

Table of Contents

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part VII. Barbers

Chapter 1.	Shops	1
Chapter 3.	Barber Demonstrator	4
Chapter 5.	Fees.....	4
Chapter 7.	Reciprocity	5
Chapter 9.	Examinations	6
Chapter 11.	Due Process Procedures for Violations of the Louisiana Barber License Law	10
Chapter 13.	Barber Schools.....	14
Chapter 15.	Barber Students	15
Chapter 17.	Barber Instructors (Teachers).....	17
Index	17

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part VII. Barbers

Chapter 1. Shops

§101. Registration of Shops

A. All barber shops must be duly approved and registered by the Board of Barber Examiners. The owner or manager of a new barber shop shall give the Board of Barber Examiners at least 30 days written notice before the initial opening of the shop. The barber shop shall not open to the general public until it has been inspected and approved as complying with all existing laws and regulations. If a shop which has been in operation moves to a new location, the owner shall be required to have the same inspection as a new shop. If it is an operating shop, the change of ownership or management shall not be affected until the inspection provided for has taken place and the shop has been approved.

B. No barber shall perform barbering in any place other than a duly authorized registered barber shop, excepting for sick or infirm persons in homes or hospitals, provided that all sanitary requirements are in accordance as required when the same services are to be rendered in a barber shop.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§103. Inspections

A. All barber shops shall be open for inspection to any member of the Board of Barber Examiners or its inspectors at all reasonable hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§105. Signs

A. All barber colleges shall display a sign indicating that it is a barber college with the words "BARBER COLLEGE ONLY" and said sign must be prominently displayed at the main entrance of said place.

B. Every barber shop shall prominently display a sign indicating it is a barber shop with lettering no smaller than 3 inches and/or the traditional barber pole.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§107. Minimum Equipment and Supplies Required for a New Barber Shop

A. One-chair shop shall include:

1. one barber chair in good repair and condition as determined by the inspector;
2. one modern work stand, not less than 60 inches wide and 12 inches deep;
3. one mirror, not less than 32 inches in diameter and/or not less than 800 square inches in size;
4. two cabinets, one for storage of sufficient supply of clean linen and one for accessories;
5. one closed hamper or covered container for soiled linen;
6. one dry cabinet sterilizer or electrical disinfecting cabinet not less than 1,200 cubic inches in size;
7. one large professional wet sterilizer;
8. one lavatory or shampoo bowl;
9. one soap dispenser;
10. one waste container for neck strips and shaving paper;
11. compounds for dry and wet sterilizers;
12. sufficient supply of creams, lotions, hair tonics, shampoos, neck strips, headrest paper, linen, etc., necessary for serving the public;
13. hot water heater;
14. one covered waste container for residue, cut hair, dirt, etc.;
15. toilet facilities;
16. sufficient chairs or benches for waiting customers; and
17. sufficient hooks or racks for customers' hats and coats.

B. For each extra barber chair, the above equipment and supplies must be duplicated except for Items A.13, 14, and 15. Items A.4, 5, 6, and 7 may be built into and be part of the work stand.

C. One chair shop shall occupy not less than 99 square feet of floor space. Each additional barber chair shall occupy not less than 66 square feet of floor space. Barber chairs shall be placed at least five feet apart, center to center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

§119. Sterilization

A. To insure proper sterilization before use on each patron, each barber shall furnish and maintain an adequate supply of tools and instruments such as clipper blades and attachments, combs, shampoo brushes, hair brushes, styling brushes, shears, razors, tweezers, neck dusters, hones, stops, head coverings or hair trainers, or any other tool or instrument used in barbering.

B.1. Acceptable means of sterilization and disinfection are:

- a. ultra violet lights;
- b. household laundry bleach (100 ppm available chlorine);
- c. ethyl or isopropyl alcohol (70-90 percent);
- d. sodium hypochlorite (100 ppm available chlorine);
- e. phenolic germicidal detergent solution (1 percent aqueous solution of concentrate);
- f. quaternary ammonium germicidal detergent solution (2 percent aqueous solution of concentrate);
- g. barbicide (or its equivalent).

