



**Kansas Board of Cosmetology**  
 714 SW Jackson Suite 100 Topeka, KS 66603  
 Telephone: (785) 296-3155 Fax: (785) 296-3002  
 Email: [Kboc@ks.gov](mailto:Kboc@ks.gov) Website: [www.kansas.gov/kboc](http://www.kansas.gov/kboc)

## Index of Guidance Documents

The Kansas Board of Cosmetology hereby designates the following as “guidance documents” as defined by K.S.A. 77-438(a)(2).

Pursuant to K.S.A. 77-438(d), I hereby certify that the Guidance Document Index has been filed with the Secretary of State. I further certify that the Guidance Document Index and all included guidance documents have been filed with the Joint Committee on Administrative Rules and Regulations, and are available to the public via the Kansas Board of Cosmetology’s website: <https://www.kansas.gov/kboc/>.

  
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 Laura Gloeckner  
 Executive Director  
 Kansas Board of Cosmetology

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### Policy – Application for Licensure by Felon

Policy Number: 001-12

Approved by the Board: February 16, 2012

Last Updated: July 12, 2021

- I. Purpose
  - a. The purpose of this policy is to provide guidelines for the Board to handle applications for licensure that indicate the applicant has been convicted of a felony.
- II. Authority
  - a. Conviction of any felony may disqualify an applicant from receiving a license. K.A.R. 69-1-10(a)
  - b. Civil records that show an applicant may be disqualified from receiving a license shall be any records of any court judgment or settlement in which the applicant admitted or was found to have engaged in conduct that would constitute a violation of any practice act under the jurisdiction of the board or any of the board's regulations. Those records shall not be used to disqualify an applicant for more than five years after the applicant satisfied any judgment or restitution ordered by the court or agreed to in the settlement. K.A.R. 69-1-10(b)
  - c. Any individual with a criminal or civil record described in this regulation may submit a petition to the Board for an informal advisory opinion regarding whether the individual's civil or criminal record could disqualify the individual from licensure. Each petition shall include the following:
    - (1) The details of the individual's civil or criminal record, including a copy of court records or the settlement agreement;
    - (2) an explanation of the circumstances that resulted in the civil or criminal record; and
    - (3) a check or money order in the amount of \$50.00.K.A.R. 69-1-10(c)
  - d. The Board may refuse to issue or renew a license, or revoke, suspend, censure, limit or condition a license for conviction of a felony unless the applicant or licensee is able to demonstrate to the Board's satisfaction that such person has been sufficiently rehabilitated to warrant the public trust. K.S.A. 65-1908(a)(4).
  - e. The Board may revoke, censure, limit or condition, suspend, refuse to issue or renew any license issued under this act, or assess a fine, not to exceed \$1,000 per violation, on any person or licensee upon proof that a person or licensee has been convicted of any felony offense in this or any other state and fails to demonstrate, to the board's satisfaction, that such person or licensee has been sufficiently rehabilitated to warrant the public's trust. The board may make recommendations to an applicant as to what constitutes proof of rehabilitation. K.S.A. 65-1947(a) and K.S.A. 65-1947(a)(2).
- III. Policy and Procedures
  - a. All applicants with felony convictions must accurately answer the felony question on the appropriate Board application. If the felony has not been reviewed by the Board, the applicant must submit a completed Felony Reporting Packet with the application including:
    - i. Felony Conviction Disclosure Form
    - ii. Felony Conviction Monitoring Form (if applicable)
    - iii. Copies of court documents – charges, convictions, sentencing orders, discharge papers



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- b. Documentation is reviewed, and appropriate action is taken
  - i. Applicants who have been convicted of a nonperson felony and who were released from supervision at least one year prior to the date of application are issued a license.
  - ii. Applicants who have been convicted of a person felony and who were released from supervision more than five years from the date of application are issued a license.
  - iii. Applicants who have been convicted of a felony and are currently on probation, parole or supervision will be reviewed by the Disciplinary Panel.
  - iv. Applicants who have been convicted of a nonperson felony and have been released from supervision less than one year from the date of application will be reviewed by the Disciplinary Panel.
  - v. Applicants who have been convicted of a person felony and have been released from supervision less than five years from the date of application will be reviewed by the Disciplinary Panel.
  - vi. Applicants who have been convicted of a Federal or out of state felony not specified as person or nonperson will be reviewed by counsel to determine policy application.
  - vii. Applicants who fail to submit requested felony documentation within 30 days of request may be subject to disciplinary action.
- c. If a felony reported on an apprentice application requires additional documents or Disciplinary Panel review, a notification will be sent to the student and school notifying each of the delay in processing.
- d. If the Disciplinary Panel approves the application, the applicant will be issued a license.
- e. If the Disciplinary Panel denies the application, the applicant will be issued a summary proceeding order.
- f. Applicants submitting an initial application will be required to answer the following question, "Have you ever been convicted of a felony?" and provide the case number(s) where applicable.
- g. Applicants submitting a renewal will be required to answer the following question, "Have you been convicted of a felony since your last renewal?" and provide the case number(s) where applicable.
- h. Licensees or applicants whose felony convictions have been expunged are not required to disclose the felony on the application. To verify that a licensee or applicant's previously reviewed felony has been expunged, an Order of Expungement from the relevant court must be submitted to the Board.



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### Policy – Disciplinary Action for Health/Sanitation Violations

**Policy Number: 002-12**

Board Approved: January 18, 2012

Last Updated: December 14, 2020

- I. Purpose
  - a. The purpose of this policy is to provide disciplinary action based on a pattern of excessive health and sanitation violations at an establishment or school.
- II. Authority
  - a. In addition to the board's authority to refuse licensure or impose discipline pursuant to subsection (a), the board shall have the authority to assess a fine not in excess of \$1,000 against a licensee for each of the reasons specified in subsection (a). Such fine may be assessed in lieu of or in addition to such discipline. K.S.A. 65-1908(d).
  - b. The Board may refuse to issue or renew a license, or revoke, suspend, censure, limit or condition a license for failure to comply with the sanitation standards prescribed by the Secretary of Health and Environment pursuant to K.S.A. 65-1,148, and amendments thereto. K.S.A. 65-1908(a)(1).
  - c. If the Board determines that an individual has violated subsection (a), in addition to any other penalties imposed by law, the Board, in accordance with the Kansas administrative procedure act, may issue a cease and desist order against such individual or may assess such individual a fine of not to exceed \$1,500, or may issue such order and assess such fine. In determining the amount of fine to be assessed, the Board may consider the following factors: (1) Willfulness of the violation, (2) repetitions of the violation and (3) risk of harm to the public caused by the violation. K.S.A. 65-1902(d).
  - d. Tattoo artists, cosmetic tattoo artists and body piercers, and their establishments shall comply with all applicable sanitation standards adopted by the secretary pursuant to K.S.A. 65-1,148, and amendments thereto. K.S.A. 65-1946(a).
- III. Policy and Procedures
  - a. Health and sanitation violations are reviewed on a case-by-case basis. The Board monitors establishments for a pattern of excessive health and sanitation violations before taking disciplinary action against an establishment or school.
  - b. Result of Inspection
    - i. Inspections resulting in less than 6 violations without a fineable offense are considered an acceptable part of the normal day-to-day operations of an establishment or school and are merely reported.
    - ii. Inspections resulting in 6 or more violations are of concern to the Board and remedial action is required. The Board sends paperwork to the establishment or school to be completed and returned. The establishment or school is then monitored for compliance with the health and sanitation regulations of the Board. If the remedial action paperwork is not completed and returned, the Board shall conduct additional inspections to monitor the progress of the establishment or school in making the necessary corrections and complying with the health and sanitation regulations of the Board.



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c. Disciplinary Action

- i. If an establishment or school has three ~~or more~~ consecutive inspections resulting in 6 or more violations, the Board shall issue a Summary Proceeding Order assessing a fine as approved by the Board's fine schedule
- ii. If a second consecutive offense of (i) occurs, a Summary Proceeding Order conditioning the establishment or school is issued.
- iii. If an establishment or school has had three consecutive inspections resulting in fineable infection control violations, a Summary Proceeding Order conditioning the establishment or school is issued.
- iv. When conditioning applies, the conditions of the license may be as follows:
  1. License is conditioned for a minimum of six months up to one year from the effective date of the order.
  2. Respondent(s) and employees/practitioners at the establishment or school must attend a mandatory infection control seminar. The establishment or school must contact the Board within 20 days of the effective date of the order to schedule the seminar. The seminar must be held within 60 days of the effective date of the order.
  3. The establishment or school will be subject to three inspections within a six-month period of the conditioned year.
  4. If the establishment or school has no more than three health and sanitation violations per inspection and no licensure violations reported in the conditioned inspections for the first six-month period of conditioning, have complied with each of the above provisions, and the fine has been paid in full, the conditions on the license will be lifted.
  5. If conditions are not lifted after the initial six-month period, the establishment or school will be subject to three additional inspections for the remaining conditioned year.
  6. The Board will be reimbursed \$50 per conditioned inspection, due within 30 days from the effective date of the order; this shall be known as the "inspection fee." If conditions are extended to the full year, the additional inspection fee shall be paid within 30 days from the notice of extension of conditioning.
  7. The establishment or school shall not request changes to licensure name or ownership during the conditioned period.
  8. Failure to abide by the conditions set forth by the Board may result in revocation of Respondent's establishment or school license.

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**Policy – Verification of Body Art Completed Procedures**

**Policy Number: 003-12**

Approved by the Board: February 13, 2012

Last Updated: January 13, 2020

- I. Purpose
  - a. The purpose of this policy is to explain the verification process for completed procedures for body art licensure applicants and body art trainer applicants.
- II. Authority
  - a. An applicant for licensure shall pay a non-refundable fee established by rules and regulations adopted by the Board and shall show to the satisfaction of the Board that the applicant has submitted evidence of completion of education or training prescribed and approved by the Board as follows: has performed at least 50 completed procedures. K.S.A. 65-1943(a)(4)(A).
- III. Policy and Procedures
  - a. Licensure as a body art practitioner requires completion of 50 procedures. Pursuant to K.S.A. 65-1943 and K.A.R. 69-15-2, the applicant must show to the satisfaction of the Board that this has been accomplished.
  - b. The Board will confirm satisfaction of this requirement as follows:
    - i. Verification of the completed procedures is confirmed by review of apprentice client record log submitted by the applicant.
    - ii. The Board has approved an apprentice client record log which shall be used for all apprentice procedures completed in Kansas after 03/15/2017.
    - iii. Apprentice client record logs shall be considered complete or incomplete only to the extent required by the Board, pursuant to K.A.R. 69-15-15.
    - iv. Out-of-state equivalent course of study:
      - 1. If apprentice client record logs are not required in the state where the applicant was trained, or they are otherwise unavailable, the applicant and trainer must submit to the Board an affidavit indicating completion of the required 50 procedures in accordance with K.S.A. 65-1943 and K.A.R. 69-15-2.

