

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: 7/30/2009

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* Board of Barbers and Cosmetologists

1716 Pennsylvania Ave. Suite 7

Charleston, WV 25302

LEGISLATIVE RULE TITLE: _____
Schedule of Fees

1. Authorizing statute(s) citation _____
30-27-1, 30-27-6

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
6/30/2009

b. What other notice, including advertising, did you give of the hearing?
Posted on web site.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
7/30/2009

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X No comments received _____

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

NA

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Adam L. Higginbotham, Director

1716 Pennsylvania Ave. Suite 7, Charleston, WV 25302

304-558-2924/304-558-3450/adam.l.higginbotham@wv.gov

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

- 3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

NA

b. Date of hearing or comment period:

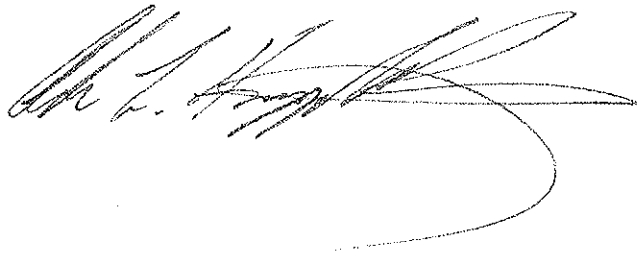
NA

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

NA

d. Attach findings and determinations and reasons:

Attached NA

A handwritten signature in black ink, appearing to be "D. L. ...", written over a horizontal line.

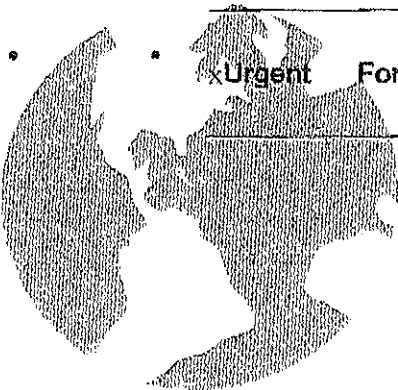
120 SOUTH THIRD STREET
CLARKSBURG WV 26301
FAX: 304 624-6465
PHONE: 304 624-6475

CLARKSBURG BEAUTY ACADEMY

To: Adam Higgenbotham **Fax:** 304 558-3450

From: Angela Policano **Date:** 07/23/2009

RE: Response to proposed rules **Pages:**3 (including cover)



Urgent **For Review** **Please Comment** **Please Reply**

Clarksburg Beauty Academy's Response to Proposed Rule Changes

To: Adam Higginbotham, Director
State Board of Barbers & Cosmetology
From: Angela Policano
Clarksburg Beauty Academy

Series 1 3-1-43

Qualification for Licensure

43.1 #d: graduated from a school of aesthetics or nail technology/manicuring.

Response: I feel that allowing schools of aesthetics or nail technology would be a mistake. We would see schools going in all over the state and the quality of education would go down.

Series 2 – 2.1

Licensure of Instructors in Aesthetics & Nail Technology.

Response: I understand that having instructors specialized in their individual fields would be a good thing. However, it is not clear in the proposed rules that a Cosmetology Instructor could also teach the nail tech and aesthetic programs. These programs tend to have small enrollments and it would not be feasible for school to hire a nail tech instructor or aesthetic instructor to teach if they had a small enrollment.

I also have to mention that if nail tech and aesthetic schools were to be allowed to open in the state, having Master Nail Tech Instructors and Master Aesthetic Instructors would make it easier to acquire the 3 master instructors needed to open a school.

Series 2 – 3-2-3 Qualifications for Licensure as a Master Instructor

3.1.4 Be employed at a salon for at least two (2) years and with three years experience as an instructor.

Response: After talking with Adam, he assured me this is an error and will be corrected to read or instead of and.

Series 6 Fees

Response: I understand the need to increase fees in order to meet operation cost and the cost of monitoring continuing education, however with today's economy I feel it will be hard to get a fee increase passed.

