



North Carolina State
Board of Cosmetic Art Examiners

March 31, 2021

TO: Virginia Barlow
NC General Assembly
Joint Legislative Administrative Procedure Oversight Committee
Legislative Building
16 W. Jones Street
Raleigh, NC 27691

FROM: Lynda Elliott
Executive Director

SUBJECT: House Bill 1105 Section 3.20

In accordance with House Bill 1105 Section 3.20, the N.C. State Board of Cosmetic Art Examiners determined that, due to the impacts of the coronavirus, it was in the public interest, including the public health, safety, and welfare and the economic well-being of the citizens and businesses of the State, the agency took actions as follows:

(1) Delay the collection, or modify the method of collection, of any fees, fines, or late payments assessed by the agency under its statutes, including the accrual of interest associated with any fees, fines, or late payments.

- Excused reinstatement fees for expired businesses
- Excused late fees for expired businesses.
- Excused filing new salon application prior to opening

(2) Delay the renewal dates of permits, licenses, and other similar certifications, registrations, and authorizations issued by the agency pursuant to its statutes.

- Scheduled inspections to help deal with occupancy.
- Changed school inspections to have online audits in order to reduce contact and number of school staff needed facilitate inspections.

- Removed reciprocity certification requirements based on closure status of other states.

(3) Delay or modify any educational or examination requirements implemented by the agency pursuant to its statutes.

- Created extra exam dates once exam facility reopened.

The Board worked with NC Commerce to help the cosmetic art salons to receive assistance.

We provided excel sheet with salon data at no cost.

Statutes

§ 88B-12. Temporary employment permit; extensions; limits on practice.

Changes in response to COVID 19 - Extend permits to 8-1-2020 for all permits that expire between 3/1/2020 and 7/31/2020.

Administrative Rules

In 2012 The Board implemented administrative rules 21 NCAC 14B .0607 WAIVERS (a) Individuals who wish to request a waiver of a rule shall submit to the Board a written request which includes: (1) The rule for which a waiver is requested; (2) The reason for requesting the waiver along with supporting documents; (3) Evidence of how the waiver will provide for the health and safety of the consumer or licensee; and (4) The signature of applicant. (b) The Board shall approve a waiver request only if: (1) The administrative rule for which the waiver is being requested is not mandated by law; and (2) The Board finds that approval of the requested waiver shall not jeopardize the health and safety of employees or the public.

SUBCHAPTER 14P – CIVIL PENALTY

Effective 3/25/2020 Changes in response to COVID 19 - The Board has suspended the issuance of all civil penalties except fraud and sanitation rating below an 80 until 9/18/2020.

21 NCAC 14R .0105 CONTINUING EDUCATION

Provided 8 hours of continuing education free of charge.

21 NCAC 14H .0104-.0404, 14T .0401, .0502, .0602-.0606 and .0615

Effective February 12, 2020 Changes in response to COVID 19 - The Board held a special meeting on February 12, 2020 and initiated rule making for 21 NCAC 14H .0104-.0404, 14T .0401, .0502, .0602-.0606 and .0615. To assist schools and fast track online education the board also waived current rules in favor of the proposed rules.

21 NCAC 14T .0611.

Effective 4/8/2020 Changes in response to COVID 19 - The Board held a special meeting April 8, 2020 to address board regulation for online education. The Board waived rules relative to online education, increasing allowed amount from 30% to 50% and including the option for practical education.

Effective 7/27/2020 Changes in response to COVID 19 - The Board waived rules relative to online education, increasing allowed amount from 50% to 75% for practical done over the live feed.

21 NCAC 14T .0611(f) - The school shall administer a test at the end of each online education course. The testing shall be done in person at the school.

Effective 4/8/2020 Changes in response to COVID 19 -The Board waived the above rule while schools are closed during the COVID-19 pandemic. Due to the prolonged period of time before students can return to the school the Board will allow theory exams to be conducted remotely.

21 NCAC 14T .0611(h) No practical instruction shall be permitted through online education.

Effective 4/8/2020 Changes in response to COVID 19 -The Board has waived the above rule during the COVID-19 pandemic with the following guidance:

Schools could assign activities for a time that would be better put to use monitoring practical work so when the student re-enter schools, they could be very close to fulfilling their graduation requirements.

The Board no longer requires a specific number of service performances. All programs have the required infection control and blood exposures evaluation plans along with the required evaluation plans for their curriculum they have been approved to offer (Cosmetology has 8 very basic service evaluations) and evaluations must be taught using the plans provided to the school with the new curriculum. Students must practice what they learn as they move through the coursework.

The school could use video conferencing to demonstrate these services and a student could work on the mannequin while a teacher observes. More advanced services could be demonstrated by the teacher and students could practice these steps on a mannequin after passing the core evaluation plans provided to each school.

Practical instruction must be supervised by licensed instructors on staff at the school. The students need to be actively engaged with the instructor in real-time discussion, schools would need to provide an adequate platform for instructors to supervise students. (Video conferencing)

21 NCAC 14T .0611 (g) Online instruction shall be limited to the theory portion only and no more than 50 percent for teacher trainees and **30** percent of the total required hours for the respective cosmetic art discipline.

Effective 4/8/2020 Changes in response to COVID 19 -The Board has waived the above rule during the COVID-19 pandemic. With allowing the practical demonstrations and mannequin practice by the student through video conferencing the current maximum has been increased to 50%.

Effective 7/27/2020 Changes in response to COVID 19 - The Board waived rules relative to online education, increasing allowed amount from 50% to 75% for practical done over the live feed.

Effective 4/8/2020 Changes in response to COVID 19 -If the school has a platform for Practical Instruction students could perform each service required in the curriculum for graduation. In addition, students could perform mock practical exams.

21 NCAC 14T .0612 (i) A minimum of 10 percent of scheduled attendance time each week shall be spent on theory work as defined in Paragraph (e) of this Rule.

Effective 4/8/2020 Changes in response to COVID 19 -The Board has waived the above rule for students participating in online instruction during due to the COVID-19 pandemic.