



AGENDA

Nevada State Board of Cosmetology Board Meeting Group May 10 2021 NVBOC WORKSHOP Monday, May 10, 2021, 9:00 am - 4:30 pm

NOTICE IS HEARBY GIVEN that the Nevada State Board of Cosmetology will hold a public workshop at 9:00 a.m. on Monday, May 10, 2021 via ZOOM. The purpose of the workshop is to receive comments from all interested persons regarding the potential adoption of regulations that pertain to Chapter 644A of the Nevada Administrative Code.

The purpose of the proposed regulation is to allow for cosmetology students to earn practical hours remotely, outside of a licensed school of cosmetology, in times of "emergency" as declared by Nevada's Governor and upon a majority vote by the Board. Any remote practical learning would be limited to work on mannequins.

Anyone wishing to comment upon the proposed action of the Nevada State Board of Cosmetology may attend the May 10, 2021 ZOOM meeting or may address their comments, data, views, or arguments, in written form, to Gary Landry, Executive Director, 8945 W. Russell Road, Suite #100 Las Vegas, NV 89148. Written submissions must be received by the Board on or before May 6, 2021.

THIS MEETING WILL BE HELD VIA VIDEO CONFERENCE ONLY

ZOOM MEETING ID: 924 1237 3697

The Board is pleased to invite individuals to participate remotely using ZOOM. To learn more about ZOOM, go to zoom.com.

On the scheduled day and time, from the ZOOM website, click "Join a Meeting" and enter your name and this Meeting ID: 924 1237 3697

NV Board Cosmetology is inviting you to a scheduled Zoom meeting:

Join Zoom Meeting

<https://zoom.us/j/92412373697>

Meeting ID: 924 1237 3697

One tap mobile

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Dial by your location

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+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Washington DC)

Meeting ID: 924 1237 3697

Find your local number: <https://zoom.us/j/92412373697>

Due to the current state of emergency in Nevada, and as allowed in the Governor's Executive Order and Directive Number 006, as extended through Directive 029, there will be no physical meeting place.

The State of Nevada Board of Cosmetology is pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the State Board of Nevada, in writing, at 8945 W. Russell Road, Suite 100 Las Vegas, NV 89148 or by calling (702) 850-2907 at least 24 business hours prior to the date of the meeting.

*Please note the Board's office hours are 7am-5pm, M-Th.

Members of the public may request the supporting materials for this meeting from: Lisa Nguyen, Compliance Specialist- 8945 W. Russell Road, Suite #100 Las Vegas, NV 89148, (702)-850-2907. Email:

lisa@nvcosmo.com

STACKED CALENDAR: In accordance with Nevada's Open Meeting Law, the Board may consider agenda items taken out of order. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The Board may continue the meeting as deemed necessary. The Board, at its discretion, may take public comment during times other than the designated Public Comment agenda items. The Board reserves the right to limit public comment to three minutes. Comment may not be restricted based on viewpoint. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the board may refuse to consider public comment. See NRS 233B.126.

Pursuant to NRS 241.030(1), the State of Nevada Board of Cosmetology may conduct a closed meeting to consider the character, allegations of misconduct, professional competence, or physical and mental health of a person.

ALL CELLULAR TELEPHONES ARE TO BE TURNED OFF OR SET TO SILENT NOTIFICATION MODE DURING THE PROCEEDINGS.

This meeting has been properly noticed and posted at the following locations:

Euphoria Institute of Beauty Arts & Sciences-9340 W. Sahara Ave. #205 Las Vegas, NV 89117

Nevada State Library & Archives- 100 N. Stewart St. Carson City, NV 89701

Carson City Library- 900 N. Roop St. Carson City, NV 89701

Clark County Library- 1401 E. Flamingo Rd. Las Vegas, NV 89119
Office of the Attorney General -555 E. Washington Ave. Las Vegas, NV 89101
State of Nevada Board of Cosmetology-8945 W. Russell Road, Suite #100 Las Vegas, NV 89148
State of Nevada Board of Cosmetology (Reno)- 740 Del Monte Lane, Suite 12 Reno, NV 89511
Nevada State Board of Cosmetology website www.nvcosmo.com
State of Nevada Website <https://notice.nv.gov>

A. Roll Call

B. Mission Statement

The mission of the Nevada State Board of Cosmetology is to protect the public health, safety and welfare of those that obtain cosmetology related services through the delivery of quality Testing, Licensing, Inspection and Education Services that focus on consumer protection.

C. Comments from the General Public-*for discussion only*

The Board of Cosmetology will entertain comments from the general public for any item that is or is not on the published agenda and is related to the Nevada State Board of Cosmetology.

