



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

**Policy Number: 002-12**

Last Updated: January 18, 2012

- 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.
- II. Authority
  - a. 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).
  - b. 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. 65-1908(d).
- 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 violations before taking disciplinary action against an establishment.
  - b. The levels of violations (per inspection) are as follows:

i. Low Range	1-3 violations	Acceptable
ii. Mid Range	4-5 violations	Remedial Action Required
iii. High Range	> 5 violations	Excessive
  - c. Result of Inspection
    - i. Inspections resulting in low range violations are considered an acceptable part of the normal day-to-day operations of an establishment and are merely reported.
    - ii. Inspections resulting in mid range violations are of concern to the Board. For all inspections resulting in more than three violations, remedial action is required. The Board sends paperwork to the establishment to be completed and returned. The establishment is then monitored for compliance with the health and sanitation regulations of the Board.
    - iii. Inspections resulting in high range violations are considered excessive and unacceptable. In addition to remedial action, the Board may conduct additional inspections to monitor the progress of the establishment in making the necessary corrections and complying with the health and sanitation regulations of the Board.

d. Disciplinary Action

- i. If an establishment has five or more inspections resulting in violations in the mid range, the Board will issue a Summary Proceeding Order assessing a fine based on the most recent inspection (\$50 per violation) and condition the establishment license for one year.
- ii. If salon has three or more inspections resulting in violations in high range, the Board will issue a Summary Proceeding Order assessing a fine based on the most recent inspection and condition the establishment license for one year.
- iii. The conditions of the license may be as follows:
  1. License is conditioned for one year from the effective date of the order.
  2. All employees/practitioners at the establishment must attend a mandatory infection control seminar. The establishment must contact the Board office within 20 days of the effective date of the order to schedule the seminar with the inspector. The seminar must be held within 60 days of the effective date of the order.
  3. The establishment will be subject to monthly inspections for the conditioned year. The Board will be reimbursed \$50 per inspection (to be paid within thirty days of each inspection).
  4. If the establishment has no more than three infection control violations and no licensure violations reported at the monthly inspections for the first six month period during the one year conditioned period, and 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. Failure to abide by the conditions set forth by the Board may result in revocation of Respondent's establishment license.

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