

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SESSION-2001

Legislative Document

No. 1476

H.P. 1107

House of Representatives, March 8, 2001

**An Act to Require Continuing Education in the Cosmetology,
Manicuring, Aesthetics and Barbering Fields.**

Reference to the Committee on Business and Economic Development suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative BLISS of South Portland.
Cosponsored by Senator PENDLETON of Cumberland and
Representatives: DUDLEY of Portland, HUTTON of Bowdoinham, Senator: RAND of
Cumberland.

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Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA c. 126, sub-c. V is enacted to read:

SUBCHAPTER V

CONTINUING EDUCATION

§14261. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Biennial licensing period.** "Biennial licensing period" means the 2-year period beginning on July 1st and ending June 30th, 2 years later.

2. **Course.** "Course" means a continuing education course approved by the board pursuant to section 14263.

3. **Eligible offering entity.** "Eligible offering entity" means a nonprofit professional association, college or university, vocational school, postsecondary proprietary school of cosmetology licensed by the board, manufacturer of supplies or equipment used in the practice of cosmetology, the board or an agent of the board, any individual or entity that owns and operates 5 or more licensed salons or that employs at least 50 licensees. Any individual or entity not meeting this definition may petition the board for review and approval from the board in order to be considered an eligible offering entity.

4. **Licensee.** "Licensee" means a person licensed under subchapter III.

§14262. Continuing education general provisions and procedures

1. **Continuing education general provisions.** The following are general provisions for continuing education.

A. Licensees are exempt from all continuing education requirements until the biennial licensing period commencing after their initial licensure.

B. A licensee may not receive credit for identical course instruction completed during the biennial licensing period.

C. Courses completed prior to an individual being licensed by the board do not qualify for continuing education credit. A licensee may not receive continuing education

2 credit for any course that does not have the prior approval
3 of the board.

4 **2. Duties of board.** Duties of the board include:

6 A. Encouraging all eligible offering entities to offer
7 courses in as many different locations as possible;

8 B. Keeping a current roster of approved courses that
10 includes an explanation of course prerequisites required for
11 admission into the course. Copies of the roster must be
12 available to licensees and the public;

14 C. Creating and publishing a continuing education approval
15 form;

16 D. Adopting rules for waiver or extension of the
18 requirements for continuing education for reason of hardship;

20 E. Creating and publishing an application form for an
21 eligible offering entity; and

22 F. Establishing a renewal fee for licensees.

24 **3. Licensure renewal procedures.** The following are license
26 renewal procedures.

28 A. After the completion of the continuing education
29 requirements for any biennial licensing period, the licensee
30 must complete a continuing education approval form to be
31 furnished by the board and forwarded to the board with the
32 licensee's license renewal application and include the
33 renewal fee established by the board under subsection 2,
34 paragraph F.

36 B. The licensee must provide satisfactory proof of
37 completion of any applicable continuing education
38 requirement or prove that a waiver or extension was received
39 pursuant to subsection 2, paragraph D prior to the renewal
40 of the license.

42 **4. Continuing education extension.** The licensee, upon
43 receiving an extension, must complete and satisfactorily prove
44 completion of any continuing education requirements by submitting
45 such proof of completion to the board by a date specified by the
46 board.

48 **5. Procedures for placing license on inactive status.** The
following are procedures for placing a license on inactive status.

2 A. A licensee may apply to the board to have the licensee's
4 license placed on inactive status. To apply to the board to
6 have a license placed on inactive status, the licensee shall
 complete an application form to place the license on
 inactive status and pay a \$20 processing fee.

8 B. A former licensee who is not currently licensed to
10 practice cosmetology, aesthetics, barbering or manicuring
12 and who does not hold a license on inactive status must pay
14 all lapsed renewal fees and submit proof satisfactory to the
 board of the completion of 8 hours of continuing education
 prior to receiving a new license.

16 C. A licensee who has held a license on inactive status for
18 more than 2 years may have the licensee's license restored
20 without passing an examination and by paying any applicable
 fees and providing proof of satisfactory completion of 16
 hours of continuing education.

22 6. Continuing education requirement notification
24 procedures. The board shall inform a licensee of the continuing
26 education requirement that applies to the next biennial licensing
 period by including a notification in the issuance of each
 renewed license.

