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**RULES AND REGULATIONS**  
 of the  
**COLORADO OFFICE OF BARBER AND COSMETOLOGY LICENSURE**  
 4 CCR 731-1  
 January 30, 2007

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**RULE 3 – RELATED RESOURCES:**

- x Frequently Asked Scope of Practice Questions  
[www.dora.state.co.us/barberscosmetologists/news/Scope.pdf](http://www.dora.state.co.us/barberscosmetologists/news/Scope.pdf)
- x Board of Medical Examiners Rule 800  
[www.dora.state.co.us/medical/rules/800.pdf](http://www.dora.state.co.us/medical/rules/800.pdf)

**RULE 6 – RELATED RESOURCES:**

- x MSDS Bulletin  
[www.dora.state.co.us/barberscosmetologists/news/MSDS.pdf](http://www.dora.state.co.us/barberscosmetologists/news/MSDS.pdf)

**RULE 9 – RELATED RESOURCES:**

- x Pedicure Foot Spa Clean and Disinfection Record  
*Adobe Acrobat format:*  
[www.dora.state.co.us/barberscosmetologists/CleanandDisinfectionRecord.pdf](http://www.dora.state.co.us/barberscosmetologists/CleanandDisinfectionRecord.pdf)  
*Microsoft Word format:*  
[www.dora.state.co.us/barberscosmetologists/CleanandDisinfectionRecord.doc](http://www.dora.state.co.us/barberscosmetologists/CleanandDisinfectionRecord.doc)
- x Pedicure Foot Spa Procedures  
[www.dora.state.co.us/barberscosmetologists/PedicureFootSpaProcedure.pdf](http://www.dora.state.co.us/barberscosmetologists/PedicureFootSpaProcedure.pdf)

**RULE 11 – RELATED RESOURCES:**

- Colorado Department of Public Health & Environment rules for body art establishments  
[www.cdph.state.co.us/ops/consumer/101022bodyartreg.pdf](http://www.cdph.state.co.us/ops/consumer/101022bodyartreg.pdf)

## OFFICE OF BARBER AND COSMETOLOGIST LICENSING

Adopted Effective January 30, 2007

The Director of Registrations proposes the following amendments to the existing rules pursuant to her rulemaking authority in § 12-8-108(1)(a), C.R.S.

### RULE 1 – ADVISORY COMMITTEE

The purpose of this rule to clarify the terms and scope of the five member advisory committee established pursuant to § 12-8-108(2), C.R.S.

- A. The Director may remove any member for cause as the Director deems appropriate.
- B. Any member may resign at any time by filing a written notice with the Director. Upon receipt of a resignation, the Director may appoint an individual to serve the remainder of the unexpired term, which shall constitute as one full term regardless of the time remaining.
- C. The members shall be responsible for making recommendations concerning regulation of the barbering, esthetics, cosmetology, hairstyling, and manicuring professions to the Director. Such recommendations are subject to the final approval by the Director.

### RULE 2 – CLEANING AND DISINFECTION

The purpose of this rule to enhance the safe and effective cleaning and disinfection practices within the profession that are necessary to protect the public's health, safety and welfare pursuant to § 12-8-101 et seq., C.R.S.

- A. General Requirements and Definitions.
  - 1. As used herein, "Office" means the Colorado Office of Barbering and Cosmetology Licensure.
  - 2. All places of business and licensees shall utilize clean and disinfected equipment, tools, implements, and supplies as outlined in this rule and commonly accepted professional standards, and shall personally employ good hygiene habits while providing barbering, esthetic, cosmetology, hairstyling, and manicuring services.
  - 3. A licensee shall not perform services on a client if the licensee has reason to believe the client has an unhealthy condition; a communicable disease; contagious condition; skin or nail tissue that is inflamed, infected, broken, raised or swollen; or an open wound or sore in the area affected unless the client provides written authorization from a licensed physician.

4. As used herein, “cleaning” is not disinfection, but means to physically remove all visible debris by:
  - (a) Brushing by hand;
  - (b) Washing or scrubbing with liquid soap, detergent, or antiseptic;
  - (c) Laundering in a washing machine or dishwasher with detergent;
  - (d) Using an ultrasonic cleaner;
  - (e) Using a solvent; or
  - (f) Other adequate methods.
  
5. As used herein, “disinfection” is not cleaning, but is the use of chemicals that destroy pathogens on implements and other nonliving surfaces that renders an item safe for handling, use, and disposal.
  - (a) Appropriate disinfectants include the following:
    - (i) EPA-registered hospital disinfectants used according to manufacturer’s instructions;
    - (ii) Bleach solution mixed daily at a minimum standard of  $\frac{3}{4}$  cup of bleach per gallon of water with a contact time of 10 minutes;
    - (iii) 70% isopropyl alcohol with a contact time of 10 minutes; or
    - (iv) 70%-85% ethyl alcohol with a contact time of 10 minutes.
  - (b) All bottles and containers containing alcohol or bleach disinfectants shall be properly labeled as to contents and date mixed, and stored in a covered container away from other salon chemicals and open flames.
  - (c) Appropriate disinfecting methods are:
    - (i) Disinfection by complete immersion where the entire item, implement, or surface is covered by the disinfectant for 10 minutes or according to manufacturer’s instructions; or
    - (ii) Disinfection by spraying where the entire item, implement, or surface is sprayed with the disinfectant to stay moist for 10 minutes or according to manufacturer’s instructions.
  
6. Multi-use equipment, implements, or materials (“multi-use items”) not addressed in this rule shall be cleaned and disinfected immediately after each client. Multi-use items are items constructed of hard non-porous materials with smooth surfaces such as metal, glass, or plastic; cloth towels and linens capable of being

laundered; and typically can be used on more than one client.

7. Single-use equipment, implements, or materials (“single-use items”) not addressed in this rule shall be discarded after each application or service. Single-use items are items made or constructed of paper, wood, or other porous materials usually intended for one application or client service.
8. Electrical equipment that cannot be immersed in liquid shall be brushed or wiped clean and sprayed with an EPA-registered hospital disinfectant; isopropyl alcohol; ethyl alcohol; or bleach solution immediately after each client.
9. Lancets, disposable razors, and other sharp objects shall be disposed in a puncture resistant container marked with a biohazard symbol immediately after each client. Such containers shall be sent to a collection site for proper disposal.
10. All clean and disinfected implements and materials when not in use shall be stored in a clean dry container, or other sanitary manner, that is separate from soiled implements and materials.
11. Items subject to possible cross contamination by re-dipping into a multi-use container such as creams, cosmetics, astringents, lotions, removers, waxes including paraffin wax, moisturizers, masks, and oils shall be used in a manner so as not to contaminate the remaining product. Any product that becomes contaminated shall be discarded after use on that particular client. Permitted procedures to avoid cross contamination are:
  - (a) Removing and placing the product into a smaller container for use on the client and then disposing of the product remaining in the smaller container after the service;
  - (b) Using a single-use disposable implement such as a wooden spatula to remove the product from the container and disposing of such implement after application of the product on the client;
  - (c) Using a clean applicator bottle to apply the product; or
  - (d) Other adequate methods.

