

LEGISLATIVE BILL 543

Approved by the Governor March 26, 1987

Introduced by Wesely, 26; Peterson, 21

AN ACT relating to the Nebraska Cosmetology Act; to amend sections 71-351, 71-365, 71-374, 71-382, 71-384, 71-387, 71-389, 71-390, 71-394, 71-395, 71-3,102, 71-3,103, 71-3,105, 71-3,106, 71-3,107, 71-3,108, 71-3,109, 71-3,112, 71-3,121, 71-3,140, 71-3,141, 71-3,143, 71-3,162, 71-3,168, 71-3,171, and 71-3,178, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change provisions relating to qualifications of board members, fees, use of a fund, licensure, examinations, registration, applicability of the act, renewal of licenses, continuing education, operating requirements of a school of cosmetology, transfer guidelines, home services, investigations, and disciplinary actions; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-351, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-351. Cosmetology shall mean the practice of performing for compensation any or all (1) of the acts of arranging, dressing, curling, waving, cleansing, cutting, bleaching, coloring, styling, or similar work upon the hair, wig, wiglet, or hairpiece of any person, by any means, with hands or a mechanical or electrical apparatus or appliance; (2) skin care; and (3) other similar practices upon the hair, scalp, face, neck, arms, hands, feet, or nails of any person when performed for the purpose of beautifying or enhancing physical appearance or the teaching of any practice specified in this section for occupational purposes. ~~Cosmetology shall not include the practice or teaching of manieuring-~~

Sec. 2. That section 71-365, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-365. School of cosmetology shall mean a fixed structure or part thereof licensed under the

Nebraska Cosmetology Act to serve as the site for the teaching of any or all of the practices of cosmetology, ~~except manieuring,~~ to students.

Sec. 3. That section 71-374, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-374. (1) Except as provided in subsection (2) of this section, the board shall be composed of seven members including two school owners, one licensed instructor, one layperson, one cosmetologist who is a salon owner and who is not a school owner, and two cosmetologists who are not school owners. The professional members shall be licensed in Nebraska and maintain ~~that~~ such license as well as their establishment licenses in good standing. ~~No two school owners, may be affiliated with the same school. No two salon owners, or cosmetologists may be affiliated with the same salon establishment.~~

(2) All members of the Board of Cosmetologist Examiners serving on July 17, 1986, shall continue in office for the remainder of their terms as members of the Board of Cosmetology Examiners. Within sixty days after July 17, 1986, the State Board of Health shall appoint one school owner for a five-year term, one school owner for a four-year term, one licensed instructor for a three-year term, and one layperson for a five-year term. The first vacancy occurring among the members serving on July 17, 1986, shall be filled by appointing one cosmetologist who is a salon owner for a four-year term.

(3) Members of the board shall be appointed by the State Board of Health from among nominees submitted by professional associations and other interested parties. A person may nominate himself or herself.

(4) The State Board of Health may remove a member of the board for physical or mental incapacity to carry out the duties of a board member, for continued neglect of duty, for incompetency, for acting beyond the individual member's scope of authority, for malfeasance in office, for any cause for which a professional license in the profession involved may be suspended or revoked under the Nebraska Cosmetology Act, or for a lack of licensure in the profession involved.

(5) Vacancies on the board shall be filled in the same manner as original appointments for the remainder of the unexpired term only.

(6) Members of the board, other than the initial members, shall serve for five-year terms, and no member shall serve for more than two consecutive terms

excluding any partial term for which he or she may have been appointed.

Sec. 4. That section 71-382, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-382. Fees shall be set by the board within the dollar ranges provided in this section.

