

Proponent Testimony

HB 2408 - Exempting certain services provided in an adult care homes from the provisions of the acts regulating cosmetologists and barbers

Kansas Department for Aging & Disability Services and the Kansas Board of Cosmetology

Senate Public Health & Welfare Committee

Tuesday, March 14, 2023

This proposal would settle long-standing differing of interpretation and interplay between statutes and regulations between the Kansas Department for Aging and Disability Services and the Kansas Board of Cosmetology. [KSA 39-938](#) exempts adult care homes from following regulations of the Board of Cosmetology and Board of Barbering, however it does not apply to statutes. The proposed change reduces government regulations by clarifying that the beauty and barber shop area of adult care homes and long term care units of hospitals, which are required by [KAR 26-40-303](#), would be exempt from the statutes of Board of Cosmetology (KBOC) and Board of Barbering.

This has been an ongoing issue for decades as exemplified by a 1974 Attorney General Opinion, [1974-353](#). The Board of Cosmetology was informed by their attorney that they were required to inspect and license these facilities.

HB 2408 would exempt adult care homes and long-term care units of medical care facilities from inspection by the Board of Cosmetology. The beauty and barber shop areas in adult care homes and long-term care units of hospitals are inspected routinely by KDADS surveyors. Those inspections ensure that the area is clean, brushes combs stored correctly, chemicals locked up.

At the August 2021 meeting of the Joint Committee on Administrative Rules & Regulations, the Committee instructed our agencies to work together and find a solution regarding the conflicting rules and regulations. Since that time, we have been meeting and exploring various options and have agreed upon the changes contained in HB 2408. At their December meeting, KBOC voted 7-1 to support that change. KDADS leadership is supportive. As you will hear, stakeholders are supportive. It is a simple, but clear statutory fix supported by all parties.

Thank you for the opportunity to provide testimony in support of HB 2408, which passed the House 120-1.