

**RULES
OF
TENNESSEE STATE BOARD OF COSMETOLOGY**

**CHAPTER 0440-01
LICENSING**

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0440-01-.01 REQUIREMENTS FOR SCHOOL LICENSE.

- (1) The Board of Cosmetology and Barbering Examiners (hereinafter the “Board”) will not issue, reissue, or renew a license to operate a school of cosmetology unless the school is equipped with all workable equipment consisting of at least:
 - (a) one (1) work station with adjustable chair per student working on the clinic floor with a minimum of twenty (20) stations;
 - (b) five (5) shampoo basins, with hot and cold running water, adequately spaced;
 - (c) five (5) manicure tables;
 - (d) a minimum of five (5) working floor-based hooded dryers;
 - (e) ten (10) mannequins;
 - (f) one (1) straight chair in the theory classroom for each student attending the class;
 - (g) one (1) wet sterilizer at each student work station;
 - (h) one (1) enclosed storage area for clean towels;
 - (i) one (1) covered container for soiled towels;
 - (j) one (1) covered trash container maintained in a sanitary condition;
 - (k) dry sterilizer at each student work station;
 - (l) ultra violet sanitizer;
 - (m) time sheet/time clock; and
 - (n) access to a minimum of two (2) restrooms.
- (2) A school of cosmetology offering an aesthetics curriculum shall also be equipped with all workable equipment consisting of at least:

(Rule 0440-01-.01, continued)

- (a) sufficient facial steamers;
 - (b) one (1) suction machine or a Level I or II Microdermabrasion machine;
 - (c) one (1) light based device with the manufacturer's intended commercial use statement for hair removal and skin enhancement of face and body;
 - (d) sufficient protective eyewear (glasses) recommended by manufacturer of laser/light devices for each student and instructor;
 - (e) one (1) LED light with the manufacturers intended use statement for skin improvement;
 - (f) one (1) wax depilatory heater pot with manufacturer's intended commercial use statement;
 - (g) one (1) hands free magnifying lamp;
 - (h) one (1) hot towel cabin;
 - (i) one (1) reclining facial chair/table;
 - (j) one (1) electric brushing machine or sonic brushing device;
 - (k) one (1) sink which provides hot and cold running water other than the bathroom;
 - (l) one (1) ultraviolet sanitizer;
 - (m) one (1) covered trash container maintained in a sanitary condition at each teaching station;
 - (n) sufficient work area for each student;
 - (o) one (1) covered and labeled container for soiled towels;
 - (p) one (1) wet sterilizer;
 - (q) one (1) professional makeup station representing a color matrix palette of makeup products;
 - (r) sufficient disposable applicators for makeup application;
 - (s) one (1) skin care product kit containing two products from each category: cleansers, astringent and toners, moisturizer, problem prep, and protective products;
 - (t) one (1) Autoclave instrument sanitizer;
 - (u) one (1) sharps container for biohazard material removal;
 - (v) one (1) blood spill kit; and
 - (w) all containers for cosmetic products must be properly labeled.
- (3) Requirements for Instructional Floor Space

(Rule 0440-01-.01, continued)

- (a) "Instructional floor space" means the floor space of a school designated primarily for the instruction of students and shall not include such spaces as storage, restrooms, utility rooms, passageways, or inhabited administrative spaces such as reception areas, offices and break areas.
 - (b) A school of cosmetology offering a manicuring curriculum shall also be equipped with adequate instructional floor space for manicuring so as not to compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-01-.03.
 - (c) A school of cosmetology offering a natural hair styling curriculum shall also be equipped with adequate instructional floor space for natural hair styling so as to not compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-01-.03.
 - (d) A school of cosmetology offering a shampooing curriculum shall also be equipped with adequate instructional floor space for shampooing so as to not compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-01-.03.
 - (e) A school of cosmetology offering an aesthetics curriculum shall also be equipped with adequate instructional floor space for aesthetics so as not to compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-01-.03.
- (4) Floor Plan
- (a) A proposed floor plan must be submitted to and approved by the Board before:
 - 1. issuance of a license to operate a new school of cosmetology;
 - 2. issuance of a license to operate a school of cosmetology whose ownership has changed;
 - 3. reissuance of a license to operate a relocated school of cosmetology;
 - (b) For all schools other than specialized schools as described in subparagraph (4)(c), below, the floor plan shall provide for, and the school shall contain, at least 2200 square feet of instructional floor space, including an enclosed classroom for theory instruction.
 - (c) The floor plan for a specialized school solely offering a course of study in aesthetics, manicuring, or natural hair styling shall provide for, and the school shall contain adequate floor space as determined by the Board.
- (5) New School
- (a) A new school shall be closed to the public for ninety (90) days after the issuance of its license unless the school has students enrolled with the required two hundred (200) or more hours to perform cosmetology services on the public.
 - (b) A branch school shall be considered a new school unless the school has students enrolled with the required two hundred (200) or more hours to perform cosmetology services on the public.
 - (c) If an existing school requires an expansion campus facility, the facility must be located within two (2) miles of the main campus.

(Rule 0440-01-.01, continued)

- (d) A specialized school solely offering a course of study in aesthetics, manicuring, or natural hair styling shall have a minimum of five (5) students.

Authority: T.C.A. §§62-4-105(e), 62-4-120(f), 62-4-122, 62-4-122(g)(2), 62-4-116, and 62-4-117.
Administrative History: Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 5, 1986; effective September 19, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed May 2, 2008; effective July 16, 2008. Amendment filed September 2, 2015; effective December 1, 2015.

0440-01-.02 CHANGE OF SCHOOL OWNERSHIP AND RELOCATION.