2. Exposure time of greater than 10 minutes to any of the above chemicals required.

3. An acceptable procedure is a wash, rinse, and sanitation process. This means a wash in hot water with a suitable soap or detergent: rinsing in warm water to remove detergent: then a final rinse in a disinfectant. Household laundry bleach is the most commonly available and easily used disinfectant.

C. There shall be a wet sterilizer and dry cabinet sterilizer for each barber chair and proper compounds supplied for their use. Wet sterilizers must be large enough to completely immerse combs and instruments placed therein. Cabinet sterilizers shall be kept clean and orderly and must not be used for storage of supplies, letter, papers, etc., and shall be no less than 1,200 cubic inches in size. Drawers that are less than 1,200 cubic inches in size shall not be used in cabinet sterilizers.

D. The use of approved electrical light (two barbers may use one electric light cabinet) or chemical cabinet sterilizers are allowed in lieu of cabinet sterilizers.

E. The sterilization of all tools and instruments shall be accomplished after use on each customer and before tools and instruments are re-used. No tools shall be left exposed on work stand, but shall be cleaned and placed in a sterilizing cabinet with approved disinfectant when not in use. Combs and brushes shall not be kept in pockets of barber uniform.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§121. Prohibitions

A. The serving or eating of food in a barber shop working area is prohibited. Candy, cigarettes and cigars, etc., when sold in a barber shop must be kept in an enclosed case and individually wrapped.

B. The serving of coffee in a barber shop work area is prohibited.

C. The use of common styptic pencil or lump alum is prohibited. Alum or any other material used to stop the flow of blood shall be used only in a liquid or powder form.

D. The use of neck dusters, shaving mugs and shaving brushes in common, or for more than one person without proper sterilization is also prohibited.

E. Latherizers are recommended.

F. No barber shall serve a customer with an eruption or sore that is suspected of being a communicable disease.

G. Pets Disallowed. No pets will be allowed to be kept in a barber shop such as reptiles, etc. Small pets such as goldfish may be allowed with board approval. These pets and area around them must be kept in good sanitary condition and such pets must not be considered dangerous to the public health and safety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), amended and promulgated LR 10:803 (October 1984), repromulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§123. Manager Responsibilities

A. It shall be the duty of every manager of a barber shop to make certain that each barber employed in the shop has a current license to practice in the state of Louisiana and that all employees observe these regulations and all other regulations set forth by the board.

B. The manager shall keep a copy of these regulations, to be furnished by the board, posted in the shop for the information and guidance of the persons working and employed therein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§125. Definitions

A. For the purpose of these regulations, the term *barber shop* shall include barber colleges and hair-styling shops and the term *barber* shall include students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

Chapter 9. Examinations

§901. Applications for Examination

A. Each applicant for examination shall:

1. apply to the board on blank forms prepared and furnished by the board. This application shall contain proof under the applicant's oath of the particular qualifications set forth in the application;

2. furnish to the board on two 3 x 5 inch signed photographs of the applicant, one to accompany the application and one to be returned to the applicant and to be presented to the board when he/she appears for examination;

3. pay to the board the fee provided in R.S. 37:375.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§903. Notice

A. Every three months the board shall conduct an examination of applicants for certificates of registration to practice as registered barbers, applicants for certificates of registration as instructors, and applicants to enter an approved barber college to determine their educational qualifications. Notice of such examinations and the times and places thereof shall be given by mail to each applicant.

B. The examination of applicants for certificates of registration as registered barbers and as instructors shall include both a practical demonstration and a written and oral test and shall embrace the subjects usually taught in colleges of barbering approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§905. Applicants' Notification to Board

A. All applicants who will take the next examination shall furnish the board written notification at least two weeks prior to the next examination date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§907. Completion of Hours of Instruction

A. All students upon completing 1,500 hours of instruction will be permitted to take the next available examination.

B. All students shall furnish to the board, prior to the examination date a certificate from the barber college attended, the total amount of completed hours of instruction, signed by the instructor of the barber college.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§909. Examination Fees

A. Students. The fee for student examination is \$32 (\$25 for the examination and \$7 for national testing), and the license fee is \$40.

B. Teachers. The fee for teachers examination is \$35 (\$25 for the examination and \$10 for national testing), and the license fee is \$10.

