

Approved: January 19, 1994
Date sh

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chairperson Joann Flower at 1:30 p.m. on January 13,, 1994 in Room 423-S of the Capitol.

All members were present except:
Rep. Samuelson, excused
Rep. Bishop, absent

Committee staff present: Emalene Correll, Legislative Research Department
William Wolff, Legislative Research Department
Norman Furse, Revisor of Statutes
Sue Hill, Committee Secretary

Conferees appearing before the committee:
Representative Greta Goodwin
Nancy Shobe, Executive Director of Kansas Board of Cosmetology
Ginger Triplett, Licensed Senior Cosmetologist
Commission Robert Epps, Income Support/Medical Services, Department of SRS

Others attending: See attached list

Chair called the meeting to order, drawing attention to Committee minutes of January 11, 1994. Chair stated members would have until 5:00 p.m. tomorrow, January 14, 1994 to notify Secretary, Sue Hill if there are suggested corrections. If there are none, the minutes will be approved as written.

Chair then drew attention to **HB 2245** and requested a bill briefing from Staff. Ms. Correll gave a comprehensive explanation, that **HB 2245** would create a new statute that would state the Board of Cosmetology would require every person who is issued a license or permit to submit with their application for renewal for license or permit, evidence of completion of the program of continuing education as required by the State Board of Cosmetology. The Board would establish these requirements for such education through the adoption of rules and regulations. There were no questions.

HEARINGS BEGAN ON **HB 2245**.

Representative Goodwin offered testimony, (Attachment No. 1). She noted since the introduction of this legislation last year (1993), there had been continuing study of this issue and a number of Cosmetologists had given input to the issue. Rep. Goodwin has worked with Nancy Shobe, Executive Director of Kansas Board of Cosmetology, in order to bring before this Committee a bill more clearly defined than was initially drafted in 1993. Rep. Goodwin drew attention to the importance of continuing education for licensure. The prevalent use of chemicals in the profession of Cosmetology today is ever changing and requires continuing education. She brought up concerns regarding liability. She stated that a few neighboring states already have continuing education legislation in place, i.e., Missouri and Nebraska. Other states are following this recommendation, and she believes it is time to update Kansas statutes requiring continuing education for Cosmetologists to improve the current minimal standards. She cited an instance in which a cosmetologist had not been in active practice for 15 years while she was caring for a family member who was ill. After that number of years she returned to the practice of cosmetology with no updated training. Rep. Goodwin stated she had been contacted by many cosmetologists urging the passage of this legislation. Rep. Goodwin answered numerous questions.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 423-S
Statehouse, at 1:30 p.m. on 1

Nancy Shobe, Executive Director of the Kansas Board of Cosmetology offered hand-out, (Attachment No.2) her written testimony. Ms. Shobe stated the Board could not support **HB 2245** in the original form presented to this Committee in 1993. She then offered amendments (Attachment No.3) proposing repeals to existing statutes along with additional language about requirements for licensing and renewing a license. She noted **HB 2245** (proposed amended version) would not require continuing education for an inactive license. Nancy Shobe testimony continued on **HB 2245**.

Without formal organization and delivery of continuing professional education, the educational experience cannot be recognized as occurred, and credited. Continuing professional education needs coordination, coherence, and guidelines. In the passing of **HB 2245** (amended version) for continuing education for the cosmetology profession, the responsibility will be placed on the content and development of a system with the Board rather than leaving it to a manufacturer whose goals are self-serving. Some states are using continuing education requirements in the discipline of a license. She noted the Board is also supportive of continuing education for a licensed instructor in a School of Cosmetology. She detailed this concept. She noted, language in **HB 2245** is not asking for an increase in fees, but it might be a good idea since they are at their limitation. Their Board is fee funded. She noted, 80% of the complaint calls they follow-up on are related to sanitary/safety. She detailed the required hours of education for those licensed by the Board of Cosmetology. Ms. Shobe answered numerous questions from both Staff and Committee members.

Ginger Triplett, Licensed Senior Cosmetologist offered hand out (Attachment No.4). She noted, people are shocked and surprised that current State regulations do not require continuing education in the profession of cosmetology. She is a strong advocate of continuing education for all cosmetologists, instructors of cosmetology, manicurist, and technicians actively practicing this profession in the state of Kansas. She related a specific story of an individual who had experienced an adverse reaction to chemicals after an improperly wrapped permanent, and additional incorrect procedures. A law suit was eventually settled out of court, but this matter could all have been avoided if the three cosmetologists involved had taken continuing education and been aware of the technology of the chemicals being used in today's practice of cosmetology. She stated it is imperative every cosmetologist actively working in the industry becomes current in the use of the rapidly changing technological advancements. She noted a Senior Licensed Cosmetologist is required 40 hours of continuing education for each license renewal. She noted there is ample availability of education in this industry and in many cases is free or easily affordable. She stated, not only would continuing education for those licensed in this profession be an improvement for the industry, but would provide for more safety for the general public. She then answered numerous questions.

There were concerns of Committee members regarding the numerous changes in **HB 2245**. The question was asked regarding the proper procedure for changing **HB2245** to a substitute bill. Chair then requested Mr. Furse to enlighten Committee on this procedure.

Mr. Furse noted the options the Committee might wish to follow. The original **HB 2245** is currently Committee. There are proposed amendments offered today by Ms. Shobe. If those amendments to **HB 2245** were to be adopted, they would essentially replace the current **HB 2245**. An alternative that had been mentioned today, he stated, would be to take the proposed amendments offered, place them in bill form, and introduce them as a separate (new) bill. He noted a substitute bill would not accomplish the purpose intended unless Committee is ready to send the bill out of Committee. A substitute bill is a Committee Report and it would be printed, then sent directly to the House General Orders.

At this point Rep. Neufeld moved to introduce amendments proposed today, as new legislation, seconded by Rep. Goodwin. No discussion. Motion carried.

HEARINGS CLOSED ON HB 2245.

HEARINGS BEGAN ON HB 2440.

Commissioner Robert Epps, Income Support/Medical Services, Department of SRS offered hand-out (Attachment No. 5). He spoke in favor of **HB 2440** which allows Medicaid/MediKan providers the same period of time to file claims for services provided to Medicaid/MediKan recipients as Medicare and other private insurance firms allow. This proposed legislation would amend language to allow providers an initial 12 month period to file their claims rather than a 6 month period which is current law. The Medicaid/MediKan time limits are unique to insurance entities in Kansas. Both Medicare and most private insurance firms allow providers 12 months after the date of service to file claims. With these Medicaid/MediKan requirements being

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE. Room 423-S
Statehouse, at 1:30 p.m.

unique, there are providers who render services and receive no payment because they are confused with the different timely filing requirement. He noted they are trying to eliminate the problem providers have with the reimbursement system of the state by becoming more consistent with the industry. He noted with favorable passage, and additional \$86,000 per year may be spent on claims, however, they expect savings in administrative and staff time, as well as savings of resources. He summarized, noting the Department of SRS expects to gain from favorable passage of **HB 2440**, i.e., improvement of the provider base by becoming consistent with the rest of the insurance industry, improving the effectiveness of Claims Resolution activities, and reducing the number of Fair Hearings appeals.

Commissioner Epps answered numerous questions.

Mr. Furse drew attention to some technical points in language in **HB 2440**. In line 9, and line 12 the date should be changed to 1993, in line 31 the word twelve should be used rather than a number. This information noted by Chair and Committee members.

Chair thanked Commissioner Epps for his patience and attendance.

HEARINGS CLOSED ON **HB 2440**.

Chair drew attention to a letter directed to the Chair regarding a meeting January 20th 7:00 a.m. at the Docking Building cafeteria. A copy of this letter with details of the meeting on mounting crime problems, violence and substance abuse issues has been provided to each member. (See (Attachment No. 6)). She noted it will be the responsibility of each Committee member to respond to Ms. Whiteman's invitation to the breakfast meeting.

Chair adjourned the meeting at 3:00 p.m.

