

EFFECTIVE
06/20/2020

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

172 NAC 36

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 36 COSMETOLOGY, ELECTROLOGY, ESTHETICS, AND NAIL
TECHNOLOGY

001. SCOPE AND AUTHORITY. This chapter governs the credentialing of cosmetologists, electrologists, estheticians, instructors, and nail technicians as set out in Nebraska Revised Statute (Neb. Rev. Stat.) §§ 38-1001 to 38-10,171 of the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act and the Uniform Credentialing Act.

002. DEFINITIONS. Definitions are set out in the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act, the Uniform Credentialing Act, 172 Nebraska Administrative Code (NAC) 10, and this chapter.

002.01 COSMETOLOGY. The definition of cosmetology is set out in Neb. Rev. Stat. § 38-1016, and includes:

- (A) Removing superfluous hair from the surface of the body of any person by the use of depilatories, waxing, tweezers, or sugaring, except for the permanent removal of hair through electrolysis. The practice of threading to remove superfluous hair does not require a license to provide such service;
- (B) Applying, coloring, or curling eyelashes;
- (C) Body wraps;
- (D) Mild peels using equal to or less than 30% alpha hydroxy acid concentration;
- (E) Superficial exfoliation, including microdermabrasion; and
- (F) Airbrushing or painting designs, or similar services, on artificial nails and removal of artificial nails.
- (G) The practice of cosmetology does not include using injectables and lasers.

002.02 ESTHETICS. The definition of esthetics is set out in Neb. Rev. Stat. § 38-1026. The practice of esthetics is upon the skin or epidermis. The practice of esthetics does not include using injectables and lasers.

002.03 LICENSE EXAMINATION. The license examination is the National-Interstate Council of State Boards of Cosmetology, Inc. (NIC), examination or an equivalent examination approved by the Board.

002.04 MANICURING. The definition of manicuring is set out in Neb. Rev. Stat. § 38-1033, Manicuring does not include the use of gel polishes.

002.05 NAIL TECHNOLOGY. The definition of nail technology is set out in Neb. Rev. Stat. § 38-1035 and includes:

- (A) Gel application systems that include color gel that requires ultraviolet light-emitting diode (LED) light curing for the purpose of long term wear; and
- (B) The removal of artificial nails and ultraviolet light-emitting diode (LED) light curing color gels.

003. INITIAL LICENSE. To obtain a license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the credentialing requirements of Neb. Rev. Stat. §§ 38-1062 or 38-10,127, 172 NAC 10, and this chapter.

003.01 REQUIREMENTS AND DOCUMENTATION. Applicants must submit the following:

003.01(A) AGE. Evidence of being at least 17 years of age on or before taking the license examination.

003.01(B) HIGH SCHOOL. A photocopy of a high school diploma, General Educational Development certificate (GED), or equivalent document.

003.01(C) TRAINING DIPLOMA. A photocopy of the diploma verifying graduation from a school of cosmetology, electrology, esthetics or nail technology relating to the applicable license being requested.

003.01(D) TRAINING HOURS. A diploma or certificate from a school or apprentice salon, verifying the applicant completed the required training in 172 NAC 37, and at a minimum, the following number of hours for the license being requested:

- (i) For cosmetology, 1800 hours; or
- (ii) For electrology, 600 hours; or
- (iii) For esthetics, 600 hours; or
- (iv) For nail technology, 300 hours.

003.01(E) EXAMINATION RESULTS. Documentation of receiving a scaled score of at least 75 on the license examination must be submitted.

004. RECIPROCITY LICENSE. To obtain a license by reciprocity, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the credentialing requirements of Neb. Rev. Stat. §§ 38-1066 or 38-10,132, 172 NAC 10, and this chapter.

004.01 REQUIREMENTS AND DOCUMENTATION. Applicants must submit the following:

004.01(A) AGE. Evidence of being at least 17 years of age.

004.01(B) HIGH SCHOOL. A photocopy of a high school diploma, General Educational Development certificate (GED), or equivalent document.