B. Cleaning and Disinfection Standards Applicable to Manicuring.

1. All equipment, implements, and materials shall be properly cleaned and disinfected immediately after each client in accordance with this rule.
2. Prior to performing any manicuring services, cosmetologists and manicurists shall wash their hands, and ensure that each client’s hands or feet are washed with soap and water or a waterless hand sanitizer.

3. Immediately after each manicuring service, the surface(s) of all equipment that comes in direct contact with a client's skin including manicuring tables, mats, and cushions shall be cleaned of all visible debris.
4. Immediately after each client, the following multi-use implements shall be cleaned to remove all visible debris and disinfected by complete immersion in an appropriate disinfectant in accordance with this rule:
  - (a) Metal and hard plastic nail pushers;
  - (b) Non-porous and plastic nail files;
  - (c) Cuticle nippers;
  - (d) Tweezers;
  - (e) Nail and dusting brushes;
  - (f) Fingernail clippers;
  - (g) Electric file diamond, carbide, natural, and metal bits; and
  - (h) Metal and plastic spatulas.
5. Immediately after each client, the following single-use implements shall be discarded in a trash container:
  - (a) Orangewood stick;
  - (b) Cotton balls;
  - (c) Nail wipes;
  - (d) Tissues;
  - (e) Paper towels;
  - (f) Emery boards or porous nail files;
  - (g) Buffer blocks;
  - (h) Disposable gloves;
  - (i) Electric file sanders, arbor bands, and sleeves; and
  - (j) Pumice stones.

6. The following materials that are used during a manicure or pedicure service shall be either new or changed with clean and laundered articles immediately after each client:
  - (a) Disposable or terry cloth towels;
  - (b) Toe separators;
  - (c) Pedicure slippers; and
  - (d) Electric file buffing bits and chamois.

C. Cleaning and Disinfection of Pedicure Equipment.

1. All types of pedicure equipment including whirlpool units, air-jetted basins, pipeless units, non-whirlpool basins, sinks, bowls, and tubs shall be cleaned and disinfected in accordance with this rule.
2. Immediately after each client:
  - (a) Drain all water and remove all debris from the foot spa;
  - (b) Clean the surfaces and walls of the foot spas with soap or detergent to remove all visible debris, oils, and product residue and then rinse with clear water;
  - (c) Disinfect by spraying the surface of the foot basin with an appropriate disinfectant; and
  - (d) Wipe dry with a clean towel.
3. Immediately after the last client at the end of each day:
  - (a) Drain all water and remove all debris from the foot spa;
  - (b) Remove the screen and any other removable parts;
  - (c) Remove all debris trapped behind the screen and clean the inlet with soap or detergent to remove all visible debris, oil, and product residue;
  - (d) Clean the screen and any other removable parts with soap or detergent to remove all visible debris, oil, and product residue;
  - (e) Clean the surfaces and walls of the basin with soap or detergent to remove all visible debris, oil, and product residue and then rinse with clear water;
  - (f) Wipe the basin dry with a clean towel;

- (g) After replacing the screen and any other removable parts, flush the spa system with low-suds soap or a chelating detergent in warm water for 5 minutes;
- (h) Drain the soapy solution and rinse the basin with clean water;
- (i) Refill the basin with water and circulate an EPA-registered hospital disinfectant mixed according to manufacturer's instructions or bleach solution through the basin for 10 minutes;
- (j) Drain, rinse, and wipe the basin with a clean towel; and
- (k) Make a record of the date and time of this cleaning and disinfecting process. The record for the last 30 days shall be readily accessible and available upon client or Office inspector request.

D. Cleaning and Disinfection Standards Applicable to Hairstyling and Barbering.

1. All equipment, implements, and materials should be properly cleaned to remove all visible residue and disinfected after each client in accordance with this rule.
2. Immediately after each client, the following implements shall be brushed or wiped clean and sprayed with an appropriate disinfectant:
  - (a) Haircutting shears;
  - (b) Thinning shears;
  - (c) Straight razors and razor shapers; and
  - (d) Clippers and edgers.
3. After each client, the following implements shall be cleaned and disinfected by complete immersion or stored in a container for soiled or dirty items until the implements can be cleaned and disinfected at the end of the day:
  - (a) Sectioning clips and clippies;
  - (b) Rods and rollers; and
  - (c) Combs, brushes, and picks.
4. At the end of each day of use, the above items in subsections (2) and (3) along with any other tools not mentioned above shall be cleaned by manually scrubbing with soap and water or other adequate methods, and then disinfected by complete immersion except for electrical equipment.

E. Cleaning and Disinfection Standards Applicable to Esthetic Services.

1. All equipment, implements, and materials shall be properly cleaned to remove all visible debris and disinfected after each client in accordance with this rule.
2. Before providing any esthetics service, cosmetologists and estheticians shall wash their hands with soap and water or use a waterless hand sanitizer.
3. Facial chairs and beds shall be cleaned after each client.
4. After each client, the following multi-use items shall be cleaned of all visible debris and disinfected by complete immersion:
  - (a) Tweezers;
  - (b) Eyebrow and makeup brushes;
  - (c) Comedone extractors; and
  - (d) Metal and plastic spatulas.
5. The following implements are single-use items and shall be discarded in a trash container after each use:
  - (a) Cotton pads, balls and pledgets;
  - (b) Gauze;
  - (c) Wooden applicators and spatulas;
  - (d) Tissues;
  - (e) Disposable wipes and paper towels; and
  - (f) Fabric strips.
6. The following materials that are used during esthetics services shall be either new or changed with clean and laundered items immediately after each client:
  - (a) Terry cloth towels;
  - (b) Hair caps or headbands;
  - (c) Gowns;
  - (d) Linens;
  - (e) Disposable gloves; and

(f) Sponges.