Increasing the renewal fee to school from \$250.00 to \$500.00 annually does not sound like a big concern; however the board must be aware of the all the annual costs that accredited school pay to operate at the high standards that we operate. We pay fees to ACS, NACCAS, CCTC and we are required to have 2 audits each year, compliance audit of our Financial Aid Accounts and a Complete Audit of our School Account. These two audits cost the school over \$10,000.00 annually.

2.9-2.10 Initial license for Instructors and Annual renewal for Instructors

Response: Most instructors also keep their Cosmetology or Barbering License as well as their Instructor license active, therefore this would be a hardship on the Instructor that renews their own license.

Most schools, including Clarksburg Beauty Academy, pay for the renewal of their Instructors licenses as well as the initial licenses. This will be another large cost to school that will be renewing ten (10) instructors license each year.



Joe Manchin III
Governor

Martha Yeager Walker
Secretary

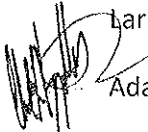
Adam L. Higginbotham
Director

State of West Virginia
Board of Barbers and Cosmetologists

1716 Pennsylvania Avenue, Suite 7
Charleston, West Virginia 25302
Telephone: 304-558-2924
Fax: 304-558-3450

Date: July 28th, 2009

To: Larry and Angela Policano, Clarksburg Beauty Academy

From:  Adam L. Higginbotham, Director, Board of Barbers and Cosmetologists

Re: Comments concerning proposed rules and regulations

Please find the responses to your questions in the exact order you sent your questions to the Board.

Issue # 1- The Board understands your point of view and will make appropriate corrections.

Issue # 2- A cosmetologist will still be allowed to teach nail and aesthetic courses to the full extent. However, this just allows the option to train, hire, and implement a specifically trained and licensed individual to teach nail or aesthetic courses. They still must meet the requirements of all other instructors.

Issue # 3- This was an error. The two years of salon experience will be omitted.

Issues # 4 and 5- The Schedule of Fees will be re-examined to find the appropriate levels. However, fee increases must be accomplished in areas to support the increasing cost of operations. The separation just from WV DHHR Public Health Division could increase expenses above \$42,000 annually. There are also the added costs of implementing continuing education, covering the increasing cost of health insurance and other insurance policies, rising utilities and general business materials.

The most recently submitted proposed changes will be posted on the Board's website by August 7th, 2009.

Should you have any further questions, please feel free to contact me.

Page 1 of 2

TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS

SERIES 6

SCHEDULE OF FEES

§ 3-6-1. General

1.1. Scope - This legislative rule establishes the various fees that are to be submitted to the Board of Barbers and Cosmetologists by students, instructors and owners and operators of schools of barbering and/or beauty culture and owners of barber, beauty, manicure and aesthetic shops.

1.2. Authority - W. Va. Code § 30-27-1

1.3. Filing Date - May 15, 1997

1.4. Effective Date - January 1, 2009

§ 3-6-2. Schedule of Fees

- 2.1. Application & Examination fee..... *Just Raised 100% this year* ~~\$50.00~~ ~~\$75.00~~ *50.00*
- 2.2. Issuance or License fee.....\$ 35.00
- 2.3. Reciprocity, application without exam fee.....\$ 100.00
- 2.4. Annual license renewal fee.....\$ 35.00
- 2.5. Late renewal fee:..... *Do one or the other* \$ 35.00
 Plus a penalty of \$5.00 for first 30 days late
 \$5.00 penalty for each subsequent 30 day period
 Plus a \$10.00 late fee for each 30 days late not to exceed \$205.00
- 2.6. Student permit..... *Just want them 5⁰⁰* ~~\$ 25.00~~ ~~\$30.00~~ *Same*
- 2.7. Initial license fee for a school of Barbering or school of Beauty Culture.....~~\$500.00~~ ~~\$1,000.00~~
- 2.8. Annual renewal fee for a school.....~~\$250.00~~ ~~\$500.00~~
- 2.9. Initial licensed instructor fee..... *on same as Lic. Dissem* ~~\$ 50.00~~ ~~\$75.00~~
- 2.10. Annual renewal of licensed instructor fee.....~~\$ 50.00~~ ~~\$75.00~~
- 2.11. Registration fee for booth or chair rental.....\$ 10.00 ~~\$15.00~~
- 2.12. Annual renewal for booth or chair rental..... *Future New Fee* ~~\$15.00~~
- 2.13. Late renewal for booth or chair rental.....~~\$15.00~~