No action can be taken on a matter unless it is included in an agenda.
Comments should be limited to three (3) minutes or less.

D. Action Items

1. Proposed modifications to NAC 644A.618- *for discussion and possible action*

The Nevada State Board of Cosmetology is seeking to modify the current language of NAC 644A.618 to allow for cosmetology students to earn practical hours remotely (outside of a licensed school of cosmetology) in times of "emergency" as declared by the Governor and upon majority vote by the Board. Any remote practice would be limited to work on mannequins.

2. Discussion of the potential for small business impact- *for discussion and possible action*

On January 14, 2021 the staff of the Nevada State Board of Cosmetology sent a Typeform survey to all of the cosmetology school owners and operators in Nevada. That survey was sent to determine whether the proposed changes to NAC 644A.618 would have any economic impact on licensed schools of cosmetology.

E. Comments from the general public-*for discussion only*

The Board of Cosmetology will entertain comments from the general public for any item that is or is not on the published agenda and is related to the Nevada State Board of Cosmetology.

No action can be taken on a matter unless it is included in an agenda.
Comments should be limited to three (3) minutes or less.

F. Comments from Board Members- *for discussion only*

G. Adjournment- *for possible action*

PROPOSED PERMANENT REGULATION
NEVADA STATE BOARD OF COSMETOLOGY

April 14, 2021

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

This proposed, permanent regulation has been submitted under the authority of NRS 644A.275.

NRS 644A.275 authorizes Nevada State Board of Cosmetology to adopt reasonable regulations related to the practice and governance of cosmetology. The provisions of this regulation do not apply to unlicensed individuals or individuals who are already licensed to practice cosmetology or any branch thereof.

Chapter 644A of NAC is hereby amended as follows:

NAC 644A.618 Instruction of students by licensed instructors; requirement for students to wear badges; limitation on practice by students. (NRS 644A.275, 644A.735, 644A.745)

1. A school of cosmetology:

(a) Shall maintain a staff of licensed instructors who are competent to give instruction in all subjects of its curriculum, including, without limitation, the subjects required by regulation of the Board.

(b) Shall not use a licensed student instructor as a student operator.

2. Each student in cosmetology, esthetics, nail technology, electrology or hair designing shall wear a badge with the word “student” inscribed on it. This badge must be worn at all times when the student is in attendance at the school. The student may not work on the public until the student has completed a preliminary training period of 300 hours for students in cosmetology or hair design, 150 hours for students in esthetics or electrology and 100 hours for students in nail technology.

3. *Except in a state of emergency, as declared by the Governor, and upon a majority vote of the Board,* students shall not practice at home or in a cosmetological establishment and shall not give demonstrations other than those required of them by the school of cosmetology at the location of the school or while on a field trip supervised by the instructors of the school.

(a) Should the Board allow practice at home, such practice is limited solely to practice on a mannequin.

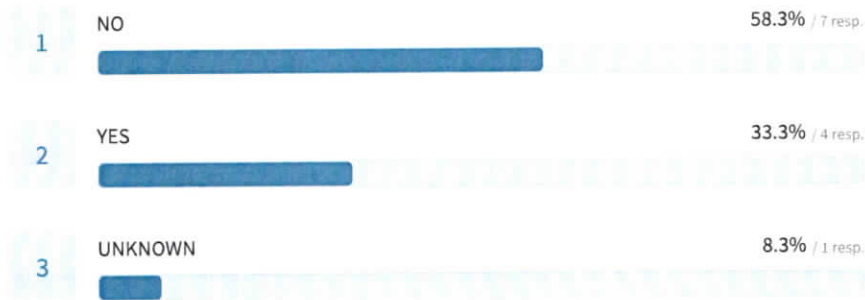
4. No instructor in a licensed school of cosmetology may, during the hours in which he or she is on duty as an instructor, devote his or her time to the public or to the private practice of cosmetology for compensation. Each instructor shall devote the instructor’s full time during the hours he or she is on duty as an instructor to instructing students.

