

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~REGULATIONS – COSMETOLOGY AND NAILCARE~~

~~PART I.~~

~~GENERAL.~~

~~18 VAC 55-22-10. Definitions.~~

~~The following words and terms, when used in these regulations, shall have the following meaning unless the context clearly indicates otherwise:~~

~~"Affidavit" means a written statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a notary or other person having the authority to administer such oath or affirmation.~~

~~"Board" means the Board for Cosmetology.~~

~~"Certificate holder" means any person holding a certificate issued by the Board for Cosmetology, as defined in § 54.1-1200 of the Code of Virginia.~~

~~"Compensation" means the payment of money or anything of value in exchange for services provided.~~

~~"Cosmetologist" means any person licensed by the board who cuts, curls, treats or dresses human hair and practices cosmetology for compensation.~~

~~"Cosmetology" includes, but is not limited to, the following practices: arranging, dressing, curling, waving, cleansing, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing,~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~straightening, braiding, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece. Persons working in a cosmetology salon whose duties are expressly confined to the shampooing and cleansing of human hair under the direct supervision of a cosmetologist are exempt from licensure.~~

~~"Cosmetology instructor" means a licensed cosmetologist who has been certified by the board as having completed an approved curriculum and who meets the competency standards of the board.~~

~~"Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the board.~~

~~"Cosmetology school" means any place or establishment licensed by the board to accept and train students.~~

~~"Department" means the Virginia Department of Professional and Occupational Regulation.~~

~~"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.~~

~~"Licensee" means any person, partnership, association, limited liability company, or corporation holding a license issued by the Board for Cosmetology, as defined in § 54.1-1200 of the Code of Virginia.~~

~~"Nail care" means manicuring, pedicuring, or performing artificial nail services.~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~"Nail Salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the board.~~

~~"Nail School" means a place or establishment licensed by the board to accept and train students.~~

~~"Nail Technician" means any person licensed by the board who for compensation manicures, or pedicures natural nails or who performs artificial nail services for compensation, or any combination thereof.~~

~~"Nail technician instructor" means a licensed nail technician who has been certified by the board as having completed an approved curriculum and who meets the competency standards of the board.~~

~~"Reciprocity" means a conditional agreement between two or more states that will recognize one another's regulations and laws for equal privileges for mutual benefit.~~

~~"Reinstatement" means having a license or certificate restored to effectiveness after the expiration date has passed.~~

~~"Renewal" means continuing the effectiveness of a license or certificate for another period of time.~~

PART II

ENTRY.

~~18 VAC 55-22-20. Basic qualifications for licensure.~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

Every applicant to the board for a license shall have the following qualifications:

1. The applicant shall be in good standing as a licensed cosmetologist or nail care technician in every jurisdiction where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's practice as a cosmetologist or nail care technician. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as a cosmetologist or nail technician.
2. The applicant shall disclose his physical address. A post office box is not acceptable.
3. The applicant shall sign, as part of the application, an affidavit certifying that the applicant has read and understands the Virginia cosmetology license law and the regulations of the board.
4. The board may make further inquiries with respect to the qualifications of the applicant or require a personal interview with the applicant or both. Failure of an applicant to comply with a written request from the board for additional information within 60 days of receiving such notice, except in such instances where the board has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application.

18 VAC 55-22-30. Individual license.

Upon filing an application with the Board for Cosmetology on forms approved by the board, any person meeting the qualifications set by the board shall be eligible for a license if the applicant has sufficiently demonstrated that:

1. The applicant has received training as defined in 18 VAC 55-22-40 and 18 VAC 55-22-50 of these regulations; and

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~2. The applicant has qualified for licensure either by passing the required examination or by endorsement;~~
~~and~~

~~3. An applicant who has had any disciplinary action taken in any jurisdiction in connection with the applicant's practice as a cosmetologist or nail technician may be approved or disapproved for licensure following consideration of the applicant's application by the board.~~

~~18 VAC 55-22-40. Training in the Commonwealth of Virginia.~~

~~Any person completing an approved cosmetology training program in a Virginia licensed cosmetology school or a Virginia public school's cosmetology program shall be eligible for the cosmetology examination.~~