- (1) The Board shall be notified within ten (10) days of the effective date of any change in ownership or name of a school of cosmetology.
- (2) For purposes of Tenn. Code Ann. §62-4-120(e) and this paragraph, any substantial addition to a school shall be deemed to constitute a relocation thereof;

Authority: T.C.A. §§62-4-105(e) and 62-4-120. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-01-.03 CURRICULUM.

- (1) "Apprenticeship student" means a student enrolled in a school participating in an apprenticeship program with the intention of completing the school's curriculum under that school's apprenticeship program.
- (2) "Supervising licensed professional" means a licensee in the field of study of an enrolled apprenticeship student who is in responsible charge of supervising and accounting for that student's apprenticeship program creditable activities and providing the participating school with the student's apprenticeship activity record.
- (3) (a) The fifteen hundred (1,500) clock hours/ 45 credit hours of instruction required of applicants for a license to practice cosmetology shall be apportioned as follows:
1. General.....300 clock hours/ 9 credit hours
Sterilization, sanitation and bacteriology, anatomy and physiology, shop ethics, personality and salesmanship, state law.
 2. Chemical.....600 clock hours/ 18 credit hours
Permanent waves, hair relaxer, hair coloring, bleaching and toning, sculptured nails, hair structure and chemistry.
 3. Physical.....600 clock hours/ 18 credit hours
Shampooing and rinses, hair and scalp care, hair shaping, hairdressing and styling, facials, arching, lash and brow tinting, manicures and pedicures.
- (b) The six hundred (600) clock hours/ 18 credit hours of instruction required of an applicant for a license to practice manicuring shall be apportioned as follows:

(Rule 0440-01-.01, continued)

1. General.....150 clock hours/ 4.5 credit hours
Sterilization, sanitation and bacteriology, anatomy and physiology, state law, salon management, and ethics.
 2. Chemical.....100 clock hours/ 3 credit hours
Product knowledge, ingredients and usage of materials, manicuring and pedicuring, EPA and OSHA requirements.
 3. Physical.....350 clock hours/ 10.5 credit hours
Massage, manicuring, pedicuring, nail care, nail artistry, nail wraps, sculptured nails, nail tips, gel nails, and nail safety.
- (c) The seven hundred and fifty (750) clock hours/ 22.5 credit hours of instruction required of an applicant for a license to practice aesthetics shall be apportioned as follows:
1. General.....150 clock hours/ 4.5 credit hours
Sterilization, sanitation and bacteriology, professional ethics, personality, salesmanship, anatomy and physiology, and state law.
 2. Chemical.....150 clock hours/ 4.5 credit hours
Skin conditions and disorders, nutrition, aging factors, product ingredients and usage, waxing, lash and brow tinting, OSHA and EPA requirements.
 3. Physical.....450 clock hours/ 13.5 credit hours
Massage movements and manipulations, masks and packs, facial treatments with and without the use of machines, skin analysis and consultation, application of all products and machines, color psychology, make-up and corrective make-up arching.
- (d) The three hundred (300) clock hours/ 9 credit hours of instruction required of an applicant for a license to practice shampooing shall be apportioned as follows:
1. General.....100 clock hours/ 3 credit hours
Sanitation, sterilization, bacteriology, anatomy, physiology, state law, shampooing and draping, hair and scalp massage.
 2. Chemical.....50 clock hours/ 1.5 credit hours
Chemistry and composition of shampoos and conditioners, product knowledge, EPA and OSHA requirements.
 3. Physical.....150 clock hours/ 4.5 credit hours
Hair and scalp massage, hair and scalp care, shampooing and rinsing foreign material from hair, shop management (answering phone, scheduling appointments, ordering supplies, taking inventory, and selling to clients).
- (e) The three hundred (300) clock hours/ 9 credit hours of instruction required of an applicant for a natural hair stylist license shall be apportioned as follows:
1. General.....120 clock hours/ 3.6 credit hours
Sanitation, sterilization, bacteriology, shampooing, draping, disorders of hair and scalp, state law and salon management.
 2. Physical.....180 clock hours/ 5.4 credit hours
Twisting, wrapping, weaving, extending, locking, braiding and natural hair styling, by hand or mechanical appliances.

(Rule 0440-01-.01, continued)

