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# BOARD OF BARBERS AND COSMETOLOGISTS RULES

AS OF DECEMBER 31, 2021

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DEPARTMENT OF LABOR AND INDUSTRY

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## Subchapter 1

## Organizational Rules

24.121.101 INTERIM RULE (REPEALED) (History: 37-31-203, MCA; IMP, 37-1-131, 37-31-203, MCA; NEW, 2003 MAR p. 2630, Eff. 11/27/03; REP, 2004 MAR p. 2813, Eff. 11/19/04.)

24.121.102 BOARD ORGANIZATION (1) The Board of Barbers and Cosmetologists adopts and incorporates the organizational rules of the Department of Labor and Industry (department) as listed in chapter 1 of this title. (History: 37-31-203, MCA; IMP, 2-4-201, MCA; NEW, 2005 MAR p. 99, Eff. 11/19/04.)

## Subchapter 2

## Procedural Rules

24.121.201 PROCEDURAL RULES (1) The Board of Barbers and Cosmetologists adopts and incorporates the procedural rules of the department as listed in chapter 2 of this title. (History: 37-31-203, MCA; IMP, 2-4-201, 37-31-203, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04.)



## Subchapter 3

## Definitions

24.121.301 DEFINITIONS (1) "Approved electrical appliances" are any electrical appliances that assist in the performance of services under a defined scope of practice.

(2) "Approved school" means a school licensed or otherwise approved by a governmental agency of a state or Canadian jurisdiction that issues licenses to practice in the fields of barbering or cosmetology.

(3) "Barber" and "Barbering" include barber nonchemical and barbering nonchemical, unless otherwise specified in these rules.

(4) "Beauty culture" means, but is not limited to, hairdressing, manicuring, and esthetics.

(5) "Blood spill kit" means a kit containing the equipment necessary to follow all of the blood spill procedures as required by ARM 24.121.1522.

(6) "Board-approved exam" means the written and practical examinations, collectively, that are approved by the board.

(7) "Booth renter" means an independent contractor who operates in a licensed salon or shop and is not an employee or owner of the salon or shop and abides by the requirements of 39-51-204, MCA.

(8) "Cadet" or "student" instructor means a licensee who is enrolled in a school for the teacher-training program.

(9) "Change in ownership" means when more than 50 percent of the equitable ownership of a salon, shop, mobile salon or shop, or school is transferred to one or more persons or any other legal entity, in a single transaction or in a related series of transactions.

(10) "Chemical compounds" means professionally formulated makeup or cosmetic preparations, tonics, lotions, creams, waxes, depilatories, antiseptics, and other skin care and beautification products used in the performance of services under a defined scope of practice.

(11) "Clean" means the absence of, or the removal of, soil, dirt, dust, hair, or foreign material, by washing, sweeping, clearing away, or any other appropriate method rendering a sanitary condition.

(12) "Clipper cuts" for barbering education are haircuts performed using the free-hand method with a clipper consistent with what is being taught in the industry.

(13) "Demonstration" means a planned educational instruction that illustrates and explains with examples the merits of products or services to one or more enrolled students. Members of the public may not be charged for any service performed in connection with a demonstration.

(14) "Dermabrasion" or "open dermabrasion" means the surgical application of a wire or diamond frieze by a physician to abrade the skin, vaporizing from the epidermis and possibly down to the papillary layer of the dermis.

(15) "Dermaplane" means the use of a scalpel or sharp, bladed instrument by a physician to "shave" the upper layers of the epidermis.

(16) "Direct supervision" means the on-site physical presence of a supervisor in the clinic and basic areas of the school, where students perform educational activities and services requiring licensure, and includes communication, direction, observation, and evaluation on a consistent basis.

(17) "Disinfected" or "disinfection" means eliminating bacteria, viruses, and organisms on inanimate surfaces.

(18) "Distance education" means education such as computer-based training, Internet, video tape, or other mode of distance delivery where the instructor and student are separated by distance and, in some cases, time.

(19) "Embellishment and beautification" means the improvement of an individual's appearance to meet the individual's need or desire through noninvasive procedures and practices.

(20) "Employee" means a person employed by a salon, shop, mobile salon or shop, or school and paid wages and/or commissions in accordance with federal, state, and local regulations.

(21) "Exfoliation" means the sloughing off of nonliving (dead) skin cells by very superficial and noninvasive means.

(22) "Facial shaving" means utilizing a disposable injector straight edge designed for barbering. Standard shaving positions and strokes are:

- (a) free-hand;
- (b) reverse free-hand;
- (c) back-hand; and
- (d) reverse back-hand.

(23) "Foreign-educated applicant" means an applicant seeking licensure by the board who obtained a high school diploma, or the equivalent of a high school diploma, or professional training in any country outside of the U.S. or Canada.

(24) "Free-hand methods" for clipper cuts are:

- (a) tapering (toe or teeth, middle, heel);
- (b) arching;
- (c) clipper over comb, to:
  - (i) blend;
  - (ii) remove bulk; and
  - (iii) remove cut lines; and
- (d) blending with shear over comb.

(25) "Hairdressing" means performing any or all of the following on natural or artificial hair including, but not limited to, hairstyling (wet, dry, thermal, and braiding), chemical services (waving, relaxing, hair coloring, and lightening), hair cutting, and shampooing and scalp treatments.

(26) "Hour" of education is equal to 50 minutes of instructional time.

(27) "Inactive" means the status of any instructor who fails to meet the continuing education requirement.

(28) "Locker" means a chest, drawer, compartment, closet, or the like that is placed in a set location in a school, made of metal or other rigid and sturdy material, and may be locked for storage and safekeeping of clothing, valuables, and other personal belongings of students only, and is not subject to entry by a board inspector.

(29) "Member of the public" means any person that is not enrolled as a student or employed as an instructor of the school in which the student is attending. Payment or compensation for services shall not be a consideration.

(30) "Microdermabrasion" means a gentle, progressive, very superficial mechanical exfoliation of the uppermost layers of the stratum corneum using a closed-loop vacuum system.

(31) "Mobile salon or shop" means a salon or shop as defined in 37-31-101, MCA, that is readily movable and where barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring are practiced other than at a fixed location.

(32) "Needles" mean single-use, presterilized, and disposable needles of various sizes, which are stored in a manner that will maintain the sterile conditions of contents, away from wetness or extreme humidity.

(a) Needles may not be recapped, bent, or otherwise manipulated by hand prior to disposal, to avoid accidental puncture injury.

(b) Needles must be placed in a puncture-resistant sharps container immediately after use, when damaged, when contaminated before use, or when not used before the preprinted expiration date.

(33) "Noninvasive" means procedures confined to the nonliving cells of the epidermis, specifically the stratum corneum layer, and through which living cells are never altered, cut, or damaged. At no time shall individuals licensed in this chapter perform services where the germinative or basal layers of the skin are compromised.

(34) "Patch test" or "predisposition test" means a test required by federal law under the Food and Drug Act, whereby a small amount of the chemical preparation is applied to the skin of the arm or behind the ear to determine possible allergies (hypersensitivity) of the client.

(35) "Sanitized," "sanitary," or "sanitation" means to significantly reduce the number of pathogens or disease producing organisms found on a surface.

(36) "Single use items" mean items which shall be discarded after being used one time. These items include, but are not limited to, emery boards, nonmetal files without documentation from the manufacturer stating the file is disinfectable, mandrels, and sanding bands for electric files, orangewood/birchwood sticks, wooden applicator sticks or spatulas, porous foot files, disposable gloves, paraffin liners, cotton balls, cotton strips, cotton swabs, neck strips or muslin strips, and any item that cannot be cleaned and disinfected and remain intact in its original condition.

(37) "Sterilization" means to completely destroy all living organisms on a surface.

(38) "Supplemental barbering course" means a course of study in a licensed school offering a barbering or barbering nonchemical course, which consists of at least 125 hours in clipper cuts and 25 hours in facial, neck, and outline shaving, to an individual licensed in Montana or another jurisdiction, to meet the required educational needs for a barber or barber nonchemical license prior to taking the board-approved exam.

(39) "Very superficial" means confined to the uppermost stratum corneum layer of the epidermis.

(40) "Working area" means the area of a salon, shop, mobile salon or shop, or school where students or licensees perform services upon clients or members of the public. (History: 37-31-203, 37-31-204, MCA; IMP, 37-31-101, 37-31-203, 37-31-204, 37-31-302, 37-31-303, 37-31-305, 37-31-309, 37-31-311, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2010 MAR p. 1402, Eff. 6/11/10; AMD, 2010 MAR p. 2378, Eff. 10/15/10; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2015 p. 2034, Eff. 11/13/15; AMD, 2017 MAR p. 221, Eff. 2/18/17; AMD, 2018 MAR p. 1605, Eff. 8/11/18; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)

## Subchapter 4

## General Provisions

<u>24.121.401 FEES</u> (1) Original and renewal license to practice	\$ 80
(2) Original and renewal active instructor license	95
(3) Original and renewal inactive instructor license	85
(4) Original and renewal school license	220
(5) Additional courses within a cosmetology school	70
(6) School/course inspection	200
(7) Original and renewal salon or shop license	85
(8) Salon or shop inspection	150
(9) Original and renewal booth rental license	75
(10) Variance request	20

(11) Additional standardized fees are specified in ARM 24.101.403.

(12) Examination fees must be paid to the examination administration service as contracted by the board. If the board does not contract examination services, the fees must be paid to the board.

(13) Education evaluation and documentation verification fees for foreign-educated applicants must be paid directly to the approved credential-evaluating service as specified in ARM 24.121.606.

(14) All individual licenses must be renewed on or before the renewal date set by ARM 24.101.413.

(15) All school licenses must be renewed on or before the renewal date set by ARM 24.101.413.

(16) All salon, shop, and booth rental licenses must be renewed on or before the renewal date set by ARM 24.101.413.

(17) The provisions of ARM 24.101.408 apply.

(18) Any portion of a year is considered a full year. Fees may not be prorated.

(19) Fees are nonrefundable. (History: 37-1-131, 37-1-134, 37-31-203, 37-31-323, 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; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2010 MAR p. 915, Eff. 4/16/10; AMD, 2011 MAR p. 1683, Eff. 8/26/11; AMD, 2018 MAR p. 1605, Eff. 8/11/18.)

24.121.402 FEE ABATEMENT (1) The Board of Barbers and Cosmetologists adopts and incorporates by reference the fee abatement rule of the Department of Labor and Industry found at ARM 24.101.301. (History: 37-1-131, MCA; IMP, 17-2-302, 17-2-303, 37-1-134, MCA; NEW, 2006 MAR p. 1383, Eff. 6/2/06.)

24.121.403 GENERAL APPLICATION AND LICENSE DISPLAY

REQUIREMENTS (1) All licensees, including salons, shops, mobile salons or shops, and schools shall display all current licenses conspicuously in public view. Addresses on personal licenses may be covered.

(2) Booth renters shall also:

(a) post a legible sign, of at least six inches by three inches, that the booth/station is a booth rental and is rented by the booth renter; and

(b) clearly label all other areas of the salon or shop maintained by the renter including, but not limited to, retail, "roll-about," carts, and manicure tables.

(3) Mobile salons or shops shall also conspicuously post the mobile salon or shop license on the exterior of the mobile salon or shop.

(4) Licensees seeking to offer mechanical exfoliation or microdermabrasion services shall obtain an endorsement by the board prior to practicing.

(a) To obtain an endorsement, licensees shall complete an additional 50 hours of continuing education in the field of microdermabrasion as follows:

(i) histology of the skin;

(ii) bacteriology;

(iii) client consultation and protection;

(iv) client pre-care and post-care;

(v) product knowledge;

(vi) theory of technical application of microdermabrasion;

(vii) sanitation and safety;

(viii) disposal of waste products; and

(ix) practical application and observation.