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

DATE _____

[illegible]

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AGRICULTURE
JUDICIARY
PUBLIC HEALTH AND WELFARE

TESTIMONY BEFORE
PUBLIC HEALTH AND WELFARE COMMITTEE
ON
HOUSE BILL NO. 2245
By Representative Goodwin
By Request

This bill was introduced at the request of my cosmetologist, as well as my concern with the changes which have taken place in the rendering of services women, men and children receive at their beauty salons. Since the filing of this bill I have had a large volume of correspondence and telephone calls supporting this measure. Nancy Shobe, Executive Director of the Kansas Board of Cosmetology, in her support has asked that amendments be offered to more clearly define the education requirements of the bill. She will offer that amendment today.

As a consumer of cosmetology services, I want protection that my cosmetologist is educated on the latest use of any chemicals with which I may come in contact. When the current legislation was put in place, salons typically provided shampoos, manicures, hair cuts and permanents. Since that time a large array of services are now provided for men and women in salons utilizing many chemicals, which I believe to be an open door to liability for the cosmetology profession should a cosmetologist not be adequately educated in the use of those chemicals. You will hear a case of this liability in later testimony.

In an effort to promote professional excellence on the part of cosmetologists and maintain the highest professional standards of the profession I feel cosmetologists must meet certain standards of continuing education for continued licensure. I know of no other profession where you can take required schooling of a profession, work in that profession, or even start your own business and work in or operate that business for any number of years without any further education to keep you abreast of the ever changing technologies of that field. Further, I know of no person who takes his or her profession seriously who would be against continuing education to be as knowledgeable as possible in the delivery of their services.

As a consumer I expect to develop trust when I receive professional consultation from my cosmetologist. I expect that

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individual to be well educated and knowledgeable in the delivery of services. Consumers should not expect anything less.

The Legislative Handbook of the National Cosmetology Association states that "the ever-changing nature of cosmetology demands that cosmetologists continually update and improve their skills" and makes recommendation that "state legislatures enact continuing education requirements in acknowledgement of the fact that requirements for initial licensure are - at best - minimal standards." I have seen copies of the continuing education legislation of Missouri and Nebraska. Other states are following this recommendation. I ask that Kansas do likewise.

I have been contacted by many Kansas cosmetologists urging the passing of this legislation. The Kansas Cosmetologist Association has notified me that they would produce petitions bearing the signatures in excess of 2,000 licensed Kansas cosmetologists in support of this bill. Due to this bill coming on the calendar sooner than I anticipated, their association did not have sufficient time to have the petitions returned to the circulating members to be presented to the committee.

As only a consumer, I ask that any questions you might have on the need of education requirements, the rendering of services in salons, or the potential liability of a cosmetologist be referred to the other conferees.

attm #1-2

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Madam Chairman and distinguished members of the committee, I am Nancy Shobe, the Executive Director for the State Board of Cosmetology. I appreciate the opportunity to present the board's position in relation to House Bill 2245. The board could not support the bill in its original form, because of possible adverse economic impact to the agency. However, the amendments to this bill appear in the form of repeals to existing statutes, along with some added language about requirements for licensing and renewing a license. The addition of an active and inactive license would eliminate part of the possibility of adverse economic impact. Some of the concern that the board had was an inactive licensee might not renew their license if they are required continuing education, therefore drastically reducing our revenue. This bill would not require continuing education for an inactive license. The Board of Cosmetology licenses about 25,000 cosmetologists, cosmetology technicians, manicurists and electrologists. Of that number it is estimated that only about 10,000 are in an active status.

This requirement would also give clearer data on who is active and who is not. This can be vital information for the United States Department of Education, when they consider program eligibility for Title IV funds for education.

Education to maintain and improve professional competence is called continuing professional education, and is a special subset of the broad field of adult and continuing education. As such, it is part of the most rapidly growing segment of American education, one of increasing importance to our society and economy, and one

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symbolizing profound changes in the way we approach education, work and the relationship between the two. Today's citizen is more likely than not to continue his or her education either through further credit coursework or noncredit programs offered by an employer, and education and training firm, a school, a union, or a professional association. Short courses or full programs for adults are offered by most of the 3,000 post secondary academic institutions in American and by nearly all of the more than 8,000 proprietary schools. In addition hundreds of thousands of education and training opportunities are offered each year by corporations, professional associations and independent entrepreneurs in the training business. The 1984 census data on participation in job-related education alone, derived from responses to the Household Survey, indicated that over eight million Americans were taking advantage of at least one job-related continuing education opportunity. The continuing education of America's professional workforce is a major activity of U.S. employers, professional associations, and educators. It is an activity that influences the American economy and America's economic competitiveness in significant ways, since modern industry and commerce are dependent upon skilled professional workers who are able to keep abreast of all that they must in order to contribute to the success of their employers and serve the needs of society. There are six fundamental objectives for improving American education that have been adopted by state governors, the Congress, and the executive branch of the federal government. Lifelong learning activities for working Americans are stressed in

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the Goals, together with other forms of job-related continuing education and training. Goal number five states that by the year 2000, every adult American will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Among the objectives intended to fulfill this Goal are a strengthened connection between education and work; improved opportunities for acquiring the knowledge and skills necessary to adapt to new technologies, work methods, and markets; and increased numbers of educational programs to serve working adults. Clearly, the direction of education policy at the national level is toward more emphasis on a trained and educated workforce than ever before, and this emphasis includes professionals as well as other workers.

Continuing professional education describes the varied modes and content of education and learning that are recognized by appropriate authorities as contributing to the knowledge, competence, development, and performance of individual professionals after they have been licensed as practitioners.

Continuing professional education encompasses all forms of learning (including education and training experiences) that are organized to enhance the practicing professional's capability and recognized as doing such by whatever competent authority (licensing board, association, employer, etc.) Without formal organization and delivery an educational experience cannot be recognized as having occurred and therefore, credited. Continuing professional education needs coordination, coherence, and guidelines.

Professionals, however well-intentioned, often have little

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knowledge of how to go about choosing appropriate educational opportunities, and purveyors of continuing professional education need a systematic approach to identifying appropriate educational activities.

Continuing professional education has the potential to significantly effect professional practice. However, unless educational content is correctly chosen and development and delivery of educational activities are guided by the Goal of achieving maximum impact on the practice itself, this opportunity is bypassed.

In passing this Bill for continuing education, for the cosmetology profession, you will also be placing the responsibility of the content and development of a system with the board of cosmetology, rather than leaving it to a manufacturer whose goals are self-serving.

Some states have utilized their continuing education requirements in the discipline of a license. Our only means of discipline of a license at this time is revocation or suspension. With this new requirement, part of administrative remedy could be, for example, if a licensee was cited for numerous violations of safety or sanitation rules, the administrative hearing officer could recommend that he obtain a percentage of his required continuing education hours in safety and sanitation measures. This has worked very well in several other states.

The board is also supportive of continuing education for a licensed instructor in a school of cosmetology, however, at the present time, the only requirements to be an instructor in a school

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of cosmetology is that you are a licensed cosmetologist. There is no requirement for experience in the salon, training, or exam given to determine your ability to teach the profession of cosmetology. The board is recommending that the requirements be, that you have practiced as a cosmetologist for one year prior to licensure with 300 hours of instructor training or if you have not practiced for one year that you obtain 600 hours of instructor training. In addition, that once you have completed training, you pass a cosmetology instructor exam that is administered by the board and that you pay a fee for that examination, license and renewal. At this time there is no fee charged for an instructor's license. There are about 170 licensed cosmetology instructors. The board further recommends, before renewal, 20 hours of continuing education in a two year licensing period for each cosmetology instructor. I have included an attachment for your review taken from Milady's 1993-1994 Guide to Cosmetology Licensing. There are only six other states besides the state of Kansas that do not require an examination for their instructors, but under no circumstances are they issued a license to teach, without experience in the field or obtaining teacher training course provided in the cosmetology schools. In order to insure that cosmetology students are receiving the best education possible it is imperative that there be requirements for an instructor to teach the profession of cosmetology other than just receiving a license themselves. This entire statute deals licensing instructors for cosmetology, nail technology and electrology. (H) is a form of a grandfather clause, with provisions for all instructors that now

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hold a license to be issued a license, without examination and (I) provides that the board, through rules and regulations, would adopt a curriculum for cosmetology, manicuring, and electrology instructor training to be provided in a licensed school of cosmetology.