Fee	Initial	Biennial Renewal	Late Renewal Penalty
Cosmetologist license	20-50	16-25	10-20
Esthetician license	10-25	16-25	10-20
Instructor license	10-25	16-25	10-20
Guest artist registration	10-15	--	--
Temporary practitioner registration	5-30	--	--
Cosmetician registration	5-15	--	--
Inactive renewal-- cosmetologist	--	16-25	10-20
Inactive renewal-- instructor, esthetician	--	16-25	10-20
Cosmetology salon	50-200	20-100	10-50
Skin care salon	40-100	20-50	10-25
Cosmetic establishment	20-50	10-25	5-10
Apprentice training salon	100-250	25-100	10-25
School of cosmetology	1000-3000	200-750	25-250
Satellite classroom	250-750	100-250	25-125
Transfer school location within county	250-500	--	--
Duplicate license or registration	5-20	--	--
Certification of grades or hours to another state	5-20	--	--
Continuing education provider fee	10-40	--	--
<u>Continuing education</u> <u>program fee</u>	<u>10-40</u>	--	--
Repeat inspection	30-100	--	--
Home service permit	10-40	20-80	10-25

Sec. 5. That section 71-384, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-384. If the balance of the Cosmetology Cash Fund exceeds five hundred thousand dollars at the end of any odd-numbered fiscal year and the renewal fees for any licenses are in excess of the minimum provided, the board shall lower renewal fees for the coming biennium. If the balance falls to fifty thousand

dollars or less at the end of any odd-numbered fiscal year and renewal fees are below the maximum provided, the board shall raise renewal fees for the coming biennium. All other fee changes within the limits provided shall be at the discretion of the board.

Total expenditures from the fund for any biennium shall not exceed the sum of all money deposited into the fund during such biennium plus any amount in excess of fifty thousand dollars in the fund at the beginning of the biennium. ~~There shall be no other limitations on the amount of money that may be expended from the fund for approved expenditures-~~

Sec. 6. That section 71-387, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-387. In order to be licensed by the department by examination, an individual shall meet, and present to the department evidence of meeting, the following requirements:

(1) Has attained the age of seventeen years on or before the beginning date of the examination for which application is being made, as evidenced by a birth certificate, baptismal certificate, or other equivalent document as determined by the department;

(2) Has completed formal education equivalent to a United States high school education, as evidenced by a high school diploma, general educational development certificate, or equivalent document as determined by the department;

(3) Be free of any infectious or contagious disease, as evidenced by a signed statement to such effect by a licensed physician dated no more than three months before the date of the applicant's initial application;

(4) Possesses Beginning June 1, 1988, possesses the ability to identify and respond to emergency situations that could occur in the practice of cosmetology, as evidenced by successful completion of a basic first-aid course; and basic training in cardiopulmonary resuscitation;

(5) Makes complete and proper application to the department, accompanied by the appropriate fee;

(6) Possesses a minimum competency in the knowledge and skills necessary to perform the practices for which licensure is sought, as evidenced by successful completion of an examination in the appropriate practices approved by the board and administered by the department;

(7) Possesses sufficient ability to read the

English language to permit the applicant to practice in a safe manner, as evidenced by successful completion of the written examination; and

(8) Has graduated from a school of cosmetology or an apprentice salon in Nebraska upon completion of a program of studies appropriate to the practices for which licensure is being sought, as evidenced by a diploma or certificate from the school or apprentice salon to the effect that the applicant has complied with the following:

(a) Until May 31, 1988, for licensure as a cosmetologist, the program of studies shall consist of a minimum of two thousand one hundred hours and one thousand five hundred credits;

~~(a)~~ (b) Beginning June 1, 1988, for licensure as a cosmetologist, the program of studies shall consist of a minimum of two thousand one hundred hours and two thousand credits;

(b) (c) For licensure as an esthetician, the program of studies shall consist of a minimum of six hundred hours and six hundred credits; and

(c) (d) For licensure as an instructor, the program of studies shall consist of a minimum of nine hundred twenty-five hours beyond the program of studies required for licensure as a cosmetologist earned in a period of not less than six months; and

(d) (e) For licensure as an instructor, be currently licensed as a cosmetologist in Nebraska, as evidenced by possession of a valid Nebraska cosmetology license.