Small Business Impact Survey January 2021

12 responses

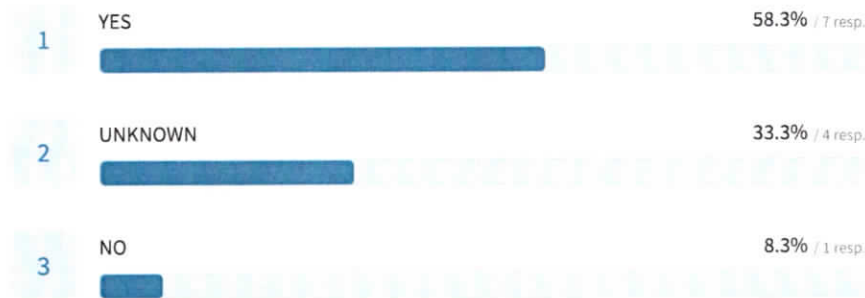
Do you anticipate a regulation allowing for remote practical learning in times of emergency having an **adverse economic** effects upon your business?

12 out of 12 answered



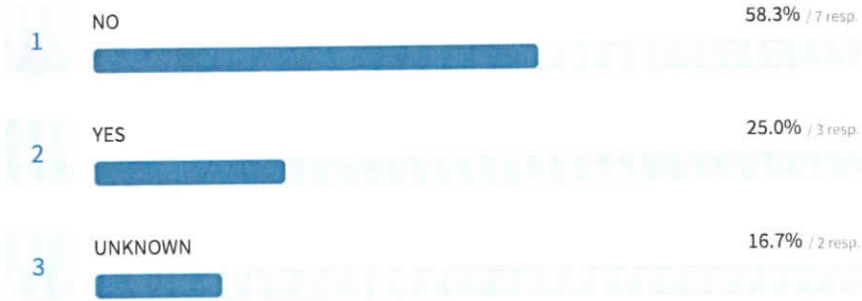
Do you anticipate a regulation allowing for remote practical learning in times of emergency having any **beneficial** effects upon your business?

12 out of 12 answered



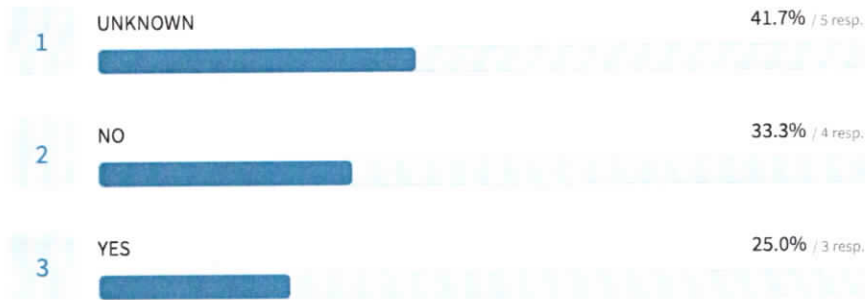
Do you anticipate any **indirect adverse** effects upon your business?

12 out of 12 answered



Do you anticipate any **indirect beneficial** effects upon your business?