F. Cleaning and Disinfection for contact with Blood or Body Fluid.

1. In the case of blood or body fluid that comes in direct contact on any surface area such as a table, chair, or the floor, an EPA-registered-hospital disinfectant, or a 10% bleach solution, shall be used per manufacturer's instructions to clean up all visible blood or body fluid. Ethyl and isopropyl alcohol is not appropriate. Universal Precautions<sup>1</sup> shall be utilized to clean blood and body fluids.
2. Styptic shall be used to stop minor bleeding with a disposable applicator.
3. If any multi-use instrument is contacted with blood or body fluid, it shall be immediately cleaned and disinfected using an EPA registered-hospital disinfectant in accordance with manufacturer's instructions, or totally immersed in a 10% bleach solution for 10 minutes.
4. If any single-use instrument contacts blood or body fluid, it shall be immediately double-bagged and discarded in a closed trash container or biohazard container.

RULE 3 – COSMETIC RESURFACING EXFOLIATING PROCEDURES

The purpose of this rule to enhance the safe and effective application of professional cosmetic resurfacing exfoliating substances and equipment as provided by licensed estheticians and cosmetologists that are necessary to protect the public's health, safety and welfare pursuant to § 12-8-102, § 12-8-120, § 12-8-132(1)(c), and § 12-8-103(7) & (9), C.R.S.

A. Definitions Applicable To This Rule

1. "Cosmetic Resurfacing Exfoliating Substances and Equipment" includes cosmetic use of the following:
  - (a) 30% alpha hydroxy acid (AHAs which includes glycolic, tartaric, malic, or lactic acids. Such AHAs should not be lower than a pH of 2.5);
  - (b) 20% beta hydroxy acid (BHAs which include salicylic acid);
  - (c) Trichloroacetic Acid (TCA) with levels less than 20%;
  - (d) Jessner's solutions;
  - (e) 2% resorcinol;
  - (f) Proteolytic enzymes (such as papain and bromelain) when used with an accelerator; and

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<sup>1</sup> Universal Precautions are published by National Institute Environmental Health Sciences within the U.S. Department of Health and Human Services. Information on Universal Precautions can be found at <http://www.niehs.nih.gov/odhsb/biosafe/univers.htm>.

- (g) Devices and machines listed as Class I medical devices with the U.S. Food and Drug Administration (FDA) including, but not limited to microdermabrasion equipment, electrolysis, and some red LED light.
2. “Cosmetic Resurfacing Exfoliating Substances and Equipment” does not include the following, which are deemed beyond the scope of practice for cosmetologists and estheticians and such independent use is prohibited:
- (a) Retinoids;
  - (b) Carbohic acid (phenol);
  - (c) Products listed above that exceed the stated maximum levels or combinations thereof;
  - (e) All adulterated chemical exfoliating/peeling substances; and
  - (f) Devices and machines listed as Class II, III, and IV medical devices by the FDA including, but not limited to lasers, ultrasound, blue LED light, and intense pulse light therapy.

B. Scope

1. Cosmetologists and estheticians who satisfy the training requirements below can independently use Cosmetic Resurfacing Exfoliating Substances and Equipment as defined above in section A(1).
2. This rule is not applicable to cosmetologists and estheticians working under the direction and supervision of a Colorado-licensed physician. Such practice may be considered the delegated practice of medicine and subject to the Medical Practice Act, §§ 12-36-101 *et seq.*, C.R.S., and the associated Rules and Regulations as promulgated by the Colorado Board of Medical Examiners.
3. Cosmetologists and estheticians performing services prohibited in section A(2) above without proper delegation from a physician may be subject to disciplinary action by the Director.
4. Cosmetologists and estheticians shall only use machines and devices that are registered with the FDA.

C. Training Requirements

1. Cosmetologists and estheticians using Cosmetic Resurfacing Exfoliation Substances and Equipment as defined above in section A(1), but not including Microdermabrasion, must receive adequate training regarding safe application procedures by completing a minimum of twenty-four (24) hours in cosmeceutical courses. Cosmetologists and estheticians must attain the training through schools approved by the Colorado Division of Private Occupational Schools (DPOS) or

Colorado Community Colleges System (CCCS) to be deemed competent to practice such procedures pursuant to § 12-8-132(1)(c), C.R.S. If a Licensed Practitioner has not received training in accordance with this rule, then such cosmetologists and estheticians are not authorized to use any Cosmetic Resurfacing Exfoliating Substances and Equipment as defined above in subsection A(1). The twenty-four (24) hours of training must include the following:

- |     |  |         |
|-----|--|---------|
| (a) | Skin Analysis, Conditions, Contraindications and Aftercare         | 8 hours |
| (b) | Product Ingredients of Cosmetic Resurfacing Exfoliating Substances | 8 hours |
| (c) | Chemical Peel Treatment Procedures and Treatment of Reactions      | 8 hours |

Manufacturer courses taken prior to March 31, 2004 will count towards the 24 hours of training required in section C(1) only if the training can be documented. After April 1, 2004, all training must be obtained, or completed if in transition, from a program approved by the Division of Private Occupational Schools or Colorado Community Colleges System.

2. To be deemed competent to practice Microdermabrasion pursuant to § 12-8-132(1)(c), C.R.S., cosmetologists and estheticians shall take a minimum of fourteen (14) hours of training in Microdermabrasion through courses taught at schools approved by the Colorado Division of Private Occupational Schools or the Colorado Community Colleges System. If a Licensed Practitioner has not received this training, then such cosmetologists and estheticians are not authorized to perform microdermabrasion. The fourteen (14) hours of microdermabrasion training must include the following:

- |     |   |         |
|-----|---|---------|
| (a) | Skin  | 1 hour  |
| (b) | Skin Type/Conditions                              | 1 hour  |
| (c) | Microexfoliation                                  | 2 hours |
| (d) | Treatment Procedures                              | 5 hours |
| (e) | Cleaning, Disinfection, Sterilization, and Safety | 2 hours |
| (f) | Law, Rule, and Regulations                        | 1 hour  |
| (g) | Salesmanship                                      | 1 hour  |
| (h) | Occupational Safety and Health                    | 1 hour  |

3. Cosmetologists and estheticians must be able to supply written documentation, upon request by the Director, which substantiates appropriate training as required above. The Record of Completion Form issued by the approved school containing the school's official seal shall constitute sufficient documentation. Failure to provide written documentation is a violation of this rule, and is evidence that the cosmetologist or esthetician is not competent to practice and may be subject to disciplinary action.