C. Out-of-State. The fee for out-of-state examination is \$57 (\$50 for the examination and \$7 for national testing), and the license fee is \$40.

D. Cosmetologist. The fee for a Louisiana cosmetologist is \$32 (\$25 for the examination and \$7 for national testing), and the license fee is \$40.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§911. Deadline for Examination Fees

A. All examination fees must be received by the Board of Barber Examiners no later than two weeks prior to the next examination date.

B. No personal checks will be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§913. Models Required

A. All applicants are required to furnish their own models for the examination.

B. All applicants must have three models: two males and one female. A taper cut is to be done on one of the males and a cut and style on the other male and female. Also, be prepared to do full service on models, such as shaves, massages, perm rod wraps and any other service necessary as determined by the board.

C. All applicants should be prepared for an all day examination, and when called upon, models must be available immediately, regardless of the time. Any applicant delaying the examination at any time may be disqualified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§1103. Procedures for Processing Complaints and Inquiries

A. Upon receipt of complaints or inquiries, the board will take immediate action.

1. Anonymous letters of complaint against individuals shall not be recognized as a basis for formal action.

2. If the information in the complaint is insufficient, the board may request further information by either written correspondence or an informal hearing.

B. All complaints received shall be assigned a sequentially ordered complaint code number which shall be utilized in all official references.

C. At its next meeting, the board shall officially receive and act upon all complaints and inquiries received.

D. Upon receipt of the complaint, the board shall determine if the complaint is an ethical issue.

E. The identity of all parties to a complaint shall be revealed to the invoked parties except if contrary to law.

F. The board shall inform the complainants of the initial determination.

1. No action
2. Informal inquiry
3. Informal hearing
4. Formal hearing

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), amended and promulgated LR 13:25 (January 1987), repromulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§1105. Conduct of an Informal (Nonadversarial) Inquiry/Hearing

A. Informal Inquiry Procedures

1. The licensee shall be given adequate prior notice of the informal inquiry and possible hearing of the issues to be discussed. Adequate notice includes:

- a. informing the licensee in writing that a complaint has been filed;
- b. a short and plain statement of the nature of the complaint;
- c. a reference to the particular sections of the statutes, Rules and/or ethical standards of the board which appear to have been involved;
- d. copies of the law and the Rules and regulations of the board; and
- e. a request for the licensee's cooperation in obtaining a full understanding of the circumstances which led to the allegation.

2. The licensee is requested to provide, within 30 days, a written statement giving the licensee's view of the situation which is the subject of the complaint so that the board may be cognizant of all relevant aspects of the case.

3. Evaluating the Findings of the Informal Inquiry. Upon receipt of a reply from the licensee, the board shall review the information and determine if a violation may have occurred, and if so, what standard(s) have been violated. If the determination of the board is that the issues raised by the complainant would constitute a violation of standards, the board shall then determine whether:

- a. further investigation by correspondence is indicated;
- b. further investigation by an informal hearing is indicated; or
- c. institution of formal hearing procedures is indicated.

B. Informal Hearing Procedures. The board shall conduct informal hearings in executive session in accordance with the following:

1. it is expected that the licensee not have an attorney or other advisor present, although it is his right to do so;
2. witnesses may be called, but are not placed under oath and no subpoenas are issued;
3. statements made at the informal hearing may not be introduced at a formal hearing unless all parties consent;
4. no transcript of the informal hearing is made.

C. Evaluating the Finding of the Informal Hearing

1. If the board decides that the subject of the complaint is a violation of the standards, and the disciplinary proceedings are warranted, the board shall then determine whether:

- a. the violation merits informal disposition; or
- b. a formal hearing will be held.

2. The board, in determining for informal disposition, shall order actions such as:

a. a settlement between the person making the complaint and the licensee. This settlement shall be written, signed by the licensee and the complainant and submitted to the board within 30 days of the informal hearing.

b. a consent order describing the disciplinary action which will be taken. A consent order shall be signed by the licensee, the chairman, and vice-chairman of the board.

D. Refusal to Respond or Cooperate with the Board

1. If the licensee does not respond to the original inquiry within 30 days, a follow-up letter shall be sent to the licensee by registered or certified mail, return receipt requested.

