



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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