~~Any person completing an approved nail technician program in a Virginia licensed nail school or a Virginia public school's nail technician program shall be eligible for the nail technician examination.~~

~~18 VAC 55-22-50. Training outside of the Commonwealth of Virginia, but within the United States and its territories.~~

~~Any person completing a cosmetology training program outside of the Commonwealth of Virginia, must submit documentation of the successful completion of 1,500 hours of training. If less than 1,500 hours cosmetology training was completed, any person submitting a certificate, diploma or adequate documentation verifying the completion of a substantially equivalent cosmetology course and documentation of six months of cosmetology work experience may be eligible for the cosmetology examination.~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~Any person completing a nail technician training program outside of the Commonwealth of Virginia, must submit documentation of the successful completion of 150 hours of training. If less than 150 hours nail technician training was completed, any person submitting a certificate, diploma or adequate documentation verifying the completion of a substantially equivalent nail technician course and documentation of six months of nail technician work experience may be eligible for the nail technician examination.~~

~~18 VAC 55-22-60. Apprenticeship training.~~

~~Any person completing the Virginia apprenticeship program in cosmetology shall be eligible for the cosmetology examination. Cosmetology salons training apprentices shall comply with the standards for apprenticeship training established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry.~~

~~Any person completing the Virginia apprenticeship program in nail care shall be eligible for the nail technician examination. Cosmetology and nail salons training nail apprentices shall comply with the standards established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry.~~

~~18 VAC 55-22-70. Exceptions to training requirements shown in VAC 55-22-40, VAC 55-22-50 and VAC 55-22-60.~~

~~A. A licensed barber enrolling in a cosmetology training school may be given credit for 50% of the training received for a barber license.~~

~~B. A student may be given educational credit for 50% of the training received in a barber school when transferring to a cosmetology school.~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~C. A licensed barber who has held a barber license for at least two years will be eligible to sit for the cosmetology examination without further training.~~

~~**18 VAC 55-22-80. Examinations.**~~

~~A. Applicants for initial licensure shall take and pass both a practical and written examination provided by the board or by a testing service acting on behalf of the board.~~

~~B. Any applicant passing one part of the examination shall not be required to take that part again provided both parts are passed within one year of initial examination date.~~

~~C. Any candidate failing to appear as scheduled for examination may be required to forfeit the fee, and may be required to pay a rescheduling fee equal to the original examination fee.~~

~~**18 VAC 55-22-90. Administration of examination.**~~

~~A. The applicant shall follow all rules established by the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.~~

~~B. The examination shall be administered by examiners independent from the board. The practical examination shall be supervised by a chief examiner.~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~C. Every cosmetology examiner shall hold a current Virginia cosmetology license, have three or more years of active experience as a licensed cosmetologist and be a currently practicing cosmetologist.~~

~~Examiners shall attend all training workshops sponsored by the board or by a testing service acting on behalf of the board.~~

~~Every nail technician examiner shall be a practicing nail technician or cosmetologist with three or more years of active experience as a nail technician or licensed cosmetologist and shall be a currently licensed nail technician or cosmetologist. Examiners shall attend all training workshops sponsored by the board or by a testing service acting on behalf of the board.~~

~~D. No certified instructor who is currently teaching or who is a school owner shall be an examiner.~~

~~E. A cosmetology chief examiner shall hold a current Virginia cosmetology license, have five or more years of active experience as a licensed cosmetologist, have three years of active experience as an examiner, and be a currently practicing cosmetologist. Chief examiners shall attend all training workshops sponsored by the board or by a testing service sponsored by the board.~~

~~A nail technician chief examiner shall hold a current Virginia nail technician or cosmetology license, have five or more years of active experience as a nail technician or cosmetologist, have three or more years of active experience as an examiner, and be a currently practicing nail technician or cosmetologist. Chief examiners shall attend all training workshops sponsored by the board or by a testing service sponsored by the board.~~

18 VAC 55-22-100. License by endorsement.

~~Upon proper application to the board, on prescribed forms, any person currently licensed to practice as a cosmetologist, nail technician, cosmetology instructor or nail technician instructor in any other state or~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~jurisdiction of the United States may be issued a cosmetology or nail technician license or a cosmetology instructor or nail technician instructor certificate without an examination.~~

