

Spring 2011
Volume 6, Issue 1

Head Line Press

Official Newsletter of the Montana Board of Barbers & Cosmetologists

www.cosmetology.mt.gov

Board of Barbers and Cosmetologists, 301 S. Park Avenue, PO Box 200513, Helena, MT 59620-0513
www.cosmetology.mt.gov dlibsdcos@mt.gov 406-841-2335

Upcoming Board Meetings: July 25th, 2011 and October 17th, 2011

Special Interest Articles:

PROPOSED FEE INCREASES

NEW BOARD MEMBERS

PROPOSED NEW RENEWAL DATES

RULE DISCUSSIONS

RENEWAL TIPS

INSPECTORS CORNER

RULE NOTICE

Farewell.....

Sadly, we must say farewell to Board Members: **Maxine Collins, William Graves and Delores Lund.** We thank them for their support, guidance and participation as Board Members for the Montana Board of Barbers and Cosmetologists. Inspector **Ryan Bahnmitter** has also moved on and we wish him luck with his future endeavors!

Welcome...

We are pleased to welcome our newly appointed Board Members **Sherry Dembowski-Wieckowski** a licensed Barber from Thompson Falls; **Sara Dobbins**, new public member from Helena and **Corie Mora**, a licensed Manicurist from the city of Great Falls. Welcome Aboard!

Revenue Falls Short Of Expenditures

State administrative agencies are not immune to the prevailing increases in the cost of doing business. In spite of every attempt to curtail administrative costs, expenses continue to surpass projected revenues. The Board of Barbers and Cosmetologists is required by statute to charge fees commensurate with cost. The proposed fee increases will be presented at a Public Hearing to be held June 16th 2011 at 1:00 on the fourth floor of the Park Avenue Building at 301 South Park in Helena, MT. (see page 4)

In addition to the proposed fee increase, the Board is proposing that the renewal period dates for Personal licenses, Instructor Licenses and School licenses be changed.

Currently renewals begin the first of *November* and run to the end of *December*. Many licensees would prefer not to have the renewal season during the winter holiday season. Staff hopes to alleviate the strain on equipment and resources due to numerous Boards renewing in the same time frame.

The Board is proposing that the renewal period begin the first of *January* and end the first of *March*. This proposal will also be discussed during the Public hearing regarding the increased fee proposal. (see page 4)

House Bill 94

HB 94 has now passed and been sent to the Governor for signature. In that legislation, Booth rent licenses will now terminate after being expired for one year (rather than two). Licensees that elect to Booth rent, will no longer be subject to paying a late fee for a license that was expired for longer than one year.

In order to obtain an Instructors license, **all** applicants must have a Montana license in the discipline they intend to teach; **12** continuous months of employment in the field; successfully complete the **650** hour Instructor course and pass both the NIC written and practical portions of the exam for Instructor licensure.

As of October 2011, all new applicants and out of state license applicants, that have not taken nationally recognized exams, must successfully pass the national written and practical portions of the exam developed by the National-Interstate Council of State of State Boards of Cosmetology.





Rules being contemplated for later in the year:

24.121.301 Clean up of exam language to accommodate practical exams, Add definition of Chemical compounds.

24.121.403 Review language regarding processing of application in light of possible delays due to practical exam schedule

24.121.601 Require applicants to obtain licensure within 3 years of graduation date, clarify process for acquiring license after it was allowed to terminate

24.121.603 Clarify requirements and rule language regarding out of state applicants

24.121.607 New licensing requirements for Instructors

THE BARBER POLE IS NOW OFFICIALY TRADEMARKED IN THE STATE OF MONTANA!



As of March 14th 2011, the symbol of the Barber Pole with Red, White and Blue spiral stripes is a State of Montana trademark registered to the Board of Barbers and Cosmetologists. The Barbers trade is an ancient one and razors have been found among relics of the Bronze Age. Barbering was introduced in Rome in 296 B.C. and Barbers became both popular and prosperous. Their shops were centers for daily news and gossip. One of the first Barbershops in Montana is believed to have originated in the silver mining town of Elkhorn Montana in the 1880's.