Plus \$10.00 late fee for each 30-days late not to exceed \$100.00 *φ*

2.12. Fee for relocation of rented booth or chair.....\$ 2.50

2.13.2.14. Shop or school inspection fee... *opening fee?* *To this one from inv?* ~~\$25.00~~ \$50.00

2.14.2.15 Duplicate license fee.....\$ 10.00

2.15.2.16 Initial license fee for beauty, barber, manicure and aesthetician shop..... *Just wait up* ~~\$25.00~~ ~~\$45.00~~ 35.00

2.16.2.17 Annual renewal fee for beauty, barber, manicure and aesthetician shops..... ~~\$25.00~~ ~~\$45.00~~ 35.00

2.17.2.18 Fee for certification of licensure..... *???* ~~\$25.00~~ ~~\$35.00~~ 35.00

2.19 Continuing Education Provider Certificate.....\$100.00

This is intended for approved providers of continuing education.

2.20 Online Sanitation and Law Continuing Education..... *How often?* \$25.00

This is for individual licensees that take the Board's online continuing education classes for sanitation and law.

2.21 Place Individual License on Inactive Status.....\$10.00

2.22 Permit Fee..... *To this a work permit fee???* \$15.00

not to be given to fee.



State of West Virginia
Board of Barbers and Cosmetologists

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Joe Manchin III
Governor

Martha Yeager Walker
Secretary

Adam L. Higginbotham
Director

COPY July 28th, 2009

Kenneth Coston
PO BOX 11761
Charleston, WV 25339

Dear Mr. Coston,

Thank you for your concern and pivotal information regarding the fee increase.

In order for the Board to continue to face the increasing costs of insurance, fuel, utilities, general business supplies, and other operational increases to regulate the beauty culture industry a fee increase is a likely solution.

As previously noted, the Board separated from the WV DHHR Public Health Division on July 1, 2009. With this separation included many new or increased operational costs for the Board.

In the past, the Board has had the safety net of WV DHHR Public Health Division to assist during the financially strapped months. This has included covering the Board's payroll and other expenses.

In October 2008, the Board had just over \$5,066.00 in the Board's special revenue account. This would hardly sustain the Board's payroll or other operating expenses. Therefore, minimal increases will assist the operation of the Board and secure the regulation and protection the Board offers to the licensees and general public.

A majority of the fees you proposed will be reconsidered. Please review the Board's website to review the submitted proposed fee schedule. The most up-to-date version will be on the website by August 7th, 2009.

Should you have any further questions, please feel free to contact me.

Sincerely,

Adam L. Higginbotham M.B.A.
Director

Higginbotham, Adam L

From: Higginbotham, Adam L
Sent: Sunday, July 26, 2009 6:00 AM
To: keith101567@aol.com
Subject: RE: Proposed Barber changes

Mr. Williams:

Thank you for your email and stating your concern. I am aware that an additional \$20.00 a year may be hurtful to your bottom-line. A lot of consideration has taken place to determine the appropriate amount for a shop license renewal. It may be evident that the Board needs to reconsider the amount of the shop license increase.

As of right now, the Board can state that the individual licenses will not increase, but the shop license fees must increase for the Board to sustain itself through the implementation of continuing education requirements.

The cost for the implementation of continuing education and other operational functions take money. In order for the Board of Barbers and Cosmetologists to continue to protect the public, enforce the laws, and ensure qualified licensed individuals provide beauty culture services we must raise fees partially to sustain. In theory, the collapse of the Board would result in a de-regulation of the profession. This would result in anyone and everyone providing services a licensed individual once did with no legal enforcement in place.

Although an increase must occur, I will request the Board re-examine the amount for the increase. It may be possible to decrease the license renewal fee. Please check back in middle-August to see the updated proposed rules.

Should you have any further questions, please feel free to contact me.