The Board of Cosmetology was established to protect the safety and welfare of the public. We are asking you to consider the public and its protection in passing this bill. When enforcing laws, it is necessary to do so with statutory authority. Because of some old or contrary language in the statutes, it has been a difficult process. Earlier this year, the board asked for the help of our general counsel from the Attorney General's office, in reviewing and making recommendations to the legislation, in improving and making clearer the language in our statutes. Most of what will appear in these amendments to this bill, in K.S.A. 65-1901 and 65-1902, is a matter of clean-up work. We are recommending that the word profit be changed throughout to read "compensation whether direct or indirect". This is a matter of more consistent language with other Kansas Statutes that define a sale or compensation. The only other change in K.S.A. 65-1901 is to change the word Onychology to "Nail Technology" and define it as "the information related to manicuring, pedicuring, and sculpturing nails". There are no other states that refer to a manicurist or a nail technician as an onychologist. Again, clearer language. In K.S.A. 65-1902 (b) (2), the board is in favor of repealing, "that no person shall practice as an electrologist unless that person is licensed as a cosmetologist or a cosmetology technician first."

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This is in direct conflict with K.S.A. 65-1912, where the requirements for examination of an electrologist are established as not less than 500 hours in a licensed school or a 1,000 hours in a licensed clinic. There is no mention of an additional license in this statute. It is the belief of this board, that a cosmetology license or a cosmetology technician license in no way is related to an electrology license, therefore, the training that we require a licensee to obtain is of no benefit to them in their profession. We have amended 2, to read that no one will engage in the practice as a cosmetologist, cosmetology technician, manicurist or electrologist in any place other than a salon licensed by the board. This has been in regulation, but is questionable as to statutory authority. In (b) of that same statute, we have added the only exceptions to that rule, which is in regulation, that they may perform their services in an unlicensed setting if it is a licensed hospital, nursing home, rest home, facility of incarceration or at an invalid's home.

We are not asking to increase fees at this time, we are asking that the limitation be raised since we are at the maximum on fees at this point. It would be good to point out, that we have been below the limitation for several years and that we just increased fees in January, and do not see a need to increase fees immediately. We are totally fee funded . By statute, whenever the amount of fees collected provides revenue in excess of the amount necessary to carry out the purposes, it is the duty of the board to decrease the amount of fee. Therefore, we are governed by statute, not to collect more than is necessary.

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In closing, I would only say that the board of cosmetology responded to about 350 written complaints last year. In addition to these, we also answered by phone about another 300. These were complaints from the public on either unprofessional, incompetent, or lack of sanitary measures against cosmetologists. It is important to know that we have a duty and responsibility to protect the public and to insure that they have a certain amount of confidence in entering a licensed facility that some form of standards and requirements are being met. When a candidate for licensure completes his training, they are then tested on entry level procedure to be licensed in their respected fields. It is a continuous process, where learning never ends. The industry has changed profoundly in the last 50 years, therefore, it is time that we change our thinking and make a statement to the general public, ensuring that we have done our part to guarantee to them their protection.

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Foreword

The *Milady Cosmetology State Board Guide* was first published in 1947 and has since undergone revisions and improvements.

This newest edition reflects changes submitted by state organizations in mid-1992 and provides information on the regulations in effect in each state, U.S. possession, and provinces of Canada. In addition, this year we requested data on continuing education requirements for cosmetologists and for teachers. When provided by the states, we included these requirements on the applicable license analysis and educational analysis pages.

From its inception, *Milady's Guide to Cosmetology Licensing* has met with the warm approval of state licensing authorities, school owners, teachers, technicians, guest artists, manufacturers, and suppliers. This compilation is a desktop reference for those who need licensing facts and figures at their fingertips.

We wish to acknowledge the many state officials whose generous contribution and sustaining interest have made this edition possible.

For any information not covered in this guide, please contact the states directly.

—Editor

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MILADY PUBLISHING COMPANY
(A Division of Delmar Publishers Inc.)
3 Columbia Circle
Albany, NY 12212-5015

ISBN 1-56253-132-8

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Printed in the United States of America

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1993 Teacher-Training Requirements

State	Exam	T.T. Lic.	Prog.	Education	Required Training and/or Experience and Other Information
Alabama	Yes	Yes	Yes	HS	Cosmetology license, 1 yr exp. & 650 T.T. hrs or cosmetology license, no exp. & 1250 T.T. hrs
Alaska	Yes	Yes	Yes		Alaska inst. lic. - 1 yr practical exp. + 600 hrs T.T. or 3 yrs practical exp.
Arizona	Yes	Yes	Yes	HS or equiv.	Oper. lic. with 1 yr exp. + student instructor training; 650 hrs cosmetology, 350 hrs manicuring, 500 hrs esthetician
Arkansas	Yes	Yes	Yes	HS or equiv.	Cosmetology license + 600 hrs + 3 yrs experience
California	N/A	N/A	N/A		Requirements set by Dept. of Higher Education after Nov. 1, 1990
Colorado					
Connecticut	N/A	N/A	N/A		
Delaware	Yes	Yes	Yes		Licensed cosmetologist + 3-6 months T.T.
Dist. of Columbia	Yes	Yes	Yes	8th grade	3 yrs experience or 2000 hrs T.T. + 6 mos experience
Florida	Yes	Yes	Yes	HS or equiv.	Lic. cosm. with 2 yrs exp. + 600 hrs T.T.
Georgia	Yes	Yes		HS or equiv.	Master lic. with 1500 sch. + inst. training 1500 hrs
Hawaii	Yes	Yes	Yes	HS or equiv.	600 hrs instructor training from beauty school
Idaho	Yes	Yes	Yes	12 coll. cred.	6 mos T.T. or 3 mos T.T. and 2 yrs exp., or 5 yrs experience
Illinois	Yes	Yes	Yes	HS or equiv.	1000 hrs T.T. or 500 hrs T.T. + 2 yrs experience within 5 yrs preceding examination
Indiana	Yes	Yes	No	HS or equiv.	Lic. cosm.; 6 mos exp. in salon and 6 mos in school
Iowa	No*	Yes	Yes	HS or equiv.	Lic. cosm. + 2 yrs exp. or lic. cosm. + 1000 hrs T.T.
Kansas	No	Yes	Yes	HS or equiv.	60 hrs T.T. + 40 hrs hairstyling
Kentucky	Yes	Yes	Yes	HS or equiv.	Lic. cosm.; 1 yr exp. + 1000 hrs apprentice/instructor training in licensed school. Must pass science & practical exam
Louisiana	Yes	Yes	Yes	HS	Lic. operator + 500 hrs T.T. Lic. esthetician with 5 yrs experience
Maine	Yes	Yes	Yes	HS or equiv.	Licensed Maine Cosmetologist; 1000 hrs in cosmetologist instructor course
Maryland	Yes	Yes	Yes	HS or equiv.	Hold operator lic. + 1000 hrs of Jr. T.T. or operator for 2 yrs & complete board approved T.T. or complete degree
Massachusetts	Yes	Yes	No	HS or equiv.	2 yrs registered hairdresser
Michigan	Yes	Yes	Yes	HS	500 hrs T.T. + 3 yrs exp. (at least 1 yr in salon)
Minnesota	Yes	Yes	Yes	HS or equiv.	Plus 38 hrs formal training. 1400 hrs as lic. cosmetologist, manicurist or esthetician
Mississippi	Yes	Yes	Yes	HS or equiv.	Lic. oper. with 2 yrs exp. + 750 hrs T.T. Must have 12 semester hrs in "Methods of Teaching". Esthetics; license 2 yrs exp. + 600 hrs, 12 semester hrs in "Methods of Teaching"
Missouri	Yes	Yes	Yes	HS or equiv.	1200 hrs of instructor's training
Montana	Yes	Yes	Yes		Licensed cosmetologist, 3 yrs as operator or 650 hrs of teacher training
Nebraska	Yes	Yes	Yes	HS or equiv.	Licensed cosmetologist, 6 mos T.T. (925 hrs)
Nevada	Yes	Yes	Yes	HS or equiv.	Licensed cosmetologist 1 yr + 1000 hrs T.T. in cosmetology school
New Hampshire	Yes	Yes	Yes	HS or equiv.	Lic. oper. + 1 yr exp. or 900 hrs school training; or lic. oper. + 1000 hrs school training
New Jersey	Yes	Yes	Yes	HS or equiv.	Licensed cosmetologist-hairstylist or beautician; 500 hrs T.T. course; 30 clock hr methods of teaching certificate and 6 mos employment experience
New Mexico	Yes	Yes	Yes	HS or equiv.	Lic. cosm. with 3 yrs exp. + state examination or 1000 hrs T.T. plus state examination