(b) A minimum of 50 percent of the required hours must be taught in theory.

(5) Licensees shall submit to the board a notarized copy of a certificate of completion of training for each machine or device to be used by the licensee. Each certificate must include:

(a) licensee name;

(b) date training was completed;

(c) number of hours of training;

(d) name of manufacturer; and

(e) model number of the machine.

(6) Licensees shall advise clients of the necessity for protection of the skin prior to and following an exfoliation procedure. (History: 37-31-203, MCA; IMP, 37-31-301, 37-31-302, 37-31-303, 37-31-305, 37-31-309, 37-31-311, MCA; NEW, 2005 MAR p. 99, Eff. 11/19/04; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)

24.121.404 ANONYMOUS COMPLAINTS (REPEALED) (History: 37-1-131, 37-31-203, MCA; IMP, 37-1-308, MCA; NEW, 2008 MAR p. 382, Eff. 2/29/08; REP, 2017 MAR p. 221, Eff. 2/18/17.)

24.121.405 VARIANCE REQUESTS – SALONS, SHOPS, MOBILE SALONS OR SHOPS, AND SCHOOLS (1) Applicants for licensure of a salon, shop, mobile salon or shop, or school may submit a variance request from licensing requirements related to safety and sanitation on forms provided by the department. Completed variance requests include appropriate fees and required documentation. The board may only grant a variance from requirements of the safety and sanitation rules upon the board's determination that:

(a) special conditions exist which preclude strict compliance with the rules; and

(b) alternative measures will provide adequate public health and safety protection. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-1-134, 37-31-204, MCA; NEW, 2005 MAR p. 99, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)

24.121.406 NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

(3) A booth rental application is routine if the applicant holds a current practice license and is not restricted from working as a booth renter. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2015 MAR p. 2034, Eff. 11/13/15; AMD, 2017 MAR p. 221, Eff. 2/18/17; AMD, 2018 MAR p. 1605, Eff. 8/11/18; AMD, 2021 MAR p. 556, Eff. 5/15/21.)

24.121.407 GENERAL REQUIREMENTS AND PROHIBITIONS – SALONS, SHOPS, MOBILE SALONS OR SHOPS, AND SCHOOLS (1) The premises of all salons, shops, mobile salons or shops, and schools must be kept in clean and safe conditions at all times per the requirements in statute and this chapter.

(2) No services connected with a salon, shop, mobile salon or shop, or school can be conducted in any room used as living or sleeping quarters.

(3) No other business, service, or practice may be conducted or provided in a salon, shop, mobile salon or shop, or school unless separated by a full-length partition, except those:

(a) regulated by the board; or

(b) related to the industries regulated by the board.

(4) Animals are permitted on the premises of a salon, shop, or mobile salon or shop only as follows:

(a) Animals assisting individuals with disabilities must be accompanied as specified in 49-4-214, MCA.

(b) Dogs may be permitted on the premises at any time at the discretion of the licensee, after the licensee:

(i) provides proof of current rabies vaccination records for each dog on the premises, and makes such proof available to the board inspector;

(ii) provides a certificate of insurance for liability insurance covering each dog on the premises and maintains a copy of the certificate on the premises; and

(iii) posts a legible sign at or near the entrance of the salon, shop, or mobile salon or shop indicating that there is a dog present on the premises.

(c) Fish are permitted in enclosed tanks or aquariums only.

(d) All other animals are prohibited on the premises of salons, shops, or mobile salons or shops at any time, unless the licensee has submitted a request for a variance that has been approved by the board as provided in rule. (History: 37-31-203, 37-31-204, MCA; IMP, 37-31-204, 37-31-311, MCA; NEW, 2005 MAR p. 99, Eff. 11/19/04; AMD, 2007 MAR p. 859, Eff. 6/22/07; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2015 MAR p. 2034, Eff. 11/13/15; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)

24.121.408 APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with the following modifications:

(a) Violent misdemeanor or felony convictions in (6) are routine if the conviction date is more than ten years before the application date, unless the applicant is still in custody due to the conviction or staff otherwise determines the applicant engaged in egregious conduct implicating risk to public safety; and/or

(b) The criteria described in ARM 24.121.406(3). (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.)

Rule 24.121.409 reserved



24.121.410 INSPECTIONS – SALONS, SHOPS, AND MOBILE SALONS OR SHOPS (1) A board-designated inspector will conduct annual on-site inspections of all licensed salons, shops, booths, and mobile salons or shops.

(a) Inspections may be conducted with or without advance notice to the licensee.

(b) Results of the inspection will be provided to the licensee.

(c) If there are any items of noncompliance, the licensee must submit a written response which addresses those items of noncompliance. The response must be received by the board within ten days of the licensee receiving notification of noncompliance.

(d) A report of significant noncompliance will be reviewed by the board screening panel per the department's standard compliance process.

(2) The following inspection process applies to applicants for licensure as a salon, shop, and mobile salon or shop.

(a) Applicants who meet all license requirements with the exception of having passed an initial inspection may be issued a temporary operating permit per 37-31-312, MCA.

(b) Applicants must pass an initial inspection of the facility by a board-designated inspector prior to a license being issued.

(c) Results of the inspection will be provided to the applicant or licensee.

(d) If there are any items of noncompliance, the applicant or licensee must submit a written response which addresses those items of noncompliance. The response must be received by the department within 30 days of receiving notification of noncompliance.

(e) If issues of noncompliance are not corrected within 30 days of the date of notice of noncompliance the temporary operating permit shall terminate and a license shall not be granted without board review.

(i) When a temporary permit terminates, the salon, shop, or mobile salon or shop must cease operation unless a license is issued by the board.

(ii) A subsequent temporary operating permit is not available unless the application times out pursuant to ARM 24.121.403 and a new application is filed.

(History: 37-31-203, 37-31-204, MCA; IMP, 37-31-101, 37-31-203, 37-31-204, 37-31-302, 37-31-309, 37-31-312, MCA; NEW, 2021 MAR p. 1773, Eff. 12/11/21.)

Rule 24.121.411 reserved

24.121.412 NAME CHANGE, CLOSURE, OR CHANGE OF OWNERSHIP

(1) Using forms provided by the department, salons, shops, mobile salons or shops, and schools must notify the board within ten days of any of the following occurring:

- (a) change of business name;
- (b) closure; and
- (c) change of ownership as defined in these rules.

(2) When there is a change in ownership the license issued to the previous owner is void. The new owner must apply for a license per the applicable requirements in this chapter. (History: 37-31-203, MCA; IMP, 37-31-203, MCA; NEW, 2021 MAR p. 1773, Eff. 12/11/21.)

Subchapter 5 reserved

## Subchapter 6

## Licensing

24.121.601 LICENSURE BY EXAMINATION (1) Applicants for licensure must submit a completed application on forms provided by the department, electronically or by paper, including appropriate fees and required documentation.

(2) Applicants may qualify for licensure by one of two licensure methods:

(a) examination; or

(b) credentialing.

(3) To qualify for licensure by examination, the applicant must submit the following:

(a) For a barber license:

(i) proof of age;

(ii) proof of graduation from an approved school or course of barbering with at least 1100 hours of training as provided in ARM 24.121.604; or, if a Montana-licensed cosmetologist, completion of a supplemental barbering course pursuant to ARM 24.121.808;

(iii) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and

(iv) proof of passage of a board-approved examination in barbering.

(b) For a barber nonchemical license:

(i) proof of age;

(ii) proof of graduation from an approved school or course of barbering with at least 900 hours of training as provided in ARM 24.121.604(3);

(iii) proof of high school diploma or its equivalent as provided in ARM 24.121.610;

(iv) proof of passage of a board-approved examination in barbering or barbering nonchemical.

(c) For a cosmetology license:

(i) proof of age;

(ii) proof of graduation from an approved school or course of cosmetology with at least 1500 hours of training as provided in ARM 24.121.604;

(iii) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and

(iv) proof of passage of a board-approved examination in cosmetology.

(d) For an electrology license:

(i) proof of age;

(ii) proof of graduation from an approved school or course of electrology with at least 600 hours of training as provided in ARM 24.121.604;

(iii) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and

(iv) proof of passage of a board-approved examination in electrology.

- (e) For a manicurist license:
  - (i) proof of age;
  - (ii) proof of graduation from an approved school or course of manicuring with at least 400 hours of training as provided in ARM 24.121.604;
  - (iii) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and
  - (iv) proof of passage of a board-approved examination in manicuring.
- (f) For an esthetician license:
  - (i) proof of age;
  - (ii) proof of graduation from an approved school or course of esthetics with at least 650 hours of training as provided in ARM 24.121.604;
  - (iii) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and
  - (iv) proof of passage of a board-approved examination in esthetics.
- (g) For an instructor license see ARM 24.121.607.
- (4) Applicants by examination who have never been licensed and who completed their professional education out of state must meet the same requirements as an applicant from Montana.
- (5) Individuals who have been previously licensed in Montana under this chapter, and whose license has terminated, must reapply under one of the licensing methods.
- (6) Applications will automatically time out after one year following the application open date. If an application has timed out, the applicant must reapply and pay all appropriate fees. (History: 37-1-131, 37-31-203, MCA; IMP, 37-1-131, 37-31-303, 37-31-304, 37-31-308, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2015 MAR p. 2034, Eff. 11/13/15; AMD, 2017 MAR p. 221, Eff. 2/18/17; AMD, 2017 MAR p. 1956, Eff. 10/28/17.)

24.121.602 MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as a barber, barber nonchemical, cosmetologist, electrologist, manicurist, or esthetician.

- (2) Relevant military training, service, or education must be completed by an applicant while a member of either:
  - (a) United States Armed Forces;
  - (b) United States Reserves;
  - (c) state national guard; or
  - (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as a barber, barber nonchemical, cosmetologist, electrologist, manicurist, or esthetician. At a minimum, satisfactory evidence shall include:

(a) a copy of the applicant's military discharge document (DD 214) or other discharge documentation;

(b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and

(c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements. (History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2014 MAR p. 1085, Eff. 5/23/14; AMD, 2015 MAR p. 2034, Eff. 11/13/15.)

24.121.603 LICENSURE BY CREDENTIALING WITH AN OUT-OF-STATE LICENSE

(1) Applicants for licensure must submit a completed application provided by the department, electronically or by paper, including appropriate fees and required documentation.

(2) Applicants may qualify for licensure by one of the following licensure methods: examination or credentialing. To qualify for licensure by credentialing, an applicant must satisfy the requirements of (3) and (4).

(3) To qualify for licensure by credentialing the applicant must submit the following documentation:

(a) For a barber license:

(i) proof of age;

(ii) proof of current unencumbered barber license in another state;

(iii) license verification from each state or jurisdiction the applicant has been licensed in, whether the license is current or not;

(iv) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and

(v) either:

(A) proof of passage of a board-approved examination in barbering with appropriate passing scores; or

(B) proof of graduation from an approved school or course of barbering with at least 1,100 hours of training as provided in ARM 24.121.604.

(b) For a barber nonchemical license:

(i) proof of age;

(ii) proof of current unencumbered barber license in another state;

(iii) license verification from each state or jurisdiction the applicant has been licensed in, whether the license is current or not;

(iv) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and

(v) either:

(A) proof of passage of a board-approved examination in barbering or barbering nonchemical with appropriate passing scores; or

(B) proof of graduation from an approved school or course of barbering or barbering nonchemical with at least 900 hours of training as provided in ARM 24.121.604.