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### Policy – Establishment Licensure

**Policy Number: 004-12**

Approved by the Board: January 9, 2012

Last Updated: May 29, 2012

- I. Purpose
  - a. The purpose of this policy is to provide guidelines for the Board to handle applications for establishment licensure regarding review of applications, compliance inspections, licensed practitioner requirements, property ownership, multiple establishment licenses in one physical location, dually-licensed barbering and cosmetology establishments, prior occupants or licensees, and health and sanitation violations.
- II. Authority
  - a. Any licensed cosmetologist, esthetician, electrologist, manicurist, or person desiring to establish a salon or clinic shall make application, on a form provided, to the Kansas state board of cosmetology, accompanied by the new salon or clinic license fee established under K.S.A. 65-1904, and amendments thereto. Upon filing of the application, the board shall inspect the equipment as to safety and sanitary condition of the premises and if the equipment and premises are found to comply with the rules and regulations of the secretary of health and environment and the rules and regulations of the Kansas state board of cosmetology, the board shall issue a new salon or clinic license. K.S.A. 65-1904a(a).
  - b. An establishment license shall be valid only for the premise named in the license. A licensee shall notify the Board, in writing, within 15 days of a sale or other change of ownership of the establishment. K.A.R. 69-6-2.
  - c. When any establishment is permanently closed, the holder of the establishment license shall notify the Board, in writing, and surrender the establishment license within 10 days of closing. K.A.R. 69-6-7.
  - d. Also see Attorney General Opinion No. 90-41
- III. Policy and Procedures
  - a. Establishment licenses may only be issued to applicants who meet all licensure criteria
    - i. See KAR 28-24-5 and 28-24-13
    - ii. Licensed Practitioner
      1. An applicant for establishment licensure shall include in the application the name and license number of at least one licensed practitioner that will be providing services at the establishment
    - iii. Compliance Inspection
      1. When the completed application information and fee have been received by the Board, a Board inspector will contact the applicant to schedule a compliance inspection as close to the anticipated date of opening as possible
      2. Compliance inspections will only be rescheduled if the applicant contacts the Board before noon of the preceding business day

3. At the time of the compliance inspection, the applicant shall have the establishment set up, in working order, and ready for business. The applicant, or a designated facility manager or licensee, shall be required to correctly demonstrate certain sanitation and disinfecting procedures to the inspector and shall meet all health and sanitation requirements for the establishment in order to pass
  4. If, for any reason, the applicant fails the compliance inspection, the application will be denied
- iv. Review by Board
    1. If the application requires review by the Board, the Board shall send the applicant a letter indicating that a Board review must be completed
    2. The letter shall:
      - a. be sent within 15 days of receipt of the completed application,
      - b. include the date of the scheduled Board review, and
      - c. designate a contact person for the applicant
- b. Number of Establishment Licenses Required/Allowed
    - i. An establishment which houses one or more licensees is required to have at least one establishment license (KSA 65-1902(a)(10) and (11))
    - ii. Multiple establishment licenses may be allowed where:
      1. The property owner or leasee of the entire space is unlicensed and not involved in the practice of cosmetology, nail technology, esthetics, or electrology; **AND**
      2. There are separate and distinct rooms designated for individual booth renters which independently meet all the requirements for establishment licensure, except that any or all of the following may be shared among the licensees:
        - a. Restroom
        - b. Kitchenette or Break Room area
        - c. Laundry facility
- a. Health and Sanitation Violations
    - i. For a single-license establishment, violations may result in legal action against the establishment license holder.
    - ii. For a multi-license establishment, violations in the common areas may result in legal action against every establishment license holder that was open and/or providing services to consumers at the time of inspection/violation.
    - iii. For a dually-licensed barbering and cosmetology establishment, all violations will be reflected on the cosmetology inspection report and may result in legal action against the cosmetology establishment license holder that was open and/or providing services to consumers at the time of inspection/violation.
      1. Inspection will be made of the entire establishment, not just cosmetology areas or common areas
      2. No inspection will be made of barbers' personal drawers or bags
- b. Change of Ownership
    - i. To add or remove Owner(s), ALL owners on record are required to complete and sign an Affidavit for Change of Salon Ownership

- ii. To open an establishment at a location with an active establishment license (shop sale or purchase), the prior establishment owner must complete and sign an Affidavit for Change of Establishment Ownership / New Applicant
- c. Tax ID for LLCs, LLPs, and Corporations
  - i. Applicants for establishment licensure whose owner of record is a company (LLC, LLP, or Inc.) must provide a valid Tax ID to the Board.

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### Policy – Duplicate and Replacement Licenses

**Policy Number: 005-12**

Last Updated: January 19, 2012

- I. Purpose
  - a. The purpose of this policy is to provide instructions for how and when a duplicate or replacement license may be issued to a licensee or establishment.
- II. Authority
  - a. The Board may refuse to issue or renew a license, or revoke, suspend, censure, limit or condition a license for the obtaining of, or the attempt to obtain, a license by fraudulent misrepresentation or bribery. K.S.A. 65-1908(a)(5).
  - b. The following fees shall be charged: Fee for a duplicate of any license - \$25.00. K.A.R. 69-11-1.
- III. Policy and Procedures
  - a. If the Board has issued a license and it has not been received, the applicant for licensure must wait at least 15 days before reporting they have not received it. This is to allow for delivery time.
  - b. After 15 days have elapsed, the licensee can visit the KBOC website and access the Application for Duplicate License form, indicating that they never received the license. A new license will be printed, stamped as a duplicate, and placed in the mail. No fee will be charged.
  - c. After 30 days have elapsed, a \$25 fee will be assessed for issuance of the duplicate license.
    - i. Note: All timelines are determined based on the date the original license was placed in the mail.

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### Policy – Field Study Requests

**Policy Number: 008-12**

Approved by the Board: February 13, 2012

Last Updated: February 17, 2012

- I. Purpose
  - a. The purpose of this policy is to provide guidelines for the Board to approve or deny field study requests from schools prior to and following attendance at outside events.
- II. Authority
  - a. Each school licensed under this section shall remain under the constant supervision of the Board. K.S.A. 65-1903.
  - b. Each licensed school shall provide a course of instruction and practice in preparation for the profession of cosmetology, nail technology, esthetics, or electrology, which shall include those core areas of education as determined and defined by the Board. K.S.A. 65-1903.
- III. Policy and Procedures
  - a. Approved Form
    - i. Schools seeking approval for field studies must complete the Board approved Field Study Request Form which can be found on the KBOC website.
    - ii. Requests will be reviewed for completion of the form
    - iii. Prior approval must be submitted to the Board at least ten (10) days in advance of the event.
    - iv. Approval after an event must be submitted to the Board no later than ten (10) days following the event.
  - b. Criteria for Review and Approval
    - i. Content must be applicable to the curriculum approved by the Board
    - ii. Number of hours requested
      1. Must be within the number of hours offered at event
      2. No more than seven (7) hours per day will be awarded to account for breaks and meals
    - iii. Organization or person conducting the event must be qualified
    - iv. Verification that event exists
      1. Attached media
      2. Website links
      3. Flyers or other documentation
    - v. Listing of all students attending the field study
    - vi. Supervising instructor(s) signed form and have valid instructor and practitioner licenses
    - vii. Meet the 1:25 instructor to student ratio
      1. No more than one instructor in training is included in the 1:25 ratio

2. Each instructor in training is accompanied by an instructor
  3. Instructors in training and supervisors must be notated as such on form
- viii. Director signed form acknowledging and approving field study request
1. If the director/manager is including him/herself as an instructor counting toward the 1:25 ratio, must be notated as such on form

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### Policy – Open Records Requests

**Policy Number: 009-12**

Last Updated: July 8, 2013

Approved by the Board: July 8, 2013

- I. Purpose
  - a. The purpose of this policy is to provide office staff with parameters for accepting, charging for, and complying with open records requests.
- II. Authority
  - a. It is the public policy of Kansas that public records shall be open for inspection by any person unless otherwise provided, and this act shall be liberally construed and applied to promote such policy. K.S.A. 45-216(a).
  - b. The burden of proving an exemption from disclosure is on the agency not disclosing the information. *State Dept. of SRS v. Public Employee Relations Board*, 249 Kan. 163, 170 (1991). K.S.A. 45-218.
  - c. The Act applies to public records (not to private records): Public records are defined as any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency. K.S.A. 45-217(g).
- III. Policy and Procedures
  - a. Designated Agent
    - i. The Board shall designate a member of the office staff to manage and maintain all open records requests made to the agency.
    - ii. All open records requests shall be made to the designated agent of the Board.
  - b. All parties interested in open records must submit a written request and are encouraged to use the Information Request Form. The requestor must sign and notarize the Certificate of Compliance, per K.S.A. 45-220.
  - c. The Board will generate a Fee Statement For Open Records Request as follows:
    - i. Pre-generated lists
      1. No charge for lists or information generally available to the public.
      2. No charge for lists that are pre-generated and readily available to the agency without any research or preparation.
    - ii. Compilation lists
      1. \$20.00 charge for list search compilation
    - iii. Research and Preparation
      1. \$20.00 per hour
      2. This service includes research into individual records, redacting, summarizing documentation, or copying documentation.
      3. The Board staff member that will be doing the research and request preparation should estimate the time required.
      4. Copying fees will be charged for documents that require redacting.
    - iv. No additional charges if records are to be delivered electronically.
    - v. Shipping or Postage – determined on a case by case basis

- vi. Faxing Fee - \$0.25 per page local, \$0.50 per page long distance
- vii. Copying charge (US mail requests, only) – \$0.25 per page
- d. The Fee Statement shall be sent to the requestor to complete and return with full, non-refundable payment of the total fee prior to providing access to or furnishing copies of public records
- e. Upon receipt of the quoted, non-refundable fees, the designated agent will carry out the request with the assistance of any additional office staff, as necessary.