~~18 VAC 55-22-110. Cosmetology instructor's certificate.~~

~~Upon filing an application with the Board for Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a cosmetology instructor certificate:~~

~~1. Hold a current Virginia cosmetology license, and pass a course in teaching techniques at the post secondary educational level; or~~

~~2. Hold a current Virginia cosmetology license, and complete an instructor training course approved by the Virginia Board for Cosmetology under the supervision of a certified cosmetology instructor in a cosmetology school; or~~

~~3. Hold a current Virginia cosmetology license, and pass an examination in cosmetology instruction administered by the board.~~

~~18 VAC 55-22-120. Nail Technician instructor's certificate; exception.~~

~~A. Upon filing an application with the Board for Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for an instructor certificate:~~

~~1. Hold a current Virginia nail technician or cosmetologist license, and pass a course in teaching techniques at the post-secondary level;~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~2. Hold a current Virginia nail technician or cosmetologist license and complete an instructor training course approved by the Virginia Board for Cosmetology under the supervision of a certified instructor in a cosmetology or nail school; or~~

~~3. Hold a current Virginia nail technician or cosmetologist license and pass an examination in nail care instruction administered by the board.~~

~~B. Persons holding a cosmetology instructor certificate may teach a nail technician program without obtaining a nail technician certificate.~~

~~**18 VAC 55-22-130. Temporary permit.**~~

~~A. A temporary permit to work as a cosmetologist under the supervision of a currently licensed cosmetologist may be issued only to applicants for initial licensure found eligible by the board for the cosmetology examination.~~

~~A temporary permit to work as a nail technician under the supervision of a currently licensed nail technician or cosmetologist may be issued only to applicants for initial licensure found eligible by the board for the nail technician examination.~~

~~B. The temporary permit shall remain in force for 30 days following the next scheduled examination for which the applicant would be eligible to sit.~~

~~C. All temporary permits are nonrenewable.~~

~~D. All candidates applying for reinstatement who are required to sit for the examination may be issued a temporary permit in accordance with the terms of subsections A, B and C of this section.~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~18 VAC 55-22-140. Temporary instructor permit.~~

~~A. A licensed cosmetologist may be granted a temporary instructor permit to function under the direct supervision of a certified cosmetology instructor.~~

~~B. A licensed nail technician may be granted a temporary instructor permit to function under the direct supervision of a certified cosmetology or nail technician instructor.~~

~~C. The temporary instructor permit shall remain in force for no more than 12 months after the date of issuance and shall be nonrenewable.~~

~~D. Failure to maintain a cosmetology or nail technician license pending examination shall disqualify an individual from holding a temporary instructor permit.~~

~~18 VAC 55-22-150. Salon license.~~

~~A. Any individual wishing to operate a cosmetology or nail salon shall obtain a salon license in compliance with §54.1-1205 of the Code of Virginia.~~

~~B. A cosmetology or nail salon license shall not be transferable and shall bear the same name and address as the business. Any changes in the name of the salon, address, or owners shall be reported to the board in writing within 30 days of such changes.~~

~~C. In the event of a change of ownership of a cosmetology or nail salon the new owners shall be responsible for reporting such changes in writing to the board within 30 days of such change.~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~D. In the event of a cosmetology or nail salon closing the board must be notified in writing within 30 days.~~

~~**18 VAC 55-22-160. Examination fees.**~~

~~Examination fees shall be as follows:~~

Entire cosmetology examination	\$51.00
Retake Written portion of cosmetology examination	\$33.00
Retake Practical portion of cosmetology examination	\$43.00
Cosmetology instructor examination	\$35.00
Entire nail technician examination	\$45.00
Retake Written portion of nail technician examination	\$27.00
Retake Practical portion of nail technician examination	\$37.00
Nail technician instructor examination	\$35.00

~~**18 VAC 55-22-170. Application fees.**~~

~~All fees are nonrefundable and shall not be prorated. Application fees are valid for a period of one year from the date of receipt. Application fees shall be as follows:~~