*Must attend Instructor's Institute approved by Cosmetology Board

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1993 Teacher-Training Requirements (Cont'd)

State	Exam	T.T. Lic.	Prog.	Education	Required Training and/or Experience and Other Information
New York	No	Yes	Yes	HS or equiv.	Temp. lic. 1 yr. 2 yrs exp. Prov. lic.: 2 yrs exp., complete T.T. course. Reg. lic.: 2 yrs salon experience + 90 hrs T.T.
North Carolina	Yes	Yes	Yes	HS or equiv.	Lic. cosmetologist with 5 yrs exp. or 6 mos as licensed cosmetologist + 800 hrs T.T.
North Dakota	Yes	Yes	Yes	HS or equiv.	Lic. cosmetologist & 960 hrs T.T. or 1 yr exp. & 480 hrs T.T. or 3 yrs exp. & 160 hrs T.T.
Ohio	No	Yes	Yes	HS or equiv.	1 yr working experience in licensed beauty salon or 1000 hrs apprentice instructor training in licensed school of cosmetology
Oklahoma	Yes	Yes	Yes	HS or equiv.	1500 hrs of cosmetology training + 1000 hrs of instructor training or 2 yrs salon exp. + 500 hrs instructor training
Oregon	No	No	Yes	HS or equiv.	Current Oregon lic. in hair design/barber, facial tech. & manicuring (or any comb.) + 1000 hrs T.T. or 2 yrs exp. lic. pract/formal training comb.
Pennsylvania	Yes	Yes	Yes	HS or equiv.	Lic. cosm. + 500 hrs cosm. training
Puerto Rico	Yes	Yes	Yes	HS or equiv.	30 hrs T.T. + 2 yrs exp.
Rhode Island	Yes	Yes	Yes	HS or equiv.	Hold Rhode Island license for 3 yrs plus 300 hrs instructor training
South Carolina	Yes	Yes	Yes	HS plus**	2 yrs practice or 750 hrs of T.T.; current practice lic.
South Dakota	No	Yes	Yes	HS or equiv.	Sr. Instructor: Lic. Mgr.-Oper. & 2 yrs exp. or 1 yr as Jr. Instructor. 10 hrs board approved seminar each year. Jr. Instructor: lic. oper. under supervision of Senior Instructor
Tennessee	Yes	Yes	No	HS or equiv.	Lic. cosmetologist; 300 hrs instructor training or 1 yr exp. as Jr. Instructor. Jr. instructors may work in school max. 3 yrs. Sr. Instr. must attend 24 hrs cont. ed. every 2 yrs
Texas	Yes	Yes	Yes	HS or equiv.	750 hrs training or 2 yrs lic. operator exp. + 250 hrs T.T.
Utah	Yes	Yes	Yes	N/A	Lic. cosm. & 6 mos T.T.
Vermont	No	Yes	No	HS or equiv.	Licensed Vermont operator with 2 yrs experience as hairdresser
Virgin Islands	Yes	Yes	Yes	HS	600 hrs T.T.
Virginia	Opt.	Yes	Yes		Be holder of a current cosm. license and pass a course in teaching techniques approved by the State Board of Ed. or complete an instructor training course approved by the Virginia Board of Cosm. supervised by a certified cosmetology instructor in a beauty school and a seminar approved by the Virginia Board of Cosm.; or pass an exam in cosmetology instruction administered by the Board.
Washington	Yes	Yes	Yes		500 hrs instruction in teaching techniques
West Virginia	Yes	Yes	No		Lic. cosmetologist + 3 yrs teaching experience and at least 15 hrs college credits
Wisconsin	Yes	Yes	Yes		2000 hrs prac. + 150 hrs instruct. train. course
Wyoming	Yes	Yes	Yes	HS or equiv.	Lic. Wyoming oper., 1 yr salon exp. + 1000 hrs T.T.
Alberta, Canada	No	N/A	N/A	HS or equiv.	Grade 12 trade certificate and vocational ed. degree
B.C., Canada	N/A	N/A	N/A	N/A	Current lic. + 3 yrs exp. or instructor course
N. S., Canada	Yes	N/A	N/A	HS	8 yrs in industry; 3 summer schools; 3 credits
Ontario, Canada	No	Yes	Yes	9th grade	Must hold valid certification in trade of hairstylist
Quebec, Canada	N/A	N/A	N/A	N/A	N/A
Saskatch., Canada	No	No	No	N/A	Grad. from registered school; valid Saskatch. journeyman's cert.

**Plus 45 hrs in Methods of Teaching course

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PROPOSED AMENDMENTS TO H.B. NO. 2245

Be amended:

On page 1, by striking all of lines 14 to 26, inclusive, and by inserting in lieu thereof the following:

"Section 1. K.S.A. 65-1901 is hereby amended to read as follows: 65-1901. As used in K.S.A. 65-1901 through 65-1912, and amendments thereto:

(a) "Apprentice" means any person engaged in learning the practice of cosmetology, onychology or electrology in a school of cosmetology, onychology or electrology licensed by the board, except until such time as an electrology school is established in this state apprenticing of electrology will be subject to approval by the board in a clinic or establishment.

(b) "Board" means the state board of cosmetology.

(c) "Cosmetologist" means any person, other than a manicurist or cosmetology technician, who practices the profession of cosmetology for profit compensation, whether direct or indirect.

(d) "Cosmetology" means the profession of:

(1) Arranging, dressing, permanently curling, curling, waving, singeing, cleansing, dyeing or bobbing the hair;

(2) massaging, cleansing, stimulating, manipulating or performing similar work on the scalp, face, neck, arms or hands, by use of either the hands or mechanical or electrical

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appliances;

(3) removing superfluous hair from the face or any part of the body by use of either the hands or mechanical or electrical appliances other than electric needles;

(4) using cosmetic preparations, antiseptics, lotions, creams or other preparations in performing any of the practices described in provisions (d)(1), (2) and (3);

(5) manicuring, pedicuring or sculpturing nails; or

(6) performing any other beautifying process on any person.

(e) "Cosmetology technician" means any person who, for profit compensation, whether direct or indirect, practices the profession of cosmetology only to the following extent:

(1) Manicuring, pedicuring or sculpturing nails;

(2) massaging the hands and arms;

(3) shampooing or applying temporary color rinse to the hair;

(4) performing scalp treatments, facials, skin care and eyebrow and eyelash services; or

(5) removing superfluous hair from the face or body, using either the hands or mechanical or electrical appliances other than electric needles.

(f) "Manicurist" means any person who, for profit compensation, whether direct or indirect, practices the profession of cosmetology only to the extent of manicuring, pedicuring and sculpturing nails.

✓ (g) "Onychology" "Nail technology" means the practice of

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~~cosmetology--only--to--the--extent--of~~ information related to
manicuring, pedicuring and sculpturing nails.

(h) "Electrologist" means any person who, for profit compensation, whether direct or indirect, removes hair from, or destroys hair on, the human body for beautification by use of an electric needle only.

(i) "Person" means any individual, corporation, partnership, association or other entity.