(c) For a cosmetology license:

(i) proof of age;

(ii) proof of current unencumbered cosmetology license in another state;

(iii) license verification from each state or jurisdiction the applicant has been licensed in, whether the license is current or not;

(iv) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and

(v) proof of passage of a board-approved examination in cosmetology with appropriate passing scores.

- (d) For an electrology license:
  - (i) proof of age;
  - (ii) proof of current unencumbered electrology license in another state;
  - (iii) license verification from each state or jurisdiction the applicant has been licensed in, whether the license is current or not;
  - (iv) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and
  - (v) proof of passage of a board-approved examination in electrology with appropriate passing scores.
- (e) For a manicurist license:
  - (i) proof of age;
  - (ii) proof of current unencumbered manicurist license in another state;
  - (iii) license verification from each state or jurisdiction the applicant has been licensed in, whether the license is current or not;
  - (iv) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and
  - (v) proof of passage of a board-approved examination in manicuring with appropriate passing scores.
- (f) For an esthetician license:
  - (i) proof of age;
  - (ii) proof of current unencumbered esthetician license in another state;
  - (iii) license verification from each state or jurisdiction the applicant has been licensed in, whether the license is current or not;
  - (iv) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and
  - (v) proof of passage of a board-approved examination in esthetics with appropriate passing scores.
- (4) An out-of-state applicant applying for a license by credentialing must also meet the following requirements:
  - (a) To qualify for a barber license the applicant must possess a license type in good standing that includes scope of training and practice equal to ARM 24.121.604(2) and either have completed a course of training of at least 1,100 hours in a school or attest to 2,200 hours of work experience as a licensed barber.
  - (b) To qualify for a barber nonchemical license the applicant must possess a license type in good standing that includes scope of training and practice equal to ARM 24.121.604(3) and either have completed a course of training of at least 900 hours in a school or attest to 1,800 hours of work experience as a licensed barber nonchemical.

- (c) To qualify for a cosmetologist license the applicant must possess either:
- (i) a license type in good standing that includes scope of training and practice equal to the cosmetologist requirements in ARM 24.121.604(4) and either have completed a course of training of at least 1,500 hours in a school or attest to 3,000 hours of work experience as a licensed cosmetologist; or
  - (ii) a combination of licensure in good standing that includes scopes of training and practice equal to:
    - (A) ARM 24.121.604(4)(d) through (g) and have completed a course of training equal to or exceeding 900 hours in a school;
    - (B) ARM 24.121.604(7) and have completed a course of training equal to or exceeding 400 hours in a school; and
    - (C) ARM 24.121.604(6) and have completed a course of training equal to or exceeding 200 hours in a school.
- (d) To qualify for an electrology license the applicant must possess a license type in good standing that includes the scope of training and practice equal to ARM 24.121.604(5) and either have completed at least 600 hours of electrology training in a school or attest to at least 1,200 hours of work experience as a licensed electrologist.
- (e) To qualify for a manicurist license the applicant must possess a license type in good standing that includes the scope of training and practice equal to ARM 24.121.604(6) and either have completed at least 400 hours of manicurist training in a school or attest to at least 800 hours of work experience as a licensed manicurist.
- (f) To qualify for an esthetician license the applicant must possess a license type in good standing that includes the scope of training and practice equal to ARM 24.121.604(7) and either have completed at least 650 hours of esthetician training in a school or attest to at least 1,300 hours of work experience as a licensed esthetician.
- (g) For any other combinations or types of licensure such as hairstyling, braiding, or make-up artists, applying for licensure will be individually reviewed by the board to assess the respective licensing requirements, course curricula, and transcripts.
- (5) Applicants by examination who have never been licensed and who completed their professional education out of state must meet the same requirements as an applicant from Montana.
- (6) Individuals who have been previously licensed in Montana under this chapter and whose licenses have terminated must reapply.
- (7) Applications will automatically time out after one year following the application open date. Applicants with applications that have timed out must reapply and pay all appropriate fees. (History: 37-1-131, 37-31-203, MCA; IMP, 37-1-304, 37-31-303, 37-31-304, 37-31-305, 37-31-308, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2010 MAR p. 1402, Eff. 6/11/10; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2015 MAR p. 2034, Eff. 11/13/15; AMD, 2017 MAR p. 221, Eff. 2/18/17; AMD, 2018 MAR p. 1605, Eff. 8/11/18.)



24.121.604 LICENSURE EQUIVALENCY FOR PROFESSIONAL EDUCATION (1) The board recognizes the fragmentation of license types among states making it difficult to determine license type and scope of practice from state to state. The following is a breakdown of scopes of practice and is to be used to assist out-of-state applicants and the board in determining appropriate licensure, if any, regardless of the name or title of the out-of-state license that is equivalent to Montana licensure.

(2) The scope of training required for the practice of barbering is as follows:

- (a) haircutting with proper uses of tools (e.g., shears, razor, clippers, and thinning shears);
- (b) shampooing and scalp treatments;
- (c) hairstyling, including weaves, braiding, and extensions;
- (d) wet setting, blow drying, curling, and flat ironing; and the arranging of dry hair;
- (e) hair coloring, hair lightening, waving, and relaxing;
- (f) facial shaving with straight razor; and
- (g) skin care.

(3) The scope of training required for the practice of barbering nonchemical is as follows:

- (a) haircutting with proper uses of tools (e.g., shears, razor, clippers, and thinning shears);
- (b) shampooing and scalp treatments;
- (c) hairstyling, including weaves, braiding, and extensions;
- (d) wet setting, blow drying, curling, and flat ironing; and the arranging of dry hair;
- (e) facial shaving with straight razor; and
- (f) skin care.

(4) The scope of training required for the practice of cosmetology is as follows:

- (a) manicuring and pedicuring, including massage and polishing, nail art, and use of an electric nail file;
- (b) application and removal of artificial nails, gels, tips, and wraps;
- (c) skin care, skin exfoliation, facials, makeup application, epilation, electricity and light therapies, and application of artificial lashes;
- (d) hair coloring, hair lightening, waving, and relaxing;
- (e) shampoo and scalp treatments;
- (f) hairstyling, including weaves, braiding, and extensions;
- (g) wet setting, blow drying, curling and flat ironing, and the arranging of dry hair; and
- (h) haircutting with proper uses of tools (e.g., shears, razor, clippers, and thinning shears).

- (5) The scope of training required for the practice of electrology is as follows:
  - (a) electrolysis;
  - (b) thermolysis;
  - (c) the blend;
  - (d) electricity, chemistry, and light therapy; and
  - (e) epilation.
- (6) The scope of training required for the practice of manicuring is as follows:
  - (a) manicuring;
  - (b) pedicuring; and
  - (c) applying and removing artificial nails, gels, tips, and wraps and use of an electric nail file.
- (7) The scope of training required for the practice of esthetics is as follows:
  - (a) skin care;
  - (b) skin exfoliation, facials, and makeup application;
  - (c) epilation;
  - (d) electricity and light therapies; and
  - (e) application of artificial lashes. (History: 37-1-131, 37-31-203, 37-31-304, MCA; IMP, 37-1-131, 37-31-203, 37-31-304, MCA; NEW, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2017 MAR p. 221, Eff. 2/18/17.)

#### 24.121.605 APPLICATION FOR POSTSECONDARY SCHOOL LICENSURE

- (1) The board may give preliminary approval to applicants for school licensure before inspections are scheduled and conducted. If preliminary approval is denied, the applicant shall correct any deficiencies and resubmit the application. Failure to resubmit within 90 days shall be treated as a voluntary withdrawal of the application and the fees shall be forfeited.
- (2) Applicants shall designate the type of school and which courses are to be offered as follows:
  - (a) barbering school;
  - (b) barbering nonchemical school;
  - (c) school of cosmetology, consisting of a cosmetology course and one or more of the following:
    - (i) barbering course;
    - (ii) barbering nonchemical course;
    - (iii) esthetics course;
    - (iv) manicuring course; or
    - (v) supplemental barbering course.
  - (d) school of electrology;
  - (e) school of esthetics;
  - (f) school of manicuring; or
  - (g) teacher-training course.

(3) School applicants shall present a bond or other security for each course in the amount of \$5000 and in a form and manner prescribed by the board. The bond or other security may only be used to provide a refund of prepaid tuition to enrolled students in the event the school ceases to operate or otherwise is unable to complete the course of instruction.

(4) Schools shall not allow the bond or other security to be cancelled or to expire as long as the school is licensed, and shall submit to the board proof of continuous annual renewal of the bond or other security.

(5) As part of the application, the school applicant shall submit a financial report prepared by a certified public accountant (CPA). The CPA must affirm that the financial statements and documentation provided by the applicant to the CPA show that the school is reasonably projected to be solvent.

(6) Schools shall provide true and accurate copies of all current school policies, procedures, rules, student contracts, tuition costs, and required deposits including, but not limited to, those policies, procedures, and rules addressing:

- (a) students;
- (b) school operating standards;
- (c) disciplinary procedures;
- (d) permissible attire;
- (e) ethics/conduct;
- (f) leaves of absence;
- (g) attendance;
- (h) holidays and school closures;
- (i) hours of operation;
- (j) refunds;
- (k) withdrawals;
- (l) grounds for termination;
- (m) grading standards;
- (n) final practical examination and passing score;
- (o) requirements for satisfactory progress;
- (p) release of information; and
- (q) instructional demonstrations.

(7) Schools shall be subject to unscheduled on-site inspections or audits by a designee directed by the board to determine:

- (a) compliance with board statutes, rules, policies, and procedures; and/or
- (b) adequacy of student files and required school documentation.

(8) As part of the inspection, investigation, or audit process, the board may use information found by or prepared for the Department of Education or other applicable national accrediting associations' or commissions' reviews.

(9) To qualify for licensure, a school shall be recognized by the board as an institution of postsecondary study under ARM 24.121.806.

(10) Each school shall be located in a structure that meets all applicable local and state building codes requirements.

(11) Applicants shall furnish the board with a blueprint or detailed scale drawing of the floor plan as part of the application for licensure. Floor plans lacking detailed scaled dimensions, including square footage, will not be accepted. (History: 37-1-131, 37-31-203, 37-31-311, MCA; IMP, 37-1-131, 37-31-101, 37-31-302, 37-31-311, 37-31-312, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2014 MAR p. 1085, Eff. 5/23/14; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2015 MAR p. 2034, Eff. 11/13/15; AMD, 2017 MAR p. 221, Eff. 2/18/17; AMD, 2018 MAR p. 1605, Eff. 8/11/18.)

24.121.606 FOREIGN-EDUCATED APPLICANTS (1) Foreign-educated applicants shall fulfill all requirements for licensure as stated in this chapter.

(2) All documents submitted by a foreign-educated applicant in support of applying for licensure must be certified by a board-approved credential-evaluating service.

(3) Foreign document evaluations must be delivered directly from the credential-evaluating service to the board.

(4) Applicants shall pay the credential-evaluating service for all costs of the evaluation. (History: 37-1-131, 37-31-203, MCA; IMP, 37-1-131, 37-31-203, 37-31-304, 37-31-305, MCA; NEW, 2018 MAR p. 1605, Eff. 8/11/18.)

24.121.607 APPLICATION FOR INSTRUCTOR LICENSE (1) In addition to a complete application, an applicant for an instructor license shall submit the following documentation:

(a) proof of high school diploma or its equivalent;

(b) proof of passage of the board-approved instructor exam; and

(c) either:

(i) an attestation of having been employed and working for at least 1500 hours, in the particular area of practice that they will teach, during any one-year period prior to applying and a diploma evidencing completion of the 650-hour student teacher-training course required by 37-31-305, MCA; or

(ii) an attestation of having been employed and working for at least 1500 hours per year, in the particular area of practice that they will teach, for any three years prior to applying (a total of at least 4500 hours). An applicant granted a license based on this subsection may not renew the license for any period beyond two years after initial licensure, nor be granted a second license under this subsection, unless the applicant completes the board-approved coursework related to teaching methodology set forth in ARM 24.121.1105.

