

APA-1
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TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 250 Department or Agency Board of Cosmetology

Rule No. 250-X-6

Rule Title: Examinations

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? N/A

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

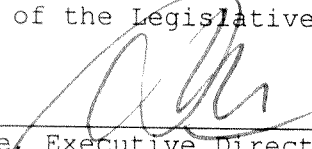
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.



Bob McKee, Executive Director

Date August 20, 2013

(DATE FILED)
(STAMP)

ALABAMA BOARD OF COSMETOLOGY

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Cosmetology

RULE NO. & TITLE: 250-X-6 Examinations

INTENDED ACTION: To repeal and replace this chapter


SUBSTANCE OF PROPOSED ACTION: To adopt new rules consistent with new law Act 2013-371.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Interested persons may present comments in writing at any time during the thirty-five (35) day period following publication of this notice to Bob McKee, Executive Director of the Alabama Board of Cosmetology, 100 North Union St., Suite 320, Montgomery, AL 36130-1750. Comments may be presented in person to the Executive Director at the above address on Monday, October 7, 2013 at 10:00 AM. Requests for comments in person must be submitted in writing in advance. Copies of proposed rule changes are available at the Executive Director's office at 334-242-1918.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: October 7, 2013

CONTACT PERSON AT AGENCY:


Bob McKee, Executive Director
Alabama Board of Cosmetology
RSA Union Building
100 North Union St., Suite 320
Montgomery, AL 36130-1750

250-X-6 Examinations

250-X-6-.01 Candidate Examinations.

- (1) Candidates for licensure must meet requirements of this chapter, make application, pay the appropriate examination fee and pass the appropriate examination.
- (2) Candidates furnishing proof of eligibility for licensure examination must receive a temporary work permit before performing services for the public.
- (3) Candidates failing the prescribed written or practical examination shall be entitled to two additional attempts.
- (4) Candidates failing an exam on the third attempt shall take the following action:
 - (a) Barbers, cosmetologists, estheticians manicurists and instructors shall complete 375 hours of training in school before reapplying for examination.
 - (b) Natural hair stylists and waxers shall complete 75 hours of training in school before reapplying for examination.
- (5) Candidates must enroll for the required additional training within one (1) year of notification of last failure of the appropriate examination or complete the full original requirements of training for licensure.
- (6) Candidates for licensure must furnish their own supplies and implements for any practical examination.
- (7) A grade of at least 70% is required to pass licensure examinations, except for instructor examinations which require a grade of at least 80% to pass.
- (8) Candidates who cancel a scheduled examination or fail to appear for a scheduled examination must pay a rescheduling fee unless the cancellation or failure to appear was caused by an emergency or act of God.
- (9) No member of the Board may attend rater training for candidate examinations or actively participate in rating candidates.

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, 34-7B-7-c(2)d

History: Repealed; Filed: August 20, 2013

ALABAMA BOARD OF COSMETOLOGY
ADMINISTRATIVE CODE

CHAPTER 250-X-6
EXAMINATIONS

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250-X-6-.01 Candidate Examinations

250-X-6-.01 Candidate Examinations.

(1) Candidates for licensure must meet requirements of this chapter, make application, pay the appropriate examination fee and pass the appropriate examination.

(2) Candidates furnishing proof of eligibility for licensure examination must receive a temporary work permit before performing services for the public.

(3) Candidates failing both the written and practical examinations on the first attempt must repeat and pass both examinations to become licensed by the Board.

(4) Candidates failing either the written or practical examination on the first attempt are required to repeat and pass only the examination which they failed.

(5) Candidates failing either the written or practical examination on a second attempt must take the following action:

(a) Complete 375 hours of training in the appropriate school before reapplying and completing both practical and written examinations;

(b) Or complete 600 hours of training in a salon licensed in the appropriate field before reapplying and completing both practical and written examinations.

(c) Instructor candidates must enroll in school for 650 hours of appropriate training before reapplying and completing both practical and written examinations.

(6) Candidates must enroll for the required additional training within one (1) year of notification of last failure of the appropriate examination or complete the full original requirements of training for licensure.

(7) Candidates for licensure must furnish their own supplies and implements for any practical examination.

(8) A grade of at least 70% is required to pass licensure examinations, except for instructor examinations which require a grade of at least 80% to pass.

(9) Candidates who cancel a scheduled examination or fail to appear for a scheduled examination must pay a rescheduling fee unless the cancellation or failure to appear was caused by an emergency or act of God.

(10) No member of the Board who is a school owner in any branch of cosmetology or an instructor in either a public or private school in any branch of cosmetology may attend rater training for candidate examinations or actively participate in rating candidates. However, such Board members may read instructions for candidate examinations.

Author: Bob McKee

Statutory Authority: Code of AL 1975, §34-7A-3(d)

History: Filed September 24, 1982. **Repealed:** Filed July 1, 2002; effective August 5, 2002. **New Rule:** Filed September 7, 2005; effective October 12, 2005. **Amended:** Filed June 13, 2006; effective July 18, 2006. **Amended:** Filed May 15, 2007; effective June 19, 2007. **Amended:** Filed November 6, 2007; effective December 11, 2007. **Amended:** Filed April 18, 2008; effective May 23, 2008.

Ed Note: Chapter 250-X-6, Schools of Cosmetology was repealed as per certification filed July 1, 2002; effective August 5, 2002.