Sec. 2. K.S.A. 65-1902 is hereby amended to read as follows:
65-1902. (a) Except as provided in subsection (b), no person shall:

✓ (1) Engage in practice as a cosmetologist, cosmetology technician ~~or~~, manicurist or electrologist unless the person holds a valid license, issued by the board, to engage in that practice;

✓ (2) engage in practice as ~~an a~~ a cosmetologist, cosmetology technician, manicurist or electrologist unless the person is a licensed cosmetologist or cosmetology technician and also holds a valid license, issued in any place other than a salon licensed by the board, to engage in that practice under provisions of K.S.A. 65-1904a and amendments thereto;

(3) conduct a school for teaching cosmetology unless the person holds a valid license, issued by the board, to conduct the school;

(4) teach cosmetology in a licensed school unless the person holds a valid cosmetology instructor's permit or license issued

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by the board;

(5) conduct a school for teaching onychoeology nail technology unless the person holds a valid license, issued by the board, to conduct the school;

(6) teach onychoeology nail technology in a licensed school unless the person holds a valid cosmetology or onychoeology manicuring instructor's permit or license issued by the board;

(7) conduct a school for teaching electrology unless the person holds a valid license, issued by the board, to conduct the school; or

(8) teach electrology in a licensed school or clinic unless the person holds a valid electrology instructor's permit or license issued by the board.

(b) The provisions of this act shall not apply to:

(1) Any person licensed as a barber or apprentice barber;

(2) any person licensed to practice medicine and surgery, optometry, nursing or dentistry, while engaged in that practice;

(3) any person who is a registered physical therapist; or

(4) any teacher while engaged in instructing elementary or secondary school students in the proper care of their own persons; or

(5) any licensed cosmetologist, cosmetology technician, manicurist or electrologist who is performing services in a licensed hospital, nursing home, rest home, facility of incarceration or at an invalid's home.

Sec. 3. K.S.A. 65-1903 is hereby amended to read as follows:

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65-1903. (a) Licensed schools may be established and maintained in this state where the profession of cosmetology may be taught or acquired, under the following conditions and regulations:

(1) Any person may apply to the board for a license for conducting a school for the teaching of the profession of cosmetology. The license shall be granted by the board upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act, all reasonable rules and regulations adopted by the board for the proper conduct of the school and all applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto. Prior to issuance of the license, the applicant shall pay to the board the license fee established under K.S.A. 65-1904 and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the fee established under K.S.A. 65-1904 and amendments thereto. No license fee shall be required of schools operating under the state board of regents or any tax-supported school. Nothing in this act shall prohibit any person who is a licensed electrologist, while acting as owner and manager of the person's clinic or establishment, from teaching electrology in the regular course of the person's business, but at no time shall any clinic or establishment have more than one apprentice or charge tuition for its teaching services.

(2) Each school licensed under this subsection (a) shall

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remain under the constant supervision of the board. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one instructor for every 25 students. Each licensed school shall provide a course of training requiring not less than 1,500 clock hours of instruction and practice in preparation for the profession of cosmetology covering a period of not less than nine nor more than 12 months of training for full-time students, and 350 clock hours of instruction and practice in onychology. Such course of training shall include the practices of cosmetology for all major ethnic groups residing in the state, and the board shall require by rules and regulations that each school shall provide instruction for part-time students who are unable to attend a full schedule of classes each week because of part-time employment; enrollment in an accredited public or private school of secondary education by a student who is pursuing a course of study leading to a diploma from such school; enrollment in a cooperative industrial training program, approved by the division of vocational education of the state department of education, by a student who is working toward an occupational objective; or the principles or tenets of the student's religion preventing full-time attendance. Instruction of a part-time student shall be completed by the student within 18 months after the student's enrollment in the school.

(b) Any person who teaches the profession of cosmetology in a licensed school of cosmetology shall be required to obtain a

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cosmetology instructor's permit or license from the board. To qualify for a cosmetology instructor's permit, the applicant must (1) be licensed as a cosmetologist under this act and furnish evidence that the applicant has completed a four-year high school course or its equivalent. The applicant may then be issued an instructor's permit, which shall be valid for two years only, during which time the applicant must qualify for an instructor's license by completing at least 100 clock hours of training approved by the board, including 60 clock hours of teacher training and 40 clock hours of training in advanced hair styling. An original instructor's license shall be valid for a period of three years, during which time the licensee must complete at least 100 additional clock hours of training approved by the board, including 60 clock hours of teacher training and 40 clock hours of training in advanced hair styling. Thereafter, the licensee may renew the license for a period of five years upon the licensee's furnishing satisfactory evidence that the applicant has completed an additional 100 clock hours of training approved by the board, including 60 clock hours of teacher training and 40 clock hours of training in advanced hair styling in the five-year period preceding renewal, (2) have practiced as a cosmetologist for one year prior to licensure, with 300 hours of instructor training, (3) obtain 600 hours of instructor training, (4) pass a cosmetology instructor exam, administered by the board, and (5) pay the application fee established by K.S.A. 65-1904 and amendments thereto. A cosmetology instructor license

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shall be renewed every two years by furnishing satisfactory evidence that the applicant has completed an additional 20 clock hours of continuing education approved by the board in the practice and teaching of cosmetology, and by paying the renewal fee established by K.S.A. 65-1904 and amendments thereto.

(c) Licensed schools may be established and maintained in this state where onychology nail technology may be taught or acquired, under the following conditions and regulations:

(1) Any person may apply to the board for a license for conducting a school for the teaching of onychology nail technology. The license shall be granted by the board upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act, all reasonable rules and regulations adopted by the board for the proper conduct of the school and all applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto. Prior to issuance of the license, the applicant shall pay to the board the license fee established under K.S.A. 65-1904 and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the fee established under K.S.A. 65-1904 and amendments thereto. No license fee shall be required of schools operating under the state board of regents or any tax-supported school.

(2) Each school licensed under this subsection (c) shall remain under the constant supervision of the board. Each licensed

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school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one instructor for every 25 students. Each licensed school shall provide a course of training requiring not less than 350 clock hours of instruction and practice in onychology preparation for the profession of manicurist. The board shall require by rules and regulations that each school shall provide instruction for part-time students who are unable to attend a full schedule of classes each week because of part-time employment; enrollment in an accredited public or private school of secondary education by a student who is pursuing a course of study leading to a diploma from such school; enrollment in a cooperative industrial training program, approved by the division of vocational education of the state department of education, by a student who is working toward an occupational objective; or the principles or tenets of the student's religion preventing full-time attendance. Instruction of a part-time student shall be completed by the student within six months after the student's enrollment in the school.

(d) Any person who teaches onychology nail technology in a licensed school of cosmetology or onychology nail technology shall be required to obtain ~~an---~~onychology a manicuring instructor's ~~permit-or~~ license from the board, unless the person holds a valid cosmetology instructor's permit issued under subsection (b). To qualify for ~~an--~~onychology a manicuring instructor's permit, the applicant must (1) be licensed as a

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cosmetologist or manicurist under this act and-furnish-evidence that-the-applicant-has-completed-a-four-year-high--school--course or---its---equivalent;--The--applicant--may--then--be--issued--an instructor's-permit,--which-shall-be-valid--for--two--years--only, during--which-time-the-applicant-must-qualify-for-an-instructor's license-by--completing--at--least--50--clock--hours--of--training approved--by--the--board,--including--30--clock--hours-of-teacher training-and-20-clock-hours-of-training-in--advanced--onychology. An--original--instructor's-license-shall-be-valid-for-a-period-of three-years,--during-which-time--the--licensee--must--complete--at least--50--additional--clock--hours--of--training-approved-by-the board,--including-30-clock-hours-of-teacher-training-and-20--clock hours---of--training--in--advanced--onychology;--Thereafter,--the licensee-may-renew-the-license-for-a-period-of--five--years--upon the---licensee's---furnishing---satisfactory--evidence--that--the applicant-has-completed-an-additional-50-clock-hours-of--training approved--by--the--board,--including--30--clock--hours-of-teacher training-and-20-clock-hours-of-training-in-advanced-onychology-in the-five-year-period-preceding-renewal, (2) have practiced as a manicurist or cosmetologist for one year prior to licensure, with 300 hours of instructor training, (3) obtain 600 hours of instructor training, (4) pass a manicuring instructor exam, administered by the board, and (5) pay an application fee established by K.S.A. 65-1904 and amendments thereto. A manicuring instructor license shall expire every two years and shall be renewed by furnishing satisfactory evidence that the

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applicant has completed an additional 20 clock hours of continuing education, approved by the board, in the practice and teaching of manicuring and by paying the renewal fee established by K.S.A. 65-1904 and amendments thereto.