(2) The board shall accept hours of instruction from out-of-state approved schools towards fulfillment of the hour requirements for licensure.

(3) A licensee may not renew an instructor license, unless at the time of renewal, the licensee has at least one currently active license pursuant to which the licensee may engage in a particular area of practice.

(4) A licensed instructor may only offer instruction in the particular areas of practice in which the instructor is currently and actively licensed to practice. (History: 37-1-131, 37-31-203, MCA; IMP, 37-1-131, 37-31-302, 37-31-303, 37-31-305, 37-31-308, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2015 MAR p. 2034, Eff. 11/13/15; AMD, 2018 MAR p. 1605, Eff. 8/11/18.)

24.121.608 INACTIVE INSTRUCTOR LICENSE (1) The status of inactive allows the licensee to maintain a license with the board; however, the licensee may not practice for more than ten days in any one calendar year as a substitute instructor with an inactive status. The board may request documentation if necessary.

(2) A licensee may place their instructor license on inactive status by submitting a request in writing or electronically to the department.

(3) A licensee with an inactive status must abide by all the statutes and rules pertaining to the license, including updating licensee information such as contact information and disciplinary actions.

(4) Inactive licensees are not subject to CE requirements while on inactive status.

(5) In order to avoid lapse, expiration, or termination of the instructor license, an inactive licensee must renew the inactive license each renewal period and pay the appropriate fee.

(6) To reactivate an inactive instructor license, the licensee must complete a reactivation request form, submit the fee, and provide proof of 30 hours of completed CE of which eight hours must be in teaching methodology, within the last 12 months prior to activating their instructor license. (History: 37-1-131, 37-1-319, 37-31-203, MCA; IMP, 37-1-131, 37-1-319, 37-31-203, 37-31-305, MCA; NEW, 2015 MAR p. 1198, Eff. 8/14/15.)

24.121.609 LAPSED LICENSE (REPEALED) (History: 37-1-131, 37-31-203, MCA; IMP, 37-1-141, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; REP, 2006 MAR p. 1583, Eff. 7/1/06.)

24.121.610 GRANTING EXCEPTION TO HIGH SCHOOL DIPLOMA OR EQUIVALENCY (1) Exceptions to providing a high school diploma or equivalency recognized by the State Superintendent of Public Instruction at the Office of Public Instruction (OPI) pursuant to 37-31-304, MCA, may be made upon the following documentation:

- (a) high school transcripts with graduation date;
- (b) college, university, or vocational-technical school diploma or transcripts with graduation date;
- (c) diploma from an Associates, Bachelors, or higher degree;
- (d) diploma or transcripts from a home school program;
- (e) proof of service in the armed forces, such as a copy of DD214, indicating high school equivalency;
- (f) original verification/letter from high school or alterative school sent directly from the school to the board office indicating completion through grade 12; or
- (g) by submitting a request in writing and any experience or documentation to support the applicant that meets the intent of the requirement such as, but not limited to:
  - (i) adult education courses completed;
  - (ii) college or university courses completed;
  - (iii) work experience; and
  - (iv) previous licensure in this or other jurisdictions. (History: 37-1-131, 37-31-203, 37-31-304, MCA; IMP, 37-1-131, 37-31-203, 37-31-304, MCA; NEW, 2015 MAR p. 1198, Eff. 8/14/15.)

24.121.611 EXAMINATION REQUIREMENTS AND PROCESS

(1) Applicants sitting for the board-approved exam shall adhere to the standards and requirements for admission to the examinations, including the payment of appropriate fees.

(a) Applicants must submit the testing eligibility letter to the examination vendor in order to schedule their examination.

(b) Applicants must provide a photo ID at the examination location to be admitted to the examination.

(2) Applicants shall obtain a scale score of at least 75 percent to pass the written examination and 75 percent to pass the practical examination.

(3) Applicants who have failed either the written or practical examination shall apply to retake the failed examination and pay the necessary examination fees as required.

(4) Applicants who fail the written examination three times must wait 60 days before each subsequent reexamination.

(5) Applicants must have an examination eligibility letter in order to schedule and take both the written and practical board-approved exam.

(a) Montana-enrolled students or graduates of a Montana-licensed school under this chapter will receive their testing eligibility letter from the school. Students are eligible to take the written and practical portion of the board-approved exam following 90 percent completion of their educational requirements have been met.

(b) Applicants licensed by credentialing who are required to take the board-approved exam will receive their testing eligibility letter from the board office, once the proof of graduation or license verification in another state is received.

(6) The testing eligibility letter is valid for 180 days from the date of the letter.

(7) Once the applicant has taken and passed the examination the applicant shall notify the board office. The board office will verify the examination scores directly with the vendor.

(8) Instructor applicants applying for a license under 37-31-305(2)(d)(ii), MCA, are required to provide an affidavit of three years of experience in a particular area of practice to the board office in order to receive a testing eligibility letter. (History: 37-1-131, 37-31-203, MCA; IMP, 37-31-304, 37-31-305, 37-31-308, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2015 MAR p. 1198, Eff. 8/14/15.)

#### 24.121.612 LICENSEE AND APPLICANT CONTACT INFORMATION

(1) A licensee or applicant of the board is required to update their primary contact information with the department no later than 30 days following a change in contact information. This includes, but is not limited to, the following information:

- (a) name;
- (b) mailing address;
- (c) telephone number;
- (d) e-mail;
- (e) physical address for business licenses;
- (f) ownership for business licenses; and
- (g) hours of operation for business licenses.

(2) E-mail is the department's primary method of contact, unless otherwise requested by the licensee or applicant in writing. (History: 37-1-131, 37-31-203, MCA; IMP, 37-1-131, 37-1-309, 37-31-203, MCA; NEW, 2015 MAR p. 1198, Eff. 8/14/15.)

Subchapter 7 reserved

## Subchapter 8

## School-Facility and Operation

24.121.801 INSPECTION - SCHOOL LAYOUT (1) School applicants shall be inspected by a designated inspector or a board designee before a license is issued.

(2) Schools shall maintain the following square footage:

(a) Barbering and cosmetology schools shall have floor space of at least 1500 square feet for the first 25 students and 60 square feet for each additional student, including office space.

(b) Electrology schools shall have floor space of at least 1000 square feet for the first ten students and 80 square feet for each additional student, including office space and reception area.

(c) Esthetics schools shall have floor space of at least 900 square feet for the first ten students and 90 square feet for each additional student, including office space.

(d) Manicuring schools shall have floor space of at least 450 square feet for the first ten students and 45 square feet for each additional student, including office space.

(3) Schools shall be inspected at least once a year for compliance with board statutes and rules. Inspections must be conducted during the school's business hours as stated on the school application. The board administrator or board members may accompany inspectors on inspections.

(4) Schools shall maintain the most current inspection report and shall make it available upon request by the inspector or board designee.

(5) Schools shall address all inspection report violations and provide a detailed written response, including all corrective action taken, to the board office within ten days of the inspection date. (History: 37-1-131, 37-31-203, 37-31-311, MCA; IMP, 37-1-131, 37-31-311, 37-31-312, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2010 MAR p. 1402, Eff. 6/11/10; AMD, 2015 MAR p. 2034, Eff. 11/13/15; AMD, 2017 MAR p. 221, Eff. 2/18/17.)

Rule 24.121.802 reserved



24.121.803 SCHOOL REQUIREMENTS (1) Schools or courses licensed after April 1, 2001, shall provide a separate classroom, other than the clinic floor, for theory or basic classes.

(2) Schools shall provide a separate lunch or break room for students.

(3) Separate restrooms with sinks for male and female persons must be provided and shall include hot and cold running water connected to a sewer or septic system.

(4) Schools shall display at the entrance a large legible sign with letters not less than two inches in size with the words "School of Barbering," "School of Barbering Nonchemical," "School of Cosmetology," "School of Electrology," "School of Esthetics," or "School of Manicuring" permanently affixed to the facility as to not be easily altered or removed by weather or individuals. Similar signs with the words "Student Work Only" shall be posted within each classroom and on the clinic floor.

(5) Schools must provide students with sufficient supplies, equipment, and tools to meet educational training needs throughout their curriculum.

(6) Barbering schools, barbering nonchemical schools, or cosmetology schools offering a separate barbering course, barbering nonchemical course, or supplemental barbering course, regardless of the number of students enrolled, shall provide certain equipment as follows:

(a) one barber style chair and work station with mirror per student on the clinic floor;

(b) one serviceable school first aid kit;

(c) a fire extinguisher;

(d) one locker per two students;

(e) one protective covering per student;

(f) one current board law and rule book per student; and

(g) schools enrolling one to 15 students shall provide the following equipment, which shall be doubled for 16 to 30 students and tripled for 31 to 45 students:

(i) two shampoo bowls;

(ii) one stationary or rollabout portable hair dryer;

(iii) one hot lather machine;

(iv) two covered wet sanitizers;

(v) one closed cabinet for clean linens;

(vi) one covered soiled linen container; and

(vii) two covered garbage containers.

(7) Cosmetology schools, regardless of the number of students enrolled, shall provide certain equipment as follows:

(a) one styling chair and work station with mirror per student on the clinic floor;

(b) one serviceable school first aid kit;

(c) a fire extinguisher;

(d) one locker per two students;

(e) one protective covering per student;

(f) one current board law and rule book per student; and

(g) schools enrolling one to 15 students shall provide the following equipment, which shall be doubled for 16 to 30 students and tripled for 31 to 45 students:

(i) two shampoo bowls;

(ii) one stationary or "roll-about" portable hair dryer;

(iii) two manicure tables;

(iv) two covered wet sanitizers;

(v) one closed cabinet for clean linens;

(vi) one facial chair;

(vii) one covered soiled linen container; and

(viii) two covered garbage containers.

(8) Electrology schools, regardless of the number of students enrolled, shall provide certain equipment as follows:

(a) one serviceable school first aid kit;

(b) one sink with hot and cold running water for hand washing, not used for restroom facilities;

(c) one locker per two students;

(d) an autoclave or dry heat sterilizer;

(e) stainless steel and gold needles of various sizes per student;

(f) one current board law and rule book per student; and

(g) one protective covering per student.

(9) Electrology schools shall provide a clinical area divided into a minimum of two workstations for the first three students enrolled, with one station added for each additional two students, which shall be enclosed by partitions or curtains, and measure at least ten feet by eight feet in area. Each workstation must include the following:

(a) one treatment table or chair;

(b) one magnifying lamp;

(c) an epilator or epilators offering either thermolysis, electrolysis, and the blend;

(d) one puncture-resistant sharps container;

(e) schools enrolling one to 15 students shall provide the following equipment, which shall be doubled for 16 to 30 students and tripled for 31 to 45 students:

- (i) two covered wet sanitizers;
- (ii) one covered soiled linen container; and
- (iii) one covered garbage container.

(f) the number of sinks, treatment tables or chairs, and lamps must be increased by one for each additional five students (e.g. six to ten, 11 to 15, etc.); and

(g) only presterilized, disposable needles may be used for electrolysis services on any individual in a licensed school, unless a properly installed, serviced, and operational autoclave is utilized for sterilization of reusable needles.