2. Subpoenas. The Louisiana Department of Justice Disciplinary Action Manual for Occupational Licensing Boards by William J. Guste Jr., Attorney General. Section 10.2 Subpoena Authority: Boards are empowered by statute to issue subpoenas, and in Louisiana, the statutes allow the board to issue a subpoena when requested in writing by any party in a contested case. Either side in a contested hearing may request that a subpoena be issued. It is generally required that the information called for by a subpoena must be reasonable in terms of amount required and that it must relate to the matter under consideration. A subpoena duces tecum should be reasonable in scope and should be limited to documentary material that is relevant to the proceeding.

a. The board or its designated hearing officer may sign and issue subpoenas when requested in writing by any party to a contested case.

b. The information called for by a subpoena shall be reasonable and shall relate to the matter under consideration.

c. Investigative subpoenas are issued at the discretion of the hearing officer.

d. If the person fails to comply with a subpoena, the board may apply to the judge of the appropriate district court for an attachment as for a contempt.

3. Motions

a. A request to the board or the hearing officer by a party for a particular action should be made in the form of a motion.

b. A motion may be made before, during or after a hearing.

c. All motions must be made at an appropriate time.

d. Motions made before or after the hearing shall be made in writing. Motions made during the course of the hearing may be made orally.

e. Motions are directed to the hearing officer who shall dispose of them appropriately.

f. A party may not submit written proposed findings of fact.

g. The hearing officer may refer a motion to the board.

C. Formal Hearing Procedures

1. Conduct of a Hearing

a. The members of the board shall be present for hearing.

b. The hearing will be conducted in accordance with the Administrative Procedure Act, R.S. 9:955-966.

i. Opportunity shall be afforded all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and conduct such cross-examination as may be required for a full and true disclosure of facts.

ii. Objections to evidentiary offers may be made and shall be noted in the record.

c. The hearing will be open to the public.

d. Order of Proceedings

i. The hearing officer calls the session to order, identifies the case, subject of the case, and cites the authority for holding the hearing.

ii. The hearing officer asks the parties to identify themselves and their counsel.

iii. All testimony shall be given under oath, such oath to be administered by the hearing officer.

iv. Customary order of the proceedings should be followed at the discretion of the hearing officer.

2. Evidence

a. In determining the admissibility of evidence, the hearing officer must follow the Rules governing administrative hearings in Louisiana.

b. Constitutional guarantees of due process give the licensee a right to a decision based on the evidence presented at the hearing or officially noted in the record.

D. Final Decision of the Board

1. The board must determine whether the facts in the case support the charges brought against the licensee. It must determine whether the charges are a violation of R.S. 37-341 37:392 et seq., or other Rules and regulations of the board.

2. The board accepts a proposed order from the hearing officer setting forth the findings of facts and conclusions of the hearing. The board may adopt such findings and conclusions in whole or in part. Any board members not present at the hearing must review the record prior to such decision.

3. The decision must be accompanied by a statement of the reasons for the decision and must dispose individually of each issue of fact or law necessary from the hearing officer.

4. The board's decision shall be based on the evidence and the proposed decision from the hearing officer.

5. The vote of the board must be recorded and made part of the decision. A majority vote must be obtained in order for a violation to be judged to have occurred.

6. The board determines the sanctions appropriate and consistent with law. The board may decide to revoke or suspend a license or fine the licensee.

7. The final decision shall be delivered to each party by registered or certified mail, return receipt requested.

8. The final decision shall be delivered within 30 days of the close of the hearing.

9. The final decision shall become effective 11 days after the receipt of notification of all parties, provided that there is no appeal. Publication shall be withheld until that date.

C. Changing Location or Ownership

1. Whenever any school changes its location or its ownership, by transfer or by lease or otherwise, its license may be made applicable to the new ownership and/or location, provided the parish in which the school is domiciled remains unchanged and the board is given notice of not less than 30 days prior to the change of address and/or ownership of the school and appropriate examination and inspection by the board reveal that the above requirements have been satisfied, and the notice of change of ownership is accompanied by the payment of the sum of \$250 as a license fee.