12 out of 12 answered



Please enter the name of your school. If you're completing this survey on behalf of more than one school you may list the names of each school below or you may complete a survey for each of your schools.	How many full and part-times employees does your school employ?	Do you anticipate a regulation allowing for remote practical learning in times of emergency having an *adverse* *economic* effects upon your business?	Do you anticipate a regulation allowing for remote practical learning in times of emergency having any *beneficial* effects upon your business?	Do you anticipate any *indirect adverse* effects upon your business?	Do you anticipate any *indirect beneficial* effects upon your business?	Additional Comments
International Academy of Style	fluctuates	UNKNOWN	UNKNOWN	YES	NO	I believe online education will result in a lower quality of education resulting in a negative experience for the students. It will also lead to a lower level of hands on experience for students who graduate and take their craft to the public.
G Skin & Beauty Institute	14 in Henderson also staff at corporate	NO	UNKNOWN	NO	UNKNOWN	OK during an emergency situation only.
Cosmetology Institute of Las Vegas	10	YES	YES	NO	UNKNOWN	I believe during this pandemic it's crucial that schools are able to offer both theory and practical hours. The length and effects of this virus is unknown. We need to be able to continue the students education game plan despite the current challenge. We've adapted already by making our curriculums connect with hybrid models. This is the next vital step and quite honestly the future.
NIMA Institute	16	NO	YES	NO	UNKNOWN	NA
Academy of Hair Design	26	YES	UNKNOWN	UNKNOWN	UNKNOWN	Practical learning remote should be for emergency ONLY Milan Institute is supportive of distance education both on an emergency/interim basis and on a permanent basis for the future. Distance education affords students the opportunity to learn their craft under the supervision and guidance of a qualified instructor who can supervise many of the skills a student needs to learn from afar. We fully recognize that there are limits to what can be taught safely and successfully and therefore Milan is also supportive of a hybrid model of education wherein students would spend a portion of their time on campus practicing more challenging and complicated skills that need direct, in-the-moment interaction with a qualified instructor. By providing the option to offer distance education, students who otherwise might seek out education in another state would have the opportunity to get that education right here in Nevada thus creating jobs for instructors and staff members at institutions like Milan; it would allow customers to receive services from these students at an affordable rate, and it would demonstrate the value of institutions that offer career and vocational education that are a necessary part of our state's economic fabric. The trend across all institutions of higher education, from traditional 4-year research and liberal arts institutions, to community colleges and career and technical colleges, is to offer education that is flexible, easily accessible at times that are convenient to students, and meet the needs of the communities and industries that we serve. Robust Learning Management Systems (LMS) like Blackboard, Canvas and other systems make distance education a viable and attractive option for the future of which schools governed by the Nevada State Board of Cosmetology should be a part. The Paul Mitchell Schools successfully demonstrated the rigorous nature that distance education classes can take on if properly structured. Schools are able to deliver the didactic components of their programs in a highly interactive environment to keep students engaged and to monitor those students' practical activities closely. This past Tuesday, January 19, 2021 Governor Sisolak put forth five initiatives to propel Nevada forward, the third of which was preparing our workforce for the new Nevada economy. Specifically he stated, "Nevada has never experienced an economic recovery challenge as great as the one it faces now. Many of the jobs lost during the pandemic will not come back as businesses move toward automation, job training, and retraining our displaced workforce - as well as connecting Nevada workers with remote working opportunities and emerging industries will be key to the State's economic future. To achieve this goal, I will be creating the Nevada Job Force. I will be calling on some of Nevada's leading companies to fund, design, and implement training programs to prepare and qualify employees for these new jobs. In addition, we need to recognize that our community colleges will play an even bigger role in workforce training. That's why I will be asking the Legislature to work with the Nevada System of Higher Education over the next two years to develop a framework transitioning Nevada's 10 community colleges to a new independent authority that will focus on making Nevada's job-ready, community colleges, together with union apprenticeship programs, are critical elements in building Nevada's workforce and economic future." Schools and colleges like Milan Institute, along with the continued guidance and support from the Nevada State Board of Cosmetology, should be at the forefront of preparing our future workforce using all of the tools available to us.

<p>be it on-ground, in-person or distance education. Anything less is shortsighted. The chief concern about whether students/graduates are prepared to safely provide cosmetology services to our citizenry is addressed through the shared licensure testing model that the State Board currently has in place whereas local schools/programs administer the practical exam qualifying students and the State Board administers the written exam to assess students' knowledge base, including necessary health/safety standards. Many Institutes strongly urge the State Board to put forth legislation that would address short-term/emergency distance education as well as approval for permanent hybrid education that prepares our workforce for the future.</p>										
Aveda Institute Las Vegas	32	YES	NO	YES	NO	NO	NO	YES	NO	We are committed to in person learning to maintain the integrity of the industry
Paul Mitchell the school Reno	22	NO	YES	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	I think practical distance education should be use only in time of emergency/shut downs. As a licensed and practicing cosmetologist I believe the best education is hands on in person. But we can make a meaningful learning experience through DE when necessary.
SECTA - CCSD	6	NO	YES	NO	NO	NO	NO	NO	YES	In a Governor declared emergency/pandemic, like we are currently in, requires us to be prepared to continue educating students. Students are falling behind and will not be able to receive licensure in a timely fashion. Therefore, the impact financially is felt by the student not being able to enter the work force, but also has a negative impact on the economics of our State. The State of Nevada should always have a plan of action for emergency actions, education, and financial recovery.
Expertise Cosmetology Institute	7 part time	NO	UNKNOWN	NO	NO	NO	NO	NO	YES	No comments at this time.
Euphoria Institute of Beauty Arts & Sciences	27 FT and 31 PT	NO	YES	NO	NO	NO	NO	NO	UNKNOWN	In the best interest of the student, allowing theoretical and practical application to happen simultaneously serves the student best for comprehension and retention of said skill.
Sierra Academy of Style	7	YES	YES	YES	YES	YES	YES	YES	NO	

PROPOSED REGULATION OF THE STATE OF NEVADA BOARD OF COSMETOLOGY

SMALL BUSINESS IMPACT STATEMENT

This statement was prepared to comply with NRS 233B.0608 and NRS 233B.0609. This statement addresses the fiscal impact of proposed regulation change.

To determine whether this regulation change is likely to have an impact on small businesses, the Board of Cosmetology considered the purpose and scope of the proposed and potential regulations in conjunction with existing regulations. Based on this review, the Board of Cosmetology determined that the listed proposed regulation is not likely to have an adverse effect on small businesses.