- (f) The three hundred (300) clock hours/ 9 credit hours of instruction required of applicants for an instructor's license shall include no less than a total of one hundred (100) clock hours/ 3 credit hours in lesson planning and motivation.
- (4) To the extent that the prescribed curricula for courses of instruction are substantially similar, the Board may allow general hours of credit accumulated by a student to be transferred from one course of instruction to another. A student shall be allowed to transfer hours only once.
- (5) Any person holding a valid Tennessee barber license will be given credit for seven hundred and fifty (750) clock hours/ 22.5 credit hours toward a Tennessee cosmetology license. In order to be eligible for this credit, a barber must be enrolled in a cosmetology school full time, a minimum twenty-five (25) hours per week, not to exceed forty-eight (48) hours per week. After the student has completed the first seven hundred and fifty (750) clock hours/ 22.5 credit hours in a cosmetology school, the Board may apply the second seven hundred and fifty (750) hours/ 22.5 credit hours for the purpose of graduating and being permitted to take the cosmetology examination.
- (6) Notwithstanding any provision to the contrary, any school operated under the Tennessee Cosmetology Act of 1986 may develop courses of instruction and practice incorporating an apprenticeship curriculum, which allows an applicant to obtain fifty percent (50%) of the required hours for a specific license through classroom instruction and fifty percent (50%) of the required hours under the direct supervision and responsible charge of a licensed professional who meets the requirements set forth in this rule. Supervised apprenticeship hours may not be used for credit for more than fifty percent (50%) of the required hours in any instruction subcategory (General, Chemical or Physical).
 - (a) For purposes of this rule, "supervising licensed professional" shall identify a licensed professional in supervision of a student enrolled in an apprenticeship program curriculum, approved by the Board, and responsible for all aspects of that student's apprenticeship instruction.
 - (b) Any school offering an apprenticeship curriculum shall maintain a record of all hours completed under the apprenticeship program, including classroom hours, for which credit is awarded in a student's academic file. This record shall include the number of hours completed under direct supervision and responsible charge, the dates these hours were earned, the license number of the professional in responsible charge of instruction who directly supervised the student and the signatures of both the student and the supervising licensed professional in responsible charge.
 1. The required records shall be maintained in the student's file and made available for inspection during the student's academic career, shall be maintained for a period of not less than seven (7) years after a student is no longer attending the school providing the apprenticeship curriculum, and shall be made available to the Board immediately upon request during this time.
 2. A daily log accounting for all apprenticeship hours awarded under this chapter by any school offering an apprenticeship curriculum shall be maintained by the school and updated monthly. This log shall be made available for inspection at any time.
 3. The supervising licensed professional shall submit the daily log to the school providing the apprenticeship curriculum no later than the close of business of the first (1st) day of the month for the previous month.

(Rule 0440-01-.01, continued)

4. Should an apprentice change salon, shop, establishment, or supervising licensed professional, a notarized transcript of the total hours accumulated shall be signed by the salon, shop, or establishment owner or manager along with the supervising licensed professional and submitted to the approving school within ten (10) days of the change.
- (c) Any supervising licensed professional in responsible charge as provided in this rule shall have at least ten (10) years of experience as a licensed professional in the field of study in which the supervision is provided and hold a current, valid Tennessee license issued by the Board in the field in which supervision is provided. The supervising licensed professional's license must be current at all times while providing supervision.
1. A participating school shall be responsible for confirming a supervising licensed professional's qualifications to be placed in responsible charge of an apprenticeship student as provided by this rule.
 2. The participating school providing hours for supervised apprenticeship credit shall maintain documented proof of a supervising licensed professional's experience and a copy of the supervising licensed professional's current, valid Tennessee license. This documentation shall be maintained for a minimum of seven (7) years following the date that the supervising licensed professional last provided supervision for that school.
 3. Apprenticeship experience earned in any jurisdiction other than Tennessee may be considered for purposes of complying with this rule provided that the supervising licensed professional was appropriately licensed in that jurisdiction at all times when responsible charge was provided for the purpose of earning credit. Proof of the supervising licensed professional's credentials must be provided by the transferring student candidate.
 4. The owner of the salon, shop, or establishment providing the student an apprenticeship shall provide the school a written acknowledgement accepting the student.
 5. Each supervising licensed professional shall be the responsible charge of no more than one apprenticeship student.
 6. Any salon, shop or establishment participating in an apprenticeship program shall provide a work station for the apprentice student.
 7. The supervising licensed professional must notify the approving school that the apprentice is no longer under his or her supervision within ten (10) days of termination of the apprenticeship and submit a transcript of all hours completed.
- (d) No participating school shall allow any person not appropriately licensed to provide any supervision for purposes of this rule, nor shall any participating school allow credit for hours under the supervision of unlicensed persons.

Authority: T.C.A. §§62-4-105(e), 62-4-108, 62-4-110, and 62-4-120(k). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Repeal and new rule filed May 2, 2008; effective July 16, 2008. Amendment filed September 2, 2015; effective December 1, 2015.

(Rule 0440-01-.01, continued)

0440-01-.04 HIGH SCHOOL EQUIVALENTS.

- (1) For the purpose of determining eligibility for enrollment in a school of cosmetology, an applicant must have completed and passed at least two (2) years of high school or obtained a score of at least four hundred and fifty (450) on a General Educational Development test.
- (2) Public and vocational schools are exempt from the provisions of Tenn. Code Ann. §62-4-122. However, the completion of at least ten (10) high school credits or obtaining a score of at least four hundred and fifty (450) on a General Educational Development test must be met prior to the completion of a cosmetology curriculum.
- (3) The school considering acceptance of any candidate shall be responsible for verifying and accepting any submitted documentation for high school equivalency.

Authority: T.C.A. §§62-4-105(e) and 62-4-122. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015.

0440-01-.05 REQUIREMENTS FOR SCHOOLS.

Every school of cosmetology, including any school solely licensed to teach natural hair styling, manicuring, or aesthetics, shall:

- (1) Publish readily available and clearly expressed admission policies and requirements;
- (2) Provide to prospective students (before enrollment) published materials which explain requirements for licensure as a cosmetologist, manicurist, instructor, shampoo technician, natural hair stylist, or aesthetician in the State of Tennessee; however, if a school is licensed to provide instruction solely in natural hair styling, manicuring or aesthetics, the school shall only be responsible for providing documentation relative to licensure in the field in which the school provides instruction.
- (3) Give a receipt to any student from whom money is collected by authorized school personnel; and;
- (4) Submit to the office of the Board, on the prescribed form, a monthly progress report on each student enrolled. The monthly reports must be received no later than the tenth (10th) of each month for the previous month's hours of instruction. If reports are not submitted by this date, a penalty set by the Board will be issued for violation of this rule.
- (5) Teach a minimum ten percent (10%) of theory hours each week in each curriculum offered in a school. This requirement does not apply to students enrolled in an apprenticeship program authorized by this chapter.

