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## Washington Administrative Code

### Notice of Permanent Rules for **Cosmetology, Barber, Manicurist, Esthetician**

This explanatory statement concerns the **Washington State Department of Licensing's adoption of WAC 308-20 Cosmetology, Barber, Manicurist, Esthetician.**

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rule making.

Once persons who gave comment during this rule making have had a chance to receive this document, the Department of Licensing will file the amended rules with the Office of the Code Reviser. These rule changes will become effective January 1, 2014.

The Department of Licensing appreciates your involvement in this rule making process. If you have any questions, please contact Damon Monroe, Agency Rules Coordinator, at (360) 902-3843 or e-mail at [dmonroe@dol.wa.gov](mailto:dmonroe@dol.wa.gov).

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#### **What are the agency's reasons for adopting this rule?**

SHB 1779 was passed during the 2013 legislative session giving the department authority to modify the license requirements for estheticians. Also, stakeholders the department regularly works with have requested the existing safety and sanitation procedures be updated and amended for clarity, intent, and statutory authority. The proposed rule amendments are supported by industry and meet exemption criteria outlined in Executive Order 10-06. The proposed amendments are also supported by statutory authority.

#### **Summary of all public comments received on this rule proposal and the agency's response to those comments**

##### **Five written comments were received:**

- One written comment expressed opposition to the regulation of eyebrow threading.
- Three written comments were received and expressed neither support nor opposition to the proposed rules. The comments included suggestions for 40-80 hours of hands-on laser and Intense Pulsed Light (IPL) training, four hours of continuing education annually or eight hours every two years, and a recommendation for schools to have the ability to hybrid online or distance learning in schools.
- One written comment expressed conditional support of the proposed rules and strongly supported twenty percent of the total training hours be dedicated to hands-on laser training.

##### **Nine oral testimony comments were heard at the hearing:**

1. No one testified in opposition the proposed rules.
2. One attendee testified in support of the proposed rules.

3. One attendee testified neither in support nor in opposition to the proposed rules and would like to see an improved barber curriculum taught in the schools.
4. Seven attendees testified they conditionally supported the proposed rules and would like to see:
  - Externship hours increased from ten percent up to twenty percent
  - Additional hands-on laser, IPL, and medium depth peel training
  - Specific hour requirements and more defined theory for curriculum
  - Specific hour requirements for laser training and medium depth peels only
  - Including other modalities to the master esthetician curriculum
  - Including “medium depth peels under the delegation of a medical professional” and “all products and machines must be used following manufacturer’s instructions”

#### **Department Response:**

- The practice of eyebrow threading was added to the esthetics scope of practice in law, and was not a part of the rule amendment.
- Without change to the current law, the department does not have the authority to require continuing education in the Washington Administrative Code (WAC).
- No changes to the barber curriculum were brought forward during the workshops or through public input during the rule making process. Any barber curriculum changes at this time would significantly impact the rules and a large number of licensees without proper notice. This would require the department to re-file a Preproposal Statement of Inquiry (CR-101) and proceed through a new rule making process.
- Hands-on laser training curriculum requirements were discussed thoroughly during the workshops. It was determined that requiring schools to provide hands-on laser training would have an adverse financial impact to schools. The current rule provides for hands-on training through externships or offsite instruction.
- Ten percent externship is currently included in the curriculums for cosmetology, barbering, manicuring, and estheticians. The proposal to increase externships for estheticians up to twenty percent could be brought forward at a later date in order to provide the department ample opportunity to notify licensed schools.
- The curriculum rules do not specify a minimum training hour requirement for any specific procedures for any license. This allows schools to be flexible in their instruction to meet student needs.
- The Department of Licensing has revised the proposed rule language in WAC 308-20-080(5) (h) to include “Advanced theories; alternative, touch, and spa body treatments.” This addresses concern for other modalities.
- Without a change to the current law, the department does not have the authority to allow online learning.
- Medium depth peels under the delegation of a medical professional is covered in RCW 18.16.020 (15).
- It is common practice to follow manufacturer’s instructions for use of products and machines.

The department has reviewed the above comments and will continue stakeholder work to address continuing education, barber curriculum, hands-on training, increased externship, and specific hour requirements for curriculum.

**WAC Changes:**

**WAC 308-20-080 (5) (h):** Amended the master esthetics curriculum to include “Advanced theories, alternative, touch, and spa body treatments.” This will address the full scope of master esthetics to include medium depth peels and other advanced practices.

**WAC 308-20-210:** Added a new Title of Fee to include “Master esthetician” under the current esthetics fees. There is no increase or decrease to the fees.