



NEVADA STATE BOARD OF COSMETOLOGY

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August 10, 2020

VIA EMAIL AND CERTIFIED MAIL #TBD

The Honorable Steve Sisolak, Governor
101 North Carson Street--Suite #1
Carson City, NV 89701

RE: Emergency regulation allowing for practical hours to be earned remotely

Dear Governor Sisolak:

The Nevada State Board of Cosmetology has determined that an emergency as defined by NRS 241.020. Specifically, on March 12, 2020, the Governor issued a Declaration of Emergency, given the current pandemic associated with COVID-19. Because of the current state of the State, schools of cosmetology are seeing an increase in students withdrawing from cosmetology programs, as a result of not being able to earn the practical hours necessary to graduate, as current regulation prohibits hands-on practical training at home or in a cosmetological establishment, and students are further prohibited from giving 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.

Pursuant to NRS 233B.0613, the Board is respectfully requesting an emergency regulation in Chapter NRS 644A of the Nevada Administrative Code that permits remote, hands-on practical training on mannequins to be counted toward the total number of practical hours necessary for graduation.

Respectfully submitted,

Gary K. Landry
Executive Director
Nevada State Board of Cosmetology

Steve Sisolak
Governor-State of Nevada

DRAFT

EMERGENCY REGULATION OF THE
NEVADA STATE BOARD OF COSMETOLOGY

August 10, 2020

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

This emergency 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.

DRAFT

INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS AS REQUIRED BY NRS

233B.066

This following information statement numerically conforms to the subsection of 233B.066

**A CLEAR AND CONCISE EXPLANATION OF THE NEED FOR THE ADOPTED
REGULATION**

Nevada has 16 licensed schools of cosmetology and more than 1,900 enrolled students. In order to graduate from a cosmetology program, students must complete both theoretical (lectured instruction) and practical hours (hands-on performance of cosmetology services on the clinical floor of the school). When Cosmetology schools were ordered to close on March 20, 2020 students were able to earn theory hours remotely via online lectures where participation and attendance were tracked by school staff. Unlike theory hours, students are prohibited from earning practical hours outside of a school of cosmetology pursuant to NRS 644A.618. Unable to earn the practical hours necessary to graduate, students withdrew from cosmetology programs prior to becoming licensed in order to take paying jobs, outside of the cosmetology field.

Schools reopened on May 29, 2020 operating at 50% occupancy. Reopening at half occupancy and maintaining an acceptable social distance between students requires that not all enrolled students in need of practical hours be present at the school and practicing on the clinical floor at one time, further delaying graduation and ultimately delaying licensure. As COVID-19 cases are rising, students are withdrawing from the program citing ADA medical considerations related to performing practical services on the clinical floor of their schools near other students and customers.

Should COVID-19 cases continue to climb or if a student or staff member at the school test positive for the virus and the school needs to close for an indefinite period of time, students would be unable to complete the necessary curriculum to graduate and become licensed. This regulation would allow students to remotely complete practical hours on mannequins, while receiving real-time oversight from licensed instructors using video communication services like Zoom and Skype.

**ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS
WHICH IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED
SEPARATELY, AND IN EACH CASE MUST INCLUDE:**

(g) (1). BOTH ADVERSE AND BENEFICIAL EFFECTS

The Board of Cosmetology is not aware of any adverse effects on the schools, students or the public should students earn practical hours remotely. Remote practical learning would be an optional offering for schools and students. As a benefit, students would be able to start and complete their cosmetology programs without delays stemming from mandatory school closures or the school's occupancy limitations.

(g)(2) BOTH IMMEDIATE AND LONG-TERM EFFECTS

By allowing remote practical learning students will be able to earn the practical hours necessary for graduation even if schools are forced to close their doors because of COVID-19. The Board does not anticipate there being any measurable long-term effects on schools, students or the public.

(h) ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION

There will be no additional costs to the agency for enforcement of the regulation.

(i) A DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATION OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, THE NAME OF THE REGULATING FEDERAL AGENCY

The Board of Cosmetology is not aware of any regulation(s) of other state or government agencies which the proposed regulation overlaps or duplicates.

(j) IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The Board of Cosmetology is not aware of any federal regulation(s) which are more or less stringent and regulate the same activity.

(k) IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL ANNUAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

The regulation does not create a new fee or increase an existing fee.