004.01(C) CURRENT LICENSE IN ANOTHER JURISDICTION AND EXAMINATION.

Certification of holding a current license in the applicable license category in another jurisdiction, issued on the basis of an examination. The applicant must submit documentation of successful completion of the examination in the other jurisdiction. If an examination was not required for the license in the other jurisdiction, the applicant is required to take the appropriate license examination and provide documentation of receiving a scaled score of at least 75 on the license examination.

004.01(D) TRAINING AND PRACTICE. Applications must submit the following:

- (i) For cosmetology, esthetics, and electrology, a diploma or transcript issued by the school, verifying the student's training and total hours completed. If the applicant has not completed the required number of hours of training, the applicant may use 100 hours of work experience for each month of full-time practice in the applicable license type towards the license. Work experience must be after issuance of the license in the other jurisdiction and within 5 years immediately prior to application.
- (ii) For nail technology, documentation of completion of at least 16 hours of instruction on operating an electric file.

005. INITIAL INSTRUCTOR LICENSE. To obtain an instructor license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the credentialing requirements of Neb. Rev. Stat. §§ 38-1062 or 38-10,128, 172 NAC 10, and this chapter.

005.01 REQUIREMENTS AND DOCUMENTATION. Applicants must submit the following:

005.01(A) HIGH SCHOOL. A photocopy of a high school diploma, General Educational Development certificate (GED), or equivalent document.

005.01(B) CURRENT NEBRASKA LICENSE. Must hold a current Nebraska license as a cosmetologist, electrologist, esthetician, or nail technician relating to the applicable instructor license category being requested.

005.01(C) TRAINING DIPLOMA. A photocopy of the diploma or certificate verifying graduation from a school of cosmetology, electrology, esthetics or nail technology relating to the applicable instructor category license being requested.

005.01(D) INSTRUCTOR TRAINING OR EXPERIENCE HOURS. A certification or transcript of instructor training or practice verification for the license requested as follows:

- (i) For a cosmetology instructor, at least 600 hours beyond the program of studies required for a cosmetology license; or
- (ii) For an electrology instructor, evidence of having practiced electrology actively for at least 2 years immediately before the application; or
- (iii) For an esthetics instructor, at least 300 hours beyond the program of studies required for an esthetic license; or
- (iv) For a nail technology instructor, completion of at least 300 hours beyond the program of studies required for a nail technology license.

005.01(E) EXAMINATION RESULTS. Documentation of receiving a scaled score of at least 75 on the instructor license examination must be submitted.

006. INSTRUCTOR RECIPROCITY. To obtain an instructor license by reciprocity, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the credentialing requirements of Neb. Rev. Stat. §§ 38-106 or 38-10,128, 172 NAC 10, and this chapter.

006.01 REQUIREMENTS AND DOCUMENTATION. Applicants must submit the following:

006.01(A) CURRENT NEBRASKA LICENSE. Hold a current Nebraska license as a cosmetologist, electrologist, esthetician or nail technician relating to the applicable instructor license category being requested.

006.01(B) CURRENT LICENSE IN ANOTHER JURISDICTION AND EXAMINATION. Certification of holding a current instructor license in the applicable license category in another jurisdiction, issued on the basis of an examination. The applicant must submit documentation of successful completion of the instructor examination in the other jurisdiction. If an examination was not required for the license in the other jurisdiction, the applicant is required to take the instructor license examination and provide documentation of receiving a scaled score of at least 75 on the instructor license examination.

006.01(C) TRAINING, EXPERIENCE, OR PRACTICE. Applicants must submit documentation of training, experience, or practice as follows:

006.01(C)(i) COSMETOLOGY, ESTHETICS, AND NAIL TECHNOLOGY. A diploma or transcript issued by the school, verifying the instructor student's training and total hours completed. If the applicant has not completed the required number of hours of training, the applicant may use 100 hours of work experience for each month of full-time practice as an instructor in the applicable license type towards the license. Work experience must be after issuance of the license in the other jurisdiction and within 5 years immediately prior to application.

