



**Virginia
Regulatory
Town Hall**

**Notice of Intended Regulatory Action
Agency Background Document**

Agency Name:	Department of Professional and Occupational Regulation
VAC Chapter Number:	18 VAC 40-10-10 et seq., and 18 VAC 55-10-10 et seq.
Regulation Title:	Board for Barbers Public Participation Guidelines, and Board for Cosmetology Public Participation Guidelines
Action Title:	Repeal existing public participation guidelines for Board for Barbers and Board for Cosmetology
Date:	March 13, 2001

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

To repeal existing guidelines governing public participation under 18 VAC 40-10-10 et seq. Board for Barbers Public Participation Guidelines.

To repeal existing guidelines governing public participation under 18 VAC 55-10-10 et seq. Board for Cosmetology Public Participation Guidelines.

To repeal existing public participation guidelines in order to promulgate guidelines governing public participation for the newly combined Board for Barbers and Cosmetology.

To ensure that the Board is meeting its statutory mandate without burdensome requirements.

To comply with Acts 2000, c. 726, cl. 3 which provides: "That the regulations of the Board for Barbers and the Board for Cosmetology in effect on June 30, 2000 shall remain in effect until July

1, 2002, or until the Board for Barbers and Cosmetology adopts new regulations, whichever occurs first.”

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

Section 54.1-201 of the Code of Virginia states that the Board "shall promulgate regulations necessary to carry out the purposes of this chapter."

§ 54.1-201. Powers and duties of regulatory boards.

The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.
2. To examine, or cause to be examined, the qualifications of each applicant for certification or licensure within its particular regulatory system, including when necessary the preparation, administration and grading of examinations.
3. To certify or license qualified applicants as practitioners of the particular profession or occupation regulated by such board.
4. To levy and collect fees for certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the regulatory board and a proportionate share of the expenses of the Department of Professional and Occupational Regulation and the Board for Professional and Occupational Regulation.
5. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.
6. To ensure that inspections are conducted relating to the practice of each practitioner certified or licensed by the regulatory board to ensure that the practitioner is conducting his practice in a competent manner and within the lawful regulations promulgated by the board.
7. To revoke, suspend or fail to renew a certificate or license for just causes as enumerated in regulations of the board.

8. To receive complaints concerning the conduct of any person whose activities are regulated by the regulatory board and to take appropriate disciplinary action if warranted.

9. To promulgate canons of ethics under which the professional activities of persons regulated shall be conducted.

(Section 54.1-201 of the Code of Virginia is available at the following website address:
[http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-201.](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-201))

§§ 54.1-1200 through 54.1-1207.

Repealed by Acts 200, c. 726, cl. 2.

(Section 54.1-1200 of the Code of Virginia is available at the following website address:
[http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-1200.](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-1200))

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The regulations are essential to comply with state mandates and to increase the efficient and economical performance of an important governmental function by adopting the least burdensome alternatives allowed by state law.

The Board proposes to repeal 18 VAC 40-10-10 et seq. Board for Barbers Public Participation Guidelines. (For the text to be repealed, refer to Attachment 1 of this package.)

The Board proposes to repeal 18 VAC 55-10-10 et seq. Board for Cosmetology Public Participation Guidelines. (For the text to be repealed, refer to Attachment 2 of this package.)

The Board proposes to repeal these guidelines in order to promulgate Public Participation Guidelines for the Board for Barbers and Cosmetology. The Board proposes to do so because the new Board requires public participation guidelines, as directed by Acts 2000, c. 726, cl. 3.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

Failure to repeal 18 VAC 40-10-10 et seq. and 18 VAC 55-10-10 et seq. and to promulgate new public participation guidelines will result in the newly created Board for Barbers and Cosmetology maintaining two sets of Public Participation Guidelines. There would be one set of public participation guidelines for the barber profession and another set of public participation guidelines for the cosmetology profession.

Other regulatory provisions would not provide for less burdensome alternatives.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The contemplated changes are expected to have no impact on families.