(10) Esthetics schools or cosmetology schools offering a separate esthetics course, regardless of the number of students enrolled, shall provide certain equipment as follows:

- (a) one locker per two students;
- (b) one protective covering per student;
- (c) one sink for hand washing, not used for restroom facilities;
- (d) one facial bed or chair;
- (e) one magnifying lamp;
- (f) one facial unit consisting of a vaporizer, high frequency unit, massage brush, vacuum spray, galvanic unit, magnifying lamp, and woods lamp;
- (g) one current board law and rule book per student;
- (h) one serviceable school first aid kit;
- (i) one fire extinguisher;

(j) the number of sinks, facial beds or chairs, and lamps must be increased by one for each additional five students (e.g., six to ten, 11 to 15, etc.); and

(k) schools enrolling one to 15 students shall provide the following equipment, which shall be doubled for 16 to 30 students and tripled for 31 to 45 students:

- (i) two covered wet sanitizers;
- (ii) one covered soiled linen container; and
- (iii) one covered garbage container.

(11) Manicuring schools or cosmetology schools offering a separate manicure course, regardless of the number of students enrolled, shall provide certain equipment as follows:

- (a) one locker per two students;
- (b) one protective covering per student;
- (c) one manicure table with chairs per student on the clinic floor;
- (d) one current board law and rule book per student;
- (e) one serviceable school first aid kit;
- (f) a fire extinguisher;
- (g) schools enrolling one to 15 students shall provide the following equipment, which shall be doubled for 16 to 30 students and tripled for 31 to 45 students:
  - (i) two covered wet sanitizers; and
  - (ii) one sink for hand washing, not used for restroom facilities.
  - (h) one closed cabinet for clean linens;
  - (i) one covered container for soiled linens;
  - (j) two covered waste containers; and
  - (k) electric nail file and appropriate bits. (History: 37-1-131, 37-31-203, 37-31-311, MCA; IMP, 37-31-311, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2010 MAR p. 1402, Eff. 6/11/10; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2015 MAR p. 2034, Eff. 11/13/15.)

Rule 24.121.804 reserved

24.121.805 SCHOOL OPERATING STANDARDS (1) Schools shall not advertise, enroll, or admit students until preliminary approval for school licensure is granted.

(2) Schools shall not use deceptive statements or false promises to induce students to enroll. All advertising must clearly disclose that the establishment is a school.

(3) School licenses are not transferable. Upon a change in ownership and/or location, schools shall submit a new school application accompanied by the appropriate fees.

(4) Schools shall adopt written policies and procedures.

(a) The policies and procedures must describe the following:

(i) areas of responsibility;

(ii) administrative lines of authority; and

(iii) school administration operating procedures.

(b) The policies must include provisions:

(i) allowing students access to their records;

(ii) requiring written requests for all information;

(iii) requiring student written consent for release of student records to third parties, unless required by law; and

(iv) requiring maintenance of records for no less than five years.

(5) Schools shall make available for student review:

(a) a copy of the student contract; and

(b) a complete and current copy of all school policies, procedures, and rules.

(6) Schools shall maintain for not less than five years, and protect from loss, damage, and tampering, a registration file on each student who attended the school. Each file must include:

(a) name, address, and phone number;

(b) copy of a birth certificate or other verifiable evidence of applicant's birth date;

(c) copy of high school diploma or its recognized equivalent, or a signed statement that the person was admitted or enrolled on the basis that the student was beyond the compulsory age of education as provided in 20-5-102, MCA;

(d) course of study;

(e) enrollment date;

(f) daily attendance records;

(g) academic records including copies of written progress evaluations signed by the student and the school designee;

(h) grades;

(i) final practical examination with scores;

(j) evaluations;

(k) breakdown of curriculum requirements and completion;

(l) disciplinary action;

(m) student counseling;

(n) original contracts;

(o) tuition costs;

(p) accepted transfer of hours from other schools;

(q) withdrawals; and

(r) leaves of absence.

(7) The school shall keep accurate, verifiable daily attendance records and shall track the number of hours received by each student within the course curriculum as set forth in rule.

(a) Schools may convert clock hours to credit hours using the conversion rate of 30 clock hours equaling one credit hour.

(b) Clock hours must be verified by a time-keeping system sufficient to protect against tampering.

(8) Appropriately licensed instructors shall directly supervise students at all times on the school premises in the classroom and on the clinic floor. One instructor shall supervise no more than 25 cosmetology, barbering, esthetics, or manicuring students, and no more than ten electrology students, at any time on the clinic floor. No instructor may supervise classroom and clinic floor activities simultaneously.

(9) Instructors with inactive licenses shall not substitute teach for more than ten days in any calendar year.

(10) Instructors shall wear name badges or insignia indicating they are instructors.

(11) Schools shall not allow instructors to practice on members of the public, unless solely for educational demonstration purposes to instruct students in a classroom setting, as defined in rule.

(12) Each student shall complete the following hours of basic training, prior to working or performing any services on members of the public, with or without compensation to the school:

(a) barbering students - 225 hours;

(b) barbering nonchemical students - 150 hours;

(c) cosmetology students - 300 hours;

(d) electrology students - 150 hours for facial services and 50 hours for other services;

(e) esthetics students - 150 hours; and

(f) manicuring students - 110 hours.

(13) Schools shall not call students out of class to perform services on members of the public.

(14) Schools shall not deduct or reduce hours earned by students as a form of disciplinary sanction or for any other reason.

(15) Upon completion by students of at least 90 percent of the required course of study, and prior to graduating and receiving a diploma, the student may take the board-approved exam.

(16) A person may submit a license application when the person is no more than 90 days from completing the requisite course of study given the person's current and expected rate of progression. (History: 37-1-131, 37-31-203, 37-31-311, MCA; IMP, 37-31-311, MCA; NEW, 2005 MAR p. 262, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2010 MAR p. 1402, Eff. 6/11/10; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2015 MAR p. 2034, Eff. 11/13/15; AMD, 2017 MAR p. 1956, Eff. 10/28/17.)

24.121.806 POSTSECONDARY EDUCATION STATUS (1) A school shall be recognized by the board as an institution of "postsecondary study," authorized to offer one or more training programs beyond the secondary level only upon meeting each of the following conditions:

- (a) the school shall admit as regular students only those individuals who:
  - (i) have earned a recognized high school diploma or the equivalent of a recognized high school diploma; or
  - (ii) are beyond the age of compulsory education as provided in 20-5-102, MCA;
- (b) no more than 50 percent of a school's enrolled students may be admitted who have not been granted a high school diploma or the recognized equivalent of a high school diploma; and
- (c) each school shall report annually to the board the number of enrolled students and whether the students were admitted on the basis of being beyond the age of compulsory education or on the basis of having been granted a high school diploma or the recognized equivalent of a high school diploma. The report shall be submitted on a form approved by the board prior to the annual school licensure renewal date.

(2) A school whose enrollment exceeds the limitation provided in (1)(b) may be summarily suspended pending proceedings for revocation.

(3) Failure to timely submit the report required in (1)(c) shall subject the school to a disciplinary action. (History: 37-1-131, 37-31-203, MCA; IMP, 37-31-101, 37-31-302, 37-31-311, MCA; NEW, 2014 MAR p. 1085, Eff. 5/23/14.)

24.121.807 SCHOOL CURRICULA (1) Barbering, cosmetology, electrology, esthetics, manicuring, and instructor students shall complete the course of study within three years of the student's original enrollment date. Students enrolled in a supplemental barbering course shall complete the course within three months of the student's original enrollment date.

- (2) The required curriculum for barbering students is as follows:
  - (a) 1100 hours of training, of which at least 150 hours is in theory, distributed as follows:
    - (i) haircutting (including proper use of implements, e.g., shears, razors, clippers, thinning shears), 185 hours;
    - (ii) shampoo, scalp treatment, and hair styling (thermal and air styling, hair pieces to include weaves and extensions), 165 hours;
    - (iii) skin care (including facial shaving, facials, massage, essential oils, facial masks), 45 hours;
    - (iv) chemical services (waving, relaxing, hair coloring, and lightening), 295 hours;
    - (v) chemistry, bacteriology, sanitation, sterilization, safety, skin, hair, and scalp anatomy, physiology, blood spill procedure, and diseases and disorders of skin, hair, and scalp, 60 hours; and

(vi) shop management, general facility sanitation and cleanliness, business methods, customer service, appointment book, professional ethics, current state board laws and rules, business ethics, and personal grooming, 75 hours.

(b) 275 hours of instruction shall be at the discretion of the school, provided that the hours are within the applicable curriculum.

(3) The required curriculum for barbering nonchemical students is as follows:

(a) 900 hours of training, of which at least 100 hours is in theory, distributed as follows:

(i) haircutting (including proper use of implements, e.g., shears, razors, clippers, and thinning shears), 225 hours;

(ii) shampoo, scalp treatment, and hair styling (thermal and air styling, and hair pieces to include weaves and extensions), 205 hours;

(iii) skin care (including facial shaving, facials, massage, essential oils, and facial masks), 55 hours;

(iv) chemistry, bacteriology, sanitation, sterilization, safety, skin, hair, and scalp anatomy, physiology, blood spill procedure, and diseases and disorders of skin, hair, and scalp, 75 hours; and

(v) shop management, general facility sanitation and cleanliness, business methods, customer service, appointment book, professional ethics, current state board laws and rules, business ethics, and personal grooming, 90 hours.

(b) 250 hours of instruction shall be at the discretion of the school, provided that the hours are within the applicable curriculum.

(4) The required curriculum for cosmetology students is as follows:

(a) 1500 hours of training, of which at least 200 hours is in theory, distributed as follows:

(i) manicuring, 95 hours to include:

(A) manicures (including hand and arm massage and polish);

(B) pedicures (including foot, ankle, and lower leg massage, and polish);

(C) application of monomer liquid and polymer powder nail enhancements, nail tips, nail wraps, UV gels, and nail art; and

(D) the use of manicuring implements including the electric nail file.

(ii) esthetics, 110 hours to include:

(A) skin care (including facials, cosmetics, makeup, massage, essential oils, the application and maintenance of artificial eyelashes and extensions, tinting of the eyelashes and eyebrows, and the chemical curling of the eye lashes);

(B) skin exfoliation (including manual, chemical, and mechanical exfoliation);

(C) waxing and tweezing; and

(D) electricity and light therapy.

(iii) shampoo (including scalp treatment), hair styling (pin curls, finger waving, thermal curling, blow dry styling, braiding, back combing, and wet setting), 195 hours;

(iv) chemical services (waving, relaxing (ammonium thioglycolate, sodium hydroxide methods), hair coloring, and hair lightening), 395 hours;



(v) hair cutting (including the proper uses of implements, e.g., shears, razors, clippers, thinning shears), 155 hours;

(vi) salon management, general facility sanitation and cleanliness, business methods, customer service, appointment book, professional ethics, and current state board laws and rules, 115 hours; and

(vii) chemistry, bacteriology, sanitation, sterilization, safety, anatomy, physiology, blood spill procedure, and diseases and disorders of hair, scalp, skin, and nails, 60 hours.

(b) 375 hours of instruction shall be at the discretion of the school, provided that the hours are within the applicable curriculum.

(5) The required curriculum for electrology students is as follows:

(a) 600 hours of training, of which at least 120 hours is in theory, distributed as follows:

(i) electrolysis five hours;

(ii) thermolysis 150 hours;

(iii) the blend 150 hours;

(iv) bacteriology, sanitation, sterilization, safety, anatomy, physiology, blood spill procedures, diseases and disorders of the skin, electricity, chemistry, and light therapy, 70 hours;

(v) waxing (face, neck, hands, and superfluous hair anywhere on the body, including tweezing), 10 hours; and

(vi) salon management, general facility sanitation and cleanliness, business methods, appointment book, customer service, professional ethics, and current state board laws and rules, 65 hours.

(b) 150 hours of instruction shall be at the discretion of the school provided that the hours are within the applicable curriculum.