006.01(C)(ii) ELECTROLOGY. Verification of having practiced electrology actively for at least 2 years immediately prior to application.

007. TRAINING IN A FOREIGN COUNTRY. To obtain a license as a cosmetologist, esthetician, or as a cosmetology or esthetic instructor based on training in a foreign country, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the credentialing requirements of Neb. Rev. Stat. § 38-1067, 172 NAC 10, and this chapter.

007.01 REQUIREMENTS AND DOCUMENTATION. Applicants must submit the following:

007.01(A) AGE. Documentation of being at least 17 years of age on or before taking the licensure examination.

007.01(B) HIGH SCHOOL. A photocopy of a high school diploma, General Educational Development certificate (GED), or equivalent document.

007.01(C) LICENSE OR PRACTICE. Applicants must submit evidence of license or

practice as follows:

- (i) Evidence of holding a current license or equivalent official recognition of the right to practice in a foreign country; or
- (ii) Evidence of having practiced at least 5 years within the 8 years immediately prior to making application.

007.01(D) EXAMINATION RESULTS. Documentation of receiving a scaled score of at least 75 on the license examination must be submitted.

008. TEMPORARY PRACTITIONER LICENSE. To obtain a temporary practitioner license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the credentialing requirements of Neb. Rev. Stat. §§ 38-1073, 172 NAC 10, and this chapter. Applicants must submit the following.

008.01 EXAMINATION. Documentation that the applicant has not failed any portion of the licensure examination.

008.02 COSMETOLOGY OR ESTHETICS ACCEPTANCE OF WORK. Documentation that the applicant has been accepted for work in a licensed cosmetology establishment as defined in Neb. Rev. Stat. § 38-1017 under supervision at all times.

- (A) For cosmetology, the supervisor must be a licensed cosmetologist or cosmetology instructor.
- (B) For esthetics, the supervisor must be a licensed cosmetologist, esthetician, or instructor.

008.03 NAIL TECHNOLOGY ACCEPTANCE OF WORK. Documentation that the applicant has been accepted for work in a licensed nail technology establishment as defined in Neb. Rev. Stat. § 38-1036, under the supervision at all times of a licensed nail technician or nail technology instructor.

008.04 CHANGE IN A TEMPORARY LICENSE. If the establishment or supervisor listed on the temporary license changes, the temporary license expires and a new complete application is required before resuming practice.

009. RENEWAL, WAIVER OF CONTINUING EDUCATION, AND INACTIVE STATUS. The applicant must meet the requirements set out in 172 NAC 10 and this chapter. To renew, an individual must, prior to the expiration date, complete an application for renewal as set out in 172 NAC 10, pay the fee and attest to completion of at least 8 hours of acceptable continuing education during the prior 24 month period. Licenses issued by the Department expire as follows:

- (A) Cosmetologists on December 31 of each even-numbered year.
- (B) Cosmetology instructors on December 31 of each even-numbered year.
- (C) Electrologists on July 31 of each odd-numbered year.
- (D) Electrology instructors on July 31 of each odd-numbered year.
- (E) Estheticians on September 30 of each even-numbered year.
- (F) Esthetic instructors on September 30 of each even-numbered year.
- (G) Nail technicians on December 31 of each odd-numbered year.
- (H) Nail technology instructors on December 31 of each odd-numbered year.

009.01 INSTRUCTORS. To renew an instructor license, an individual must also renew his or her applicable cosmetology, electrology, esthetic, or nail technology license.

010. CONTINUING EDUCATION REQUIREMENTS. Actively licensed cosmetologists, electrologists, estheticians, and nail technicians must complete at least 8 hours of acceptable continuing education hours during the 24-months immediately prior to the expiration date of their license.

010.01 MANDATORY HOURS. All licensees must complete at least 4 hours of continuing education in the applicable license category based on his or her scope of practice; all 8 hours may be obtained through these mandatory hours.