2. The above minimum size requirements shall be demanding of all newly licensed school or newly licensed school owners. The sale of a school by its present owner or the change of location of a school will require that the licensed facilities be brought to these standards.

D. Equipment Requirement. Every barber school must have practical work room, equipped with not less than the following:

1. twelve barber chairs which does not include shampoo area chairs unless otherwise approved by the board;
2. one shampoo bowl or lavatory for every four barber chairs unless otherwise approved by the board (these chairs must recline with soap dispensers for each);
3. one overhead hair dryer (chair or hood type) for every four barber chairs unless otherwise approved by the board;
4. ample permanent wave rods and sufficient trays;
5. six mannequins;
6. sufficient seating in the waiting area (this area must contain at least 200 square feet of floor space);
7. sufficient seating for students for classroom work (no classroom shall contain less than 400 square feet of floor space);
8. modern anatomy charts;
9. full size chalk board;
10. twelve modern work stands, each measuring in size not less than 60 inches wide and 12 inches deep;
11. twelve mirrors, each not less than 32 inches in diameter and/or not less than 800 square inches in size;
12. sufficient cabinets for storage of clean linen and accessories;
13. sufficient amount of covered containers for soiled linen;
14. twelve dry cabinet sterilizers not less than 1,200 cubic inches in size, or 12 electrical disinfecting cabinets (ultra violet lights);
15. twelve large professional wet sterilizers;

16. sufficient waste containers for neck strips and shaving paper;

17. sufficient amount of compounds for dry (ultra violet lights) and wet sterilizers;

18. sufficient supply of creams, lotions, hair tonics, shampoos, neck strips, headrest paper, linen, etc., necessary for serving the public;

19. hot water heater;

20. sufficient amount of covered waste containers for residue, cut hair, dirt, etc.;

21. toilet facilities;

22. sufficient amount of hooks or racks for customers' hats and coats.

E. Sanitation and Sterilization. Sanitation and sterilization Rules and regulations for barber schools must comply with the same Rules and regulations for barber shops.

F. Books. The following text must be provided to each student at registration:

1. standard textbooks of professional barber-styling;
2. Professional Barber-Styling State Board of Examination Review.

G. All schools must maintain a curricula hereinafter prescribed for the following.

1. Barber course covering curriculum in not less than 1,500 hours in a nine-month period.

H. Barber Course Curriculum

1. Introduction to Barbering
 - a. Explain history of barbering.
 - b. Become oriented to the practice of barbering.
 - c. Discuss professional ethics.
 - d. Identify shop safety hazards.
 - e. Explain physical and mental stress.
2. Louisiana Laws and Regulations
 - a. Explain or discuss statutory regulations.
 - b. Explain Rules and regulations for students.
 - c. Explain Rules and regulations for shop management.
 - d. Explain Rules and regulations for licensed barbers.
3. Implements
 - a. Identify implements.
 - b. Establish Proper handling of implements.
 - c. Demonstrate proper use of implements.
 - d. Demonstrate proper care and sanitation of implements.

15. Anatomy and Physiology

- a. Identify the different cells and their functions.
- b. Identify and give the functions of each body system.

16. Shop Management and Salesmanship

- a. Identify state board requirements for shop management.
- b. Identify factors involved in financing, leasing and selecting locations.
- c. Identify personal shop duties.
- d. Set up and maintain records.
- e. Discuss advertising and promotional idea for products.

17. Employment Preparation

- a. Explain the procedure for obtaining and renewing a license to practice.
- b. Describe the role of the barber relating to legal responsibilities.
- c. Prepare a personal resumé.
- d. Complete a job application.
- e. Describe procedure for resignation.
- f. Write a letter of resignation.
- g. Participate in a mock interview.
- h. Discuss equal opportunity employment provisions and affirmative action policies in the work place.
- i. Promote public relations within the work place.
- j. Discuss state board exam review.
- k. Discuss the transition from barbering school to the work place.
- l. Establish benefits provided by the shop or available through the shop.
- m. Discuss with shop owner methods used to pay income taxes and Social Security taxes.