Cosmetology license by endorsement	\$ 30.00
Cosmetology salon	\$100.00

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

Cosmetology instructor license by endorsement	\$ 55.00
Nail technician license by endorsement	\$ 30.00
Nail salon	\$100.00
Nail technician instructor license by endorsement	\$ 55.00
Bad check penalty	\$ 25.00

~~PART III.~~~~COSMETOLOGY SCHOOLS.~~~~**18 VAC 55-22-180. School license.**~~

~~A. Any individual wishing to operate a cosmetology or nail technician school shall obtain a school license in compliance with §54.1-1206 of the Code of Virginia.~~

~~B. A cosmetology or nail technician school license shall not be transferable and shall bear the same name and address as the school. Any changes in the name of the school or address shall be reported to the board in writing within 30 days of such change. The name of the school must indicate that it is an educational institution. All signs, or other advertisements, must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.~~

~~C. In the event of a change of ownership of a school the new owners shall be responsible for reporting such changes in writing to the board within 30 days of such change.~~

~~D. In the event of a school closing the board must be notified in writing within 30 days.~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~18 VAC 55-22-190. General requirements.~~

~~A cosmetology or nail technician school shall:~~

- ~~1. Hold a school license for each and every location.~~
- ~~2. Hold a salon license if the school receives compensation for services provided in its clinic.~~
- ~~3. Employ a staff of certified cosmetology or nail technician instructors.~~
- ~~4. Develop individuals for entry level of competency in cosmetology or nail care.~~
- ~~5. Submit its curricula for Board approval.~~
 - ~~a. Cosmetology curricula may be based on a minimum of 1500 clock hours or competencies in accordance with 18 VAC 55-22-230 of these regulations. However, schools wishing to offer both clock hour or competency based programs must submit separate curricula for board approval.~~
 - ~~b. Nail care curricula may be based on a minimum of 150 clock hours or competencies in accordance with 18 VAC 55-22-230 of these regulations. However, schools wishing to offer both clock hour or competency based programs must submit separate curricula for board approval.~~
- ~~6. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic.~~
- ~~7. Maintain separate classroom and clinic areas.~~

~~18 VAC 55-22-200. Curriculum requirements for cosmetology schools.~~

~~Each cosmetology school shall submit with its application a curriculum including but not limited to a course syllabus, a detailed course outline, a sample of five lesson plans, a sample of evaluation methods~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~to be used, and a breakdown of hours or performances or both for all courses to be taught which lead to licensure. The outline for cosmetology shall include, but not be limited to, the following:~~

~~1. Orientation:~~

- ~~a. School policies~~
- ~~b. State law, regulations, and professional ethics~~
- ~~c. Personal hygiene~~
- ~~d. Bacteriology, sterilization, and sanitation~~

~~2. Manicuring and pedicuring:~~

- ~~a. Anatomy and physiology~~
- ~~b. Diseases and disorders~~
- ~~c. Procedures to include both natural and artificial application~~
- ~~d. Sterilization~~

~~3. Shampooing and rinsing:~~

- ~~a. Fundamentals~~
- ~~b. Safety rules~~
- ~~c. Procedures~~
- ~~d. Chemistry, anatomy, and physiology~~

~~4. Scalp treatments:~~

- ~~a. Analysis~~
- ~~b. Disorders and diseases~~
- ~~c. Manipulations~~
- ~~d. Treatments~~

~~5. Hair styling:~~

- ~~a. Anatomy and facial shapes~~
- ~~b. Finger waving, molding and pin curling~~
- ~~c. Roller curling, combing, and brushing~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~d. Heat curling, waving, braiding and pressing~~

~~6. Hair cutting:~~

~~a. Anatomy and physiology~~

~~b. Fundamentals, materials, and equipment~~

~~c. Procedures~~

~~d. Safety practices~~

~~7. Permanent waving-chemical relaxing:~~

~~a. Analysis~~

~~b. Supplies and equipment~~

~~c. Procedures and practical application~~

~~d. Chemistry~~

~~e. Record keeping~~

~~f. Safety~~

~~8. Hair coloring and bleaching:~~

~~a. Analysis and basic color theory~~

~~b. Supplies and equipment~~

~~c. Procedures and practical application~~

~~d. Chemistry and classifications~~

~~e. Record keeping~~

~~f. Safety~~

~~9. Skin care and make up:~~

~~a. Analysis~~

~~b. Anatomy~~

~~c. Health, safety, and sanitary rules~~

~~d. Procedures~~

~~e. Chemistry and light therapy~~

~~f. Temporary removal of hair~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~g. Lash and brow tinting~~