(6) The required curriculum for esthetics students is as follows:

(a) 650 hours of training, of which at least 65 hours is in theory, distributed as follows:

(i) bacteriology, sanitation, sterilization, safety, anatomy, physiology, blood spill procedure, diseases and disorders of the skin, electricity, chemistry, and light therapy, 70 hours;

(ii) massage, skin care, makeup, (including the use of vaporizer, high frequency, massage brush, vacuum spray, galvanic unit, and lamps), cosmetics, facials, essential oils, the application and maintenance of artificial eyelashes and extensions, tinting of the eyelashes and eyebrows, the chemical curling of the eye lashes, and skin exfoliation (including manual, chemical, and mechanical exfoliation), 300 hours;

(iii) waxing (face, neck, hands, and superfluous hair anywhere on the body, including tweezing), 50 hours; and

(iv) salon management, general facility sanitation and cleanliness, business methods, appointment book, customer service, professional ethics, and current state board laws and rules, 70 hours.

(b) 160 hours of instruction shall be at the discretion of the school provided that the hours are within the applicable curriculum.

(7) The required curriculum for manicuring students includes 400 hours of training, of which at least 40 hours is in theory, distributed as follows:

(a) 300 hours of training, distributed as follows:

(i) salon management, general facility sanitation and cleanliness, business methods, customer service, appointment book, professional ethics, and current state board laws and rules, 60 hours;

(ii) bacteriology, sanitation, sterilization, safety, anatomy, physiology, diseases and disorders of skin and nails, basic chemistry, nail product chemistry, and electricity, 55 hours;

(iii) manicures (including hand and arm massage), pedicures (including foot, ankle, and lower leg massage), polish applications, and the proper use of manicuring implements, a minimum of 35 hours;

(iv) use of the electric nail file, 10 hours; and

(v) application of monomer liquid and polymer powder nail enhancements, nail tips, nail wraps, UV gels, and nail art, a minimum of 140 hours.

(b) 100 hours of instruction shall be at the discretion of the school provided that the hours are within the applicable curriculum.

(8) Students seeking licensure in a state that requires more hours of training than Montana, may remain enrolled in school and be permitted to work on members of the public without obtaining a license. (History: 37-1-131, 37-31-203, 37-31-311, MCA; IMP, 37-1-131, 37-31-101, 37-31-304, 37-31-305, 37-31-311, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2010 MAR p. 1402, Eff. 6/11/10; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2014 MAR p. 1085, Eff. 5/23/14; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2015 MAR p. 2034, Eff. 11/13/15; AMD, 2017 MAR p. 221, Eff. 2/18/17; AMD, 2017 MAR p. 1956, Eff. 10/28/17.)

24.121.808 CREDITED HOURS FOR MONTANA-LICENSED INDIVIDUALS IN A COSMETOLOGY OR BARBERING PROGRAM (1) A Montana licensee will receive the following credit of hours towards course requirements upon enrollment in a cosmetology course in Montana:

(a) licensed barber 1000 hours;

(b) licensed barber nonchemical 900 hours;

(c) licensed electrologist 80 hours;

(d) licensed manicurist 150 hours; or

(e) licensed esthetician 245 hours of credit will be given towards the cosmetology course.

(2) A Montana-licensed cosmetologist may apply for a barber license after completion of a supplemental barbering course. (History: 37-1-131, 37-31-203, 37-31-304, MCA; IMP, 37-1-131, 37-31-203, 37-31-304, MCA; NEW, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2015 MAR p. 2034, Eff. 11/13/15; AMD, 2017 MAR p. 1956, Eff. 10/28/17; AMD, 2018 MAR p. 1605, Eff. 8/11/18.)

24.121.809 STUDENT WITHDRAWAL, TRANSFER, OR GRADUATING (1)

Students withdrawing, transferring, or graduating from a school shall be provided a current and accurate official transcript reflecting hours and grades and a statement of good standing from the school in order to receive credit for their education.

(2) When transferring between licensed schools, the transferring student shall provide the school with a statement of good standing and official transcript from the previous school. The new school, at its discretion, may grant credit for hours completed and grades received by the transferring student within three years of the student's original enrollment date.

(3) Upon reenrollment, a withdrawn student shall be granted full credit for all hours completed and grades received by the reenrolling student within three years of the student's original enrollment date.

(4) Schools shall not allow a transferred student to practice on members of the public until the school receives an official transcript of the student's hours and grades within the required curriculum areas. (History: 37-1-131, 37-31-203, 37-31-311, MCA; IMP, 37-31-311, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2015 MAR p. 1198, Eff. 8/14/15.)

Rule 24.121.810 reserved

24.121.811 FIELD TRIPS (REPEALED) (History: 37-1-131, 37-31-203, MCA; IMP, 37-31-311, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; REP, 2006 MAR p. 1383, Eff. 6/2/06.)

Subchapters 9 and 10 reserved

## Subchapter 11

## Teacher-Training

24.121.1101 APPLICATIONS TO OFFER TEACHER-TRAINING COURSES

(1) The teacher-training unit application must be completed on a form prescribed by the board and submitted with appropriate fees for approval.

(2) Student or cadet instructors shall not be registered or enrolled until the board has inspected and approved the teacher-training unit. (History: 37-1-131, 37-31-203, 37-31-311, MCA; IMP, 37-31-305, 37-31-311, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04.)

Rule 24.121.1102 reserved

24.121.1103 INSTRUCTOR REQUIREMENTS - TEACHER-TRAINING PROGRAMS (1) Schools licensed to offer teacher-training programs shall employ at least one full-time licensed instructor per student or cadet instructor on the premises of the school at all times during school hours.

(2) Instructors, student instructors, and cadet instructors shall wear badges or insignia indicating their appropriate instructor status.

(3) Student or cadet instructors shall be under the direct on-site supervision of a full-time licensed instructor while practice teaching and shall not be allowed to work on members of the public during their teacher-training program.

(4) Upon application by the student or cadet instructor enrolled in a licensed school of barbering, cosmetology, electrology, esthetics, or manicuring, the board may grant credit for hours toward the teacher-training curriculum when the student or cadet instructor has completed, with not less than a "C" grade, a teacher-training course offered by an accredited postsecondary educational institution.

(5) Schools shall keep and maintain on the school's premises daily records of curriculum, attendance, and classes taught and practiced by the student or cadet instructor, until the applicant has become a licensed instructor.

(6) Upon completion by the student of at least 90 percent of the required course of study, and prior to graduating and receiving a diploma, the student may take the board-approved exam. (History: 37-1-131, 37-31-203, 37-31-311, MCA; IMP, 37-1-131, 37-31-305, 37-31-311, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2018 MAR p. 1605, Eff. 8/11/18.)

Rule 24.121.1104 reserved

24.121.1105 TEACHER-TRAINING CURRICULUM AND TEACHING METHODOLOGY COURSEWORK (1) The teacher-training course shall consist of 650 hours and include the following:

- (a) teaching methods - 245 hours including:
  - (i) task analysis;
  - (ii) developing instructional objectives;
  - (iii) visual aids and their construction;
  - (iv) motivational tools;
  - (v) preparation of instructive materials;
  - (vi) lesson planning including:
    - (A) practical theory classes; and
    - (B) practical demonstration classes.
  - (vii) fundamentals of speech and public speaking;
  - (viii) methods of test construction;
  - (ix) methods of evaluation or grading; and
  - (x) curriculum planning and development.
- (b) general psychology - 75 hours including:
  - (i) general principles in relation to teaching and counseling;
  - (ii) conflict resolution;
  - (iii) student counseling;
  - (iv) student and teacher relationships; and
  - (v) public relations.
- (c) business methods - 115 hours including:
  - (i) recruitment;
  - (ii) job analysis;
  - (iii) student registration, withdrawal, and hours (tracking, completing, calculating, and verifying);
  - (iv) ethical employee and employer relationship;
  - (v) salon/booth rental relationship;
  - (vi) professional ethics; and
  - (vii) current state board laws and rules.
- (d) advanced theory of cosmetology, esthetics, manicuring, barbering, or electrology, and the chemistry, safety, sanitation, bacteriology, physiology, anatomy, and diseases and disorders that apply to each course - 75 hours; and
- (e) 140 hours of instruction shall be at the discretion of the school.

(2) The board-approved coursework related to teaching methodology shall consist of 135 hours and include the following:

(a) teaching methods 6 credits or 90 hours:

(i) task analysis;

(ii) developing instructional objectives;

(iii) visual aids and their construction;

(iv) motivational tools;

(v) preparation of instructive materials;

(vi) lesson planning;

(vii) fundamentals of speech and public speaking;

(viii) methods of test construction;

(ix) methods of evaluation or grading; and

(x) curriculum planning and development.

(b) educational psychology three credits or 45 hours;

(c) coursework may be completed through:

(i) classes acceptable to a state's board of regents or equivalent authority and approved through that state's university system;

(ii) self-study to be observed and documented by the administrator of the school employing the instructor; or

(iii) class studies pre-approved by the board.

(d) prior to renewal of the instructor license, documentation of completed coursework must be submitted to the board for board approval on a form provided by the department to include:

(i) coursework taken;

(ii) date taken;

(iii) coursework offered by;

(iv) topics covered;

(v) hours or credits received for each topic;

(vi) hours certified by;

(vii) signed completion certificate or transcript for coursework; and

(viii) total hours completed.

(3) Coursework completed prior to instructor licensure may be used to satisfy the requirements of this subsection. (History: 37-1-131, 37-31-203, 37-31-311, MCA; IMP, 37-1-131, 37-31-305, 37-31-311, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2017 MAR p. 221, Eff. 2/18/17.)

Subchapter 12 reserved

## Subchapter 13

## Salons and Booth Rentals

24.121.1301 SALON, SHOP, MOBILE SALON OR SHOP LICENSES – GENERAL INFORMATION

(1) Applications for a salon, shop, or mobile salon or shop must include a blueprint or detailed scale drawing of the floor plan which includes the locations of the required fixtures described in these rules.

(2) Applicants for licensure of an existing salon, shop, or mobile salon or shop with a change in ownership as defined in ARM 24.121.301 must submit a new application as described in ARM 24.121.403, 24.121.412, and this rule.

(3) A temporary operating permit may be granted to an applicant for a salon, shop, or mobile salon or shop prior to initial inspection as described in ARM 24.121.410 if all other licensing requirements have been met. (History: 37-31-203, 37-31-204, MCA; IMP, 37-31-204, 37-31-302, 37-31-312, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2015 MAR p. 2034, Eff. 11/13/15; AMD, 2017 MAR p. 221, Eff. 2/18/17; AMD, 2018 MAR p. 1605, Eff. 8/11/18; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)

24.121.1302 SALON, SHOP, BOOTH RENTAL, AND MOBILE SALON OR SHOP OPERATION STANDARDS (1) A salon, shop, or mobile salon or shop:

(a) cannot operate unless a license or temporary permit has been issued to the owner;

(b) must meet the sanitary and operation standards described in ARM Title 24, chapter 121, subchapter 15; and

(c) must contain a restroom per the requirements in ARM 24.121.1501 and 24.121.1505.

(2) In addition to the requirements in (1):

(a) a salon or shop must be located in a structure that meets all applicable local and state building codes requirements unless it is a mobile salon or shop as defined in ARM 24.121.301;

(b) a salon or shop located in a residence must have outside entrances with doors separate from the entrances to the residence; and

(c) a salon or shop where electrolysis is practiced must:

(i) be located in a structure that meets all applicable local and state building codes requirements unless it is a mobile salon or shop as defined in ARM 24.121.301;

(ii) have a high frequency generator, galvanic generator, or electrolysis machine (dispersive or inactive electrode with connections to the machine, such as wet pad, metal rod, or water jar, necessary for electrolysis treatments);

(iii) have needles as defined in ARM 24.121.301. Only presterilized, disposable needles as defined in ARM 24.121.301 may be used for electrolysis services on any individual in a licensed salon, shop, or mobile salon or shop unless a properly installed, serviced, and operated autoclave is utilized for sterilization of reusable needles.