28 §14263. Eligible offering entities

30 1. Application criteria and procedures for course
32 approval. The following are application criteria and procedures
 for course approval.

34 A. A course and instruction must be designed to further
36 professionally educate licensees and do at least one of the
 following:

38 (1) Enhance the professional competency of the
 licensee;

40 (2) Protect the public; or

42 (3) Educate the licensee on the laws and rules of the
44 profession.

46 B. Application for course approval must be completed on a
48 form provided by the board and demonstrate that the
50 applicant is an eligible offering entity. The application
 must include a \$40 per course nonrefundable processing fee
 and be submitted to the board at least 30 days prior to the
 proposed initial date of the course. The application must

2 propose a course offering that is in compliance with the
requirements of this subchapter.

4 C. Whenever there is a substantive change in an approved
6 offering, the eligible offering entity shall notify the
board in writing 30 days prior to the initial offering date
8 and pay a \$10 nonrefundable processing fee.

10 D. The following are not eligible for continuing education
credit:

12 (1) That portion of any offering devoted to breaks
14 including breakfast, lunch and dinner or other
refreshments;

16 (2) A course designed to be completed in
18 correspondence style instruction; and

20 (3) An application that fails to meet the standards of
this section.

22 **2. Criteria for courses.** The following are criteria for
24 courses.

26 A. A course may not be less than 2 hours.

28 B. An approved eligible offering entity may not certify the
30 attendance of a person who was not physically present during
at least 90% of the course time. All courses must be
successfully completed.

32 C. An eligible offering entity shall maintain for 4 years a
34 record of attendance of each person attending a course that
includes the following information:

36 (1) The name and business address of attendee;

38 (2) The course title and description;

40 (3) The hours of attendance;

42 (4) The date of course;

44 (5) The name, address and signature of the verifier
46 employed by the eligible offering entity; and

48 (6) Any other information required by the board.

2 The eligible offering entity shall certify the items listed
3 in this paragraph and furnish a copy to the attendee within
4 30 days after completion of the offering.

6 D. A course offered by an individual or entity whose
7 principal residence or place of business is not located in
8 the State or a course offered by a foreign corporation under
9 Title 13-A, chapter 12 is eligible for approval if the
10 course complies with the requirements contained in this
11 section.

12 E. A course must be open to all board licensees on an equal
13 basis. Course attendance may be restricted to licensees due
14 to valid course prerequisites for admission or by the
15 maximum number of participants allowable as determined by
16 the eligible offering entity and fully disclosed in the
17 application criteria and procedures for course approval.

18 F. Passage of an examination by a licensee is not a
19 requirement for successful completion of a course.

22 G. Each eligible offering entity shall notify the board at
23 least one day in advance of the addition of a date for an
24 approved course. The eligible offering entity shall also
25 notify the board at least one day in advance of all course
26 changes including locations, times, changes in course
27 content or changes of course instructors.

28 H. Each eligible offering entity shall submit to the board
29 within 15 days after completion of each course a list of
30 licensees who successfully completed the course. The list
31 must include:

34 (1) The course title;

36 (2) The date conducted;

38 (3) The address where the course was conducted;

40 (4) The licensees' names; and

42 (5) Any other information required by the board.

44 I. The board may suspend, revoke or deny the approval of an
45 instructor or eligible offering entity that fails to comply
46 with provisions of this section. Written notice stating the
47 reason for the suspension, denial or revocation must be
48 given to the instructor or eligible offering entity against
49 whom the board has taken action.

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2 J. An aggrieved eligible offering entity, instructor or
4 licensee may request a hearing pursuant to Title 5, chapter
6 375, subchapter IV. Until the board has issued its final
order as a result of any denial of approval, the course in
question may not be represented to licensees as approved for
continuing education credit.

8 K. An eligible offering entity shall allow an official
10 representative, employee or staff member of the board
entrance into any board-approved course at no cost.

12 **§14264. Rules**

14 The board may adopt routine technical rules as defined in
16 Title 5, chapter 375, subchapter II-A to implement the purposes
of this chapter.

18 **SUMMARY**

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22 This bill establishes a continuing education requirement for
24 people engaged in the practice of cosmetology, manicuring,
26 aesthetics and barbering and sets criteria for the applicants,
the continuing education courses and the entities that provide
the courses.