Authority: T.C.A. §§62-4-105(e) and 62-4-122. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015.

0440-01-.06 ENROLLMENT OF STUDENTS.

- (1) Every licensed school of cosmetology shall maintain documentation of age and education in each student's file which evidences eligibility for enrollment under the terms of Tenn. Code Ann. §62-4-122(a).
- (2) Every enrollment of a student in a school of cosmetology shall be evidenced by a written enrollment agreement which clearly details the rights and obligations of both parties.
- (3) The school shall:
 - (a) furnish to the student an executed copy of the enrollment agreement; and
 - (b) maintain a copy of the agreement in the student's file.
- (4) Every student enrollment agreement shall:
 - (a) be signed and dated by the student and an authorized representative of the school;
 - (b) specify the number of clock hours in the course of instruction and an approximate number of weeks or months required for completion;
 - (c) identify all costs and charges which the student must bear;
 - (d) indicate any grounds for termination of a student by the school;
 - (e) state in clear and understandable language the school's refund policy;
 - (f) list any special conditions or requirements for graduation; and
 - (g) contain an acknowledgment that the student has read and understands the agreement before making any payment thereunder.
- (5) All application information, including documentation and enrollment agreements required under this rule, shall be included in the student's file and made available for inspection by members or inspectors of the Board during business hours.
- (6) A student shall be actively enrolled in a licensed school in order to participate in an apprenticeship program.
- (7) An apprentice program must be completed within 150% of the time allowed for a student to complete a course of study under the school's standard, non-apprenticeship contract agreement.

Authority: T.C.A. §§62-4-105(e), 62-4-120, and 62-4-122. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed September 2, 2015; effective December 1, 2015.

0440-01-.07 STUDENT KITS.

- (1) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in cosmetology after two hundred (200) hours of enrollment.
 - (a) six (6) brushes

(Rule 0440-01-.07, continued)

- (b) four (4) combs
 - (c) one (1) pair cutting shears, thinning shears and a razor
 - (d) one (1) box of roller clips
 - (e) one (1) box clips
 - (f) three (3) butterfly clips
 - (g) six (6) duckbill clips
 - (h) one (1) theory book
 - (i) one (1) workbook
 - (j) three (3) orangewood sticks
 - (k) one (1) box emery boards
 - (l) one (1) cuticle pusher
 - (m) one (1) finger bowl
 - (n) one (1) cape
 - (o) one (1) file
 - (p) one (1) nail brush
 - (q) one (1) mannequin
 - (r) one (1) polish kit
 - (s) cosmetology law book
 - (t) disposable gloves
 - (u) disposable caps
- (2) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in manicuring after one hundred (100) hours of enrollment:
- (a) one (1) theory book
 - (b) one (1) workbook
 - (c) one (1) pair nippers
 - (d) three (3) orangewood sticks
 - (e) one (1) box emery boards
 - (f) one (1) cuticle pusher

(Rule 0440-01-.07, continued)

- (g) one (1) finger bowl
 - (h) one (1) file
 - (i) one (1) nail brush
 - (j) one (1) polish kit
 - (k) one (1) hand form and holder
 - (l) one (1) wet sanitizer
 - (m) one (1) tweezer
 - (n) one (1) pair manicure scissors
 - (o) nail glue
 - (p) supplies for nail wraps
 - (q) supplies for sculptured nails
 - (r) goggles
 - (s) cosmetology law book
- (3) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in aesthetics after one hundred fifty (150) hours of enrollment:
- (a) one (1) theory book
 - (b) one (1) workbook
 - (c) one (1) package cotton swabs
 - (d) one (1) roll of cotton
 - (e) one (1) box tissues
 - (f) three (3) spatulas
 - (g) two (2) sterilizer jars
 - (h) one (1) tweezer
 - (i) one (1) make-up kit
 - (j) one (1) set of make-up brushes
 - (k) two (2) head covers
 - (l) one (1) set of skin care treatment products to include one (1) container each: cleansing cream, astringent, massage cream, night cream, moisturizer, all-purpose masque

(Rule 0440-01-.07, continued)

- (m) three (3) towels
 - (n) one (1) shoulder cape
 - (o) one (1) bottle alcohol
 - (p) one (1) pair rubber gloves
 - (q) two (2) cups
 - (r) two (2) small bowls
 - (s) two (2) disposable bags
 - (t) cosmetology law book
- (4) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in shampooing after fifty (50) hours of enrollment.
- (a) one (1) theory book
 - (b) one (1) workbook
 - (c) one (1) shampoo kit
 - (d) one (1) mannequin
 - (e) one (1) cape
 - (f) massage cream
 - (g) cosmetology law book
- (5) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in natural hair styling after fifty (50) hours of enrollment:
- (a) one (1) theory book
 - (b) one (1) workbook
 - (c) two (2) mannequins (ethnic hair)
 - (d) one (1) bale of hair, pound or more
 - (e) four (4) combs
 - (f) one (1) cape (not plastic)
 - (g) one (1) plastic pick
 - (h) pillow
 - (i) oil sheen or holding spray
 - (j) scissors (to cut synthetic hair)

(Rule 0440-01-.07, continued)

- (k) stool
 - (l) thread
 - (m) needle (tapestry)
 - (n) cosmetology law book
- (6) It shall be the responsibility of the student to maintain all materials in the kits furnished pursuant to this rule.
- (7) Schools shall have rubber gloves and safety goggles available to all students.

Authority: T.C.A. §62-4-105(e). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 3, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed January 13, 1989; effective February 13, 1989. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004.