~~10. Wigs, hair pieces, and related theory:~~

~~a. Sanitation and sterilization~~

~~b. Types~~

~~c. Procedures~~

~~11. Salon management:~~

~~a. Business ethics~~

~~b. Care of equipment~~

~~**18 VAC 55-22-210. Curriculum requirements for nail technician schools or cosmetology schools teaching a nail technician program.**~~

~~Each school teaching the nail technician program shall submit with its application a curriculum including but not limited to a course syllabus, a detailed course outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours or performances or both for all courses to be taught which will lead to licensure. The outline for nail care shall include, but not be limited to, the following:~~

~~1. Orientation~~

~~a. School policies~~

~~b. State law, regulations and professional ethics;~~

~~2. Sterilization, sanitation, bacteriology, and safety;~~

~~3. Anatomy and physiology;~~

~~4. Diseases and disorders of the nail;~~

~~5. Nail procedures (manicuring, pedicuring and nail extensions);~~

~~6. Nail theory, nail structure and composition.~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~18 VAC 55-22-220. Curriculum requirements for cosmetology or nail instructor program.~~

~~Each school applying to teach a cosmetology or nail instructor program shall submit with its application a detailed course outline, sample of five lesson plans, and a sample of evaluation methods to be used. The outline shall include, but not be limited to, the following:~~

- ~~1. Orientation, school policies, state laws, regulations and professional ethics;~~
- ~~2. Introduction to teaching and psychology of training;~~
- ~~3. Course development and lesson planning;~~
- ~~4. Teaching methods and aids;~~
- ~~5. Tests and measurements;~~
- ~~6. Classroom management and record keeping;~~
- ~~7. Student teaching.~~

~~18 VAC 55-22-230. Performance completions.~~

~~A. The curriculum requirements for cosmetology must include the following minimum performances.~~

Hair and scalp treatments	10
Shampooing and hair styling	320
Tinting	15
Bleaching and frosting	10
Temporary rinses	10
Semi-permanent color	10

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

Cold permanent waving or chemical relaxing	25
Hair shaping	50
Wig care, styling, placing or model	5
Finger waving and thermal waving	30
Manicures/pedicures	15
Facials	5
Sculptured nails/nail tips/wraps	20
Total	525

~~B. The curriculum requirements for nail technicians must include the following minimum performances.~~

Manicures	30
Pedicures	15
Individual sculptured nails/nail tips	200
Individual removals	10
Individual nail wraps	20
Total	275

~~18 VAC 55-22-240. Performances and hours reported.~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~Upon the closing of a licensed cosmetology or nail technician school, for any reason, the school shall provide a written report to the board on performances and hours of each of its students that have not completed the program within 30 days of the date of closing.~~

~~18 VAC 55-22-250. Record keeping.~~

~~Each cosmetology or nail technician school shall maintain written records of hours and performances completed for each student for a period of five years after the student terminates or completes the curriculum.~~

~~18 VAC 55-22-260. Hours and performances required; exception.~~

~~Curriculum and completion requirements shall be offered over a minimum of 1,500 clock hours for cosmetology and 150 clock hours for nail care unless the school presents evidence satisfactory to the board that the school:~~

- ~~1. Will measure for competency, for each student enrolled, tasks specified in 18 VAC 55-22-230 of these regulations;~~
- ~~2. Inform each student of progress in achieving competency of tasks taught; and~~
- ~~3. Record the number of clock hours of instruction and performances of each student.~~

~~18 VAC 55-22-270. Application Fees.~~

~~Application fees shall be as follows:~~

~~Nail technician school~~

~~\$125.00~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

Cosmetology school without a nail technician program	\$125.00
Cosmetology school offering a nail technician program	\$150.00
Licensed cosmetology school adding a nail technician program	\$ 25.00