(iv) have covered containers for all lotions, soaps, and cotton to be used on clients;

(v) have fine-pointed epilation forceps; and

(vi) have draping sheets or towels.

(3) In addition to the requirements in (1) and (2), a mobile salon or shop must:

(a) meet all applicable local and state laws for mobile businesses, including but not limited to operating permits;

(b) provide and maintain a physical address and mailing address for the owner(s) of the mobile salon or shop. The applicant or licensee must notify the board of any change of address of the responsible person(s) within ten days of the change of address.

(4) A booth as defined by 37-31-101, MCA, is part of a salon, shop, or mobile salon or shop, and a booth rental license is subject to the sanitary operating standards for salons and shops as defined in these statutes and rules. (History: 37-31-203, 37-31-204, MCA; IMP, 37-31-204, 37-31-302, 37-31-309, 37-31-312, MCA; NEW, 2021 MAR p. 1773, Eff. 12/11/21.)

Subchapter 14 reserved

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## Subchapter 15

## Sanitary Standards

24.121.1501 PREMISES, FIXTURES, AND GENERAL SANITATION – SALONS, SHOPS, MOBILE SALONS OR SHOPS, AND SCHOOLS (1) The

following applies to salons, shops, mobile salons or shops, and schools:

(a) floors, walls, ceilings, doors, windows, screens, entrances, and receptacles, including those in the restrooms, must be maintained in clean and safe conditions at all times;

(b) all areas within the facility must be adequately lighted and light fixtures must be kept clean;

(c) there must be direct entry from a public access area; and

(d) furniture must be kept in clean and safe conditions at all times.

(2) Carpeting is prohibited in the working areas, dispensaries, and restrooms of all salons, shops, mobile salons or shops, and schools licensed on or after November 19, 2004.

(a) Salons, shops, and schools licensed prior to this date must use appropriate, nonabsorbent floor covering to cover the existing carpet.

(b) Upon alteration or remodeling of the salon, shop, or school, carpeted flooring must be removed and replaced with appropriate, nonabsorbent floor covering. (History: 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)

Rule 24.121.1502 reserved

24.121.1503 LIGHTING (REPEALED) (History: 37-1-131, 37-31-203, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; REP, 2021 MAR p. 1773, Eff. 12/11/21.)

Rule 24.121.1504 reserved

24.121.1505 RESTROOMS (1) At least one restroom with a hand washing basin must be located:

- (a) on or near the premises of a salon or shop; or
  - (b) within the confines of the mobile salon or shop.
- (2) In a residential salon or shop, clients shall not walk through any living area of the residence to access the restroom.
- (3) Restrooms must contain:
- (a) posted hand washing signage;
  - (b) a soap dispenser containing liquid soap;
  - (c) single service towels or an air dryer; and
  - (d) a covered waste container.
- (4) Restroom fixtures must be maintained in a clean and safe condition at all times.
- (5) Restrooms used for chemical storage must contain a locked closet or cabinet to store the chemicals. (History: 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2007 MAR p. 859, Eff. 6/22/07; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)

Rule 24.121.1506 reserved

24.121.1507 SINKS, SANITIZERS, CONTAINERS, AND CABINETS – SALONS, SHOPS, MOBILE SALONS OR SHOPS, AND SCHOOLS (1) Every shop, salon, mobile salon or shop, and school must have:

- (a) one sink that is convenient to the work areas, but not located in a restroom.
    - (i) The sink must have hot and cold running water.
      - (A) The sink in a salon, shop, or school must be connected to a sewer or septic system.
      - (B) The sink in a mobile salon or shop must be connected to a wastewater holding tank and/or meet any state or local laws pertaining to wastewater.
    - (ii) A soap dispenser containing soap is required.
    - (iii) Single service towels or an air dryer is required.
  - (b) one covered wet sanitizer of suitable size and depth, and appropriate sanitizing and disinfecting agents as defined in ARM 24.121.1513 and 24.121.1514 (uncovered sanitizing agents may be used, provided the sanitizing agent is changed after each use);
  - (c) one covered soiled linen container;
  - (d) one covered garbage container; and
  - (e) one enclosed dust free cabinet for the storage of cleaned towels.
- (History: 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)

Rule 24.121.1508 reserved

24.121.1509 IMPLEMENTS, INSTRUMENTS, SUPPLIES, AND EQUIPMENT – SALONS, SHOPS, MOBILE SALONS OR SHOPS, AND SCHOOLS

- (1) Licensees must ensure the machines, devices, and implements they use fall within their scope(s) of practice.
- (2) All machines, devices, implements, shelves, tables, sinks, and other equipment used in connection with the operation of a salon, shop, mobile salon or shop, or school must be:
- (a) constructed to be easily cleaned; and
  - (b) maintained in sanitary and safe conditions at all times.
- (3) Salons, shops, mobile salons or shops, and schools must maintain copies of the manufacturers'/owners' manuals on-site for all equipment in service.
- (4) For the practice of manicuring, only electric file machines specifically manufactured for use in the nail industry are permitted. Modified craft or hobby tools are prohibited.
- (a) Only bits specifically manufactured for use on the natural nail plate shall be used on the natural nail.
  - (b) Metal bits and disposable sanding bands made specifically for use on natural nail may be used in that manner and may be used on the acrylic surface covering the nail.
- (5) For the practice of esthetics:
- (a) only microdermabrasion machines specifically manufactured for use in esthetics services are permitted. Modified or medical machines may not be used. Microdermabrasion machines must be:
    - (i) closed systems only;
    - (ii) maintained in sanitary and safe conditions at all times, including but not limited to changing filters in accordance with OSHA and manufacturer requirements; and
    - (iii) used only in accordance with specific manufacturer directions;
  - (b) solid or liquid abrasives used in microdermabrasion machines are for single-use purpose only and shall be discarded after each use in accordance with federal, state, and local disposal regulations;
  - (c) the use of abrasive tips is allowed if used and sterilized in accordance with specific manufacturer directions; and
  - (d) single-use plastic tips are allowed and must be disposed of after each use. (History: 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2005 MAR p. 262, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2010 MAR p. 1402, Eff. 6/11/10; AMD, 2010 MAR p. 2378, Eff. 10/15/10; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2017 MAR p. 221, Eff. 2/18/17; AMD, 2018 MAR p. 1605, Eff. 8/11/18; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)

Rule 24.121.1510 reserved

24.121.1511 SANITIZING AND DISINFECTING IMPLEMENTS AND EQUIPMENT – SALONS, SHOPS, MOBILE SALONS OR SHOPS, AND SCHOOLS

(1) All implements, equipment, and electrical instruments must be thoroughly cleaned and subjected to approved sanitizing and disinfecting processes as described in this rule and ARM 24.121.1513 and 24.121.1514.

(2) Sanitizing and disinfecting containers must be large enough to completely cover all implements with sanitizing and disinfecting agents.

(a) After removing all hair from implements, the implements must be thoroughly washed in clean water and detergent solution in a clean sink or container.

(b) After scrubbing with soap and water, implements must be thoroughly rinsed in clean water.

(3) All implements, including metal, must be completely immersed in a board approved disinfecting agent of proper strength and for the necessary time period according to manufacturer instructions.

(a) All nonimmersible equipment must be sanitized with a detergent solution and wiped or sprayed with a board approved disinfecting agent.

(4) After sanitizing and disinfecting, implements must be stored in a clean, disinfected, dry, covered container and separated from used or soiled implements.

(5) Electrical equipment, whether professional or consumer designed, which provides circulating, whirlpool, or vacuum effects shall be:

(a) cleaned and disinfected after each use; and

(b) flushed, cleaned, and disinfected on a regular basis. The licensee must maintain cleaning records which document the following:

(i) licensee name;

(ii) client name;

(iii) date;

(iv) cleaning service start and end times;

(v) whether the item was cleaned; and

(vi) whether the item was disinfected.

(6) In addition to the requirements in (1) through (5), the following applies to the practice of electrology:

(a) chair and table headrests must be covered with a single use protective covering;

(b) before each use, electrolysis tweezers and other nondisposable implements must first be cleansed with warm water and soap, rinsed thoroughly and placed into an ultrasonic cleanser or chemical sterilant presoak, and then sterilized by one of the following methods:

(i) sterilizing packets with saturated steam, 15 PSI, and 250°F for 30 minutes;

or

(ii) sterilizing packets with dry heat lab oven, 340°F for 60 minutes;

(c) equipment for steam or dry heat methods must be checked weekly for determining equipment to be in proper working order and reaching required temperature;

(d) licensees must maintain records consisting of date and sterile packet strip; and

(e) outside biological monitors shall be used to ensure proper mechanical function of sterilizers on no less than a quarterly basis. The licensee must maintain records of the results.

(7) Sanding bands used on electric file mandrels are for single use purposes and must be discarded after each use.

(8) Metal bits for electric files must be properly sanitized and disinfected after each client.

(9) Paraffin treatments must be administered in a safe and sanitary manner by a single service or sanitized method of application to avoid cross contamination.

(10) Foot bath basins must be sanitized and disinfected after each use.

(a) Sanitizing and disinfecting of all screens, tubing, other removable parts, and the areas behind each must be done at the end of each business day.

(11) Cloth towels and other linens must be laundered before each use.

(12) Single service items must be used only once and properly disposed of after use. (History: 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2010 MAR p. 1402, Eff. 6/11/10; AMD, 2018 MAR p. 1605, Eff. 8/11/18; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)

Rule 24.121.1512 reserved

24.121.1513 SANITIZING AGENTS (1) The following sanitizing agents are approved by the board:

- (a) detergent solutions;
- (b) alcohol used at 70 percent or higher strength may be used as a sanitizer with a minimum of 20 minutes contact time; and
- (c) chlorine compounds, hypochlorited in liquid or powder form (household bleach), may be used as a sanitizing agent at one part per 100 concentration with a five-minute contact time.

(2) The sanitizing agents must be available for inspection and clearly labeled to disclose contents and manufacturer's directions. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

24.121.1514 DISINFECTING AGENTS (1) All disinfecting agents must be registered with the EPA.

(2) Disinfecting agents must be available for inspection and clearly labeled to disclose contents and manufacturer's directions.

(3) All equipment and implements used in barbering, cosmetology, electrology, esthetics, or manicuring must be cleaned and disinfected by complete immersion in an EPA-registered, bactericidal, virucidal, and fungicidal (formulated for hospitals) disinfectant that is mixed and used according to the manufacturer's directions. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2015 MAR p. 2034, Eff. 11/13/15.)

24.121.1515 IMPLEMENTS AND EQUIPMENT STORAGE AND HANDLING

(1) Soiled implements and equipment must be stored separately from those that have been sanitized and disinfected.

(2) Separate and clean towels must be used for each client. Soiled towels must be kept in an appropriate container and laundered regularly.

(3) Sanitary neck strips or towels must be used to keep hair clippings and capes from contacting the client's neck, unless a freshly laundered cape is used for each client.

(4) Implements, instruments, and other equipment must not be placed onto garments or in garment pockets.