0440-01-.08 EXPIRATION OF SCHOOL REGISTRATION RENEWAL.

- (1) At least thirty (30) days in advance of the expiration date of a license to conduct a school of cosmetology, the Board office shall notify the holder of the impending expiration and the fee for renewal of such certificate.

Authority: T.C.A. §§62-4-105(e) and 62-4-121. **Administrative History:** Original rule filed February 21, 1986; effective March 23, 1986. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-01-.09 EXAMINATION PASSING SCORES AND SCHOOL ATTENDANCE RATIO.

- (1) The minimum passing scores on all examinations held by the board shall be seventy percent (70%).
- (2) The school a student attends for sixty percent (60%) or the greatest percentage of all hours, including hours obtained through an apprenticeship program, will be the school responsible for the pass/fail ratio.
- (3) A student who graduates from a licensed school must pass all examinations no more than three (3) years after passing the initial theory examination. All scores of any passed examinations after that date will be vacated and the graduate must retake and pass the initial theory examination.
- (4) Apprenticeship students shall complete instructional hours and pass the initial theory examination prior to initiating apprenticeship activities in a salon, shop, or establishment.

Authority: T.C.A. §62-4-105(e). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 5, 1986; effective September 19, 1986. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015.

0440-01-.10 ORIGINAL LICENSE FEE.

- (1) If the fee for an original license as a cosmetologist, manicurist, shampoo technician, natural hair stylist, aesthetician or instructor is not paid within six (6) months after the applicant is notified that he or she has passed the examination, then such applicant must submit a new application for examination and be retested. For good cause shown, this provision may be waived by the Board.
- (2) To activate a retired license:
 - (a) a licensee sixty-five (65) years of age or older may activate a retired license by submitting proof of age, along with payment for the license;
 - (b) a licensee under the age of sixty-five (65) will be required to retake and pass the practical and law portions of the examination, before paying for the license.

Authority: T.C.A. §62-4-105(e). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 5, 1986; effective September 19, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 13, 1989. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-01-.11 TEACHER TRAINING PROGRAMS.

- (1) An application for approval of a teacher training program in cosmetology, aesthetics, manicuring, shampooing or natural hair styling shall include:
 - (a) a summary of the education and experience of each instructor for the program;
 - (b) the scheduled dates of the program; and
 - (c) the proposed curriculum of the program.
- (2) The applicant shall demonstrate to the satisfaction of the Board that the teacher training program submitted for approval will:
 - (a) contain at least sixteen (16) hours of actual instruction;
 - (b) emphasize teaching methodology for its entire duration;
 - (c) restrict the size of classes sufficiently to ensure adequate attention to all participants;
 - (d) proceed for not more than two (2) hours without a break; and
 - (e) prohibit demonstrations or presentations for commercial purposes in classrooms. Training programs may not sell, take orders, or in any way promote a product.
- (3) Promptly after the completion of a teacher training program approved by the Board, the sponsor shall send to the Board a roster showing the names, social security number and I.D. number of the persons who attended the program and the number of hours that such persons completed.
- (4) The sponsor shall provide an opportunity for the attendees to evaluate each class and the overall program. The original evaluations shall be forwarded to the office of the Board.

(Rule 0440-01-.11, continued)

Authority: T.C.A. §§62-4-105(e) and 62-4-114. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015.

0440-01-.12 DEMONSTRATIONS.

- (1) Any person who does not hold a valid license as a cosmetologist, manicurist, aesthetician, shampoo technician, natural hair stylist or cosmetology instructor may not demonstrate any teaching practice of cosmetology in a shop or school.

Authority: T.C.A. §§62-4-105(e) and 62-4-108. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-01-.13 FEES.

- (1) Application/examination

- (a) A candidate shall schedule the test needed for a specific license (cosmetologist, manicurist, instructor, aesthetician, shampoo technician, or natural hair stylist) with the Board’s designated testing agency and pay an examination fee that will include any fees charged by the designated testing agency.
- (b) The Board shall set the examination fee through choosing a contractor from a solicitation process pursuant to Tenn. Ann. Code 12-3-501, et seq. and the Comprehensive Rules and Regulations of the Central Procurement Office found at Tenn. Comp. R. & Reg. Chapter 0690-03-01, or any other predecessor rules and laws of the State of Tennessee regarding the procurement of such contracts.

- (2) Original License

- (a) Cosmetologist.....fifty dollars (\$50.00)
- (b) Manicurist.....fifty dollars (\$50.00)
- (c) Instructor.....seventy dollars (\$70.00)
- (d) Aesthetician.....fifty dollars (\$50.00)
- (e) Shampoo Technician.....fifty dollars (\$50.00)
- (f) Natural Hair Stylist.....fifty dollars (\$50.00)

- (3) Renewal

- (a) Cosmetologist.....fifty dollars (\$50.00)
- (b) Manicurist.....fifty dollars (\$50.00)
- (c) Instructor.....sixty dollars (\$60.00)
- (d) Aesthetician.....fifty dollars (\$50.00)
- (e) Shampoo Technician.....fifty dollars (\$50.00)
- (f) Natural Hair Stylist.....fifty dollars (\$50.00)
- (g) Retired License Reactivation.....fifty dollars (\$50.00)

- (4) Penalty for late renewal

(Rule 0440-01-.13, continued)