If any lapse in training of two years or longer occurs, all hours and credits earned shall be forfeited. Hours and credits shall be earned exclusively in either a school of cosmetology or apprentice salon. No hours or credits earned in one type of establishment may be transferred to an establishment of another type. The department shall grant a license in the appropriate category to any person meeting the requirements specified in this section.

Sec. 7. That section 71-389, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-389. The board shall approve and the department shall cause examinations to be administered as required for licensure under the Nebraska Cosmetology Act for the purpose of establishing the possession of minimum competency in the knowledge and skills required on the part of the applicant.

No person shall be permitted to take an examination for licensure unless he or she has met all the requirements of subdivisions (1) through (5), and (8), and (9) of section 71-387, except for persons taking the examination under section 71-395.

The department shall provide at least one year's notice of future examination dates to schools of cosmetology and apprentice salons. Such establishments shall be responsible for notifying their students and apprentices of upcoming examination dates.

Sec. 8. That section 71-390, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-390. (1) Examinations approved by the board may be national standardized examinations, but in all cases the examinations shall be related to the knowledge and skills necessary to perform the practices being examined and shall be related to the curricula required to be taught in schools of cosmetology.

(2) The board shall fix the time and place of each examination no less than one year in advance. At least two examinations shall be given annually. All examinations shall be conducted in the city of Lincoln unless ordered otherwise by the department.

(3) If examinations are administered directly by the department, the examination shall be administered by a chief examiner who shall be an employee of the department. Persons serving as examiners for practical examinations administered directly by the department shall hold current licenses in the field of practice being examined or in cosmetology, except that examiners for instructors' examinations shall each hold an instructor's license, either active or inactive.

(4) Practical examinations shall be conducted in such a manner that the identity of the applicant is not disclosed to the examiners in any way.

(5) In order to successfully complete the examination, an applicant shall obtain an average grade of seventy-five per cent on the written examination and an average grade of seventy-five per cent with no individual subject grade below sixty-five per cent on the practical examination.

(6) For practical examinations administered directly by the department, examination grades shall be approved by the board and the department before they become official. Any disagreements regarding a grade to be given among the examiners shall be settled by the chief examiner. An examiner may appeal such a decision to the Director of the Bureau of Examining Boards.

(7) The department shall keep a permanent record of all grades received in examinations and shall provide any individual a copy of his or her grades upon request without charge.

(8) The department may adopt and promulgate rules and regulations to provide for procedures, development, administration, scoring, and reviewing of examinations and to protect the security of the contents of examination questions and answers in the examination review. The department shall not enter into an agreement to adopt an examination from a national testing service without first obtaining from such service detailed documentation of the process of examination development and maintenance.

Sec. 9. That section 71-394, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-394. The department may waive the requirement for examination and grant a license to any person who meets the requirements of subdivisions (1) through (5) ~~and (9)~~ of section 71-387 and who presents proof of the following:

(1) That he or she is currently licensed in the appropriate category in another jurisdiction, that he or she has never been disciplined or had his or her license revoked, and that, so far as the records of the licensing authority of the jurisdiction are concerned, the applicant is entitled to its endorsement. Applicants seeking licensure as instructors in the manner provided in this section shall be licensed as an instructor in another jurisdiction. Persons seeking licensure as cosmetologists in the manner provided in this section shall be licensed as cosmetologists in another jurisdiction. Persons seeking licensure as estheticians in the manner provided in this section shall be licensed as cosmetologists, estheticians, or an equivalent title in another jurisdiction;

(2) That such license was issued on the basis of a written and practical examination and the results of the examinations; and

(3) That the applicant complies with the hour requirements of subdivision (8) of section 71-387 through any combination of hours earned as a student or apprentice in a cosmetology establishment licensed or approved by the jurisdiction in which it was located and hour-equivalents granted for recent work experience, with hour-equivalents recognized as follows:

(a) Each month of full-time practice as an instructor within the five years immediately preceding

application shall be valued as one hundred hour-equivalents toward an instructor's license or a cosmetology license and fifty hour-equivalents toward an esthetician's license;

(b) Each month of full-time practice as a cosmetologist within the five years immediately preceding application shall be valued as one hundred hour-equivalents toward a cosmetology license and fifty hour-equivalents toward an esthetician's license; and

(c) Each month of full-time practice as an esthetician within the five years immediately preceding application shall be valued as fifty hour-equivalents toward an esthetician's license.