(5) Implements, instruments, and other equipment dropped on the floor must be sanitized and disinfected before reuse. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Rule 24.121.1516 reserved

24.121.1517 PREPARATION STORAGE, HANDLING, AND PROHIBITED ITEMS – SALONS, SHOPS, MOBILE SALONS OR SHOPS, AND SCHOOLS

- (1) All salon, shop, mobile salon or shop, and school preparations must be:
  - (a) stored, handled, and applied to protect against contamination; and
  - (b) dispensed from containers to prevent contamination of the unused portion, either by use of pump, spray, or single-service spatulas.
- (2) Safety Data Sheets (SDS) relative to product ingredients, proper use, storage, disposal, and hazards for products in use at salons, shops, mobile salons or shops, and schools shall be kept on the premises and available upon need or request by the public, the board, or the board-designated inspector.
- (3) Liquid or powder astringent must be stored and applied with a separate clean sterilized gauze or cotton pad.
- (4) All acids for use in chemical exfoliation must be used in concentrations of 30 percent or less, a pH level of not less than 3.0, and shall be applied in a manner and for a duration as recommended by the manufacturer.
- (5) Only commercially available products may be used for chemical exfoliation purposes. The mixing or combining of skin exfoliation products or services is strictly prohibited.
- (6) When using bulk products poured into another or smaller storage container, the new storage container must be labeled with the same product name, ingredients, and warnings as the original container.
- (7) Possession or use of the following items by a licensee and/or on the premises of a salon, shop, or mobile salon or shop, or school is prohibited:
  - (a) pumice stones;
  - (b) natural sponges;
  - (c) styptic pencils or lump alum;
  - (d) methyl methacrylate monomers for artificial nails;
  - (e) for chemical exfoliation:
    - (i) phenol;
    - (ii) resorcinol;
    - (iii) trichloroacetic acid (TCA); and
    - (iv) Jessner's solution; and
  - (f) cosmetic products containing hazardous substances which have been banned by the U.S. Food and Drug Administration (FDA) for use in cosmetic products.
- (8) If the board inspector obtains evidence that a product or item prohibited by this rule is being used in a salon, shop, mobile salon or shop, or school, the inspector may seize the product or item and remove it from the facility immediately. If a prohibited product or item is seized by an inspector, the licensee will be responsible for the costs of disposing of the product or item. The licensee will be mailed a notice that sets forth the disposal costs incurred by the board in relation to the product or item, and the licensee shall pay such costs within 30 days of the date the notice is mailed to the licensee. (History: 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2010 MAR p. 1402, Eff. 6/11/10; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2015 MAR p. 2034, Eff. 11/13/15; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)

Rule 24.121.1518 reserved

24.121.1519 WASTE DISPOSAL (1) Waste must be disposed of in easily cleanable, leak proof, plastic lined, nonabsorbent containers with lids.

(a) Waste containers must be kept clean and plastic lined at all times.

(b) Waste must be removed frequently to prevent overflow.

(2) Hair clippings must be swept after each client.

(3) Materials, chemicals, liquids, and implements shall be disposed of in accordance with federal, state, and local regulations.

(4) Aluminum oxide crystals or approved corundum must be disposed of in accordance with federal, state, and local regulations. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Rule 24.121.1520 reserved

24.121.1521 PERSONAL HYGIENE (1) Licensees and students shall keep their hands and fingernails clean, and wear clean, professional attire. Shoes shall be worn at all times.

(2) Licensees and students shall thoroughly wash their hands:

(a) before and after every client; and

(b) immediately after using the restroom.

(3) The use of an instant, waterless, antibacterial hand sanitizer may be used in place of hand washing before and after servicing each client, but does not void the requirement in (1).

(4) A fresh pair of nonsterile, latex, nitrile, or vinyl disposable gloves must be worn during treatments when contact with blood or other potentially infectious materials, mucous membranes, and nonintact skin could occur. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08.)



24.121.1522 BLOOD SPILLS (1) If there is a blood spill or exposure to other body fluids during a service, licensees and students shall stop the service and:

- (a) before returning to service, clean the wound with an antiseptic solution;
- (b) cover the wound with a sterile bandage;
- (c) if the wound is on a licensee's or student's hand in an area that can be covered by a glove or finger cover, the licensee or student shall wear a clean, fluid-proof protective glove or finger cover. If the wound is on the client, the licensee or student providing service to the client shall wear gloves on both hands;

(d) blood-stained tissue, cotton, or other blood-contaminated material shall be bagged and disposed of in the trash;

(e) all implements, instruments, supplies, and equipment that have come in contact with blood or other body fluids shall be disinfected per ARM 24.121.1514; and

(f) electrical equipment shall be disinfected in the same manner as nonimmersible equipment and metal implements per ARM 24.121.1511.

(2) The blood spill procedure described in this rule must be posted in all salons, shops, mobile salons or shops, and schools. (History: 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2015 MAR p. 2034, Eff. 11/13/15; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)

24.121.1523 DISEASE CONTROL (1) A licensee or student shall not be required to provide services to a client while the licensee, student or client has an infectious, contagious, or a communicable disease or condition that has been epidemiologically demonstrated to be transmitted through casual contact.

(2) A licensee or student having an infectious, contagious or communicable disease or condition, epidemiologically demonstrated to be transmitted through casual contact, shall take all reasonable and necessary steps to avoid transmitting such disease or condition to clients and coworkers.

(3) A licensee or student with a discharging or infected sore on any exposed portion of the body shall be excluded from salons, shops or schools while such sore is present, unless the sore is adequately covered to prevent transmission of the infection.

(4) If a licensee or student detects that a client has pediculosis capitis (head lice), the licensee or student shall refuse to provide service and may provide necessary information and/or products for home self-treatment. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04.)

Subchapters 16 through 20 reserved

## Subchapter 21

## Continuing Education

24.121.2101 CONTINUING EDUCATION – INSTRUCTORS (1) Instructors are required to complete 30 hours of continuing education (CE) per renewal period to maintain active status licensure. Eight of the 30 hours must be in teaching methodology pursuant to ARM 24.121.1105.

(2) Licensees shall affirm an understanding of their recurring duty to comply with CE requirements as a part of license renewal.

(3) CE requirements will not apply until after the licensee's first renewal.

(4) Licensees are responsible for selecting quality programs that focus on protecting the health, safety, and welfare of the public and contribute to licensees' professional knowledge and competence. Acceptable CE activities:

(a) directly relate to the licensee's scope of practice as defined in board statute or rule;

(b) review existing concepts and techniques;

(c) convey information beyond the basic professional education;

(d) update knowledge on the practice and advances in the profession; or

(e) reinforce professional conduct or ethical obligations of the licensee.

(5) CE hours will not be granted to a licensee teaching a course.

(6) Board meetings are approved as CE.

(a) A licensee must attend at least half of a meeting to obtain credit.

(b) A board meeting is worth two hours of CE credit.

(7) The department may randomly audit up to 50 percent of renewed licensees.

(8) Licensees must maintain documentation of completed CE for three years and provide documentation to the board upon request. Documentation must include the following information:

(a) licensee name;

(b) course title and description of content;

(c) presenter or sponsor;

(d) course date(s); and

(e) number of CE hours earned.

(9) Licensees found to be in noncompliance with CE requirements may be subject to administrative suspension. Licensees may not apply CE hours used to complete delinquent CE requirements for the next education reporting period.

(10) Any CE hours required by disciplinary order do not apply toward the 30 hours that are required per renewal period under this rule. (History: 37-1-131, 37-1-319, MCA; IMP, 37-1-141, 37-1-306, 37-1-319, 37-1-321, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2010 MAR p. 2378, Eff. 10/15/10; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)

Subchapter 22 reserved

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## Subchapter 23

## Unprofessional Conduct

24.121.2301 UNPROFESSIONAL CONDUCT (1) For the purpose of implementing Title 37, chapter 1, MCA, and in addition to the provisions of 37-1-316, MCA, the board defines unprofessional conduct as follows:

- (a) failing of a licensee to comply with any statute or rule under the board's jurisdiction;
- (b) attempting to procure a license under the board's jurisdiction by fraud or deception;
- (c) breaching a contract with a client, student, salon or shop owner, booth renter, employee, or employer, if established as a final judgment in a court of law;
- (d) failing to cooperate with an inspection or investigation conducted by the department on behalf of the board;
- (e) knowingly submitting false records or documents to the board or the department;
- (f) violating any final order of the board;
- (g) impersonating a licensee or representing oneself as a licensee for which one has no current license;
- (h) practicing with an expired license;
- (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;
- (j) filing a complaint with, or providing information to, the board which the licensee knows, or ought to know, is false or misleading (does not apply to any filing of complaint or providing information to the board when done in good faith);
- (k) violating, or attempting to violate, directly or indirectly, or assisting or abetting the violation of, or conspiring to violate any provision of Title 37, chapter 1 or 31, MCA, or any rule promulgated thereunder, or any order of the board;
- (l) being convicted of a misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug, controlled substances, alcoholic beverage, or any combination of such substances;
- (m) using any dangerous drug or controlled substance illegally or alcohol while providing services regulated under this chapter;
- (n) acting in such a manner as to present a danger to public health or safety, or to any client including, but not limited to, incompetence, negligence, or malpractice;
- (o) maintaining an unsanitary or unsafe salon, shop, mobile salon or shop, booth, or school, or practicing under unsanitary or unsafe conditions;
- (p) performing services or using machines and devices outside of the licensee's area of training, expertise, competence, or scope of practice or licensure, unless such services are not licensed or inspected by the state of Montana. This includes, but is not limited to:

- (i) use of implements, equipment and instruments for performing dermaplaning and dermabrasion procedures including but not limited to blades, knives, scalpels, wires, and diamond fizzes. This does not include single-use lancets used during noninvasive procedures;
  - (ii) "surgery," as defined in ARM 24.156.501 as surgery constitutes the practice of medicine and is prohibited for all individuals licensed under this chapter;
  - (iii) the use of roller or roll-on waxing systems; and
  - (iv) use of any teeth whitening products;
  - (q) failing to render adequate supervision, management, training, or control of auxiliary staff or other persons, including licensees or students practicing under the licensee's supervision or control, according to generally accepted standards of practice;
  - (r) failure of a salon, shop, mobile salon or shop to ensure that all personnel comply with the board's statutes and rules, including safety and sanitation rules, except when safety violations are committed at a booth by the booth renter;
  - (s) failing to provide the board with a response to a request or inquiry;
  - (t) damaging, destroying, or attempting to destroy property or equipment of a licensee or a member of the public in a salon, shop, mobile salon or shop, booth, or school;
  - (u) intentionally misrepresenting an individual's type of licensure;
  - (v) advertising or otherwise implying that the licensee is providing treatment, healing, correcting, or diagnosing any medical condition;
  - (w) aiding or abetting unlicensed practice by intentionally or unintentionally encouraging, assisting, or failing to prevent the commission of unlicensed practice;
  - (x) failing to provide verification of completed continuing education when requested by the board;
  - (y) engaging in or teaching the practice of barbering, cosmetology, electrology, esthetics, or manicuring when the license has expired or terminated, has been suspended or revoked, or is on inactive status, except as allowed in ARM 24.121.805;
  - (z) failing to timely and fully pay the costs of disposal set forth in a notice provided to the licensee pursuant to ARM 24.121.1517;
  - (aa) failing to comply with all completion and reporting requirements for continuing education as established by the board; and
  - (ab) failing to use implements, equipment, instruments, machines, devices, or products according to the manufacturer directions, with the exception of using only single-use plastic tips on microdermabrasion machines.
- (2) Unprofessional conduct is subject to discipline by the board. (History: 37-1-131, 37-1-136, 37-1-319, 37-31-203, MCA; IMP, 37-1-136, 37-1-137, 37-1-316, 37-1-319, 37-31-301, 37-31-331, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2010 MAR p. 1402, Eff. 6/11/10; AMD, 2010 MAR p. 2378, Eff. 10/15/10; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)