4. Cosmetologists and estheticians not possessing the training required by this rule may continue to perform Cosmetic Resurfacing Exfoliating Procedures and Microdermabrasion until June 30, 2005. Such cosmetologists and estheticians have until June 30, 2005 to obtain the necessary Microdermabrasion and cosmeceutical training contained in this rule. After July 1, 2005, cosmetologists and estheticians may not perform Cosmetic Resurfacing Exfoliating Procedures or use Cosmetic Resurfacing Exfoliating Equipment including Microdermabrasion, without the necessary training as required herein.

D. Cosmetic Resurfacing Exfoliating Procedures

1. Cosmetologists and estheticians shall only apply and use Cosmetic Resurfacing Exfoliation Substances and Equipment in places of business registered with the Office, and must follow the cleaning and disinfection rules promulgated by the Director.
2. Prior to providing any procedures related to cosmetic resurfacing and/or exfoliating, cosmetologists and estheticians shall inform each client that the following may increase the client's susceptibility to adverse reactions as a result of the procedure: currently under physician care/treatment; HSV (cold sores) predisposition; whether client is currently pregnant; history of cosmetic related irritant/allergic reaction; frequency of sun exposure or tanning bed use; use of topical and/or oral medications such as tretinoin (a.k.a., Retin-A, Renova), isotretinoin (a.k.a. Accutane); Previous facial plastic/reconstructive surgery.
3. Prior to providing any procedures related to cosmetic resurfacing and/or exfoliating, cosmetologists and estheticians shall do a visual inspection of the client's skin for the following conditions: (1) degree of sebaceous activity (skin oiliness), acne, telangiectasias (broken capillaries) and degree of photodamage; and (2) open cuts, sores, lesions or apparent skin irritation or sensitivity.
4. Cosmetologists and estheticians shall conclude all cosmetic resurfacing and/or exfoliating procedures with application of UVA/UVB SPF 15 (or higher) sunscreen to client before discharge.

E. Restrictions Regarding Use

1. The use of multiple cosmetic resurfacing exfoliating services, chemical and/or mechanical, are prohibited during the same procedure.
2. Cosmetic Resurfacing Exfoliating Substances shall not be performed when the cosmetologist or esthetician has reason to believe that a client is under the supervision of a physician for skin related disorders; is pregnant; is post chemical peel, has laser treatments or plastic/reconstructive surgery without the written approval of the physician.
3. If the client history indicates a positive answer to any questions set forth in this rule at paragraph D2 above, a predisposition patch test must be performed 24

hours before the procedure is performed and/or written approval from a physician must be provided to authorize the procedure.

4. Cosmetic Resurfacing Exfoliating Substances shall not be administered to skin exhibiting open cuts, sores, sunburn, chemical or thermal burns, apparent skin irritation or sensitivity. Sensitivity to chemical exfoliating products can only be determined by administering a predisposition patch test, and thus, such procedure must be performed 24 hours before the application of chemical exfoliating substances.
5. Cosmetic Resurfacing Exfoliating Equipment shall not be used beyond its appropriate scope. The appropriate scope is evidenced by either its filing with the FDA; a licensee's liability insurance, if applicable; or the Barbers and Cosmetologists Practice Act at § 12-8-101 *et seq.*, C.R.S.

#### RULE 4 – DECLARATORY ORDERS

The purpose of this rule is to establish procedures for the handling of requests for declaratory orders filed pursuant to the Colorado Administrative Procedures Act at § 24-4-105(11), C.R.S.

- A. Any person or entity may petition the Director for a declaratory order to terminate controversies or remove uncertainties as to the applicability of any statutory provision or of any rule or order of the Director.
- B. The Director will determine, at his/her discretion and without notice to petitioner, whether to rule upon any such petition. If the Director determines that he/she will not rule upon such a petition, the Director shall promptly notify the petitioner of his/her action and state the reasons for such decision.
- C. In determining whether to rule upon a petition filed pursuant to this rule, the Director will consider the following matters, among others:
  1. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provisions or rule or order of the Director.
  2. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court involving one or more petitioners.
  3. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court but not involving any petitioner.
  4. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.

5. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to CRCP 57, which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.
- D. Any petition filed pursuant to this rule shall set forth the following:
1. The name and address of the petitioner and whether the petitioner is licensed pursuant to Title 12, Article 8.
  2. The statute, rule or order to which the petition relates.
  3. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner.
- E. If the Director determines that he/she will rule on the petition, the following procedures shall apply:
1. The Director may rule upon the petition based solely upon the facts presented in the petition. In such a case:
    - a. Any ruling of the Director will apply only to the extent of the facts presented in the petition and any amendment to the petition.
    - b. The Director may order the petitioner to file a written brief, memorandum or statement of position.
    - c. The Director may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
    - d. The Director may dispose of the petition on the sole basis of the matters set forth in the petition.
    - e. The Director may request the petitioner to submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition.
    - f. The Director may take administrative notice of facts pursuant to the Administrative Procedure Act at § 24-4-105(8), C.R.S., and may utilize his/her experience, technical competence, and specialized knowledge in the disposition of the petition.
  2. If the Director rules upon the petition without a hearing, he/she shall promptly notify the petitioner of her decision.
  3. The Director may, at his/her discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or

to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner shall set forth, to the extent known, the factual or other matters into which the Director intends to inquire.

For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all the facts stated in the petition; all of the facts necessary to show the nature of the controversy or uncertainty; and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Director to consider.

- F. The parties to any proceeding pursuant to this rule shall be the Director and the petitioner. Any other person may seek leave of the Director to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Director. A petition to intervene shall set forth the same matters as are required by Section D of this Rule. Any reference to a "petitioner" in this Rule also refers to any person who has been granted leave to intervene by the Director.
- G. Any declaratory order or other order disposing of a petition pursuant to this Rule shall constitute agency action subject to judicial review pursuant to the Colorado Administrative Procedures Act at § 24-4-106, C.R.S.

#### RULE 5 – REGISTRATION OF PLACES OF BUSINESS

The purpose of this rule is to clarify the requirements pertaining to the registration for places of business as required in § 12-8-107, C.R.S.

- A. Section 12-8-107 of the Barbers and Cosmetologists Practice Act (“the Act”) states that the Director shall keep a register of places of business. A place of business is a location where one or more persons engage in the practice of barbering, esthetic services, cosmetology, hairstyling, or manicuring, and customers go to that location to receive those services. Private Occupational Barber, Beauty and Cosmetology Schools and Colleges are regarded as places of business subject to registration.
- B. All places of business required to register are those defined in § 12-8-103(13), as well as barber, beauty, and cosmetology schools, but does not include:
  - 1. Free-lance shop operators;
  - 2. Independent contractors; and
  - 3. Booth renters.
- C. Temporary locations that must be registered are places where customers go to receive barbering, esthetic services, cosmetology, hairstyling, or manicuring services, but the services are provided at a location on an interim, irregular, seasonal, temporary, or transitional basis.