Sec. 10. That section 71-395, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-395. Applicants for Nebraska licensure who received their training in foreign countries may not be licensed by waiver of examination. In order to be considered eligible to take the examination, they shall meet the requirements of subdivisions (1) through (5) and (9) of section 71-387 and, in order to establish equivalency with subdivision (8) of section 71-387, shall present proof satisfactory to the department of one of the following:

(1) Current licensure or equivalent official recognition of the right to practice in a foreign country; or

(2) At least five years of practice within the eight years immediately preceding application.

In all cases such applicants shall take the examination for licensure in the State of Nebraska.

Sec. 11. That section 71-3,102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,102. (1) An applicant for registration as a standard student or apprentice shall show evidence that he or she attained the age of seventeen years on or before the date of his or her enrollment in a school of cosmetology or an apprentice salon, has completed the equivalent of a high school education, has been accepted for enrollment at a school of cosmetology or an apprentice salon, and has not undertaken any training in cosmetology without being registered as a student or apprentice.

(2) An applicant for registration as a special study student or apprentice shall show evidence that he or she:

(a) Has attained the age of seventeen years on

or before the date of enrollment in a school of cosmetology or an apprentice salon;

(b) Has completed the tenth grade; ~~and has successfully passed the tenth grade level general educational development test;~~

(c) Has been accepted for enrollment at a school of cosmetology or an apprentice salon; and

(d) Is actively continuing his or her formal high school education on at least a half-time a full-time basis as determined by the department.

An applicant for registration as a special study student or apprentice shall not have undertaken any training in cosmetology without being registered as a student or apprentice.

Special study students shall be limited to ~~earning a maximum of twenty hours credit per week in a attending a school of cosmetology for eight hours per week during the school year, and forty hours credit per week during the summer when high school is not in session.~~ No student whose original high school class has already graduated may register as a special study student.

(3) Proof of age shall consist of a birth certificate, baptismal certificate, or other equivalent document as determined by the department. Evidence of education shall consist of a high school diploma, general educational development certificate, or equivalent document as determined by the department. No school of cosmetology or apprentice salon shall accept an individual for enrollment who does not provide evidence of meeting the age and education requirements for registration. Each school of cosmetology shall submit a complete registration within five days following the first day of courses. No school of cosmetology or apprentice salon shall begin continue training an individual for whom the establishment has not submitted a complete registration application within such five-day period. No school of cosmetology or apprentice salon shall continue to train or enroll a person who has not received his or her registration within thirty days of its submission without the permission of the department.

Sec. 12. That section 71-3,103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,103. An applicant for registration as a student instructor shall show evidence of current licensure as a cosmetologist in Nebraska and completion of formal education equivalent to a United States high

school education or its equivalent and shall show evidence that he or she has been accepted for instructor training by a school of cosmetology.

Sec. 13. That section 71-3,105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,105. Registration shall be granted for a set period of time and cannot be renewed. Registration as a guest artist shall expire two years following the initial date of issuance. Registration as a cosmetician shall expire two years following the initial date of issuance. Registration as a student, apprentice, or student instructor shall expire upon successful completion of the licensing examination or termination of enrollment in a school of cosmetology or apprentice salon. Registration as a temporary practitioner shall expire five days after the results of the examination taken by the registrant are mailed six weeks following the written examination date or upon receipt of examination results, whichever occurs first, except that the registration of a temporary practitioner who fails to take the first regularly scheduled examination shall expire five days immediately after the beginning of the examination unless the board finds that the temporary practitioner was unable to attend the examination due to an emergency or other valid circumstances, in which case the board may extend the registration until five days six weeks after the results date of the next regularly scheduled written examination or upon receipt of the examination results, whichever occurs first. No registration may be extended in such manner more than once.