It is unprofessional conduct for licensees within the jurisdiction of the Board to be found in violation of 24.121.2301 (i) *using the traditional symbol known as the "barber pole," or any likeness thereof, in any manner that may lead the public to believe either that barbering was being practiced in, or that a licensed barber was employed by, a salon or shop that does not employ barbers; The trade marking of the Barber Pole now extends these constraints to unlicensed individuals and ensures that the use of the symbol of the Barber Pole only be utilized by licensed Barbers or Barber shops in the State of Montana.*

30-13-333. Infringement. (1) In addition to the penalties and remedies provided for in [30-13-338](#) and subject to the provisions of [30-13-336](#) and subsection (2) of this section, a person is liable in a civil action brought by the registrant under [30-13-335](#) if the person: (a) uses, without the consent of the registrant, any reproduction, counterfeit, copy, or colorable imitation of a mark registered under this part in connection with the sale, offering for sale, or advertising of any goods or services on or in connection with which the use is likely to cause confusion or mistake or to deceive as to the source of origin of the goods or services; or

(b) reproduces, counterfeits, copies, or colorably imitates any registered mark and applies the reproduction, counterfeit, copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or in conjunction with the sale or other distribution in this state of the goods or services.

(2) However, the registrant is not entitled to recover under subsection (1)(b) any profits or damages unless the acts have been committed with knowledge that the mark is intended to be used to cause confusion or mistake or to deceive.

FOR YOUR INFORMATION

For those of you hiring eager new graduates for your Shops and Salons, the following is a brief outline of the licensing process:

- 1) Students are eligible to take their practical final exam from DL Roope when they have completed 90% of their curriculum. The school verifies to DL Roope that a student is eligible to test, student submits fee with exam application, then schedules and takes the exam. When they have completed 100% of their curriculum they can submit a license application to the Board office. (If Booth Renting, they can submit both at the same time.) The Board office will issue an Admissions letter to the applicant that will allow them to pay for, schedule and take the written exam.
- 2) Upon receipt of successful test results from the examining entities, the Board office will issue the appropriate licenses. There is NOT a temporary license available nor is it permissible for anyone to provide services for compensation without an active license.

RENEWAL TIPS



INSPECTORS CORNER

These rules are now in effect, please call the board office or inspector with any questions.

ARM 24.121.1509

(12) The use of any teeth whitening products is prohibited

ARM 24.121.1511

(5) Electrical equipment, whether professional or consumer designed, which provides circulating, whirlpool, or vacuum effects (for example, all pedicure stations, microdermabrasion machines, facial machines, nail drills, and body treatment equipment) shall be cleaned and disinfected after each use. Such equipment shall also be flushed, cleaned, and disinfected on a regular basis. A record of such cleaning shall be kept on forms provided by the board and available upon client request or any salon inspection.

ARM 24.121.1517

(2) Material Safety Data Sheets (MSDS) relative to product ingredients, proper use, storage, disposal, and hazards for products in use at salons, shops, and schools, shall be kept on the premises and available upon need or request by the public, the board, or the board inspector.

Every renewal cycle there is a percentage of licensees that renew their licenses late and are required to pay the late fee. Board staff would like to reduce the percentage of late renewals and are more than willing to assist people with the renewal process.

Since there are many of you and few of us, we would like to share some helpful tips with you:

If you do not have access to a computer or the Internet, please call us early enough for us to get a paper renewal to you in the mail **before** it is due!!!***

If you get a recorded message because we are helping someone else, please leave a message with your name and license number so when we call you back we can have an answer for you.

If your name or address has changed, leave it on the message, we can put it on a label and get your renewal form to you and then you can update your information.

Please remember that the renewal reminder is NOT your renewal form. If you prefer not to renew online, you can either:

A) Print out a generic renewal form at www.cosmetology.mt.gov select "forms" and then "renewal forms" you will see "Salon/Shop License Renewal Form" as well as "Booth License Renewal Form" or Barber/Cosmetologist License Renewal Form. You can fill it out online, print it and send it in with your check or money order. **OR**

B) Call the Board Office and request a paper renewal form be sent to you. 841-2377 or 841-2335

CAUTION: If you send the renewal reminder in with a fee, you will **NOT** be successfully completing the renewal process. We must receive a renewal form with the disciplinary question answered and the form signed and dated.

IN THE STATE

COSMETOLOGISTS	1,6191	SALONS	1246
BARBERS	508	BARBER SHOPS	174
ESTHETICIANS	372	SCHOOLS	14
MANICURISTS	1116	BOOTH RENTERS	2075
ACTIVE INSTRUCTORS	89	COS	10
INACTIVE INSTRUCTORS	42	COS	1
		BAR	BAR

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
AND THE BOARD OF BARBERS AND COSMETOLOGISTS
STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF PUBLIC HEARING ON PROPOSED
24.101.413 renewal dates and requirements and) AMENDMENT
24.121.401 fees)

TO: All Concerned Persons

1. On June 16, 2011, at 1:00 p.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Barbers and Cosmetologists (board) no later than 5:00 p.m., on June 10, 2011, to advise us of the nature of the accommodation that you need. Please contact Shane Younger, Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2335; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsdcos@mt.gov.