(e) Licensed schools may be established and maintained in this state where the profession of electrology may be taught or acquired, under the following conditions and regulations:

(1) Any person may apply to the board for a license for conducting a school for the teaching of the profession of electrology. The license shall be granted by the board upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act, all reasonable rules and regulations adopted by the board for the proper conduct of the school and all applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto. Prior to issuance of the license, the applicant shall pay to the board the license fee established under K.S.A. 65-1904 and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the fee established under K.S.A. 65-1904 and amendments thereto. No license fee shall be required of schools operating under the state board of regents or any tax-supported school. Nothing in this act shall prohibit any person who is a licensed instructor of electrology or who is and has been for at least three years a licensed electrologist, while acting as owner and manager of the

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person's salon, clinic or establishment, from teaching electrology in the regular course of the person's business, but at no time shall any salon, clinic or establishment have more than one apprentice or charge tuition for its teaching services.

(2) Each school licensed under this subsection (e) shall remain under the constant supervision of the board. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one full-time instructor for every four students. Each licensed school shall provide a course of training requiring not less than 500 clock hours of instruction and practice in electrology covering a period of not less than four months of training for full-time students and not less than eight months of training for part-time students ~~or--a course--of-500-clock-hours-of-practical-electrology-training-as-a student-in-conjunction-with-a-course--of--1,500--clock--hours--in cosmetology--training-or-a-course-of-500-clock-hours-of-practical electrology-training-as-a-student-in-conjunction-with-a-course-of 1,700-clock-hours-in-cosmetology-technician-training-taught-by--a licensed-cosmetologist-or-cosmetology-technician.~~

(f) Any person who teaches electrology in a licensed school of cosmetology or electrology ~~or-in-a--salon--or--an--electrology clinic~~ shall be required to obtain an electrology instructor's ~~permit-or~~ license from the board. To qualify for an electrology instructor's ~~permit~~ license, the applicant must (1) be licensed as an electrologist under this act ~~and-furnish-evidence-that--the~~

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applicant--has--completed--a--four-year-high-school-course-or-its equivalent-, (2) have practiced as an electrologist for one year prior to licensure, with 300 hours of instructor training, (3) obtain 300 hours of instructor training, (4) pass an electrology instructor exam, administered by the board, and (5) pay an application fee established under K.S.A. 65-1904 and amendments thereto. Electrology instructor licenses shall expire every two years and may be renewed by furnishing satisfactory evidence that the applicant has completed an additional 20 clock hours of continuing education, approved by the board, in the practice and teaching of electrology, and paying the renewal fee established under K.S.A. 65-1904 and amendments thereto. To teach in a licensed salon, the electrologist is issued a license for the period of training for the student. To qualify they must: (1) Be a licensed practicing electrologist for a three-year period and (2) pay an application fee established under K.S.A. 65-1904 and amendments thereto.

(g) All instructors holding a license issued by the board before July 1994, shall be renewed, without examination, at the expiration of their license, by paying the renewal fee for that renewal period, and furnishing satisfactory evidence that the applicant has completed an additional 100 clock hours of continuing education, approved by the board, in the practice and teaching of cosmetology, manicuring or electrology.

(h) The board may adopt through rules and regulations a curriculum for cosmetology manicuring and electrology instructor

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training to be provided in a licensed school of cosmetology.

Sec. 4. K.S.A. 65-1904 is hereby amended to read as follows:
65-1904. (a) Unless revoked for cause, all licenses of cosmetologists, cosmetology technicians, electrologists and manicurists issued or renewed by the board shall expire on the expiration dates established by rules and regulations adopted by the board under this section. Subject to the other provisions of this subsection, each such license~~7-other-than-the-three-year senior-cosmetologist-license7~~ shall be renewable on a biennial basis ~~upon--the--filing--of--a--renewal-application-prior-to-the expiration--of--the--license--and--payment--of--the--renewal--fee established--under--this--section.~~ An active cosmetology or cosmetology technician license may be renewed by:

(1) Filing a renewal application prior to the expiration of the license;

(2) paying the renewal fee established under this section;
and

(3) by furnishing evidence satisfactory to the board of attendance of 20 clock hours of instruction in cosmetology, approved by the board.

An active electrology license may be renewed by:

(1) Filing a renewal application prior to the expiration of the license;

(2) paying the renewal fee established under this section;
and

(3) by furnishing evidence satisfactory to the board of

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attendance of 20 clock hours of instruction in electrology,
approved by the board.

An active manicuring license may be renewed by:

(1) Filing a renewal application prior to the expiration of
the license;

(2) paying the renewal fee established under this section;
and

(3) by furnishing evidence satisfactory to the board of
attendance of 20 clock hours of instruction in manicuring,
approved by the board.

An inactive license may be renewed by:

(1) Filing a renewal application prior to the expiration of
the license; and

(2) paying the renewal fee established under this section.

The board shall establish by rules and regulations a procedure to
activate an inactive license. In order to provide for the
establishment of a system of biennial renewal of licenses issued
by the board, the board may provide by rules and regulations that
licenses issued or renewed may expire less than two years from
the date of issuance or renewal. In each case in which a license
is issued or renewed for a period of time of less than two years,
the board shall prorate to the nearest whole month the license or
renewal fee established under this section.

(b) Any cosmetologist's, cosmetology technician's,
electrologist's or manicurist's license may be renewed by the
applicant within three-years 90 days after the date of expiration

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of the applicant's last license upon submission of proof, satisfactory to the board, of the applicant's qualifications to renew practice as a cosmetologist, cosmetology technician, electrologist or manicurist and payment of the applicable renewal fee and delinquent fee prescribed pursuant to this section. Any applicant whose license as a cosmetologist, cosmetology technician, electrologist or manicurist has expired for more than three-years one year prior to application for renewal may obtain a license in the same manner and on payment of the same fees as provided for an applicant for an original license.

~~{c}--At-the--time--of--application--for--license--renewal,--a
cosmetologist--licensed--in-this-state-may-apply-to-the-board-and
qualify-for-a-three-year-senior-cosmetologist-license-by:~~

~~{1}--Paying-the-fee-required-by-this-section;~~

~~{2}--showing-evidence-satisfactory-to--the--board--of--having
been-actually-employed-in-a-licensed-salon-or-licensed-school-for
not-less-than-120-days-during-the-preceding-three-years;~~

~~{3}--furnishing---evidence---satisfactory--to--the--board--of
attendance-of--40--clock--hours--of--courses--of--instruction--in
cosmetology-approved-by-the-board.~~

{d} (c) Any applicant for a license other than a renewal license shall make a verified application to the board on such forms as the board may require and, upon payment of the examination fee shall be examined by the board or their appointees and shall be issued a license, if found to be duly qualified to practice the profession of cosmetologist,

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cosmetology technician, electrologist or manicurist.