~~PART IV.~~

~~RENEWAL OF LICENSE.~~

~~**18 VAC 55-22-280. Renewal required.**~~

~~A. All cosmetology, cosmetology salon, nail technician, and nail salon licenses shall expire two years from the last day of the month in which they were issued.~~

~~B. All cosmetology and nail care instructor certificates shall expire on the same date as the cosmetology or nail technician license.~~

~~C. Cosmetology school licenses shall expire on December 31 of each even-numbered year.~~

~~**18 VAC 55-22-290. Notice of renewal.**~~

~~The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee or certificate holder outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee or certificate holder of the obligation to renew. If the licensee or certificate holder fails to receive the renewal notice, a copy of the old license or certificate may be submitted as evidence of intent to renew, along with the required fee.~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~18 VAC 55-22-300. Renewal fees.~~

~~A. All fees are nonrefundable.~~

~~B. Renewal fees shall be as follows:~~

Cosmetology license	\$ 25.00
Cosmetology license with instructor certificate	\$ 40.00
Cosmetology salon license	\$ 85.00
Cosmetology school license	\$120.00
Nail technician license	\$ 25.00
Nail technician license with instructor certificate	\$ 40.00
Nail salon license	\$ 85.00
Nail school license	\$120.00

~~18 VAC 55-22-310. Failure to renew; reinstatement required.~~

~~A. When a licensed or certified individual or entity fails to renew its license or certificate within 30 days following its expiration date, the licensee or certificate holder shall apply for reinstatement of the license or certificate by submitting to the Department of Professional and Occupational Regulation a reinstatement application and reinstatement fee as follows:~~

Cosmetology license	\$ 70.00
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REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

Cosmetology license with instructor certificate	\$135.00
Cosmetology salon license	\$185.00
Cosmetology school license	\$220.00
Nail technician license	\$ 70.00
Nail technician license with instructor certificate	\$135.00
Nail salon license	\$185.00
Nail school license	\$220.00

~~B. The application for reinstatement for a school shall provide the reasons for failing to renew prior to the expiration date, a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license expired on December 31 of the last even numbered year. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and its records maintained in accordance with 18 VAC 55-22-250 by the Department of Professional and Occupational Regulation. Pursuant to 18 VAC 55-22-320, upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the exam.~~

~~C. When a cosmetologist or nail technician fails to renew his license within two years following the expiration date, the licensee may be required to submit the reinstatement fee outlined in subsection A of this section and may be required to pass the appropriate examination(s) in order to be reinstated.~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~D. When a cosmetology instructor or nail technician instructor fails to renew his certificate within two years following the expiration date, the certificate holder may be required to requalify for licensure as outlined in 18 VAC 55-22-110 and 18 VAC 55-22-120.~~

~~E. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether a penalty fee or the requirement for reinstatement of a license or certificate is applicable.~~

~~F. When a license or certificate is reinstated, the licensee or certificate holder shall be assigned an expiration date two years from the date of reinstatement.~~

~~G. A licensee or certificate holder who reinstates his license or certificate shall be regarded as having been continuously licensed or certified without interruption. Therefore, a licensee or certificate holder shall remain under the disciplinary authority of the board during this entire period and may be held accountable for its activities during this period.~~

~~A licensee or certificate holder who fails to reinstate his license or certificate shall be regarded as unlicensed or uncertified from the expiration date of the license or certificate forward. Nothing in these regulations shall divest the board of its authority to discipline a licensee or certificate holder for a violation of the law or regulations during the period of time for which the individual was licensed or certified.~~

~~H. Five years after the expiration date on the license or certificate, reinstatement is no longer possible. To resume practice, the former licensee or certificate holder shall reapply for licensure or certification as a new applicant, meeting current application requirements.~~

~~**18 VAC 55-22-320. Board discretion to deny renewal.**~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~The board, in its discretion, may deny renewal or reinstatement of a license or certificate for the same reasons as it may refuse initial licensure or certification or may discipline a current licensee or certificate holder. Upon such denial, the applicant for renewal or reinstatement may request that a hearing be held.~~

~~PART V.~~

~~STANDARDS OF PRACTICE.~~

~~**18 VAC 55-22-330. Display and maintenance of license, certificate and permit.**~~