- D. A Colorado-licensed barber, esthetician, cosmetologist, hairstylist, or manicurist shall not provide services at a place of business that is not registered with the Office of Barber and Cosmetology Licensure (“the Office”).
- E. All registrations for places of business issued by the Office shall be conspicuously displayed in the place of business.
- F. When a place of business closes, the owner or person responsible must notify the Office within five (5) days after closing.
- G. All registrations issued to places of business shall not exceed two years, and must be renewed prior to the expiration date on the registration. A registration that is not timely renewed will lapse, and the place of business will be required to register again by submitting an application and appropriate fee.

## RULE 6 – REQUIREMENTS FOR PLACES OF BUSINESSES AND LICENSEES

The purpose of this rule to establish safe and efficient requirements for places of business and licensees providing barbering, esthetic, cosmetology, hairstyling, and manicuring services that is necessary to protect the public’s health, safety and welfare pursuant to § 12-8-102, C.R.S.

### A. General Requirements.

1. All places of business and licensees that provide barbering, esthetic, cosmetology, hairstyling, or manicuring services shall comply with health, safety, cleaning and disinfection requirements set forth in these rules, the Barbers and Cosmetologists Practice Act at §§ 12-8-101 *et seq.*, C.R.S., and the rules and regulations promulgated by the Director. Compliance with these rules does not infer compliance with other requirements set forth by federal, state and local laws; city and county codes and ordinances; and other regulations applicable to business operations, physical construction and maintenance, safety, and public health.
2. Licensees shall not attempt to perform any service outside their scope of practice. Possession or storage of any item deemed outside a licensee’s scope of practice shall be considered *prima facie* evidence of use.
3. It shall be the responsibility of shop and salon owners to assure that all persons providing barbering, esthetic, cosmetology, hairstyling, and manicuring services hold current, valid Colorado licenses to practice such services, and that all licensees providing services in the shop or salon comply with the Colorado Barbers and Cosmetologists Practice Act, §§ 12-8-101 *et seq.*, C.R.S., and the Director’s Rules and Regulations.
4. Licensees shall not use any product or supply that has been banned, deemed to be poisonous, unsafe for use in the barbering and cosmetology industry, or not approved by the United States Food and Drug Administration (FDA) or other local, state or federal governmental agencies responsible for making such determinations. Possession or storage of any item deemed poisonous, unsafe, or

banned by the FDA or other governmental agency shall be considered *prima facie* evidence of use.

5. Material Safety Data Sheets (MSDS) relative to product ingredients, proper use, storage, disposal, and potential hazards for products in use at places of businesses that endanger the public shall be kept on the premises and available upon need or request.

B. Specific Requirements.

1. Bottles and Containers. All bottles and containers in use shall be distinctly and correctly labeled to disclose their contents. All bottles containing poisonous or caustic substances shall be additionally and distinctly marked as such and shall be stored in an area not open to the public. All poisonous or caustic substances shall be stored according to manufacturer's instructions.
2. Cleaning and Disinfection. All items used to provide barbering, esthetic, cosmetology, hairstyling, and manicuring services shall be cleaned and disinfected in accordance with Rule 2.
3. First Aid Kit. All places of business shall have a first aid kit on the premises available for use that contains, at a minimum, bandages, gauze, and antiseptic
4. Liquids, Creams, and Other Preparations. All liquids, creams, and other preparations shall be kept in properly labeled clean and closed containers.
5. Physical Facilities. All work areas in a place of business shall be kept clean and free from excessive accumulation of hair, dust, and other debris.
6. Storage of Tools, Implements, and Supplies. Clean and disinfected tools, implements, supplies and other items, when not in use, shall be stored in a clean manner or container separate from soiled or dirty items. Soiled or dirty tools, implements, supplies and other items shall be stored in a container separate from clean items until such time it is cleaned and disinfected.

## RULE 7 – QUALIFICATIONS OF APPLICANTS

The purpose of this rule is to establish the criteria for an applicant's examination eligibility pursuant to § 12-8-108(1)(e) and § 12-8-114(3), C.R.S.

- A. The following number of clock or contact hours in the respective subject areas shall remain in effect for all applicants by examination who complete an approved program on or before June 30, 2006:

1. Barber

Sanitation, sterilization & safety	45
Permanent waving & chemical relaxing	250

Massage & skin care	150
Shampoo & scalp treatments	150
Hair tinting	135
Hair cutting - styling	300
Shaving, honing, & stropping	150
Law and rules and regulations	25
Management, ethics, interpersonal skills & salesmanship	25
Occupational safety and health	<u>20</u>

TOTAL 1,250

2. Cosmetologist

Sanitation, sterilization & safety	45
Permanent waving & chemical relaxing	250
Hairstyling - wet styling, hair pressing & iron curling	250
Massage, skin care & makeup	100
Shampoo & scalp treatments	75
Hair tinting & bleaching	225
Hair cutting	225
Basic manicuring and pedicuring	75
Application of artificial nails	135
Law and rules and regulations	25
Management, ethics, interpersonal skills & salesmanship	25
Occupational safety and health	<u>20</u>

TOTAL 1,450

3. Cosmetician/Esthetician

Sanitation, sterilization & safety	70
Electricity, chemistry and light therapy	235
Massage, skin care & makeup	175
Law and rules and regulations	25
Management, ethics, interpersonal skills & salesmanship	25
Occupational safety and health	<u>20</u>

TOTAL 550

4. Hairstylist

Sanitation, sterilization & safety	45
Permanent waving & chemical relaxing	250
Hairstyling - wet styling, hair pressing & iron curling	250
Shampoo & scalp treatments	75
Hair tinting & bleaching	225
Hair cutting	225
Law and rules and regulations	25

Management, ethics, interpersonal skills & salesmanship	25
Occupational safety and health	<u>20</u>

TOTAL 1,140

5. Manicurists

Sanitation, sterilization & safety	70
Basic manicuring and pedicuring	75
Application of artificial nails	135
Law and rules and regulations	25
Management, ethics, interpersonal skills & salesmanship	25
Occupational safety and health	<u>20</u>

TOTAL 350

B. An applicant who completes an approved program on or after July 1, 2006 shall furnish proof of training in the subject areas in which the applicant seeks licensure with the following minimum number of credit hours:

1. Barber

Treatment of hair & scalp	2
Facial massage & treatments	3
Shaving	3
Haircutting	9
Hairstyling	9
Permanent waving & chemical hair relaxing	8
Haircoloring	8
Law, rules & regulations	1
Management, ethics, interpersonal skills & salesmanship	1
Disinfection, cleaning & safe work practices	<u>6</u>

TOTAL 50

2. Cosmetologist

Shampooing, rinsing & conditioning	2
Haircoloring	8
Haircutting	8
Hairstyling	7
Chemical texture services	4
Manicuring & pedicuring	7
Application of artificial nails	5
Facials & skin care	7
Facial makeup	1
Hair removal	3
Law, rules & regulations	1

Management, ethics, interpersonal skills & salesmanship	1
Disinfection, cleaning & safe work practices	<u>6</u>

TOTAL 60

3. Esthetician

Facials & skin care	7
Facial makeup	1
Hair removal	3
Law, rules & regulations	1
Management, ethics, interpersonal skills & salesmanship	1
Disinfection, cleaning & safe work practices	<u>7</u>

TOTAL 20

4. Hairstylist

Shampooing, rinsing & conditioning	2
Haircoloring	8
Haircutting	8
Hairstyling	7
Chemical texture services	4
Law, rules & regulations	1
Management, ethics, interpersonal skills & salesmanship	1
Disinfection, cleaning & safe work practices	<u>9</u>

TOTAL 40

5. Manicurist

Manicuring & pedicuring	7
Application of artificial nails	5
Law, rules & regulations	1
Management, ethics, interpersonal skills & salesmanship	1
Disinfection, cleaning & safe work practices	<u>6</u>

TOTAL 20

C. At least 75% of the credit hours in section (B) shall be obtained by clinical instruction. The remaining 25% may be obtained by theory or lecture.

D. Any applicant enrolled in a training program prior to July 1, 2004, shall have until June 30, 2007 to satisfy the clock/contact hour requirement in section (A) above. Failure to complete the program by June 30, 2007 will require the applicant to convert his/her training into credit hours and complete any deficient credit hours before being eligible to apply for licensure.

- E. Credit hours earned in similar subject areas in one training program may be applied towards the hours required in another licensure type if earned from a school approved by the Colorado Division of Private Occupational Schools or Colorado Community Colleges System.
- F. Applicants who have graduated from a school located outside Colorado and apply after July 1, 2006, shall furnish certified proof that he/she has obtained the minimum total number of credit hours in section (B) above. If such training is reported in clock/contact hours, a ratio of one (1) credit hour will be recognized per thirty (30) clock hours obtained to determine when the applicant is eligible to sit for the licensure examinations.

## RULE 8 – EXAMINATION CONDUCT

The purpose of this rule is to delineate conduct and penalties for applicants seeking licensure by examination as required by § 12-8-114 and 12-8-110, C.R.S., who attempt or engage in dishonest conduct that subverts the examination process.

### A. Subversion of Examination Process

1. An examinee engaging or attempting to engage in conduct that subverts or undermines the integrity of the examination process shall be subject to the sanctions specified in this rule.
2. Conduct which subverts or undermines the integrity of the examination process shall be deemed to include, but is not limited to:
  - (a) refusing or failing to fully and promptly comply with any rules, procedures, instructions, directions, or requests made or prescribed by the examination proctors;
  - (b) removing from the examination room any of the examination materials;
  - (c) reproducing or reconstructing by copying, duplication, memorization, written notes or electronic recording, any portion of the licensing examination;
  - (d) selling, distributing, buying, receiving, obtaining, or having unauthorized possession of a future, current, or previously administered licensing examination;
  - (e) communicating in any manner with any other examinee or any other person, other than a proctor, during the administration of the examination;
  - (f) copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the examination;
  - (g) having in one's possession during the administration of the examination any materials or objects other than the examination materials distributed,

including, without limitation, any books, notes, recording devices, or other written, printed or recorded materials or data of any kind;

- (h) impersonating an examinee;
- (i) permitting another person to appear for and take the examination on an applicant's behalf and in an applicant's name; or
- (j) engaging in any conduct that disrupts the examination or the taking thereof by other examinees.

B. Finding of Subversion

1. When, during the administration of an examination, there exists reasonable cause to believe that an applicant/examinee is engaging or attempting to engage in subversion, action shall be taken as deemed necessary or appropriate to terminate such conduct and such conduct shall be reported to the Office of Barber and Cosmetology Licensing (“the Office”).
2. When the Director of Registrations (“the Director”) has reasonable cause to believe that an applicant has engaged or attempted to engage in conduct that subverts or undermines the integrity of the examination process, the Director shall so advise the applicant and provide him/her with an opportunity for hearing pursuant to the Colorado Administrative Procedure Act.

C. Sanctions for Subversion of Examination

1. An applicant who is found by the Director prior to the administration of the examination to have engaged in conduct or to have attempted to engage in conduct, which subverts or undermines the integrity of the examination process shall not be seated for the upcoming examination, and may be sanctioned or disciplined in accordance with this rule and the Barbers and Cosmetologists Practice, § 12-8-101 *et seq.*, C.R.S.
2. An applicant/examinee who is found by the Director to have engaged or to have attempted to engage in conduct that subverts or undermines the integrity of the examination process shall be deemed to have failed the examination, and may be sanctioned or disciplined in accordance with this rule and the Barbers and Cosmetologists Practice, § 12-8-101 *et seq.*, C.R.S. Such failure shall be recorded in the official records of the Office.
3. In addition to the sanctions permitted or mandated above, as to an applicant/examinee found by the Director to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process, the Director may:
  - (a) deny the applicant’s application for licensure;

- (b) revoke, suspend, or impose probationary conditions on any license issued to such applicant; or
- (c) disqualify the applicant for a specified number of subsequent administrations of the examination.

RULE 9 – MANICURING

The purpose of this rule to enhance the safe and efficient application of manicuring services as provided by licensed manicurists and cosmetologists that are necessary to protect the public’s health, safety and welfare pursuant to § 12-8-102, § 12-8-103(9) & (10.5), § 12-8-108(1)(a) & (c), § 12-8-120, and § 12-8-132(1)(c), C.R.S.

A. Electric Files.

1. Electric files can be used for manicuring and limited to the following procedures:
  - (a) Natural nail services;
  - (b) Filing, maintenance, and removal of artificial enhancement products; and
  - (c) Pedicure services.
2. Only electric files, drills, or machines specifically designed for use in the professional nail industry can be used at places of business. Craft, hardware, and hobby tools cannot be used under any circumstances.
3. To be deemed competent to use an electric file pursuant to § 12-8-132(1)(c), C.R.S., licensed cosmetologists and manicurists must obtain eight (8) hours of training. If licensed cosmetologists and manicurists have not received such training, then they shall not use electric files until the training is completed.