Sec. 14. That section 71-3,106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,106. Nothing in the Nebraska Cosmetology Act shall be construed to apply to or restrict the activities of the following:

(1) Any person holding a current license or certificate issued pursuant to Chapter 71 when engaged in the usual and customary practice of his or her profession or occupation;

(2) Any person engaged solely in the practice of electrolysis;

(3) Any person engaging solely in ear piercing, tattooing, or other invasive beautification practices;

(4) Any person when engaged in domestic or charitable administration;

(5) Any person performing any of the practices of cosmetology solely for theatrical presentations or other entertainment functions;

(6) Any person practicing within the confines of a hospital, nursing home, massage establishment, funeral establishment, or other similar establishment or facility licensed or otherwise regulated by the department, except that no unlicensed or unregistered person may accept compensation for such practice;

(7) Any person providing services during a bona fide emergency;

(8) Any retail or wholesale establishment or any person engaged in the sale of cosmetics or other beauty products when the products are applied by the customer or when the application of the products are in direct connection with the sale or attempted sale of such products at retail;

(9) Any person when engaged in nonvocational training; and

(10) Any retail or wholesale establishment or any person engaged in the practice or teaching of manicuring.

Sec. 15. That section 71-3,107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,107. After January 1, 1988 ~~1989~~, no licensed practitioner shall renew his or her license to practice unless he or she has obtained, within the biennium immediately preceding the date of expiration of the license, the number of hours of approved continuing education required for his or her type of license as designated in the Nebraska Cosmetology Act and complied with all other requirements of such act. Continuing education shall be measured in terms of hours of participation in an approved continuing education program, and each fifty minutes of participation shall constitute one hour.

The number of hours of approved continuing education required shall be as follows:

(1) For a license to practice cosmetology, sixteen hours;

(2) For a license to practice as an instructor, sixteen hours; and

(3) For a license to practice as an esthetician, eight hours.

Sec. 16. That section 71-3,108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,108. Each licensee shall submit with his

or her application for license renewal a signed and notarized affidavit affirming that the licensee has obtained the required hours within the preceding biennium and listing the approved programs in which the licensee participated in order to obtain such hours. The board may require further evidence to substantiate the licensee's statement at its discretion. The board may biennially select, in a random manner, a sample of the license renewal applications for audit of continuing education credits, except that such information shall be requested by the board within ~~two~~ three years of the date on which the program was held. Each licensee selected for audit shall be required to produce documentation of his or her attendance at the continuing education seminars listed on his or her renewal application.

Sec. 17. That section 71-3,109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,109. Each continuing education program approved by the board shall provide for the maintenance of the technical skills and knowledge needed to safely practice cosmetology. Such program shall include at least one of the following: The cardio-respiratory resuscitation, the safe use of various chemical compounds, sanitation techniques, and or knowledge of allergic reactions to chemicals applied to the hair, or skin, or nails.

Sec. 18. That section 71-3,112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,112. Each individual licensee shall be responsible for maintaining the records of his or her continuing education activities. Each provider of an approved continuing education program shall maintain such records as are necessary to establish the program's approval and the persons who attended for a period of ~~two~~ three years.