~~A. All current licenses, certificates or permits issued by the board shall be displayed in a conspicuous manner in an area that is accessible to the public in the school or establishment where business is conducted.~~

~~B. All licensees, certificate holders and permit holders shall operate under the name in which the license, certificate, or permit is issued.~~

~~C. Unless also licensed as a cosmetologist, a barber is required to hold a separate nail technician license if he or she will be performing manicures or pedicures or applying artificial nails.~~

~~**18 VAC 55-22-340. Sanitation.**~~

~~Licensees and certificate holders shall comply with the following sanitation standards and shall insure that all employees likewise comply:~~

~~1. Premises and equipment.~~

~~a. Cleanliness. Wash basins, sinks and workstations shall be clean. Floors shall be kept free of~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

- ~~hair, nail product, and other waste materials. Combs, brushes, towels, razors, clippers, scissors, nippers, and other instruments shall be cleaned and sanitized after every use and stored free from contamination.~~
- ~~b. Soiled towels and robes or smocks shall be stored in an enclosed container.~~

~~2. Operation and service.~~

- ~~a. Towels and robes. Clean towels and robes shall be used for each patron.~~
- ~~b. Haircloth. When a haircloth is used, a clean towel or neck strip shall be placed around the neck of the patron to prevent the haircloth from touching the skin.~~
- ~~c. Brushes and combs shall be washed in soap and water and sanitized after each use.~~
- ~~d. Permanent wave rods shall be rinsed after each use and end papers shall not be reused.~~
- ~~e. Scissors, razors, clippers, nippers, and all sharp-edged cutting instruments shall be sanitized after each use with a disinfectant in accordance with the manufacturer's instructions.~~
- ~~f. A salon shall maintain a supply of 70% isopropyl alcohol to be used in the event that a patron's skin is accidentally broken during any service. In that event, all implements must be immersed in said alcohol for ten minutes.~~
- ~~g. All artificial acrylic nail services must be performed in a facility which is in compliance with B.O.C.A. National Building Code. A certificate of occupancy issued by local building officials should be posted in each facility providing acrylic nail services.~~
- ~~h. An artificial nail shall only be applied to a healthy natural nail.~~

~~**18 VAC 55-22-350. Discipline.**~~

~~The board has the power to fine any licensee or certificate holder or to suspend or revoke any license or certificate, or both, issued under the provisions of Chapter 12 (§ 54.1-1200 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board, if the board finds that:~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

1. ~~The licensee or certificate holder violates, induces others to violate, or cooperates with others in violating any of the provisions of Chapters 3 (§ 54.1-300 et seq.) and 12 (§ 54.1-1200 et seq.) of Title 54.1 of the Code of Virginia, or these regulations;~~
2. ~~The licensee or certificate holder is incompetent or negligent in practice or incapable mentally or physically to practice as a cosmetologist or nail technician;~~
3. ~~The licensee or certificate holder is guilty of fraud or deceit in the practice or teaching of cosmetology or nail care;~~
4. ~~The licensee or certificate holder obtained or renewed a license or certificate by false or fraudulent representation;~~
5. ~~The owner or operator of a school allowed a person to teach cosmetology or nail care without the person obtaining an instructor's certificate, or temporary instructor's permit issued by the board.
Exception: Holders of associate degrees or higher shall not be prohibited from teaching theory;~~
6. ~~The owner or operator of a salon allowed a person to practice cosmetology or nail care without the person obtaining a cosmetology or nail technician license or cosmetology or nail technician temporary permit issued by the board;~~
7. ~~The licensee or certificate holder refuses or fails, upon request or demand, to produce to the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession maintained in accordance with these regulations;~~
8. ~~An individual licensee or certificate holder fails to notify the board of a change of name or address in writing within 30 days of the change. The board shall not be responsible for the licensee's or certificate~~

REPEAL – BOARD FOR COSMETOLOGY RULES AND REGULATIONS

~~holder's failure to receive notices, communications and correspondence caused by the licensee's or certificate holder's failure to promptly notify the board in writing of any change of name or address; or~~

~~9. The licensee or certificate holder publishes or causes to be published any advertisement that is false, deceptive, or misleading.~~