- (a) Cosmetologist, manicurist, instructor, aesthetician, shampoo technician, and natural hair stylist.....twenty-five dollars (\$25.00)
- (5) Cosmetology, manicure, skin care, natural hair stylist or manicure/skin care shops
 - (a) Inspection (new shop, relocated shop, shop with change of ownership)fifty dollars (\$50.00)
 - (b) License
 - new shop.....fifty dollars (\$50.00)
 - relocated shop.....fifty dollars (\$50.00)
 - change of ownership.....fifty dollars (\$50.00)
 - (c) Renewal.....fifty dollars (\$50.00)
 - (d) Penalty for late renewal.....fifty dollars (\$50.00)
 - (e) Change of name only.....ten dollars (\$10.00)
 - (f) Change of ownership due to death of immediate family, no charge, with a copy of the death certificate or obituary.
- (6) School
 - (a) Application/license (new school)...three hundred dollars (\$300.00)
 - (b) License for relocated or change of ownership for a schoolone hundred seventy-five dollars (\$175.00)
 - (c) Penalty for late monthly report from schools of hours attended by students twenty-five dollars (\$25.00)
- (7) Replacement or correction of license
 - (a) Lost, misplaced or mutilated license.....twenty-five dollars (\$25.00)
 - (b) Change of name by any cosmetologist, aesthetician, manicurist, instructor, shampoo technician, natural hair stylist or shampoo/manicurist.....ten dollars (\$10.00)
 - (c) Certification for licensee.....fifty dollars (\$50.00)
 - 1. Fee should be sent with:
 - (i) written request for certification
 - (ii) I.D. number
 - (d) Student certification of hours.....twenty-five dollars (\$25.00)
 - 1. Fee should be sent with:
 - (i) certification request form
 - (ii) completion/withdrawal form (unless previously submitted)

(Rule 0440-01-.13, continued)

- (8) Surcharge to issue manicurist license to former shampoo/manicurist as in Tenn. Code Ann. § 62-4-131(c).....twenty-five dollars (\$25.00)
- (9) Reciprocity.....fifty dollars (\$50.00)
The fee for application through reciprocity must be received along with the applicant’s initial application documents. Any reciprocity application received without this fee shall be incomplete and will not be considered.
- (10) In the event that any check, draft or order for the payment of a fee to the Board of Cosmetology and Barber Examiners is returned because of insufficient funds, only cash, certified check or money order will be accepted for the amount due, plus twenty dollars (\$20.00) additional fee.
- (11) Applications for licensure of a salon are valid for ninety (90) days after approval by the Board. Failure to obtain an approved inspection for operation within the ninety (90) days shall invalidate the application and require a new application and fee.

Authority: T.C.A. §§ 62-4-105(e), 62-4-110, 62-4-112, 62-4-115, 62-4-118, 62-4-120, and 62-4-131.
Administrative History: Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983, effective March 25, 1983. Repeal filed February 21, 1986. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015.

0440-01-.14 CIVIL PENALTIES.

- (1) The Tennessee State Board of Cosmetology and Barber Examiners may, in a lawful proceeding with respect to any person licensed or required to be licensed, in addition to or in lieu of any other lawful disciplinary action, assess civil penalties for violation of statutes, rules or orders enforceable by the Board in accordance with the following schedule: Each individual act, and each day of continued violation, may constitute a separate violation. The amount of any civil penalty shall not exceed one thousand dollars (\$1,000.00) for each violation.

Violation	Penalty
Tenn. Code Ann. § 62-4-127(b)	\$250 - \$1,000

- (2) In determining the amount of any penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:
 - (a) willingness of the violation;
 - (b) repetitions of the violation;
 - (c) magnitude of the risk or harm caused by the violation; and
 - (d) extent to which the licensee has sought to compensate any victim(s) of the violation.
- (3) Any owner, manager, or cosmetologist requesting an individual, with a shampoo license only, to perform any services other than those listed for shampooing will be subject to a five hundred dollar (\$500.00) penalty.

Authority: T.C.A. §§ 56-1-308 and 62-4-105(e). **Administrative History:** Original rule filed June 10, 1974; Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February

(Rule 0440-01-.14, continued)

21, 1986; effective March 23, 1986. Amendment filed July 14 1989; effective August 28, 1989. Amendment filed May 1, 1991; effective June 15, 1991. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997. Amendment filed September 2, 2015; effective December 1, 2015.

0440-01-.15. PRACTICE BY INSTRUCTOR.

(1) Continuing Education

- (a) In order for a licensed instructor to obtain credit for taking a continuing education course in a state other than the State of Tennessee, the licensed instructor shall obtain the Board's approval before taking the course by submitting a written request for approval to the Board within thirty (30) days before the licensed instructor intends to take the course. Such written request must include a copy of the course's curriculum.
- (b) A licensed instructor shall submit a request for an extension of time in which to take his or her continuing education in writing to the Board along with proof showing good cause relative to illness or emergency prior to the expiration date of the instructor's license.

(2) An instructor may only practice or teach the discipline in which he or she is licensed.

Authority: T.C.A. §§ 62-4-105(e), 62-4-108 and 62-4-114(a)(1) and (2) **Administrative History:** New rule filed May 2, 2008; effective July 16, 2008. Amendment filed September 2, 2015; effective December 1, 2015.

0440-01-.16. SCHOOLS PROVIDING LIMITED INSTRUCTION.

- (1) The Board may, at its discretion, issue a license to a school to provide instruction solely in aesthetics, manicuring or natural hair styling. No school with a limited license shall provide services to the public in any area other than those for which it is licensed to provide instruction.
- (2) The Board may, at its discretion, grant a waiver to a school licensed to provide instruction only in natural hair styling, manicuring or aesthetics or an applicant for such a limited license from equipment requirements as provided in this chapter. A request for such a waiver must be made in writing by the school, on forms prescribed by the Board, and shall specifically identify the equipment that the school desires to omit and the reasons that the omitted equipment is not necessary for the school's curriculum.
- (3) Any salon, shop, or establishment participating in an apprenticeship curriculum must post a sign at its entrance announcing its participation, and must allow customers to elect whether to be serviced by an apprentice student. This sign shall be a minimum dimension of eight (8) by ten (10) inches.