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### Policy – Verification of Body Art Trainer Application

Policy Number: 010-12

Approved by the Board: March 12, 2012

Last Updated: November 18, 2019

- I. Purpose
  - a. The purpose of this policy is to provide guidance for Board office staff in verifying and approving body art trainer applications.
- II. Authority
  - a. An applicant seeking a license as a trainer shall: pay any fees set by the Board; concurrently maintain a practitioner's license; have no more than one apprentice at any time; and maintain direct supervision of the apprentice. K.S.A. 65-1943(e).
- III. Policy and Procedures – K.A.R. 69-15-3
  - a. Each applicant shall apply on forms provided by the Board.
  - b. Each application shall include:
    - i. The applicant's current, valid Kansas permanent color technician, body piercing technician, or tattoo artist license number
      1. Licensure will be verified
      2. Board records will be reviewed for disciplinary action taken against applicant for previous five-year period
    - ii. The applicant's proposed training syllabus
      1. Documentation will be reviewed to ensure that it meets all requirements of K.A.R. 69-15-2(b) or (c)
    - iii. The name and address of the licensed facility where training will be provided
      1. Licensure will be verified
    - iv. Verification of sufficient training and practice (must have 1 and 2):
      1. Full-time, active practice will be verified by submission of a notarized *Work Certification* form in accordance with the following requirements:
        - a. Body piercing trainer, Permanent color technician trainer or tattoo artist trainer applicant – five years of full-time, active practice.

Laura Gloeckner  
Executive Director  
Kansas Board of Cosmetology



**Kansas Board of Cosmetology**

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**Policy – Late Application for Apprentice Licensure**

**Policy Number: 011-12**

Approved by the Board: May 14, 2012

Last Updated: November 1, 2018

- I. Purpose
  - a. The purpose of this policy is to provide guidelines for the Board to handle applications for apprentice licensure that are submitted more than 15 days after the applicant’s enrollment in school.
- II. Authority
  - a. Application for an apprentice license allowing a person to practice in a licensed school shall be submitted to the Board not more than 15 days after the person’s enrollment in the school. K.S.A. 65-1912(a).
  - b. The Board, in accordance with the provisions of the Kansas Administrative Procedure Act, may refuse to issue or renew a license, or revoke, suspend, censure, limit or condition a license for failure to comply with any provision of this act, with the rules and regulations of the Board of Cosmetology or with any order issued by the Board. K.S.A. 65-1908(a)(2).
- III. Policy and Procedures
  - a. Triggering Event: Application for Apprentice Licensure is received by the Board more than 15 days after an applicant’s reported start date.
  - b. Student is fined pursuant to the Board approved Fine Schedule Guidance Document.

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Acting Executive Director  
Kansas Board of Cosmetology



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### Policy – Address Changes

Policy Number: 012-12

Approved by the Board: September 10, 2012

Last Updated: July 12, 2021

- I. Purpose
  - a. The purpose of this policy is to provide guidelines for the Board to update current licensee and applicant addresses, emails, and phone numbers in the licensee database.
- II. Authority
  - a. The Board may adopt rules and regulations as may be necessary for the administration of matters within the jurisdiction of the Board. K.S.A. 74-2702a.
- III. Policy and Procedures
  - a. Online
    1. Licensees can review their mailing address online and make necessary changes.
    2. User ID and Password are required to access the online account and make changes.
    3. User ID and Password can be created by the licensee through the online portal.
  - b. Paper/Phone/Email
    1. Requests for address change received on paper, by email, or over the phone may be updated for practitioners or applicants if the licensee can verify the personal identification criteria
    2. Personal Identification Criteria:
      - a. Last four of their social security number
      - b. Date of Birth
    3. Download Name/Address change form on [www.kansas.gov/kboc](http://www.kansas.gov/kboc), complete, sign and forward to KBOC office
    4. A Facility Mailing address may be updated if the licensee or manager can verify the following information:
      - a. Facility License Number
      - b. Facility FEIN
    5. A Facility License address may not be updated or changed except for corrections due to clerical errors.
  - c. Other
    1. Office staff will automatically update addresses when a forwarding address is received from the U.S. Postal Service
    2. Office staff will automatically update mailing addresses when a confirmation of an updated mailing address is provided from the licensee in response to a KBOC initiated inquiry.
    3. Enforcement staff will automatically update mailing addresses for returned orders or board correspondence regarding establishment owners with the most recent address on file for the practitioner license, if applicable.
    4. Office staff will automatically update addresses when a signed, paper renewal is received with a corrected address
    5. Office staff will automatically update addresses when a copy of a valid, government-issued photo identification is received

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### Policy – Appearance by Video Conference

**Policy Number: 001-13**

Approved by the Board: May 13, 2013

Last Updated: May 13, 2013

- I. Purpose
  - a. The purpose of this policy is to provide guidelines for the Board to handle requests for appearance by video conference by applicants required to appear before the Board due to a felony conviction.
- II. Authority
  - a. The Board may refuse to issue or renew a license, or revoke, suspend, censure, limit or condition a license for conviction of a felony unless the applicant or licensee is able to demonstrate to the Board's satisfaction that such person has been sufficiently rehabilitated to warrant the public trust. K.S.A. 65-1908(a)(2).
  - b. Kansas Administrative Procedure Act. K.S.A. 77-501, *et seq.*
- III. Policy and Procedures
  - a. Appearance before the Board Disciplinary Panel
    - i. The Board shall provide the applicant an opportunity to appear in person or by video conference.
    - ii. For an applicant who has been convicted of a person or sexual felony, there shall be a presumption that the applicant will appear in person.
    - iii. An applicant's request to appear by video conference must be received in the Board office at least five days prior to the scheduled hearing date.
    - iv. The Board may approve requests for appearance by video conference when the Board determines that it would be an extreme hardship for the applicant to appear in person.
    - v. In determining whether an applicant is subject to extreme hardship the Board shall consider the travel distance, the cost of travel, the predicted weather conditions, and any personal circumstances that make travel difficult or impossible for the applicant.
    - vi. The Board shall determine the video conference service provider and shall notify the applicant of the Board's connection address.
    - vii. The applicant is responsible for ensuring that all necessary technology and internet connections are available and that the applicant and any witnesses are available to participate in the conference at the time of the scheduled hearing.
    - viii. If the applicant fails to appear by video conference at the time of the scheduled hearing, the applicant will not be rescheduled to appear by video conference and must appear before the Board in person.



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**Policy – Application for Body Art Trainer Licensure**

**Policy Number: 002-13**

Approved by the Board: July 8, 2013

Last Updated: July 8, 2013

- I. Purpose
  - a. The purpose of this policy is to provide guidelines for the Board to handle applications for licensure as a body art trainer by applicants who are currently subject to or have previously been subjected to disciplinary action by the Board.
- II. Authority
  - a. The Board may revoke, censure, limit or condition, suspend, refuse to issue or renew any license issued under this act ... on any person or licensee upon proof that a person or licensee has violated any of the provisions of the act or rules and regulations adopted by the board pursuant to this act. K.S.A. 65-1947(a)(15).
  - b. Kansas Administrative Procedure Act. K.S.A. 77-501, *et seq.*
- III. Policy and Procedures
  - a. The files of all applicants for trainer licensure are reviewed for previous or current disciplinary action.
  - b. Applicants with previous or current disciplinary action are reviewed by the legal office and appropriate action will be taken
    - i. Applicants whose previous disciplinary action has been closed for at least five years and have had no disciplinary action taken against them in the past five years will be approved for licensure.
    - ii. Applicants who are currently subject to disciplinary action must be approved by the Board Disciplinary Panel.
    - iii. Applicants who have been subject to disciplinary action in the past five years must be approved by the Board Disciplinary Panel.

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Chiquita C. Coggs  
Executive Director  
Kansas Board of Cosmetology



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**Policy – Cosmetology Professions – Instructor Continuing Education**

**Policy No.: 001-15**

Approved by the Board: February 09, 2015

Last Updated: May 08, 2017

- I. Purpose
  - a. The purpose of this policy is to provide binding and consistent internal instructions and guidelines for the Board and the Board’s Staff to review and approve continuing education for cosmetology profession instructor licensees.
- II. Authority
  - a. K.S.A. 65-1903(b)(4) A cosmetology instructor license shall be renewed every two years by furnishing satisfactory evidence that the applicant, except the first renewal period following licensure for applicants not holding a cosmetology instructor license on the effective date of this act, has completed 20 clock hours of continuing education approved by the board in the practice of cosmetology and teaching skills and methods, and by paying the nonrefundable license renewal fee established by K.S.A. 65-1904, and amendments thereto.
  - b. K.S.A. 65-1903(d)(4) A manicuring instructor license shall expire every two years and shall be renewed by furnishing satisfactory evidence that the applicant, except the first renewal period following licensure for applicants not holding a manicuring instructor license on the effective date of this act, has completed 20 clock hours of continuing education, approved by the board, in the practice of manicuring and teaching skills and methods and paying the nonrefundable license renewal fee established by K.S.A. 65-1904, and amendments thereto.
  - c. K.S.A. 65-1903(f)(4) An esthetics instructor license shall expire every two years and shall be renewed by furnishing satisfactory evidence that the applicant, except the first renewal period following licensure for applicants not holding an esthetics instructor license on the effective date of this act, has completed 20 clock hours of continuing education, approved by the board, in the practice of esthetics and teaching skills and methods and by paying the nonrefundable license renewal fee established by K.S.A. 65-1904, and amendments thereto.
  - d. K.S.A. 65-1903(h)(4) Electrology instructor licenses shall expire every two years and may be renewed by furnishing satisfactory evidence that the applicant, except the first renewal period following licensure for applicants not holding an electrology instructor license on the effective date of this act, has completed 20 clock hours of continuing education, approved by the board, in the practice and teaching of electrology and paying the nonrefundable license renewal fee established under K.S.A. 65-1904, and amendments thereto.