Sec. 19. That section 71-3,121, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,121. In order to be licensed as a salon by the department, an applicant shall meet, and present to the department evidence of meeting, the following requirements:

- (1) The proposed salon shall be a fixed, permanent structure or part of one;
- (2) The proposed salon shall be physically separated from all other business or residential

activities except barbering and retail sales;

(3) The separation required in subdivision (2) of this section shall be by fixed walls or by partitions not less than six feet high;

(4) Areas of the salon used for barbering shall be clearly identified as such to the public by a sign and shall be visually distinct from other areas of the salon;

(5) All areas of the salon, including those used for ~~barbering and for~~ retail sales, shall comply with the sanitary requirements of the Nebraska Cosmetology Act;

(6) A salon located in a residence shall be entirely distinct and separate from any living quarters, except that there may be one connecting door to the living portion of the dwelling as an access entrance to the salon for the owner or operator, but such entrance shall not be for the use of the general public;

(7) The entrance into the proposed salon used by the general public shall lead directly from the outside to the salon, except that a salon located in a commercial building may have its entrance open from a public area such as a foyer, hallway, mall, concourse, or retail sales floor. Any salon in existence and licensed on the effective date of this act shall not be required to comply with this subdivision;

(8) The proposed salon shall have at least one hundred fifty square feet of floor space. If more than one practitioner is to be employed in the salon at the same time, the salon shall contain an additional space of at least fifty square feet for each additional practitioner, except that a salon employing a licensee exclusively to perform home services need not provide additional space for such employee; ~~and~~

(9) The proposed salon shall include toilet facilities unless the salon is located in a commercial building in which public toilet facilities are available that open directly off of a public area; ~~and~~

(10) The proposed salon shall meet all state or local building code and fire code requirements.

Sec. 20. That section 71-3,140, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,140. In order to maintain its license in good standing, each school of cosmetology shall operate in accordance with the following requirements:

(1) The school shall at all times comply with all applicable provisions of the Nebraska Cosmetology Act and all rules and regulations adopted and

promulgated under such act;

(2) The school owner or owners or the authorized agent thereof shall notify the department at least thirty days prior to any change of ownership, name, or address, and at least sixty days prior to closure, except in emergency circumstances as determined by the department;

(3) No school shall permit anyone other than a student, student instructor, instructor, or guest artist to perform any of the practices of cosmetology within its confines or employ, except that such restriction shall not prevent a school from inviting guest teachers who are not licensed or registered to provide lectures to students or student instructors if the guest lecturer does not perform any of the practices of cosmetology;

(4) The school shall display a name upon or near the entrance door designating it as a school of cosmetology;

(5) The school shall display in a conspicuous place within the clinic area a sign reading: All services in this school are performed by students who are training in cosmetology. A notice to such effect shall also appear in all advertising conducted by the school for its clinic services;

(6) The school shall permit any duly authorized agent of the department to conduct an operation inspection or investigation at any time during the normal operating hours of the school without prior notice, and the owner or manager shall assist the inspector by providing access to all areas of the school, all personnel, and all records requested by the inspector;

(7) The school shall display in a conspicuous place the following records:

(a) The current license to operate a school of cosmetology;

(b) The current licenses or registrations of all persons, except students, employed by or working in the school; and

(c) The rating sheet from the most recent accreditation inspection;

(8) At no time shall a school enroll more students than permitted by the Nebraska Cosmetology Act or the rules and regulations adopted and promulgated under such act;

(9) The school shall not knowingly permit its students, employees, or clients to use, consume, serve, or in any other manner possess or distribute

intoxicating beverages or controlled substances upon its premises during the hours the school is in operation;

(10) Food shall not be consumed in any area where cosmetology services are being taught or performed or stored in the same area where chemical supplies or used equipment are stored;

(11) No instructor or student instructor shall perform, and no school shall permit such person to perform, any of the practices of cosmetology on the public in a school of cosmetology other than that part of the practical work which pertains directly to the teaching of practical subjects to students or student instructors and in no instance shall complete cosmetology services be provided for a client unless done in a demonstration class of theoretical or practical studies;

(12) The school shall maintain space, staff, library, teaching apparatus, and equipment as established by rules and regulations adopted and promulgated under the Nebraska Cosmetology Act;

(13) The school shall keep a daily record of the attendance and clinical performance of each student and student instructor;

(14) The school shall maintain regular class and instructor hours and shall require the minimum curriculum;