3. The department is proposing to amend the following rule. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.101.413 RENEWAL DATES AND REQUIREMENTS (1) through (5)(d) remain the same.

(e)	Barbers and Cosmetologists	Barber	Biennially	December 31 <u>March 1</u>
		Barber Shop	Annually	July 1
		Barber School or College	Annually	December 31 <u>March 1</u>
		Barbering Instructor	Biennially	December 31 <u>March 1</u>
		Booth Rental	Annually	July 1
		Cosmetologist	Biennially	December 31 <u>March 1</u>
		Electrologist	Biennially	December 31 <u>March 1</u>
		Esthetician	Biennially	December 31 <u>March 1</u>
		Instructor	Biennially	December 31 <u>March 1</u>
		Manicurist	Biennially	December 31 <u>March 1</u>
		Salon	Annually	July 1
		School or Course	Annually	December 31 <u>March 1</u>

(f) through (7) remain the same.

AUTH: 37-1-101, 37-1-141, MCA

IMP: 37-1-101, 37-1-141, MCA

REASON: The department is amending this rule to change the renewal dates for all personal operator licenses, instructor licenses, and school licenses to March 1. Licensees have historically expressed concern that they have to renew these licenses during the holiday season. Additionally, shifting these renewals will ease the demand on equipment and administrative staff as a majority of the large licensing boards currently renew at the end of the year.

4. The board is proposing to amend the following rule. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

<u>24.121.401 FEES</u> (1) Original and renewal license to practice	\$ 60 <u>80</u>
(2) Original and renewal active instructor license	75 <u>95</u>
(3) Original and renewal inactive instructor license	65 <u>85</u>

(4) Original and renewal school license	200 <u>220</u>
(5) Additional courses within a cosmetology school	50 <u>70</u>
(6) remains the same.	
(7) Original and renewal salon or shop license	65 <u>85</u>
(8) remains the same.	
(9) Original and renewal booth rental license	55 <u>75</u>
(10) through (19) remain the same.	

AUTH: 37-1-131, 37-1-134, 37-31-203, MCA

IMP: 37-1-134, 37-1-141, 37-31-302, 37-31-304, 37-31-305, 37-31-311, 37-31-312, 37-31-323, MCA

REASON: The board has determined it is reasonably necessary to increase original and renewal licensure fees to comply with the provisions of 37-1-134, MCA, and keep the board's fees commensurate with program costs. In providing administrative services to the board, the department has determined that unless licensure fees are increased as proposed, the board will have a shortage of operating funds by fiscal year 2012. The board estimates that the proposed fee increases will affect approximately 9,137 applicants and licensees and will result in \$182,740 in additional annual revenue.

Both the department and the board continually seek and implement ways to reduce costs associated with board functions, including a shift to using electronic board books and holding some board meetings by telephone conference.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to dlibsdcos@mt.gov, and must be received no later than 5:00 p.m., June 24, 2011.

6. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at www.cosmetology.mt.gov. The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2309; e-mailed to dlibsdcos@mt.gov; or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. Tyler Moss, attorney, has been designated to preside over and conduct this hearing.

BOARD OF BARBERS AND COSMETOLOGISTS
WENDELL PETERSEN, CHAIRPERSON

/s/ DARCEE L. MOE
 Darcee L. Moe
 Alternate Rule Reviewer

/s/ KEITH KELLY
 Keith Kelly, Commissioner
 DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State May 16, 2011

MONTANA BOARD OF BARBERS AND COSMETOLOGISTS

Board Members

Wendell Petersen -Chairman
Cosmetologists, 10/01/2013

Juanita Mace- Vice Chairman
Cosmetologist, 10/01/2011

Angela Printz
Cosmetologist, 10/01/2012

Karan Charles
Barber, 10/01/20011

Thayne Orton
Barber, 10/01/2012

Jamie Ausk-Crisafulli
Public Member, 10/01/2013

Sherry Wieckowski
Barber, 10/01/2013

Sarah Dobbins
Public Member, 10/01/2015

Corie Mora
Manicurist, 10/01/2015

Board Staff

Grace Berger
Executive Officer

Shane Younger
Program Manager

Barb Kibler
Application Specialist

Jeff Garden
Inspector

Linda Grady
Compliance Specialist

Office Hours

Monday – Friday
8:00 am – 5:00 pm

Closed on all major holidays

Office Phone Numbers

Application Specialist

Barb Kibler
(406) 841-2377

Program Manager

Shane Younger
(406) 841-2325

Visit our website at www.cosmetology.mt.gov where you can renew your license, get an application, email the board, look up rules, look up licenses, view approved continuing education for instructors, get Salon forms and much more.

Headline Press

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