The eight (8) hours of training must be obtained from a school program approved by the Colorado Division of Private Occupational Schools (DPOS) or Colorado Community Colleges System (CCCS). The eight (8) hours of training must include the following subject areas:

- |     |                                 |          |
|-----|---------------------------------|----------|
| (a) | Cleaning and disinfection       | 2½ hours |
| (b) | Client protection during filing | 1 hour   |
| (c) | Bit selection and use           | ½ hour   |
| (d) | Machine specifications and uses | ½ hour   |
| (e) | Natural nail procedures         | ½ hour   |
| (f) | Artificial enhancements         | 2 hours  |
| (g) | Pedicure procedures             | 1 hour   |

Certification by the Association of Electric File Manufacturers (AEFM) received on or before December 31, 2006 satisfies the above training requirements for

electric files. AEFM certifications issued on or after January 1, 2007 will not be recognized unless issued under an approved program by DPOS or CCCS.

4. Licensed cosmetologists and manicurists using electric files must be able to supply written documentation, upon request by the Director, which substantiates appropriate training as required above. Failure to provide written documentation is a violation of this rule, and is *prima facie* evidence that the licensed cosmetologist or manicurist is not competent to use an electric file.

B. Prohibited Practices. Licensed cosmetologists and manicurists may not use any of the following substances or products:

1. Methyl Methacrylate Liquid Monomers, a.k.a., MMA; and
2. Razor-type callus shavers designed and intended to cut growths of skin such as corns and calluses.

Possession or storage of the above substances and products shall be considered *prima facie* evidence of use.

C. Hair Removal by Waxing.

1. Section 12-8-103(10.5), C.R.S, limits the scope of waxing by manicurists to the client's leg up to the knee and the arm up to the elbow. The Director considers the hands and feet to be within the scope and appropriate areas for waxing. Hair removal on any other part of the body, such as eyebrows, lips, bikini areas, etc., is not permitted by manicurists and must be performed by licensed cosmetologists or estheticians.
2. The use of soft and hard waxes, sugar, depilatories, and tweezers are appropriate methods by licensed manicurists to remove superfluous hair.
3. To be deemed competent to remove hair by waxing pursuant to § 12-8-132(1)(c), C.R.S., licensed manicurists must obtain six (6) hours of training. If licensed manicurists have not received such training, then they shall not remove hair by waxing until the training is completed.

The six (6) hours of training must be obtained from a school program approved by the Colorado Division of Private Occupational Schools or Colorado Community Colleges System. The six (6) hours of training must include the following subject areas:

- |   |        |
|---|--------|
| (a) Skin Histology  | 1 hour |
| <ul style="list-style-type: none"><li>• Anatomy of the Skin</li><li>• Functions of the Skin</li><li>• Disorders of the Skin</li></ul> |        |

- (b) Client Safety and Protection: 1 hour
- Client Consultation
  - Contraindications of Hair Removal:
    - Minor contraindications: sensitive skin, sunburn, pustules and papules, chemical peels, botox or collagen injection, surgery
    - Major contraindications: Retin-A, Renova, hydroquinone, blood-thinning medications, topical or cortisone medication, Accutane
  - Release Forms
  - Product testing
- (c) Types of Products for Hair Removal & Application 3 hours
- Tweezing
  - Depilatories
  - Waxing: Sugaring, Hard and Soft Waxes
- (d) Disinfection, Sanitation, State Rules, & Safe Work Practices 1 hour

Certification by the Pedicure Protection Program (PPP) received on or before December 31, 2006 satisfies the above training requirements for hair removal by waxing. PPP certifications issued on or after January 1, 2007 will not be recognized unless issued under an approved program by DPOS or CCCS.

4. Licensed manicurists removing hair by waxing must be able to supply written documentation, upon request by the Director, which substantiates appropriate training as required above. Failure to provide written documentation is a violation of this rule, and is *prima facie* evidence that the licensed manicurist is not competent to remove hair by waxing.

#### RULE 10 – LICENSURE BY ENDORSEMENT

The purpose of this rule is to establish the qualifications and procedures for applicants seeking licensure by endorsement pursuant to § 12-8-118, C.R.S.

- A. An applicant for licensure by endorsement must have a verification of licensure sent directly to the Office of Barbering and Cosmetology Licensure from all states or foreign countries in which the applicant has been licensed to practice during the last five (5) years from the date of application. The applicant must possess at least one (1) active, valid license in good standing at the time of application to Colorado to seek licensure by endorsement. An applicant previously licensed in another jurisdiction who does not hold an active, valid license at the time of application shall be required to meet the educational qualifications set forth in section 12-8-114, C.R.S., the examination requirements in section 12-8-110, C.R.S., and any applicable rules to obtain Colorado licensure.
- B. The following shall constitute substantially equivalent licensure and qualifications for applicants for licensure by endorsement within the meaning of § 12-8-118(1)(a) of the

Barbers and Cosmetologists Practice Act (“the Act”): proof of graduation from a barber or beauty school approved by the appropriate governmental agency responsible for approving such schools in that state or country, and proof of passage of a written and practical examination administered by the appropriate licensing agency for that state or country.

- C. An applicant holding a current license from another jurisdiction not meeting the substantially equivalent qualifications for licensure by endorsement as set forth in the Act and this rule shall be issued a license upon passage of Colorado’s written examination used for initial licensure under § 12-8-110, C.R.S.
- D. Foreign-trained and licensed applicants seeking licensure by endorsement must submit their qualifications, credentials, and work experience to a credentialing agency for review. The credentialing agency will review the applicant’s qualifications, training, and work experience and determine whether such applicant satisfies the requirements for licensure by endorsement as contained in the Act and this rule.
  - 1. Credential reviews will only be accepted from either International Credentialing Associates (“ICA”) or International Education Research Foundation (“IERF”). The Director will not accept a credentials review from an organization not listed in this rule.
  - 2. All expenses associated with the credential review are the responsibility of the applicant.
  - 3. Failure to have a credentials review completed pursuant to the terms of this rule will result in the Director denying the application.
  - 4. The Director, at his/her discretion, may accept and/or refuse any recommendation made in the credential review.