Adam L. Higginbotham M.B.A.
Director
Board of Barbers and Cosmetologists
1716 Pennsylvania Avenue, Suite 7
Charleston, WV 25302
Phone: 304-558-2924
FAX: 304-558-3450
adam.l.higginbotham@wv.gov

From: keith101567@aol.com [mailto:keith101567@aol.com]
Sent: Sat 7/25/2009 6:33 PM
To: Higginbotham, Adam L
Subject: Proposed Barber changes

Dear Sir-

My former Barber instructor informed me about some 'Proposed changes' that will affect me and my family. Those 'proposes' are Series 6 & 7. With the barber industry down because of the economy as well as every other business my government at all levels seem to think that raising fees and taxes are the answer to THEIR (You the government) problems! I have a wife and three children to support, so I ask you, how am I going to do that with these automatic fees raises plus everything else going up. I know. My problem. The Bible says that the root of all evil is money. My government and it's offices are greedy for my money and the easiest way to get it is to 'by the law' raise fees. Please reconsider the fee hikes I just can't afford higher cost to operate my business. As for the fines. I have no problem with cleanliness and safety, but the fines are extremely expensive wouldn't you say? I keep my place clean at ALL times so I'm not affected by these changes. I agree with you! on all sanitation laws. Take their licenses from them that go against the grain on a healthy work environment. I will admit I just can't put my feelings about these changes in an email, but as you can tell I'm against anything that

takes money from me and my family especially in these very hard times. Everything is going up in price and my wife and I are considering getting second jobs for both of us. I don't mean to add something to my already position of lacking funds, but the eastern panhandle is not a cheap place to live!!! I, again, support the changes to fine the evildoers that hurt the profession. Pleases please please reconsider the fee increases. I just can't afford the cost of doing business of barbering with all the hikes in fees.

Sincerely-
Keith Williams

P.S.
I would very much like to back from you

**TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS**

SERIES 6

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1.3. **Filing Date** - ~~May 15, 1997~~

1.4. **Effective Date** - ~~January 1, 2009~~

§ 3-6-2. Schedule of Fees

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2.2.	Issuance or License fee.....	\$ 35.00
2.3.	Reciprocity, application without exam fee.....	\$ 100.00
2.4.	Annual license renewal fee.....	\$ 35.00
2.5.	Late renewal fee:.....	\$ 35.00
	Plus a penalty of \$5.00 for first 30 days late	
	\$5.00 penalty for each subsequent 30 day period	
	<u>Plus a \$10.00 late fee for each 30 days late not to exceed \$205.00</u>	
2.6.	Student permit.....	\$ 25.00
2.7.	Initial license fee for a school of Barbering or school of Beauty Culture.....	\$500.00 <u>\$1,000.00</u>
2.8.	Annual renewal fee for a school.....	\$250.00
2.9.	Initial licensed instructor fee.....	\$ 50.00
2.10.	Annual renewal of licensed instructor fee.....	\$ 50.00
2.11.	Registration fee for booth or chair rental.....	\$ 10.00 <u>\$15.00</u>
2.12.	<u>Annual renewal for booth or chair rental.....</u>	<u>\$15.00</u>
2.13.	<u>Late renewal for booth or chair rental.....</u>	<u>\$15.00</u>

Plus \$10.00 late fee for each 30-days late not to exceed \$100.00

2.12.	Fee for relocation of rented booth or chair.....	\$ 2.50
2.13 <u>2.14.</u>	<u>Shop or school opening inspection fee.....</u>	<u>\$ 25.00 \$50.00</u>
2.14 <u>2.15</u>	<u>Duplicate license fee.....</u>	<u>\$ 10.00</u>
2.15 <u>2.16</u>	<u>Initial license fee for beauty, barber, manicure and aesthetician shop.....</u>	<u>\$ 25.00 \$40.00</u>
2.16 <u>2.17.</u>	<u>Annual renewal fee for beauty, barber, manicure and aesthetician shops.....</u>	<u>\$ 25.00 \$40.00</u>
2.17 <u>2.18</u>	<u>Fee for certification of licensure.....</u>	<u>\$ 25.00 \$35.00</u>

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This is intended for approved providers of continuing education.

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