(e) (d) The board is hereby authorized to adopt rules and regulations fixing the amount of fees for the following items and to charge and collect the amounts so fixed, subject to the following limitations:

Cosmetologist license or renewal, for two years -- not more than.....	\$30 <u>\$100</u>
Delinquent cosmetologist license.....	4 <u>100</u>
Cosmetology technician license or renewal, for two years -- not more than.....	30 <u>100</u>
Electrologist license or renewal, for two years--not more than.....	30 <u>150</u>
Delinquent electrologist license.....	4 <u>100</u>
Senior cosmetologist license or renewal, for three years -- not more than.....	45
Manicurist license renewal or renewal, for two years -- not more than.....	24 <u>100</u>
Delinquent manicurist license.....	4 <u>100</u>
Any apprentice license -- not more than.....	12 <u>25</u>
Additional training license -- not more than.....	12 <u>25</u>
New school license.....	100 <u>300</u>
School license renewal -- not more than.....	50 <u>150</u>
Delinquent school license -- not more than.....	10 <u>300</u>
New salon or electrology clinic license -- not more than.....	30 <u>100</u>
Salon or electrology clinic license renewal -- not more	

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than.....	20 50
Delinquent salon or electrology clinic license.....	6
Transfer of salon or electrology clinic license -- not more than.....	15
Cosmetologist's examination -- not more than.....	25 100
Cosmetology technician's examination -- not more than..	25 100
Electrologist's examination -- not more than.....	25 100
Manicurist's examination -- not more than.....	25 100
<u>Instructor's examination -- not more than.....</u>	100
Out-of-state examinations -- not more than.....	35 100
Out-of-state affidavits.....	2 50
Any duplicate license.....	2 50
<u>Instructor's license or renewal, for two years -- not more than.....</u>	100
<u>Delinquent instructor's license -- not more than.....</u>	100

(f) (e) Whenever the board determines that the total amount of revenue derived from the fees collected pursuant to this section is insufficient to carry out the purposes for which the fees are collected, the board may amend its rules and regulations to increase the amount of the fee, except that the amount of the fee for any item shall not exceed the maximum amount authorized by this subsection. Whenever the amount of fees collected pursuant to this section provides revenue in excess of the amount necessary to carry out the purposes for which such fees are collected, it shall be the duty of the board to decrease the amount of the fee for one or more of the items listed in this

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subsection by amending the rules and regulations which fix the fees.

(g) (f) Any person who failed to obtain a renewal license while in the armed forces of the United States shall be entitled to a renewal license upon filing application and paying the renewal fee for the current year during which the person has been discharged.

Sec. 5. K.S.A. 65-1901, 65-1902, 65-1903 and 65-1904 are hereby repealed.";

Also on page 1, in line 27, by striking "2" and inserting in lieu thereof "6";

Also on page 1, in the title, in line 11, by inserting before the period the following: "; amending K.S.A. 65-1901, 65-1902, 65-1903 and 65-1904 and repealing the existing sections";

And by renumbering sections accordingly;

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TESTIMONY BEFORE
PUBLIC HEALTH AND WELFARE COMMITTEE
ON

HOUSE BILL NO. 2245
By Representative Goodwin
By Request of Ginger Triplett
(Licensed Senior Cosmetologist)

January 13, 1994

Madam Chairperson and Committee Members:

I am Ginger Triplett, a Licensed Senior Cosmetologist. I thank you for the opportunity to testify in support of Bill No. 2245 and amendment thereto relating to continuing education for all cosmetologists, instructors of cosmetology, manicurist, and technicians, actively practicing the profession in the state of Kansas.

As a salon owner, I wish to give you a personal example of a situation I recently encountered, which makes me a strong advocate of continuing education for cosmetologists. This personal experience relates to a typical liability lawsuit which a cosmetologist can encounter daily if not adequately educated of the profession. This type of liability is becoming prevalent in today's business world of cosmetology.

A client, who is also a cosmetologist, came to my salon and requested a permanent wave from one of my employees. The client gave explicit directions as to wrapping, tension, and the particular name of the product she wanted used. The particular permanent requested should not have been wrapped with tension. After receiving the services in my salon as the client directed, the client, keep in mind who is also a cosmetologist, went home and called another cosmetologist in Wichita, who told the client to condition her permanent with Vaseline. The client did this procedure. The Vaseline trapped in the chemical residue left on the scalp, and therefore caused chemical burns to the scalp. In this total scenario, there were three cosmetologists who had not kept up on continuing education in their profession and were totally unaware or knowledgeable of the chemical composition of the products or the potential caustic reactions.

Because of the rapid technological advancements regarding the chemicals used in our industry, and new federal regulations governed by OSSA, I feel it is imperative that every cosmetologist actively working in the industry become current and up-to-date in these advancements to assure we do not place the general public at risk, along with risk and liability on each individual cosmetologist.

I have been licensed under the Senior Cosmetologist License for more than 15 years. I am required to have 40 hours of continuing education for each renewal of my license. This

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requirement of 40 hours has never been a hardship for me to obtain. I find there is more than enough education available in our industry at this time to meet these requirements.

In my research of certified or licensed professions, I have not found any other profession that does not require some type of continuing education to continue in that profession.

I submit that not only for the improvement of the Cosmetology profession, but for the safety of the general public, the State Board of Cosmetology be required to adhere to House Bill No. 2245, and amendment thereto.

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KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Donna L. Whiteman, Secretary

House Public Health and Welfare Committee
Testimony on House Bill 2440
January 13, 1994

The SRS Mission Statement:

"The Kansas Department of Social and Rehabilitation Services empowers individuals and families to achieve and sustain independence and to participate in the rights, responsibilities and benefits of full citizenship by creating conditions and opportunities for change, by advocating for human dignity and worth, and by providing care, safety and support in collaboration with others.

Madam Chairman, Members of the Committee, on behalf of Secretary Whiteman, I thank you for this opportunity to testify on House Bill 2440. The Department is in favor of this bill which allows Medicaid/MediKan providers the same period of time to file claims for services provided to Medicaid/MediKan recipients as Medicare and other private insurance firms allow.

Under the current law, providers have an initial 6 month period after the date of service with which to file their claims. This amendment will allow providers an initial 12 month period to file their claims.

The Medicaid/MediKan time limits are unique to insurance entities in Kansas. Both Medicare and most private insurance firms allow providers 12 months after the date of service to file their claims. With the Medicaid/MediKan requirements being unique, there are providers who render services to our recipients and receive no payments because they become confused with the different timely filing requirement. We are trying to eliminate this problem that providers have with our reimbursement system by becoming more consistent with the industry. We hope that this action will help maintain a solid provider base for our recipients.

With the passage of this amendment, we may spend an additional \$86,000 per year on claims that would have been denied for timely filing. We, however, expect to have administrative savings in staff time and resources. Many claims that are denied due to timely filing reasons have to be researched by Division of Medical Services or fiscal agent staff because the provider challenges the denial. Some times the timely filing denial is overridden due to unique circumstances. The reduction in the amount of time spent researching these claims will free staff to resolve claims, work with more major concerns and thus improve relations with our providers. With the passage of this amendment, we also expect to have fewer Fair Hearing appeals of claim denials due to timely filing issues.

In summary, the Department of Social and Rehabilitation Services expects to gain several benefits from the passage of HB 2440. The most prominent are the improvement of the provider base by becoming consistent with the rest of the insurance industry, improving the effectiveness of Claims Resolution activities and reducing the number of Fair Hearings appeals.

Robert L. Epps
Commissioner
Income Support/Medical Services
(913) 296-6750

PHW
1-13-94
Attn # 5



JOAN FINNEY, GOVERNOR OF THE STATE OF KANSAS

**KANSAS DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES**

DONNA WHITEMAN, SECRETARY

January 12, 1994

Representative Joann Flower
Chairperson
House Public Health and Welfare
Room 426-S
State Capitol Building
Topeka, KS 66612

Dear Representative Flower:

The mounting problems surrounding crime, violence and substance abuse are issues that I know will be time-consuming for you this Legislative session. A major goal of mine is to take a preventive focus in SRS to preserve human resources and at the same time save State dollars. Kansas is on the leading edge in implementing a comprehensive risk model and I wanted to share information from one of the University of Washington researchers, Dr. David Hawkins, January 20th.

Dr. Hawkins a nationally recognized expert on youth problems, will present an overview of a comprehensive approach to reducing adolescent problem behaviors. The one-hour sessions will be held at 7:00 AM at the Docking State Office Building, Room B, located in the basement cafeteria and again at noon at the State Capitol Building, Room 527S. A continental breakfast will be provided at the 7:00 AM session and a sack lunch at the noon session.

Dr. Hawkins has reviewed over 30 years of work on risk factors for alcohol and other drug abuse, delinquency, violence, and teenage pregnancy. One clear implication is if we can reduce the combined risks in young people's lives or counter those risk, the changes of preventing those risks will be greatly increased.

Would it be possible in your leadership capacity as Chair of the House Public Health and Welfare to announce this special meeting to your committee members on January 19th reminding them of the one-hour sessions on January 20th?