#### RULE 11 – PERMANENT MAKEUP

The purpose of this rule to enhance the safe and effective application of permanent makeup and facial cosmetic pigment implantation services as provided by licensed estheticians and cosmetologists that are necessary to protect the public’s health, safety and welfare pursuant to § 12-8-102, § 12-8-103(7), (8), & (9), and § 12-8-132(1)(c), C.R.S.

- A. General Requirements and Definitions.
  - 1. Permanent Makeup or Facial Cosmetic Pigment Implantation Services is the process of beautifying the face by inserting or implanting facial cosmetic pigment under the surface of the human skin or mucosa in which any color or pigment is applied with a needle, or other means, to produce a permanent or semi-permanent mark visible through the skin on the client’s face including, but not limited to the application of eyeliner, eye shadow, lip color, cheek color, and facials scars. The client’s face is defined as the area above the jaw line and anterior to the ear and frontal hairline.

2. Permanent Makeup or Facial Cosmetic Pigment Implantation Services is limited to the client’s face and does not include services to areas beyond the client’s face as defined above. Permanent makeup or facial cosmetic pigment implantation services does not include pigmentation of areas involving reconstructive surgery or trauma, repigmentation of the areola, and/or body art. The performance of such services are deemed beyond the scope of this rule, and licensed estheticians and cosmetologists may perform such services so long as they comply with the requirements, if any, of the Colorado Department of Health, Colorado Board of Medical Examiners, and local and county regulatory authority.
3. A Colorado-licensed esthetician or cosmetologist may perform permanent makeup or facial cosmetic pigment implantation services only if the esthetician or cosmetologist has obtained the necessary education as required herein.

B. Education Requirements.

1. To be deemed competent to perform permanent makeup or facial cosmetic pigment implantation services pursuant to § 12-8-132(1)(c), C.R.S., licensed cosmetologists and estheticians must obtain 132 clock hours of training in the following topic areas specifically related to permanent makeup or facial cosmetic pigment implantation services:

<u>Course Topic</u>	<u>Hours</u>
Cleaning, Disinfection, Sterilization, and Safety	12
Skin Analysis	8
Equipment and Supplies	8
Color Theory and Effects	32
Client Consultation	8
Application of Pigment	64
Total	132

Cleaning, Disinfection, Sterilization, and Safety includes specialized knowledge of cleaning, disinfection, sterilization, and safety; methods of cleaning, disinfection, and sterilization; selection of appropriate procedures and products; identifying hazards; and legal requirements established by the Director, Colorado Department of Health, and applicable local (city and county) jurisdictions.

Skin Analysis includes basic knowledge of skin elasticity, skin tones, skin texture and thickness, and any related conditions, diseases, and/or disorders that may result in increased incidence of adverse reactions to the service.

Equipment and Supplies includes knowledge of the various types of implanters, proper storage, inspection of needles, sources of equipment and supplies, maintenance of equipment, and requirements set by the Occupational Safety and Health Administration (OSHA).

Color Theory and Effects includes knowledge of the color wheel, natural skin tones, principles of selection, and results of exposure to natural elements and aging.

Client Consultation includes knowledge of communication skills; ethics in decisions and selections; importance of decisions based upon permanency of application; methods of implanting, correcting, and removal; health and medical history; expectation of results; and aftercare.

Application of Pigment includes knowledge of shape selection, selection of technique, pain and swelling control, and conservative application.

2. On or after January 1, 2007, a licensee must obtain 132-clock hours as described above from either a school program approved by the Colorado Division of Private Occupational Schools or the Colorado Community Colleges System.
3. Education obtained on or before December 31, 2006 will be accepted if 132 clock hours has been obtained from a program approved by either the Colorado Division of Private Occupational Schools (DPOS) or Colorado Community Colleges System (CCCS); a school program located in another state or country approved by the governmental agency responsible for approving such schools or programs in that state or country; or a course approved, sponsored, or affiliated by either the Society of Permanent Cosmetic Professionals, American Institute of Permanent Color Technology, or American Academy of Micropigmentation unless issued under an approved program by DPOS or CCCS. Such hours can vary by course topic as identified in subsection 1 above, but shall equal 132 clock hours of training in Permanent Makeup or Facial Cosmetic Pigment Implantation Services.

C. Compliance.

1. Licensed cosmetologists and estheticians must be able to supply written documentation, upon request by the Director, which substantiates appropriate training as required above. Failure to provide written documentation is a violation of this rule, and is *prima facie* evidence that the licensed cosmetologist or esthetician is not competent and not permitted to perform permanent makeup or facial cosmetic pigment implantation services.
2. The rules and regulations governing body art in the state of Colorado as promulgated by the Colorado Department of Health, 6 Colo. Code Regs. 1010-22, are incorporated herein by reference and all estheticians and cosmetologists performing permanent makeup or facial cosmetic pigment implantation services must comply with such rules. Failure to comply with the Colorado Department of Health's rules and regulations are a violation of this rule, and estheticians and cosmetologists will be subject to discipline pursuant to section 12-8-132(1)(i), C.R.S.

## **RULE 12 – LICENSURE REINSTATEMENT**

The purpose of this rule is to establish the qualifications and procedures for applicants seeking reinstatement of expired licenses pursuant to § 12-8-115, C.R.S., § 24-34-102(8)(d)(II) & (10), C.R.S., and § 24-34-105, C.R.S.

- A. An applicant seeking reinstatement of an expired license shall complete a reinstatement application and pay all applicable renewal and reinstatement fees.
- B. An applicant seeking reinstatement of a license that has been expired for more than two years, but less than five years, will have to establish “competency to practice” under § 24-34-102(8)(d)(II)(A) & (D), C.R.S., by submitting the following:
  - 1. Proof of 400 hours of work experience within the previous five (5) years immediately proceeding the date of application. The applicant shall attest to the number of work experience hours submitted.
  - 2. If the applicant provides proof of work experience from another state or jurisdiction, the applicant shall provide a verification of licensure from all states or jurisdictions in which the applicant has been actively practicing during the last five (5) years prior to the date of application.
- C. An applicant who cannot provide proof of work experience or seeks to reinstate a license that has been expired for more than five years will be required to pass the written examination used for initial licensure under § 12-8-110, C.R.S., in order to reinstate the expired license.
- D. An applicant for reinstatement who has actively practiced in Colorado on an expired license in violation of § 12-8-120, C.R.S., is subject to denial of application, disciplinary action, and/or other penalties as authorized in the Barbers and Cosmetologists Practice Act at §§ 12-8-101 *et seq.*, C.R.S., and in accordance with § 24-34-102 *et seq.*, C.R.S.