Authority: T.C.A. §§62-4-105(e) and 62-4-120. **Administrative History:** New rule filed September 2, 2015; effective December 1, 2015.

0440-01-.17. COMMUNICATION WITH THE BOARD.

- (1) Renewals. All cosmetologist, aesthetician, manicurist, natural hair stylist, instructor and shop license renewals shall include the applicant's current address, phone number and if available, email address.

(Rule 0440-01-.17, continued)

- (2) Mailing Address. All cosmetologist, aesthetician, manicurist, natural hair stylist and instructor licensees shall notify the Board in writing within thirty (30) days of any change in mailing address. Electronic notification is acceptable for purposes of this rule.
- (3) Responses to Board Requests. All cosmetologist, aesthetician, manicurist, natural hair stylist, instructor and shop licensees shall respond in writing to any communication from the Board requesting a response within the time prescribed by the Board pursuant to the request.

Authority: T.C.A. § 62-4-105(e). **Administrative History:** New rule filed September 2, 2015; effective December 1, 2015.

0440-01-.18. EXPEDITED LICENSING FOR CERTAIN MILITARY PERSONNEL AND SPOUSES.

- (1) An applicant for licensure meeting the requirements of T.C.A. § 4-3-1304(d)(1) may:
 - (a) Be issued a license or certificate under the Tennessee Cosmetology Act of 1986 upon application and payment of all fees required for issuance of a regular license or certificate of the same type if, in the opinion of the Board, the requirements for certification or licensure of such other state are substantially equivalent to that required in Tennessee; or
 - (b) Be issued a temporary permit as described herein if the Board determines that the applicant's license or certificate does not meet the requirements for substantial equivalency, but that the applicant could perform additional acts, including - but not limited to - education, training, or experience, in order to meet the requirements for the license or certificate to be substantially equivalent. The Board may issue a temporary permit upon application and payment of all fees required for issuance of a regular license or certificate of the same type, which shall allow such person to perform services as if fully licensed or certified for a set period of time that is determined to be sufficient for the applicant to complete such requirements.
 1. After completing those additional requirements and providing the Board with sufficient proof thereof as may be required, a full certificate of registration shall be issued to the applicant with an issuance date of the date of the original issuance of the temporary permit and an expiration date as if the full certificate of registration had been issued at that time.
 2. A temporary permit shall be issued for a period of less than the length of a renewal cycle for a full certificate of registration.
 3. A temporary permit shall expire upon the date set by the Board and shall not be subject to renewal except through the completion of the requirements for substantial equivalency as required by the Board or by an extension of time granted for good cause by the Board.
 4. Should an extension to a temporary permit cause the permit to be in effect longer than the renewal cycle of a full certificate of registration, the holder of the temporary permit shall file a renewal application with such documentation and fees, including completion of continuing education, as are required by the Board for all other renewals of a full certificate of registration of the same type.

Authority: T.C.A. §§ 4-3-1304(d) and 62-4-105(e). **Administrative History:** New rule filed September 2, 2015; effective December 1, 2015.

Ashley Hickman

From: Laura Martin
Sent: Friday, November 13, 2015 9:59 AM
To: Ashley Hickman
Subject: Cosmotology Rule typo
Attachments: 09-03-15.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Ashley,

Thanks for getting back to me on this so quickly. I have attached the document in question that you guys have on the SOS website. The typo is in Rule 0440-01-.03 CURRICULUM.

There are two Rules 0440-01-.03(5). It says page 7-8 on the document, but it is page 9 of the full pdf. I need the second one to be 0440-01-.03 (6) so that they have different citations. Luckily there are no other subsections in that particular rule so there is no renumbering required besides that one number.

I am really sorry about this mistake. Thank you so much for working with me on this.

Thanks!

-Laura



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hours Skin conditions and disorders, nutrition, aging factors, product ingredients and usage, waxing, lash and brow tinting, OSHA and EPA requirements.

3. Physical.....450 clock hours/ 13.5 credit hours
Massage movements and manipulations, masks and packs, facial treatments with and without the use of machines, skin analysis and consultation, application of all products and machines, color psychology, make-up and corrective make-up arching.
- (d) The three hundred (300) clock hours/ 9 credit hours of instruction required of an applicant for a license to practice shampooing shall be apportioned as follows:
1. General.....100 clock hours/ 3 credit hours
Sanitation, sterilization, bacteriology, anatomy, physiology, state law, shampooing and draping, hair and scalp massage.
 2. Chemical.....50 clock hours/ 1.5 credit hours
Chemistry and composition of shampoos and conditioners, product knowledge, EPA and OSHA requirements.
 3. Physical.....150 clock hours/ 4.5 credit hours
Hair and scalp massage, hair and scalp care, shampooing and rinsing foreign material from hair, shop management (answering phone, scheduling appointments, ordering supplies, taking inventory, and selling to clients).
- (e) The three hundred (300) clock hours/ 9 credit hours of instruction required of an applicant for a natural hair stylist license shall be apportioned as follows:
1. General.....120 clock hours/ 3.6 credit hours
Sanitation, sterilization, bacteriology, shampooing, draping, disorders of hair and scalp, state law and salon management.
 2. Physical.....180 clock hours/ 5.4 credit hours
Twisting, wrapping, weaving, extending, locking, braiding and natural hair styling, by hand or mechanical appliances.
- (f) The three hundred (300) clock hours/ 9 credit hours of instruction required of applicants for an instructor's license shall include no less than a total of one hundred (100) clock hours/ 3 credit hours in lesson planning and motivation.