*P #4W
1-13-94
attm #6*

Representative Joann Flower
January 12, 1994
Page Two

I believe that Kansas is on the cutting edge in developing a comprehensive approach to preventing these issues and hope that you can spend an hour with us on January 20th. Please contact my secretary, Caryl Clanton, at 913-296-3271 to confirm your participation. Best wishes for 1994.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donna L. Whiteman".

Donna L. Whiteman
Secretary

DLW:AOD:jh
Enclosure

P H W

1-13-94

Attn. #6-2

pg 2 of 5

PREVENTING ADOLESCENT SUBSTANCE ABUSE, CRIME AND VIOLENCE

Kansans want to know how to prevent adolescent substance aduse, crime and violence. We have some new information to share with you on January 20th.

You're invited to meet with Dr. David Hawkins, the nationally recognized expert on reducing adolescent problem behaviors. Dr. Hawkins has developed a research-based risk-focused prevention model that can predict risks and problems for young people. All of these problems--delinquency, substance abuse, violence, school drop-out, teen pregnancy--share common risk factors. And he will look at how Kansas can reduce the risks in ways that increase protective factors: in families, communities and schools.

There are two opportunities to learn more. A continental breakfast and sack lunch will be provided.

January 20, 1994

7:00 AM TO 8:00 AM

Basement Cafeteria Room B
Docking State Office Building
915 SW Harrison
Topeka

INTRODUCTION: Secretary Donna Whiteman

Noon to 1:00 PM

(repeat of morning session)

Room 527 South
State Capitol Building
10th and Jackson
Topeka

INTRODUCTION: Secretary Donna Whiteman

For more information or to confirm your participation contact Kansas Department of Social and Rehabilitation Services, Caryl Clanton, 913-296-3271.

*PHFW
1-13-94
attn # 6-3
pg 3 of 5*

SUBSTANCE ABUSE, JUVENILE CRIME AND VIOLENCE

Thirty years of research has shown that there are a number of risk factors that increase the chances of adolescents developing problems.

*Risk-focused prevention is based on a simple premise: to prevent a problem from happening, we need to identify the factors that increase the risk of that problem developing and then find ways to reduce the risks in ways that enhance protective or resiliency factors. Problems such as drug abuse, juvenile crime, violence, teen pregnancy and school drop-outs share common risk factors.

The following is a summary of the risk factors and the problem behaviors they predict.

COMMUNITY RISK FACTORS

- Availability of drugs and firearms (substance abuse, violence).
- Community laws and norms favorable toward drug use, firearms, and crime (substance abuse, delinquency, and violence).
- Transitions and mobility (substance abuse, delinquency, school drop-out).
- Low neighborhood attachment and community disorganization (substance abuse, delinquency, and violence).
- Extreme economic and social deprivation (substance abuse, delinquency, violence, teen pregnancy and school drop-out).

FAMILY RISK FACTORS

- A family history of high risk behavior (substance abuse, delinquency, violence, teen pregnancy and school drop-out).
- Family management problems (substance abuse, delinquency, violence, teen pregnancy and school drop-out).
- Family conflict (substance abuse, delinquency, violence, teen pregnancy, and school drop-out).
- Parental attitudes and involvement in crime and drugs (substance abuse and delinquency).

SCHOOL RISK FACTORS

- Early and persistent antisocial behavior (substance abuse, delinquency, violence, teen pregnancy, and school drop-out).
- Academic failure in late elementary school (substance abuse, delinquency, violence, teen pregnancy and school drop-out).
- Lack of commitment to school (substance abuse, delinquency, teen pregnancy, and school drop-out).

INDIVIDUAL/PEER RISK FACTORS

- Alienation and rebelliousness (substance abuse, delinquency, and school drop-out).
- Friends who engage in the problem behavior (substance abuse, delinquency, violence, teen pregnancy and school drop-out).
- Favorable attitudes toward the problem behavior (substance abuse, delinquency, teen pregnancy and school drop-out).
- Early initiation of the problem behavior (substance abuse, delinquency, violence, teen pregnancy and school drop-out).

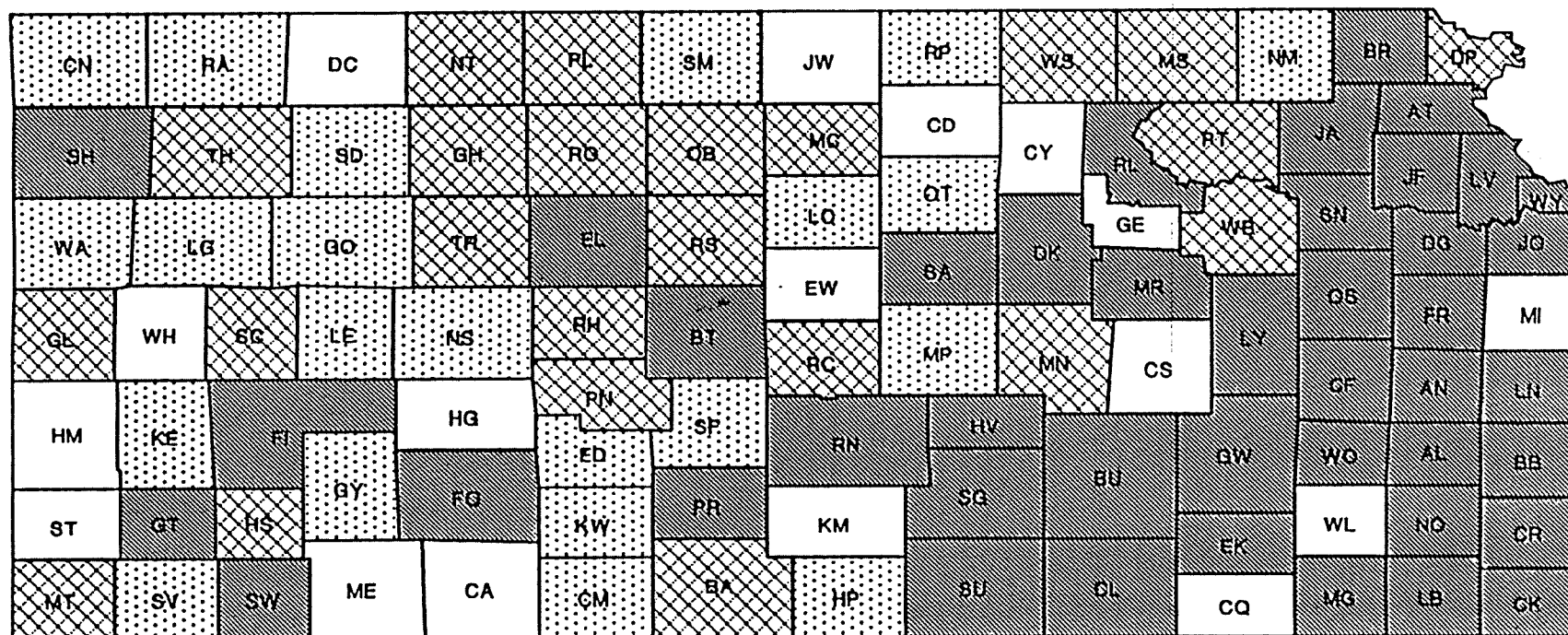
Kansas has conducted assessments of the risks at the State, regional, county and community levels. The Total Risk Index (page 2) provides an overview of the potential problems facing Kansas youth.

* Hawkins/Catalano. 1994.

pg 4-85
1-13-94
D.H.W.
Catalano
6-4

TOTAL-RISK:

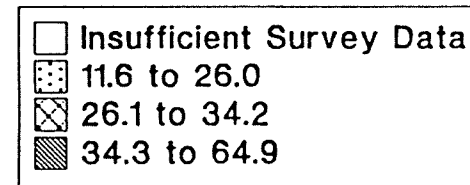
The Average standardized score of all four risk factor domains.



Maximum: 64.9 Minimum: 11.6 Average: 34.2

Data provided by the KSU Extension DIRECT Program.

Source: SRS/Alcohol and Drug Abuse Services 1993



Handwritten notes:
 1-13-94
 at 4:00 # 6-5
 10-5-95