- III. Delegation of Authority
  - a. The Board authorizes the Executive Director or the Director of Licensing to approve continuing education courses as a ministerial act when the course meets the requirements of this policy.
  - b. The Board authorizes the Executive Director or the Director of Licensing to deny continuing education courses when the course fails to meet the requirements of this policy.
  - c. The Executive Director or the Director of Licensing shall refer to the Board, or designee, any continuing education courses that require the exercise of individual judgment or discretion.
- IV. Review by Board, or designee
  - a. If the continuing education course requires review by the Board, and a Board meeting is not scheduled to occur within a reasonable time, the Board delegates to the member appointed as the holder of a valid school license issued by the Board or who is engaged in the day-to-day operation of a school licensed by the Board to conduct the review on behalf of the Board.
- V. Definitions
  - a. “Practice of Cosmetology” means courses or training in:
    - i. Arranging, dressing, permanently curling, curling, waving, cleansing, temporarily or permanently coloring, bleaching, relaxing, conditioning or cutting the hair;
    - ii. cleansing, stimulating or performing any other noninvasive beautifying process on any skin surface by means of hands or mechanical or electrical appliances, other than electric needles, provided for esthetic rather than medical purposes;
    - iii. temporary hair removal from the face or any part of the body by use of the hands or mechanical or electrical appliances other than electric needles;
    - iv. using cosmetic preparations, antiseptics, lotions, creams or other preparations in performing any of the practices described above.
  - b. “Practice of manicuring” means courses or training in:
    - i. cleansing, stimulating or performing similar work on the arms, hands or ankles and feet by means of hands or mechanical or electrical appliances, other than electric needles; or
    - ii. using cosmetic preparations, antiseptics, lotions, creams or other preparations in performing any practice described above.
  - c. “Practice of esthetics” means courses or training in:
    - i. Eyebrow and eyelash services, cleansing, stimulating or performing any other noninvasive beautifying process on any skin surface by means of hands or mechanical or electrical appliances, other than electric needles, provided for esthetic rather than medical purposes;
    - ii. temporary hair removal from the face or any part of the body by use of the hands or mechanical or electrical appliances other than electric needles; or
    - iii. using cosmetic preparations, antiseptics, lotions, creams or other preparations in performing any of the practices described above.

- d. "Practice of electrology" means courses or training in:
  - i. the removal hair or destruction of hair on the human body for beautification by use of an electric needle only.
- e. "Teaching Skills and Methods" means courses or training in subject matters contained in the Board approved Instructor Curriculum and business classes specific to owning, managing a salon.
- f. "Health and Sanitation" means courses or training in infection control which pertain to the cosmetology professions and are designed to safeguard the public health, safety and welfare, including blood-borne pathogens, client safety, proper techniques for cleaning, disinfection and sterilization of equipment in accordance with K.S.A. 28-24-1 *et seq.*

VI. Required Hours

- a. Every two years, except for the renewal period after initial licensure or reinstatement, each instructor shall present satisfactory proof to the Board that the instructor has attended board-approved continuing education for a minimum of 20 hours.
- b. The hours shall consist of:
  - i. 10 hours - Teaching Skills and Methods
  - ii. 5 hours - Practice of cosmetology, nail technology, esthetics or electrology or 5 additional hours - Teaching Skills and Methods
  - iii. 5 hours - Health and Sanitation
- c. Hours earned in the Practice of cosmetology, nail technology, esthetics or electrology may not be carried over into Teaching Skills and Methods or Health and Sanitation.
- d. Hours must be completed within the two year period immediately preceding the expiration date of the license.
- e. No more than ten hours of continuing education may be acquired in any one day.
- f. Practice hours must be in the profession in which the instructor is licensed. Cosmetologist instructors may take courses in cosmetology, nail technology and esthetics.
- g. Credit hours for each course, instructor presentation or Board infection control seminar shall be granted once in the two year renewal period.
- h. Credit hours for attendance at a Board school seminar shall be granted once per calendar year. The licensee shall receive the number of continuing education hours granted by the board for the seminar.
- i. Hours earned in excess of 20 hours per renewal period may not be carried over to the next renewal period.

VII. General Criteria

- a. A continuing education course or activity which meets all of the following criteria is appropriate for continuing education credit if the activity:
  - i. Constitutes an organized program of learning which contributes directly to the professional competency of the licensee.
  - ii. Pertains to the subject matters of Teaching Skills and Methods, Practice or Health and Sanitation.
  - iii. Is conducted by individuals who have specialized education, training and experience by reason of which said individuals should be considered qualified concerning the subject matter of the program.
  - iv. Fulfills the stated program goals, objectives or both.
  - v. Provides proof of attendance to licensees in attendance including:
    - 1. Date, location, course title and presenter(s)
    - 2. Number of program contact hours; and
    - 3. Certificate of completion, sign-in sheet or other evidence of successful completion of the course provided by the course sponsor.

VIII. Courses

- a. The Board automatically recognizes the following courses and activities:
  - i. Any course offered by a provider listed on the Board's Pre-Approved Continuing Education Providers if the coursework meets the requirements of this policy.
  - ii. A licensee who is a presenter of a continuing education course or activity may receive credit, once per renewal period, for the initial presentation of the program if the presentation meets the requirements of this policy. The licensee shall receive the same number of hours granted the attendees.
  - iii. Attendance at a Board sponsored school seminar. The licensee shall receive the number of continuing education hours granted by the board for the seminar.
  - iv. Attendance at a Board infection control seminar, once per renewal period, shall constitute credit of continuing education in the health and sanitation category for the length of the class. .
- b. The Board will not recognize the following courses:
  - i. Any teaching skills and methods course or training that is outside the subject matter contained in the Board approved Instructor Curriculum.
  - ii. Any practice course or training that is outside the scope of practice of the Cosmetology Act 65-1901 *et seq.* or that does not enhance the professional competency relating to the practice.
  - iii. Any health and sanitation course or training that is outside the subject matter of the rules and regulations regarding infection control found in K.S.A. 28-24-1 *et seq*
  - iv. Cardiopulmonary resuscitation (CPR) classes
  - v. First Aid

IX. Submitting Courses for Approval

- a. Licensees may submit a request for approval of a course or training that is not addressed by this policy. The request may be made prior to or after completion of the course or training.
- b. An individual seeking approval for a course shall submit the following to the Board for review:
  - i. Name of participant
  - ii. Title or name of the program
  - iii. Overview of the program
  - iv. Course outline
  - v. Goals and objectives of the program
  - vi. The numbers of hours requested and the category requested
  - vii. Biography or resume for each instructor
  - viii. If the course or training has already been completed, a certificate of completion, sign-in sheet or other evidence of successful completion of the course provided by the course sponsor.

X. Record Retention

- a. The Board shall retain an instructor's continuing education records for two renewal periods.

/s/ Chiquita C. Coggs

Executive Director

Kansas Board of Cosmetology

## APPROVED COSMETOLOGY INSTRUCTOR CONTINUING EDUCATION PROVIDERS

Continuing education hours will automatically be granted for courses offered by the following providers if the course or training meets the continuing education requirements of Board Guidance Document 001-15 Cosmetology Profession Instructor Continuing Education Policy. Courses meeting the requirements of the policy and offered by these providers do not require pre-approval from the Board:

### **General**

- Kansas Board of Cosmetology
- All schools licensed by the Kansas Board of Cosmetology
- Accredited colleges, universities, community and technical colleges
- The Missouri Board of Cosmetology and Barber Examiners (1)

### **Industry Associations**

- Cosmetology Educators of America (CEA)
- American Association of Cosmetology Schools (AACS)
- National Cosmetology Association (NCA)
- Professional Beauty Association (PBA)
- National Coalition of Esthetics & Related Associations (NCEA)
- State, or local associations of cosmetology

### **Industry Providers**

- International Beauty Show (IBS)
- International Esthetics, Cosmetics & Spa Conference
- Milady
- Milady U Online Courses
- Pivot Point
- Wella, Redken, Vidal Sassoon, Paul Mitchell and the Aveda Institute

### **Additional Health and Sanitation Providers**

- OSHA
- American Red Cross
- CEU Professor
- Western Schools
- Wild Iris Medical Education, Inc.

If the course does not fall under one of the providers listed above, or if you are unclear whether the course meets the requirements for continuing education, you will need to submit the course for approval by the Board.

Approved by the Board February 09, 2015

1. Added January 08, 2018



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**Approved Assessable Fines By KBOC**  
**Cosmetology Individual/Establishment Professions**

**Unlicensed Individual Providing Services\*\***

|             |                               |
|-------------|-------------------------------|
| 1st Offense | Cease and Desist (individual) |
| 2nd Offense | Board review                  |

**Allowing Unlicensed Individual(s) to Provide Services\*\***

|                                       |   |
|---------------------------------------|---|
| 1st Offense                           | \$500 per individual (establishment owner)  |
| 2nd or subsequent Consecutive Offense | \$1000 per individual (establishment owner) |

**Operating an Unlicensed Establishment\*\***

|  |         |
|--|---------|
| 1st Offense                            | \$500   |
| 2nd and subsequent Consecutive Offense | \$1,000 |

**Providing Services in an Unlicensed Establishment\*\***

|  |         |
|--|---------|
| 1st Offense                            | \$500   |
| 2nd and subsequent Consecutive Offense | \$1,000 |

**Providing services with an Expired Practitioner License\*\***

|  |                    |
|--|--------------------|
| 1st offense                            | \$250 (individual) |
| 2nd and subsequent Consecutive Offense | \$500 (individual) |

**Operating an Establishment with an Expired Establishment License\*\***

|  |       |
|--|-------|
| 1st Offense                            | \$250 |
| 2nd and subsequent Consecutive Offense | \$500 |

**Licensed Practitioner Providing Services in an Establishment that has an Expired License\*\***

For Each Practitioner  
Per offense \$50

**Failure to Post Valid Establishment or Practitioner License\***

|  |                |
|--|----------------|
| 1st Offense                            | Warning letter |
| 2nd and subsequent Consecutive Offense | \$250          |

**INFECTION CONTROL VIOLATIONS**

**No Disinfectant/Failure to Have Approved Disinfectant\***

|  |       |
|--|-------|
| 1st Offense                            | \$250 |
| 2nd and subsequent Consecutive Offense | \$500 |



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**Failure to Change Disinfectant/Bleach Solution Daily or More Often if Visibly Cloudy/Dirty**

1st Offense \$250  
2nd and subsequent Consecutive Offense \$500

**Prohibited Items\***

1st Offense Warning letter  
2nd and subsequent Consecutive Offense \$500 per prohibited item

**Refusing to Allow/Impeding an Inspection\***

1st Offense \$1,000  
2nd and subsequent Consecutive Offense \$1,000 + Board review of facility licensure

**Failure to Dispose of Single-Use Items\***

1st Offense \$100 per item up to \$500 total  
2nd and subsequent Consecutive Offense \$200 per item up to \$1000 total

**Failure to Clean and Disinfect Pedicure Equipment\***

1st Offense \$500  
2nd and subsequent Consecutive Offense \$1,000

**3<sup>RD</sup> Consecutive Inspection with Fineable Infection Control Violation**

Conditioning of facility license based on health and sanitation guidance document

**Excessive Infection Control Violations (6 or more violations on past 3 Consecutive Inspections) \***

1st Offense \$500  
2nd and subsequent Consecutive Offense \$1000 + Board review of facility licensure

\*Pursuant to K.S.A. 65-1908, the Board maintains the discretion to assess a fine not to exceed \$1,000.