(4) To the extent that the prescribed curricula for courses of instruction are substantially similar, the Board may allow general hours of credit accumulated by a student to be transferred from one course of instruction to another. A student shall be allowed to transfer hours only once.

(5) Any person holding a valid Tennessee barber license will be given credit for seven hundred and fifty (750) clock hours/ 22.5 credit hours toward a Tennessee cosmetology license. In order to be eligible for this credit, a barber must be enrolled in a cosmetology school full time, a minimum twenty-five (25) hours per week, not to exceed forty-eight (48) hours per week. After the student has completed the first seven hundred and fifty (750) clock hours/ 22.5 credit hours in a cosmetology school, the Board may apply the second seven hundred and fifty (750) hours/ 22.5 credit hours for the purpose of graduating and being permitted to take the cosmetology examination.

should be (e)

(5) Notwithstanding any provision to the contrary, any school operated under the Tennessee Cosmetology Act of 1986 may develop courses of instruction and practice incorporating an apprenticeship curriculum, which allows an applicant to obtain fifty percent (50%) of the required hours for a specific license through classroom instruction and fifty percent (50%) of the required hours under the direct supervision and responsible charge of a licensed professional who meets the requirements set forth in this rule. Supervised apprenticeship hours may not be used for credit for more than fifty percent (50%) of the required hours in any instruction subcategory (General, Chemical or Physical).

(a). For purposes of this rule, "supervising licensed professional" shall identify a licensed professional in supervision of a student enrolled in an apprenticeship program curriculum, approved by the Board, and responsible for all aspects of that student's apprenticeship instruction.

(b). Any school offering an apprenticeship curriculum shall maintain a record of all hours completed under the apprenticeship program, including classroom hours, for which credit is awarded in a student's academic file. This record shall include the number of hours completed under direct supervision and responsible charge, the dates these hours were earned, the license number of the professional in responsible charge of instruction who directly supervised the student and the signatures of both the student and the supervising licensed professional in responsible charge.

(1) The required records shall be maintained in the student's file and made available for inspection during the student's academic career, shall be maintained for a period of not less than seven (7) years after a student is no longer attending the school providing the apprenticeship curriculum, and shall be made available to the Board immediately upon request during this time.

(2) A daily log accounting for all apprenticeship hours awarded under this chapter by any school offering an apprenticeship curriculum shall be maintained by the school and updated monthly. This log shall be made available for inspection at any time.

(3) The supervising licensed professional shall submit the daily log to the school providing the apprenticeship curriculum no later than the close of business of the first (1st) day of the month for the previous month.

(4) Should an apprentice change salon, shop, establishment, or supervising licensed professional, a notarized transcript of the total hours accumulated shall be signed by the salon, shop, or establishment owner or manager along with the supervising licensed professional and submitted to the approving school within ten (10) days of the change.

(c). Any supervising licensed professional in responsible charge as provided in this rule shall have at least ten (10) years of experience as a licensed professional in the field of study in which the supervision is provided and hold a current, valid Tennessee license issued by the Board in the field in which supervision is provided. The supervising licensed professional's license must be current at all times while providing supervision.

(1) A participating school shall be responsible for confirming a supervising licensed professional's qualifications to be placed in responsible charge of an apprenticeship student as provided by this rule.

Tennessee Secretary of State

Tre Hargett



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Director of Publications

November 30, 2015

Laura E. Martin
State Board of Cosmetology and Barber Examiners
Division of Regulatory Boards, Department of Commerce and Insurance
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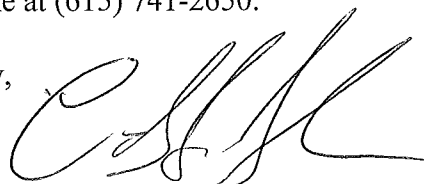
Ms. Martin,

We received your email requesting the change of the numbering in Rule 0440-01-.03 paragraphs (5) and (6). Your email stated that the two paragraphs were both mistakenly labeled (5).

- (5) Any person holding a valid Tennessee barber license will be given credit for seven hundred and fifty (750) clock hours/ 22.5 credit hours toward a Tennessee cosmetology license. In order to be eligible for this credit, a barber must be enrolled in a cosmetology school full time, a minimum twenty-five (25) hours per week, not to exceed forty-eight (48) hours per week. After the student has completed the first seven hundred and fifty (750) clock hours/ 22.5 credit hours in a cosmetology school, the Board may apply the second seven hundred and fifty (750) hours/ 22.5 credit hours for the purpose of graduating and being permitted to take the cosmetology examination.
- (5) Notwithstanding any provision to the contrary, any school operated under the Tennessee Cosmetology Act of 1986 may develop courses of instruction and practice incorporating an apprenticeship curriculum, which allows an applicant to obtain fifty percent (50%) of the required hours for a specific license through classroom instruction and fifty percent (50%) of the required hours under the direct supervision and responsible charge of a licensed professional who meets the requirements set forth in this rule. Supervised apprenticeship hours may not be used for credit for more than fifty percent (50%) of the required hours in any instruction subcategory (General, Chemical or Physical).

Upon review, we have corrected the typographical error, and this change is reflected in the online Rulemaking Hearing Rule Filing form on our website: <http://tnsos.org/rules/PendingRules.php>. If you should have questions, please feel free to contact me at (615) 741-2650.

Sincerely,



Cody Ryan York
Director of Publications