(15) The school shall establish and maintain criteria and standards for student grading, evaluation, and performance and shall award a certificate or diploma to a student only upon completing a full course of study in compliance with such standards, except that no student shall receive such certificate or diploma until he or she has satisfied or made an agreement with the school to satisfy all outstanding financial obligations to the school;

(16) The school shall maintain on file the registrations of each student;

(17) The school shall submit a monthly report to the department, on forms established by the department, indicating the students and student instructors enrolled, the hours and credits earned, the instructors employed, the hours of operation, and such other pertinent information as the board and the department shall require. No hours or credits shall be allowed for any student unless such student is duly registered and the hours and credits are reported by the school; and

(18) The school shall print and provide to each student a copy of the school rules, which shall not

be inconsistent with the Nebraska Cosmetology Act or with the rules and regulations adopted and promulgated under such act and which shall include policies of the school with respect to tuition, reimbursement, conduct, attendance, grading, earning of hours and credits, demerits, penalties, dismissal, graduation requirements, dress, and other information sufficient to advise the student of the standards he or she will be required to maintain. The board may review any school's rules to determine their consistency with the intent and content of the Nebraska Cosmetology Act and its rules and regulations and may overturn any rules found not to be in accord; and

(19) The school shall at all times employ at least one person holding a current certificate in cardiopulmonary resuscitation.

Sec. 21. That section 71-3,141, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,141. In order to maintain its license in good standing, each school of cosmetology shall operate in accordance with the following requirements:

(1) All persons accepted for enrollment as students shall meet the qualifications established in section 71-3,102;

(2) The school shall submit a completed student entrance notification, including the student registration fee, on forms prescribed by the department, for each person enrolling in the school before such person may begin training;

(3) The school shall, at all times the school is in operation, have at least one instructor in the school for each twenty students or fraction thereof enrolled in the school, except that first-year freshman and advanced students shall be taught by different instructors in separate classes;

(4) The school shall not permit any student to render clinical services on members of the public with or without fees until such student has satisfactorily completed the first-year freshman curriculum, except that the board may establish guidelines by which it may approve such practices as part of the first-year freshman curriculum;

(5) No school shall pay direct compensation to any of its students. Student instructors may be paid as determined by the school;

(6) All students and student instructors shall be under the supervision of an instructor at all times, except that students shall be under the direct

supervision of an instructor or student instructor at all times when cosmetology services are being taught or performed;

(7) Students shall be classified for reporting purposes as follows:

(a) A full-time student shall mean one who regularly trains at least eight hours a day during the normal school week, including normal excused absences as defined in the school rules; and

(b) A part-time student shall mean any student not classified as a full-time student;

(8) Students no longer attending the school shall be classified for reporting purposes as follows:

(a) A graduate shall mean a student who has completed his or her hours and credits, has satisfied all school requirements, and has been granted a certificate or diploma by the school;

(b) A transfer shall mean a student who has transferred to another school in Nebraska or in another state;

(c) A temporary drop shall mean a student who has stopped attending school for a period of less than three months and has given no indication that he or she intends to drop permanently; and

(d) A permanent drop shall mean a student who has stopped attending school for a period of three months or more or one who has stopped attending for a shorter time but has informed the school in writing of his or her intention to drop permanently;

(9) Once a student has been classified as a permanent drop, the department shall keep a record of his or her hours and credits for a period of two years from the last date upon which the student attended school. If, after two years, the student has not reenrolled in a school of cosmetology in Nebraska or transferred his or her hours and credits to a school in another state, all hours and credits earned by the student shall be declared void;

(10) No student shall be permitted by the school to train or work in a school in any manner for more than ten hours a day; and

(11) The school shall not credit a student or student instructor with hours and credits except when such hours and credits were earned in the study or practice of cosmetology in accordance with the required curriculum. Hours and credits shall be credited on a daily basis. Once credited, hours or credits cannot be removed or disallowed except by the department upon a finding that the hours or credits have been wrongfully

allowed.