\*\*Pursuant to K.S.A. 65-1902, the Board maintains the discretion to assess a fine not to exceed \$1,500 or may issue such order and assess such fine. In determining the amount of fine to be assessed, the board may consider the following factors: (1) Willfulness of the violation, (2) repetitions of the violation and (3) risk of harm to the public caused by the violation.



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\*\*\*The Board has interpreted 'consecutive' as listed on this Fine Schedule as meaning an offense has occurred following one after the other inspection in order.



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**Approved Assessable Fines By KBOC**  
**Schools/Instructors – Cosmetology Professions**

**Instructor in Training Without Supervision\***

|  |         |
|--|---------|
| 1 <sup>st</sup> Offense                            | \$500   |
| 2 <sup>nd</sup> and subsequent Consecutive Offense | \$1,000 |

**Failure to Post License (School, Instructor or Instructor in Training)\***

|  |                |
|--|----------------|
| 1 <sup>st</sup> Offense                            | Warning Letter |
| 2 <sup>nd</sup> and subsequent Consecutive Offense | \$250          |

**Unsupervised Students (in theory room or on clinic floor)\***

\$1,000 Per Offense

**Expired license (School, Instructor or Practitioner)\*\***

|  |       |
|--|-------|
| 1 <sup>st</sup> Offense                            | \$250 |
| 2 <sup>nd</sup> and subsequent Consecutive Offense | \$500 |

**Providing Services with an Expired Apprentice License\*\***

|  |                |
|--|----------------|
| 1 <sup>st</sup> Offense                            | Warning Letter |
| 2 <sup>nd</sup> and Subsequent Consecutive Offense | \$25           |

**Unlicensed Apprentice Providing Services\*\***

|  |                |
|--|----------------|
| 1 <sup>st</sup> Offense                            | Warning Letter |
| 2 <sup>nd</sup> and subsequent Consecutive Offense | \$25           |

**Unlicensed Instructor (never licensed as instructor or failed exams and continued to teach)\*\***

|  |                                   |
|--|-----------------------------------|
| 1 <sup>st</sup> Offense                            | \$250                             |
| 2 <sup>nd</sup> and subsequent Consecutive Offense | \$500 + Board review of licensure |

**Operating an Unlicensed School\*\***

|  |         |
|--|---------|
| 1 <sup>st</sup> Offense                            | \$500   |
| 2 <sup>nd</sup> and subsequent Consecutive Offense | \$1,000 |

**Failure to Maintain Student Records\***

\$500 Per Offense



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### Monthly Reporting of Student Hours\*

|  |                |
|--|----------------|
| 1st Offense                            | Warning Letter |
| 2nd and subsequent Consecutive Offense | \$500          |

### Submission of Late Apprentice Applications

\$25 against applicant

### Submission of Late Notice of Intent to Train (Instructor in Training Permit Application)

\$25 against applicant

### Submission of Late Instructor in Training 100-hour verification form

\$25 against applicant

## INFECTION CONTROL VIOLATIONS

### No Disinfectant/Failure to Have Approved Disinfectant\*

|  |       |
|--|-------|
| 1st Offense                            | \$250 |
| 2nd and subsequent Consecutive Offense | \$500 |

### Failure to Change Disinfectant/Bleach Solution Daily or More Often if Visibly Cloudy/Dirty

|  |       |
|--|-------|
| 1st Offense                            | \$250 |
| 2nd and subsequent Consecutive Offense | \$500 |

### Prohibited Items\*

|  |                           |
|--|---------------------------|
| 1st Offense                            | Warning letter            |
| 2nd and subsequent Consecutive Offense | \$500 per prohibited item |

### Refusing to Allow/Impeding an Inspection\*

|  |  |
|--|--|
| 1st Offense                            | \$1,000                                      |
| 2nd and subsequent Consecutive Offense | \$1,000 + Board review of facility licensure |

### Failure to Dispose of Single-Use Items\*

|  |                                   |
|--|-----------------------------------|
| 1st Offense                            | \$100 per item up to \$500 total  |
| 2nd and subsequent Consecutive Offense | \$200 per item up to \$1000 total |

### Failure to Clean and Disinfect Pedicure Equipment\*

|  |         |
|--|---------|
| 1st Offense                            | \$500   |
| 2nd and subsequent Consecutive Offense | \$1,000 |



**Kansas Board of Cosmetology**

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**3rd Consecutive Inspection with Fineable Infection Control Violation**

Conditioning of facility license based on health and sanitation guidance document

**Excessive Infection Control Violations (6 or more violations on past 3 Consecutive Inspections) \***

1st Offense \$500

2nd and subsequent Consecutive Offense \$1000 + Board review of facility licensure

\*Pursuant to K.S.A. 65-1908, the Board maintains the discretion to assess a fine not to exceed \$1,000.

\*\*Pursuant to K.S.A. 65-1902, the Board maintains the discretion to assess a fine not to exceed \$1,500, or may issue such order and assess such fine. In determining the amount of fine to be assessed, the board may consider the following factors: (1) Willfulness of the violation, (2) repetitions of the violation and (3) risk of harm to the public caused by the violation.

\*\*\*The Board has interpreted 'consecutive' as listed on this Fine Schedule as meaning an offense has occurred following one after the other inspection in order.



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**Approved Assessable Fines By KBOC**  
**Body Art Professions – Individual and Establishment**

**Operating an Establishment with an Expired Establishment License\***

|  |       |
|--|-------|
| 1 <sup>st</sup> Offense                            | \$250 |
| 2 <sup>nd</sup> and subsequent Consecutive Offense | \$500 |

**Providing Services with an Expired Practitioner License\***  
**(Individual and facility receive fines)**

|  |       |
|--|-------|
| 1 <sup>st</sup> Offense                            | \$250 |
| 2 <sup>nd</sup> and subsequent Consecutive Offense | \$500 |

**Providing Services with an Expired Apprentice License\***

|  |       |
|--|-------|
| 1 <sup>st</sup> Offense                            | \$250 |
| 2 <sup>nd</sup> and subsequent Consecutive Offense | \$500 |

**Licensed Practitioner Providing Services in an Establishment that has an Expired License\***

For Each Practitioner  
Per offense \$50

**Operating an Unlicensed Establishment\* (plus attorney fees\*\*)**

|  |         |
|--|---------|
| 1 <sup>st</sup> Offense                            | \$500   |
| 2 <sup>nd</sup> and subsequent Consecutive Offense | \$1,000 |

**Providing Services in an Unlicensed Establishment\* (plus attorney fees\*\*)**

|  |         |
|--|---------|
| 1 <sup>st</sup> Offense                            | \$500   |
| 2 <sup>nd</sup> and subsequent Consecutive Offense | \$1,000 |

**Unlicensed Individual Providing Services\***

|   |                           |
|---|---------------------------|
| 1 <sup>st</sup> Offense                           | \$500 (individual)        |
| 2 <sup>nd</sup> or subsequent Consecutive Offense | \$1,000 each (individual) |

**Refusing to Allow/Impeding an Inspection\***

|   |  |
|---|--|
| 1 <sup>st</sup> Offense                           | \$1000                                       |
| 2 <sup>nd</sup> or subsequent Consecutive Offense | \$1,000 + Board review of facility licensure |

**No Spore Test Done or Present at the Time of Inspection or Expired Spore Test\***

|                         |       |
|-------------------------|-------|
| 1 <sup>st</sup> Offense | \$500 |
|-------------------------|-------|



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2<sup>nd</sup> and subsequent Consecutive Offense      \$1,000 + Board review of licensure

**Records – Client Release Forms\***

Incomplete Releases - \$50 per release form

Failure to maintain client records (no release present for a client) - \$250

**Excessive Infection Control Violations (6 or more violations on past 3 Consecutive Inspections)\***

1st offense      \$500

2nd and subsequent Consecutive Offense      \$1000 + Board review of facility licensure

\*Pursuant to K.S.A. 65-1947, the Board maintains the discretion to assess a fine not to exceed \$1,000 per violation.

\*\*Pursuant to K.S.A. 65-1954, the Board maintains the discretion to assess civil fines and costs including attorney fees, after proper notice and an opportunity to be heard, against any person or entity for a violation of the statutes, rules and regulations or orders enforceable by the board in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. In determining the amount of penalty to be assessed pursuant to this section, the board may consider the following factors among others: (1) Willfulness of the violation; (2) repetitions of the violation; and (3) magnitude of the risk of harm caused by the violation.

\*\*\*The Board has interpreted ‘consecutive’ as listed on this Fine Schedule as meaning an offense has occurred following one after the other inspection in order.



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**Approved Assessable Fines By KBOC**  
**Tanning Establishments**

**Operating an Unlicensed Establishment\***

|  |         |
|--|---------|
| 1 <sup>st</sup> offense                            | \$500   |
| 2 <sup>nd</sup> and subsequent Consecutive Offense | \$1,000 |

**Operating an Establishment with an Expired Establishment License\***

|  |       |
|--|-------|
| 1 <sup>st</sup> offense                            | \$250 |
| 2 <sup>nd</sup> and subsequent Consecutive Offense | \$500 |

**Providing Access to Tanning Beds to a Minor\*\***

\$250 Per Offense

**Failure to Properly Clean/Disinfect Tanning Equipment**

|  |       |
|--|-------|
| 1 <sup>st</sup> offense                            | \$250 |
| 2 <sup>nd</sup> and subsequent Consecutive Offense | \$500 |

**No Disinfectant/Failure to Have Approved Disinfectant\*\*\***

|  |       |
|--|-------|
| 1 <sup>st</sup> offense                            | \$250 |
| 2 <sup>nd</sup> and subsequent Consecutive Offense | \$500 |

**No Eyewear\*\*\***

\$500 Per Offense

**No Trained Tanning Device Operator or Verification of Training Present\*\*\***

|  |         |
|--|---------|
| 1 <sup>st</sup> offense                            | \$500   |
| 2 <sup>nd</sup> and subsequent Consecutive Offense | \$1,000 |

\*Pursuant to K.S.A. 65-1929 the Board maintains the discretion to assess a fine of up to \$1,500 considering the (1) Willfulness of the violation, (2) repetitions of the violation, and (3) risk of harm to the public caused by the violation; and to issue a cease and desist order.