010.02 OTHER HOURS. Licensees may earn the remaining 4 hours through the following:

- (A) Cardiopulmonary resuscitation (CPR) or first aid;
- (B) Equipment use as related to the profession;
- (C) Ethics, statutes, or regulations relating to the practice;
- (D) Subject areas outlined in the program of study found in 172 NAC 37;
- (E) Product knowledge;
- (F) People skills, special needs, other similar titles;
- (G) Marketing;
- (H) Technical school, university, or college courses, only the following types of courses are considered acceptable:
 - (i) Practice related;
 - (ii) Communications;
 - (iii) Humanities;
 - (iv) Sciences;
 - (v) Business, including finance, marketing, computer, or other similar courses; and
 - (vi) Well-being, including psychology, sociology, or other similar courses;
- (I) Nebraska Jurisprudence Examination, counting as 2 hours;
- (J) Barbering school classes; and
- (K) Sanitation or safety courses.

010.03 INSTRUCTOR HOURS. In addition to the 8 hours required for a cosmetologist, electrologist, esthetician or nail technology license, instructors must complete at least 4 additional hours of continuing education. These 4 hours must be earned in at least one of the following areas:

- (1) Teaching styles;
- (2) Learning styles;
- (3) Personality types;
- (4) Presentation methods;
- (5) Lesson planning;
- (6) Test development;
- (7) Teaching difficult students;
- (8) Language class;
- (9) Record keeping;
- (10) Motivation;
- (11) Multimedia technology, including power point, or computer training;
- (12) Resume writing;

- (13) English grammar; or
- (14) Other similar topics.

010.03(A) INSTRUCTOR. An instructor who completes all 12 hours in the topic areas listed in 172 NAC 36-010.02, items A through K, is exempt from also having to meet the 8 hours for their cosmetologist, electrologist, esthetic, or nail technician license for that renewal period.

010.04 CONTINUING EDUCATION CRITERIA. In order for a continuing education activity to be considered acceptable, it must meet the following criteria:

010.04(A) PROGRAMS, SCHOOLS, IN-SERVICE, OR CLASSROOM INSTRUCTION. The following must be met in order for the program to be acceptable:

- (i) Be at least 60 minutes;
- (ii) Be an organized event;
- (iii) Have a defined agenda identifying the acceptable topic areas set out in 172 NAC 010.02 or 010.03.
- (iv) Presenters of programs must be qualified by education, experience or training; and
- (v) Program providers must have a process for verifying attendance.

010.04(B) HOME STUDY, ON-LINE, VIDEOTAPES, OTHER ELECTRONIC MEDIA. The following must be met in order for the program to be acceptable:

- (i) Be at least 60 minutes; and
- (ii) Have program objectives that relate to topic areas defined in 172 NAC 010.02 or 010.03.

010.04(C) HOURS. 60 minutes of participation equals 1 continuing education hour or credit.

010.04(D) CERTIFICATE OF COMPLETION. Each program provider must provide to each person completing the program, a certificate of completion at the end of the program. The certificate of completion must include:

- (i) Name of the licensee and his or her license number;
- (ii) Provider's name, address, telephone number;
- (iii) Date the program began and ended;
- (iv) Location, including city and state of program;
- (v) Number of hours completed by the licensee; and
- (vi) Name of the program.

010.04(E) LICENSEE RECORDS. It is the licensee's responsibility to obtain and maintain a copy of the certificate of completion for each program completed.

010.04(F) PRESENTER CREDIT. A presenter may receive credit for the initial presentation during a renewal period. Credit will not be given for subsequent presentations of the same program.

011. UNPROFESSIONAL CONDUCT. Unprofessional conduct includes but is not limited to the acts set out in Neb. Rev. Stat. § 38-179 and the following:

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- (A) Refusal to cooperate or failure to furnish requested information during an application review or investigation by the Department.

012. REINSTATEMENT. The applicant must meet the requirements set out in 172 NAC 10.

013. FEES. Fees are set out in 172 NAC 2.