The Board of Cosmetology does not anticipate that adopting the regulation will have any adverse effects or beneficial economic effects, either immediate or long-term on small businesses such as schools of cosmetology.

- A. *Description of the manner in which comment was solicited from affected small businesses, a summary of their responses, and an explanation of the manner in which other interested persons may obtain a copy of the summary.*

The Nevada State Board of Cosmetology requested input from school owners and operators. A Typeform survey was sent to each of Nevada's licensed cosmetology schools asking for input as to the projected adverse and beneficial impacts of a proposed regulation change.

At the time this survey was sent, the Nevada State Board of Cosmetology licensed sixteen (16) schools of cosmetology. The Board of Cosmetology received twelve (12) survey responses. The representative from Milan institute responded on behalf of the Milan locations in both Reno and Las Vegas. The school representative from Expertise Cosmetology Institute submitted responses on behalf of both Expertise locations. The final, licensed school of cosmetology is located within the Florence McClure Women's Correctional Center and is a branch of Expertise Cosmetology Institute. One licensed school did not submit a response.

Response Summary:

Question #1: Do you anticipate a regulation allowing for remote practical learning in times of emergency having an adverse economic effects upon your business?

NO: 7

YES: 4

UNKNOWN: 1

Question #2: Do you anticipate a regulation allowing for remote practical learning in times of emergency having any beneficial effects upon your business?

NO: 1

YES: 7

UNKNOWN: 4

Question #3: Do you anticipate any indirect adverse effects upon your business?

NO: 7

YES: 3

UNKNOWN: 2

Question #4: Do you anticipate any indirect beneficial effects upon your business?

NO: 4

YES: 3

UNKNOWN: 5

The end of the survey left room for open-ended comments and was intended to give the school owner/operator the ability to expand on his/her responses.

Any person interested in obtaining a copy of the summary may mail in a request to:

**Nevada State Board of Cosmetology
% Compliance Division
8945 W. Russell Road, Suite #100
Las Vegas, NV 89148**

B. The manner in which the analysis was conducted.

Surveys were sent to each of Nevada's licensed cosmetology schools along with an email explaining the purpose of the survey. In addition to the open-ended comment section at the end of the survey, school owners/operators were asked whether they anticipated any direct or indirect economic benefits or adverse effects upon their businesses. Survey participants were able to select "yes", "no" or "unknown" as their response.

Board staff reviewed the "yes" responses for schools that indicated that a regulation change was likely to have a negative impact on their business'. Any "yes" response was compared to the open-ended comment response at the end of the survey to determine the specific concerns of the individual school.

- C. *The estimated economic effect of the proposed regulation on the small businesses which it is to regulate including, without limitation*
- a. *Both adverse and beneficial effects; and*
 - b. *Both direct and indirect effects.*

The proposed amendment would allow for schools to utilize remote practical learning in times of emergency, as declared by the Governor and upon majority vote of the Board of Cosmetology.

Survey results indicated that the majority of those polled felt that a proposed regulation change would not, directly or indirectly, negatively impact their businesses.

Under the proposed regulation, even during times of Governor declared emergency and upon majority vote, the decisions to utilize remote practical learning would be left up to the individual schools.

- D. *A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.*

The majority of the schools polled did not believe that their school would be adversely impacted by the proposed regulation change. Four responses indicated that they felt the proposed regulation would have an adverse effect. Two of those four schools provided no open-ended response elaborating on their position, one school noted that it felt the quality of the student education may suffer with remote

distance learning and the fourth school indicated it approved of remote practical learning in times of emergency.

Any school that feels this regulation change would cause a direct or indirect burden would have the option not to offer remote practical learning.

E. The estimated cost to the agency for enforcement of the proposed regulation.

The Nevada State Board of Cosmetology does not anticipate there being a cost to enforce the proposed regulation.

F. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expected to collect, and the manner in which the money will be used.

The proposed regulation does not provide for a new fee or increase an existing fee.

G. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

The proposed regulation does not include provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity.

H. The reasons for the conclusions of the agency regarding the impact of the regulation on small businesses.

The Nevada State Board of Cosmetology has concluded that a regulation change allowing for remote practical learning during times of Governor declared emergency and upon majority vote of the Board does not create a significant economic impact on small businesses, specifically schools of cosmetology.

This regulation change would only have an impact during times of emergency and any school that does not wish to offer remote practical learning would not be required to do so.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

DocuSigned by:
Gary K. Landry
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04-14-2021

Gary K. Landry
Executive Director
Nevada Board of Cosmetology

Date