\*\*Pursuant to K.S.A. 65-1931 the Board maintains the discretion to assess a fine of up to \$250.

\*\*\*Pursuant to K.S.A. 65-1926, the Board maintains the discretion to assess a fine of up to \$1,000.



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\*\*\*\*The Board has interpreted ‘consecutive’ as listed on this Fine Schedule as meaning an offense has occurred following one after the other inspection in order.



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### Policy - Instructors-in-Training

**Policy Number: 001-17**

Approved by the Board: February 13, 2017

Last Updated: January 08, 2018

#### I Purpose

- a. The purpose of this policy is to provide guidelines for the Board staff in implementing the instructor-in-training permit process approved by the Board 11/09/2015.

#### II Authority

- a. Application for an instructor-in-training permit allows a licensee to instruct on the floor in a licensed school after completing 100 clock hours. K.S.A. 65-1 903(k) (1).
- b. The Board, in accordance with the provisions of the Kansas Administrative Procedure Act, may refuse to issue or renew a license, or revoke, suspend, censure, limit or condition a license for failure to comply with any provision of this act, with the rules and regulations of the Board of Cosmetology or with any order issued by the Board. K.S.A. 65-1908(a)(2).

#### III Policy and Procedures

- a. Seven days prior to the start date of training the instructor in training must submit the Instructor in Training Permit Application and Fee.
  1. Instructors-in-Training that have not submitted the Notice of Intent included in the Instructor in Training Permit Application seven days prior to the start date of training
    - a. May 14, 2012 Board Directive – Until the implementation of the instructor permit (11/09/2015) instructors in training that failed to submit a Notice of Intent seven days prior to the start of training will be docked 100 hours. Alternatively, the instructor may choose to have an adjusted start date to seven days after to the submission date of the notice of intent, hours received prior to the adjusted start date are not recognized.
    - b. After 11/09/2015- Start date is adjusted to seven days after to the submission date of the notice of intent, hours received prior to the adjusted start date are not recognized.
- b. Upon completion of 100 hours of training the applicant shall submit the verification of 100 hours using the Instructor in Training Verification form. Instructors must have the verification submitted within 50 hours of meeting the 100 hour requirement but not before 100 hour requirement has been met.
  1. Instructors-in-Training that have not submitted verification of completion of 100 hours
    - a. Hours obtained after 100 and prior to receiving the verification form, will not be recognized.



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- c. Instructors in Training must complete training and examination within six months of the permit application submission date.
  1. Instructors-in-Training that have not completed their training program within six months of the permit application submission date.
    - a. Prior to the expiration date of the permit, the applicant may ask for an extension of their initial permit and show good cause for the request for an extension. The request for extension will be reviewed by the Board's Disciplinary Panel.
      - If approved, the Panel will grant extension of the permit for up to an additional six months.
      - If denied, the instructor-in-training must reapply for an instructor-in-training permit and retake the entire training program.
  2. Instructors-in-Training that have completed their training program but not taken their exam within six months of the permit application submission date.
    - a. The instructor-in-training must reapply for an instructor-in-training permit and retake the entire training program
  3. Hours obtained by Instructors-in-Training that completed their training program prior to the implementation of the instructor permit 11/09/2015 but have not taken exam will be recognized.

Chiquita C. Coggs  
Chiquita C. Coggs, Executive Director

1/17/2018  
Date



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**Policy – Monthly Reporting for Student Hours**

**Policy Number: 001-18**

Approved by the Board: December 11, 2018

Last Updated: November 1, 2018

- I. Purpose
  - a. The purpose of this policy is to provide binding and consistent internal instructions and guidelines for the Board and the Board’s staff to review monthly school submission of student hours into Ergometrics.
- II. Authority
  - a. Each school administrator shall submit to the board a record of the number of hours earned in the previous month and the total number of hours accumulated through the previous month by each student, on a form approved by the board. The record shall include each student’s name, address, and apprentice license number and shall be submitted no later than the 10th day of each month.
  - b. The Board may refuse to issue or renew a license, or revoke, suspend, censure, limit or condition a license for failure to comply with any provision of this act, with the rules and regulations of the board of cosmetology or with any order issued by the board. K.S.A. 65-1908(a)(2).
- III. Policy and Procedures
  - a. A data report is pulled monthly for all reported student hours by each school for the prior month’s submission.
  - b. Triggering Event: The reported monthly hours show student hours equal to or above 250 hours.
  - c. Documentation is reviewed, and appropriate action is taken:
    - i. For the first offense of 2 or more student hours not being submitted monthly, Board staff sends school a warning letter.
    - ii. For the second offense of 2 or more student hours not being submitted monthly, disciplinary action will be taken by the Board pursuant to the Fine Schedule Guidance Document.

  
\_\_\_\_\_  
Laura Gloeckner  
Acting Executive Director  
Kansas Board of Cosmetology



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**Policy – Body Art Temporary Permits**

**Policy Number: 003-18**

Approved by the Board: December 11, 2018  
Last Updated: December 10, 2018

- I. Purpose
  - a. The purpose of this policy is to provide binding and consistent internal instructions and guidelines for the Board and the Board’s staff on handling temporary permits for Body Art applicants.
- II. Authority
  - a. Any applicant who possesses the necessary qualifications to take an examination, as determined by the board, upon application and payment of a non-refundable fee established by regulations adopted by the board, may be issued a temporary permit by the board to practice cosmetic tattooing, tattooing, or body piercing until the next regular examination conducted by the board. K.S.A. 65-1943(c).
- III. Policy and Procedures
  - a. Any body art applicant wishing to apply for a temporary permit must submit all documentation and forms to the Board prior to scheduling for examination.
  - b. Once applicant is scheduled for examination, the Board will issue temporary permit licensure that is valid until the scheduled examination.
  - c. If applicant passes examination, the Board will issue applicant proper licensure.
  - d. If applicant fails either examination, the temporary permit will become null and void.

  
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Laura Gloeckner  
Acting Executive Director  
Kansas Board of Cosmetology



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### Policy – Examination Complaint Appeal Procedure

**Policy Number: 001-19**

Approved by the Board: February 11, 2019

Last Updated: January 18, 2019

- I. Purpose
  - a. The purpose of this policy is to provide guidelines for Board staff to review submitted complaints from Candidates that have completed board examinations.
- II. Authority
  - a. Any applicant taking the state board of cosmetology examinations shall be granted a license authorizing the practice of cosmetology, manicuring, esthetics, or electrology if the applicant achieves the following examination scores: 1) An average of at least 75 percent on the practical examination sections. However, each applicant shall be required to attain a score of at least 75 percent on the client protection section of the practical examination; and 2) at least 75 percent on the written examination. K.A.R. 69-1-4(a)
  - b. The licensure examinations shall be developed and administered by the board or by a board-approved examination provider. K.A.R. 69-1-4(c)
  - c. All examinations held or conducted by the board shall be in accordance with rules and regulations adopted by the board. The examinations shall include a written test administered at the completion of 1,000 hours of training. If the applicant has attended a licensed school electing to base the course of instruction and practice on credit hours as provided in K.S.A. 65-1903, and amendments thereto, the written test shall be administered at the completion of the credit hours which are the equivalent of 1,000 clock hours under the formula for conversion used by the licensed school. A practical test may be administered prior to licensure. K.S.A. 65-1905(a)
- III. Policy and Procedures
  - a. The Candidate is required to first notify the testing company of the concern or complaint. For a qualifying appeal, the Candidate is required to attempt to complete the testing company appeal process first.
  - b. If the Candidate is not satisfied with the results of the appeal or the response of the testing company to the complaint or concern, Candidate must complete the Candidate Testing Complaint/Appeal Form.
  - c. In order to qualify for Board review, the Candidate must file an appeal within thirty days of examination and one of the following must apply:
    - i. Must have failed more than one time or failed with a score of 20% or below
    - ii. Complaints are regarding poor exam site conditions and/or proctor behavior
  - d. When Board review is applicable, the applicable School(s) will be sent the Student Inquiry Testing Appeal/Complaint Form to complete.
  - e. The testing company will be sent a copy of the complaint/appeal for response.



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- f. The Candidate should provide the Board with a copy of the testing company response/findings of their previously submitted complaint/appeal and a copy the practical exam results from their exam portal, if applicable.
- g. The Board Testing Review Committee will review the information provided to make recommendation for resolution or Board action. The Board will not provide Candidates with information on what was missed on their examination.
- h. Complainant will be notified of the recommendation for resolution or Board action.

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Laura Gloeckner

Acting Executive Director

Kansas Board of Cosmetology



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### Policy – Dermaplaning and Milia Lancing

**Policy Number: 002-19**

Approved by the Board: July 8, 2019

Last Updated: July 8, 2019

- I. Purpose
  - a. The purpose of this policy is to provide guidelines for licensed cosmetologists and licensed estheticians to provide dermaplaning and milia lancing services within the scope of their licensure.
- II. Authority
  - a. "Cosmetology" means the profession of cleansing, stimulating or performing any other noninvasive beautifying process on any skin surface by means of hands or mechanical or electrical appliances, other than electric needles, provided for esthetic rather than medical purposes. K.S.A. 65-1901(d)(1)(B).
  - b. "Cosmetology" means temporary hair removal from the face or any part of the body by use of the hands or mechanical or electrical appliances other than electric needles. K.S.A. 65-1901(d)(1)(C).
  - c. "Esthetician" means any person who, for compensation practices the profession of cosmetology only to the following extent: (1) Eyebrow and eyelash services, cleansing, stimulating or performing any other noninvasive beautifying process on any skin surface by means of hands or mechanical or electrical appliances, other than electric needles, provided for esthetic rather than medical purposes; (2) temporary hair removal from the face or any part of the body by use of the hands or mechanical or electrical appliances other than electric needles; or (3) using cosmetic preparations, antiseptics, lotions, creams or other preparations in performing any of the practices described in this subsection. K.S.A. 65-1901(e).
  - d. "Noninvasive," when used to describe procedures or services, means the procedures or services confined to the nonliving cells of the epidermis found in the stratum corneum layer of the skin. The practice of cosmetology, nail technology, or esthetics shall not alter, cut, or damage any living cells. K.A.R. 28-24-1(I).
  - e. Using a razor-type device to remove calluses or skin blemishes shall be prohibited in any area of an establishment or school in which consumers are provided service. K.A.R. 28-24-14(a)(4).
  - f. Using invasive skin-removal techniques, products, and practices that remove viable cells that are deeper than the stratum corneum shall be prohibited in any area of an establishment or school in which consumers are provided service. K.A.R. 28-24-14(a)(5).
- III. Policy and Procedures
  - a. On May 13, 2019, the Board approved of the use of lancets and scalpels by licensed cosmetologists and licensed estheticians when performing the beauty modalities of dermaplaning and milia lancing.



