shall be clearly identified as such to the public by a sign.