Sec. 22. That section 71-3,143, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,143. Students may transfer into a school of cosmetology in Nebraska from a school in another state if:

(1) The school in the other state meets all requirements of section 71-3,141; and

(2) The student submits to the department evidence that the school from which he or she is transferring was fully accredited by the appropriate body in that state at the time the student attended.

In order to be honored in Nebraska, some portion of the student's hours shall have been earned within the two years immediately prior to the transfer. The board and the department shall establish guidelines adopt and promulgate rules and regulations for determining the manner in which hours and credits shall be awarded to students transferring from such schools.

Sec. 23. That section 71-3,162, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,162. (1) Any person providing home services shall be currently certified to perform cardiopulmonary resuscitation.

(2) No licensee may perform home services except when employed by or under contract to a salon holding a valid home services permit.

Sec. 24. That section 71-3,168, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,168. (1) The board may recommend that the department review the results of any investigation and make a recommendation to the board as to whether the evidence appears to substantiate the existence of a violation-

(2) (1) The board shall review the results of each investigation brought before it by the department and shall make a determination recommendation as to whether the evidence presented appears to substantiate the existence of a violation.

(3) (2) When the department, upon the recommendation of the board, finds that there is probable cause to suspect a violation has occurred based on the results of an investigation, it shall forward all pertinent material along with a statement of its findings to the Attorney General. The Attorney General shall review the material submitted, taking the

recommendation of the board under advisement, and shall advise the board and the department promptly of his or her findings. If the Attorney General ~~concerns~~ determines that a probable violation has occurred, he or she shall ~~immediately take steps~~ begin proceedings to obtain an injunction against the party or parties involved if such a step is deemed necessary ~~and to begin proceedings to prosecute the person accused of the violation or to take other disciplinary action against a licensee.~~

Sec. 25. That section 71-3,171, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,171. Disciplinary actions and proceedings shall ~~in general~~ be carried out as specified in sections 71-147 to 71-161.08 and 71-161.11 to 71-161.19, except that in all instances the provisions of the Nebraska Cosmetology Act have precedence over such sections if there is conflict between them.

Sec. 26. That section 71-3,178, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,178. (1) All licenses, certificates, or other credentials issued under sections 71-312 to 71-339 prior to July 17, 1986, shall continue in full force and effect after July 17, 1986, until such time as they are scheduled to expire or be renewed. No operating credential shall be terminated solely due to the enactment of the Nebraska Cosmetology Act.

(2) Any person practicing any of the practices of cosmetology, or any person operating an establishment that did not require licensure, registration, or other credentials prior to July 17, 1986, but does require such credentials as a result of the Nebraska Cosmetology Act, shall be permitted to apply to the department for the appropriate license, registration, or other credentials without meeting any of the requirements of the Nebraska Cosmetology Act for initial licensure, if:

(a) Such application is made prior to January 31, 1987 ~~1988~~;

(b) The applicant presents evidence that he or she has been engaged in the practice for which he or she seeks credentials or has operated the establishment for which he or she seeks credentials for a period of at least six months prior to July 17, 1986; and

(c) The applicant provides a written statement of his or her intention to comply with all provisions of the Nebraska Cosmetology Act and all rules and regulations adopted and promulgated under such act.

(3) The department shall issue an original license, registration, or permit in the appropriate category to each such applicant upon payment of the appropriate fee for original accreditation. Each such credential granted shall expire and be subject to renewal at the same time as all others in its class and shall be subject to the same requirements for renewal as all others in its class.

Sec. 27. That original sections 71-351, 71-365, 71-374, 71-382, 71-384, 71-387, 71-389, 71-390, 71-394, 71-395, 71-3,102, 71-3,103, 71-3,105, 71-3,106, 71-3,107, 71-3,108, 71-3,109, 71-3,112, 71-3,121, 71-3,140, 71-3,141, 71-3,143, 71-3,162, 71-3,168, 71-3,171, and 71-3,178, Reissue Revised Statutes of Nebraska, 1943, are repealed.