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- b. A licensed cosmetologist and a licensed esthetician may provide these procedures for esthetic purposes only and are permitted within the scope of practice as they are noninvasive and confined to the nonliving cells of the epidermis found in the stratum corneum layer of the skin.
- c. Dermaplaning and milia lancing do not alter, cut or damage any living cells.
- d. The use of a scalpel to dermaplane is only for exfoliation and hair removal and is not permitted to be used to remove calluses or skin blemishes.

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Laura Gloeckner

Executive Director

On Behalf of the Kansas Board of Cosmetology



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**Policy – Use of Class 1 Medical Devices**

**Policy Number: 003-19**

Approved by the Board: July 8, 2019

Last Updated: July 8, 2019

- I. Purpose
  - a. The purpose of this policy is to provide guidelines for the use of class 1 medical devices within the scope of licensure for cosmetologists and estheticians.
- II. Authority
  - a. "Cosmetology" means the profession of cleansing, stimulating or performing any other noninvasive beautifying process on any skin surface by means of hands or mechanical or electrical appliances, other than electric needles, provided for esthetic rather than medical purposes. K.S.A. 65-1901(d)(1)(B).
  - b. "Cosmetology" means temporary hair removal from the face or any part of the body by use of the hands or mechanical or electrical appliances other than electric needles. K.S.A. 65-1901(d)(1)(C).
  - c. "Esthetician" means any person who, for compensation practices the profession of cosmetology only to the following extent: (1) Eyebrow and eyelash services, cleansing, stimulating or performing any other noninvasive beautifying process on any skin surface by means of hands or mechanical or electrical appliances, other than electric needles, provided for esthetic rather than medical purposes; (2) temporary hair removal from the face or any part of the body by use of the hands or mechanical or electrical appliances other than electric needles; or (3) using cosmetic preparations, antiseptics, lotions, creams or other preparations in performing any of the practices described in this subsection. K.S.A. 65-1901(e).
  - d. Except as provided in subsection (b), no person shall provide a service constituting the practice of cosmetology, nail technology, esthetics or electrology by use of a medical device registered with the federal food and drug administration, or as defined in federal or state law which may be distributed only upon the order of a physician. This act does not prohibit a board of cosmetology licensee from providing services using a medical device upon the order and under the supervision of a physician and in a location maintained by the physician.
- III. Policy and Procedures
  - a. On May 13, 2019, the Board determined that licensed cosmetologists and licensed estheticians may use class 1 medical devices registered with the FDA and approved by the FDA for general use, not required to be used under the order of a physician, as long as they are being used for esthetic, not medical purposes.

  
\_\_\_\_\_  
Laura Gloeckner  
Executive Director  
On Behalf of the Kansas Board of Cosmetology



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### Policy – Process for Review, Investigation and Closure of Complaints

Policy Number: 001-20

Last Updated: 01/13/2020

Approved by Board: 01/13/2020

- I. Purpose
  - a. The purpose of this policy is to provide guidelines for Board staff to prioritize, review, investigate, and/or close complaints filed with the Board.
  - b. This policy is designed to protect the health and safety of the consuming public.
  - c. The Board seeks to ensure the integrity of the disciplinary function of the agency without unreasonable disturbance of other functions and duties of the agency.
- II. Authority
  - a. The Board shall receive applications for, and issue licenses as provided in the cosmetology, body art and tanning acts and shall administer the provisions of these acts. For the purpose of the acts, the Board shall make all necessary investigations.
  - b. See K.S.A. 74-2701, 74-2702a
- III. Policy and Procedures
  - a. Processing Complaints
    - i. The Executive Director or Compliance Supervisor, as designated by the Executive Director, shall process complaints as follows:
      1. Send an acknowledgment letter or email to the complainant confirming receipt of the complaint. Review the complaint to determine jurisdiction or if the matter may be closed in accordance with this policy. If the matter is closed, send a closure letter to the complainant, when contact information has been provided.
      2. If the Board has jurisdiction over the matter, open a complaint file and assign a complaint number to the file
      3. Conduct a thorough investigation of the complaint and compile evidence. If a violation has been determined open a complaint file with the Board and refer files to the disciplinary panel alleging the unlicensed practice of tattooing or tattooing on minors before reporting to law enforcement in addition to opening a complaint file with the Board.
      4. Assign a case number and impose discipline and fines in accordance with the Board's approved fine schedules and Guidance Document No. 002-12 on Disciplinary Action for Health/Sanitation Violations.
      5. Refer to the Disciplinary Panel all complaints which, after investigation, support a violation not addressed by the Board's approved fine schedules and the Board Guidance Document No. 002-12.
      6. Refer to the Disciplinary Panel a summary for complaints in which no violation has occurred to support disciplinary action recommending closure. If Disciplinary Panel agrees with closure recommendations, send a closure letter to all interested parties, where contact information has been provided, indicating the complaint has been closed and the reason for closure (i.e. no violation, insufficient evidence of violation, etc.).



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- b. Closing Complaints without Investigation
  - i. The Executive Director shall be authorized to close the following complaints, without investigation:
    - 1. Complaints not received in writing.
- c. Closing Complaints
  - i. The Executive Director shall be authorized to close a complaint if, at any point in the investigative process, it becomes evident that:
    - 1. Disciplinary Panel recommends closure.
    - 2. The Board has no regulatory authority regarding the allegations.
    - 3. The Board has no jurisdiction over the alleged violations.
- d. Warning Letters
  - i. The Executive Director shall be authorized to issue warning letters for:
    - 1. Possession of any of the prohibited items listed in K.A.R. 28-24-14 and 69-15-16(k), where there is no evidence of actual harm to the consuming public and the licensee has not previously been disciplined or issued a warning for a similar violation.
    - 2. Failure to post an establishment license, practitioner license or inspection report, where there is no evidence of actual harm to the consuming public and the licensee has not previously been disciplined or issued a warning for a similar violation.
- e. Complaints Involving or Submitted by Board Members
  - i. Board members shall submit complaints to the Board using the established complaint form.
  - ii. Board members shall be recused from disciplinary decisions concerning complaints in which they are a witness or otherwise have a conflict of interest in the matter.
  - iii. Board members shall not compromise or impede the complaint process or investigation.

  
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Laura Gloeckner  
Executive Director  
Kansas Board of Cosmetology



## Kansas Board of Cosmetology

714 SW Jackson Suite 100 Topeka, KS 66603

Telephone: (785) 296-3155 Fax: (785) 296-3002

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### Policy – Separation Requirements for Cosmetology Profession Establishments

#### Policy Number: 001-21

Approved by the Board: March 8, 2021

Last Updated: June 14, 2021

- I. Purpose
  - a. The purpose of this policy is to provide guidelines for Board staff to issue licensure when business or residential separation is required within cosmetology profession establishments.
- II. Authority
  - a. The secretary of health and environment shall adopt rules and regulations establishing sanitation standards for professions, shops, salons, facilities, clinics, schools and colleges regulated by the state board of barber examiners or the state board of cosmetology. K.S.A. 65-1,148(b).
  - b. The board, in accordance with the provisions of the Kansas administrative procedure act, may refuse to issue or renew a license, or revoke, suspend, censure, limit or condition a license for failure to comply with the sanitation standards prescribed by the secretary of health and environment pursuant to K.S.A. 65-1,148, and amendments thereto. K.S.A. 65-1908(a)(1).
  - c. If a room used for residential purposes is adjacent to a room used for the practice of cosmetology, nail technology, esthetics, or electrology, a solid partition shall separate the portion of the premises used for residential purposes from the licensed area. The partition may contain a door if it remains closed, except for entering and leaving. K.A.R. 28-24-13(b)(1).
  - d. If a room used for nonlicensed business purposes is also used for or is adjacent to a room used for the practice of cosmetology, nail technology, esthetics, or electrology and if the board, upon consultation with the secretary of health and environment, determines that the proximity of the licensed or nonlicensed activities poses a possible threat to the health of the employees, the consumers, or the public, the owner of the school or establishment shall mitigate the risk as directed by the board, including by meeting one or both of the following requirements: (1) A solid partition shall separate the portion of the premises used for nonlicensed business purposes from the licensed area. The partition may contain a door if it remains closed, except for entering and leaving. (2) A separate, outside entrance shall be provided for the school or establishment. K.A.R. 28-24-13(c).
  - e. The definition of "Cosmetology" in K.S.A. 65-1901(d)(2) "shall not include a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical device so long as the service does not include the application of dyes, reactive chemicals or other preparations to alter the color of the hair or to straighten, curl or alter the structure of the hair and so long as the requirements of K.S.A. 65-1928, and amendments



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thereto are met.” That statute does not preclude a licensed cosmetologist from performing the service described, however.

- f. As required by K.S.A. 65-1928, the Kansas Secretary of the Department of Health and Environment developed a brochure containing information about infection control techniques which are appropriate for hair braiding outside the salon setting. Kansas law requires this brochure be made available through the department of health and environment's website or by mail, upon request. The brochure contains a self-test with questions on the information contained in the brochure. For an individual engaged in hair braiding to be exempt from the practice of cosmetology under K.S.A. 65-1901 and amendments thereto, they must complete the self-test and keep the brochure and completed self-test available at the location at which the individual is braiding hair.

### III. Policy and Procedures

- a. On March 8, 2021, the Board determined that a solid partition is defined as something that divides the space and is not interrupted by a break or opening and has a texture that is close and not loose or spongy. The partition may contain a door if it remains closed, except for entering and leaving.
- b. The intent of this regulation is that the solid partition completely divides the two spaces and not allow persons to move freely between the two spaces.
- c. K.S.A. 65-1901 (d)(2) exempts hair braiding from the definition of cosmetology, so long as the service and the provider meet certain criteria in K.S.A. 65-1928. After review, Kansas Department of Health and Environment (KDHE) determined no health risk existed requiring separation; therefore, braiding services provided by unlicensed individuals are permitted in a licensed establishment, in a separate space with the understanding that they must adhere to infection control regulations and the separate space is subject to inspection. Additionally, the required KDHE brochure must be posted in the separate space and limitations to the braiding exemption must be adhered to by the unlicensed individual. Space used for unlicensed braiding must be separated by solid partition from the licensed cosmetology braiding services.
- d. After review by KDHE and a determination that no health risk requiring separation existed, licensed barber services, as defined by K.S.A. 65-1809(f), are permitted in a licensed cosmetology establishment with no separate space required. Barbers are regulated by the Barbering Board and are not subject to the Kansas Board of Cosmetology (KBOC) inspection. Barbering stations will not be inspected by KBOC inspectors. Any violations found outside of barber stations will be cited and are subject to KBOC inspection.
- e. After review by KDHE and a determination that no health risk requiring separation existed, henna services provided by unlicensed individuals are permitted in a licensed establishment, in a separate space with the understanding that they must adhere to infection control regulations and the separate space is subject to inspection. Although the space used for these unlicensed services does



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not require a solid partition as referenced in regulation, it must be distinctly separated from the licensed services.

- f. After review by KDHE and a determination that no health risk requiring separation existed, massage services provided by unlicensed individuals are permitted in a licensed establishment, in a separate space with the understanding that they must adhere to infection control regulations and the separate space is subject to KBOC inspection. Although the space used for these unlicensed services does not require a solid partition as referenced in regulation, it must be distinctly separated from the licensed services.
- g. After review by KDHE and a determination that a potential health risk requiring separation existed, medical services are not permitted in a licensed establishment. Medical services must be completely separated from the licensed establishment. Medical spas are regulated by the Kansas Board of Healing Arts and are not subject to KBOC inspection. Licensed KBOC practitioners providing services within a medical facility under the supervision of a physician are not subject to KBOC rules and regulations.
- h. After review by KDHE and a determination that no health risk requiring separation existed, cosmetology, esthetic, electrology and nail services do not need separation in a licensed cosmetology profession establishment.
- i. After review by KDHE and a determination that a potential health risk requiring separation existed, Body Art services, including tattooing, cosmetic tattooing, and body piercing, as defined in K.S.A. 65-1940, shall be separate from cosmetology profession services by a solid partition and a separate establishment license is required for each profession.
- j. After review by KDHE and a determination that a potential health risk requiring separation existed, tanning services, as defined by K.S.A. 65-1920, shall be separate from cosmetology profession services by a solid partition and a separate establishment license is required for each profession.
- k. After review by KDHE and a determination that a potential health risk requiring separation existed, vaginal steaming services, shall be separate from cosmetology profession services by a solid partition.
- l. After review by KDHE and a determination that a potential health risk requiring separation existed, tooth bling services, shall be separate from cosmetology profession services by a solid partition.
- m. If a room used for residential purposes is adjacent to a room used for the practice of cosmetology, nail technology, esthetics, or electrology, a solid partition shall separate the portion of the premises used for residential purposes from the licensed area.

Laura Glöeckner  
Executive Director

On Behalf of the Kansas Board of Cosmetology



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### Policy – Cosmetology Temporary Permits

Policy Number: 002-21

Approved by the Board: April 12, 2021

Last Updated: April 12, 2021

#### I. Purpose

The purpose of this policy is to provide binding and consistent internal instructions and guidelines for the Board and the Board's staff on handling temporary permits for Cosmetology applicants.

#### II. Authority

Any person making application for a Cosmetology license who possesses the necessary qualifications to take an examination provided herein, upon application and payment of the nonrefundable temporary permit fee, may be issued a temporary permit by the board to practice cosmetology until the next regular examination conducted by the board. K.S.A. 65-1905(c).

#### III. Policy and Procedures

- a. Any Cosmetology profession applicant wishing to apply for a temporary permit must submit all documentation and forms to the Board prior to scheduling their examination.
- b. Once an applicant is scheduled for examination, the Board will issue temporary permit licensure which will expire six weeks after the initially scheduled examination date.
- c. If applicant passes the examination, the Board will issue the applicant proper licensure.
- d. If applicant fails either the practical or the written examination, the temporary permit will become null and void upon the date of the last failed examination.
- e. An applicant who has failed the 1,000-hour written exam while attending school will be eligible for the temporary permit if the applicant passes the exam prior to graduation.

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### Policy – K.S.A 48-3406 Application for Licensure

**Policy Number: 003-21**

Approved by the Board: August 09, 2021

Last Updated:

#### I. Purpose

- a. The purpose of this policy is to provide guidelines for the Board to process applications for licensure pursuant to K.S.A. 48-3406.

#### II. Authority

- a. Notwithstanding any other provision of law, the Kansas Board of Cosmetology shall, upon submission of a complete application, issue a license to an applicant as provided by this section, so that the applicant may lawfully practice the person's occupation. Any person who is a resident of Kansas or intends to be one and is coming from a state that does not provide licensure does not qualify for licensure by reciprocity under the body art or cosmetology act may make application for licensure under K.S.A. 48-3406. K.S.A. 48-3406(b).
- b. Qualifying applicants must be issued licensure within 15 days from the date a complete application was submitted if the applicant is a military servicemember or military spouse or within 45 days from the date of complete application was submitted for all other applicants. K.S.A. 48-3406(c).
- c. If an applicant doesn't qualify for or the Kansas Board of Cosmetology does not provide reciprocity for applicants, the Kansas Board of Cosmetology shall issue the license on a probationary basis if the applicant has: a valid, current license, registration, or certification for a similar scope of practice, at least one-year work experience, no disqualifying criminal record and has not had disciplinary action taken against their license or committed an act in another jurisdiction that would have constituted grounds for limitation, suspension, or revocation of the license. K.S.A. 48-3406(c)(2).
- d. If applicant hasn't been in active practice during the two years preceding application, s/he may have to complete additional testing, training, monitoring, or continuing education. K.S.A. 48-3406(d).
- e. If applicant is practicing in a state that does not issue licensure for their occupation "the Kansas Board of Cosmetology may issue the license on a probationary basis a license to the applicant if they have worked in the occupation for three out of the four years immediately preceding their application. K.S.A. 48-3406(e).
- f. If applicant is practicing in a state that does not issue licensure for their occupation the Kansas Board of Cosmetology may issue the license on a probationary basis a license to the applicant if they have a current, valid private certification and is in good standing with the certifying organization and they have worked in the occupation for at least two years. The two years is not required to have been immediately preceding application. K.S.A. 48-3406(f).
- g. If scope of practice is not similar for a military service member or spouse applicant, the Kansas Board of Cosmetology shall issue a temporary permit to allow the



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applicant to complete any specific requirements of this state that were not required in the prior jurisdiction unless the Kansas Board of Cosmetology finds that issuing a temporary permit would jeopardize the health and safety of the public. K.S.A. 48-3406(h).

- h. If scope of practice is not similar for a non-military service member or spouse applicant, the Kansas Board of Cosmetology may issue a temporary permit to allow the applicant to complete any specific requirements of this state that were not required in the prior jurisdiction unless the Kansas Board of Cosmetology finds that issuing a temporary permit would jeopardize the health and safety of the public. K.S.A. 48-3406(i).
- i. The Kansas Board of Cosmetology may deny any application for license and permit under K.S.A 48-3406 if the Board determines that granting such license or permit, would jeopardize the health and safety of the public. K.S.A. 48-3406(l).
- j. Additional training or testing required pursuant to K.S.A. 48-3406 (d), (h), or (i) must be limited to those in Kansas requirements that are materially different or additional to the law of another state or to any materially different or additional body of knowledge or skill required to obtain a Kansas license. K.S.A. 48-3406(j).
- k. The Kansas Board of Cosmetology may grant licensure to someone who was separated from the military under less than honorable conditions or with a generable discharge under honorable conditions. K.S.A. 48-3406(k).
- l. All proceedings pursuant to this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act (KAPA) and shall be reviewable in accordance with the Kansas judicial review act (KJRA). K.S.A. 48-3406(t).
- m. The Kansas Board of Cosmetology may deny a license if the Agency determines that granting it may jeopardize the health and safety of the public. K.S.A. 48-3406(l).
- n. Kansas Board of Cosmetology shall provide a report for the period of July 1 through June 30 to the director of legislative research by August 31 of each year, providing information requested by the director of legislative research to fulfill the requirements of this subsection. The information shall include, detailed by applicant type, including military servicemember, military spouse and non-military individual: (1) The number of applications received under the provisions of this section;(2) the number of applications granted under this section; (3) the number of applications denied under this section; (4) the average time between receipt of the application and completion of the application; (5) the average time between receipt of a complete application and issuance of a license, certification or registration; and (6) identification of applications submitted under this section where the issuance of credentials or another determination by the licensing body was not made within the time limitations pursuant to this section and the reasons for the failure to meet such time limitations. All information shall be provided by the licensing body to the director of legislative research in a manner that maintains the confidentiality of all applicants and in aggregate form that does not permit identification of individual applicants. K.S.A. 48-3406(u).

### III. Policy and Procedures

- a. All determinations and processing for licensure under this act will be done in



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accordance with the provisions of the KAPA and the KJRA.

- b. All applicants for licensure under K.S.A. 48-3406 must complete the board approved application and pay the required fee.
- c. Licensure shall be issued to qualifying individuals within 15 days of completed application, if a military member or spouse and within 45 days for all other applicants.
- d. The Board shall delegate the HB 2066 subcommittee to review applicants for licensure under K.S.A. 48-3406.
- e. Board staff shall provide the HB 2066 subcommittee with applications for review, approval or denial in which the applicant:
  - i. Is a military service member or spouse discharged for less than honorable conditions.
  - ii. Is an applicant whose licensure does not have a similar scope of practice and could be issued a temporary permit until all requirements are met.
  - iii. Is an applicant providing a private certification.
- f. Board staff shall issue licensure to those that qualify for reciprocity under K.S.A 48-3406. To qualifying applicants other than those described in section II c.
- g. If the HB 2066 subcommittee approves the application, the applicant shall be issued a temporary permit or a license.
- h. If the HB 2066 subcommittee or Board staff deny an application pursuant to K.S.A. 48-3406, a summary proceeding order denying the licensure or permit will be issued.
- i. Board staff will provide all persons licensed under this act with a law book resources list and a self-test over KS laws and regulations pertaining to their occupation.



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