I. Administrative Regulations

1. All barber schools must provide the board no later than 15 days following the enrollment of each student with:
 - a. student application, completed and notarized;
 - b. birth certificate or equivalent;
 - c. high school diploma or passing grade on equivalence test and;
 - d. two 3 x 5 inch signed photographs of the student.
2. All barber school owners must register hours of each student with the board office each month, no later than seven days passed the end of each month. Owner of school

must certify students' attendance for these hours. Only hours devoted toward the prescribed curriculum shall be included. This monthly/hourly student report may be certified by the head instructor in the absence of the school owner. A weekly summary of accredited hours earned by each student shall be posted in every school.

3. All barber schools may charge or accept, directly or indirectly, any money whatsoever for such clinical practice by the student for materials used therein, whether the money is considered payment for services or materials as a gratuity, upon approval by the Barber Board. Such charges must have prior approval by the Barber Board.

4. All barber schools must notify the Barber Board in writing, within five days, of any change in teaching staff, whether it is a temporary, part-time or substitute teacher, giving names and Louisiana teacher license number.

5. All schools are required to maintain a faculty of instructors, not fewer than one per each 20 students enrolled.

6. Each school must be in charge of and under the immediate supervision of a Louisiana licensed teacher of barbering.

7. All barber schools may develop a teachers training program, advance training program and brush-up programs. These programs and curriculum must be submitted to the Barber Board for prior approval. The teachers training program shall not automatically entitle a person to take an examination for a teacher's certificate as issued by the Board of Barber Examiners. The teachers' examination shall be given only when the applicant shows proof to the Barber Board that they will be hired as a teacher in a barber school after passing such an examination. Advanced training and brush-up programs shall be offered only to licensed barbers and cosmetologists.

8. All barber schools shall furnish the board written notification, at least two weeks prior to the next examination date, with the names and total completed hours of each student who will be taking the next examination.

9. All barber schools shall maintain a sign in front of its premises reading "Barber College Only."

10. There shall be no professional departments within the school, nor shall any school owner own or operate a professional salon in connection with schools. No members of the school staff shall practice in an adjoining salon. There shall be no unsealed, connecting doors between schools and shops under the same roof.

11. All barber schools must post all correspondence from the Barber Board office if directed to do so.

12. All barber schools must issue to each student the Barber Board's student and examination administrative regulations no later than 15 days following the enrollment of each student.

13. All schools must hold regular theory classes for a minimum of one hour per day. This must embrace related subjects.

HISTORICAL NOTE: Promulgated by the Department of Labor, Board of Barber Examiners, LR 13:397 (July 1987), repromulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§1505. Transfer Students

A. The board may accept student hours certified by license schools not licensed by this board. Louisiana school owners may receive transfer students by examining these applicants and securing a verification of hours from the student's original school and the state board supervising that school. This verification should cover the number of hours and curriculum studied. The results of the examination should then be certified to the Board of Barber Examiners, stating the number of hours as determined the transfer student to have completed satisfactorily. This certification should be accompanied with supporting data of verification from the student's original school and the state board supervising that school. All of the above shall be submitted to the Board of Barber Examiners for final approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:341-392.

HISTORICAL NOTE: Promulgated by the Department of Labor, Board of Barber Examiners, LR 13:398 (July 1987), repromulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§1507. Alien Students

A. When registering alien students from foreign countries, schools will be responsible for transmitting with the student registration application Immigration Form I-20 A (certificate of eligibility for nonimmigrant "F-1" student status) and Form I-17 (petition for approval of school for attendance by nonimmigrant alien students). These forms may be obtained by the schools from the Immigration Department, Federal Building, New Orleans, Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:341-392.

HISTORICAL NOTE: Promulgated by the Department of Labor, Board of Barber Examiners, LR 13:398 (July 1987), amended by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

Chapter 17. Barber Instructors (Teachers)

§1701. Statutory Requirements

A. No persons shall act as an instructor at a barber college and no barber college or owner or operator thereof shall hire or permit any person to act as an instructor at the barber college unless he has a current and valid certificate of registration as an instructor issued by the board.

B. The board shall issue a certificate of registration as an instructor in a barber college to a person who complies with all of the following:

1. files an application with the board in such forms as it may prescribe accompanied by the required fee;
2. is of good moral character and temperate habits;

3. holds a diploma evidencing successful completion of high school or has the equivalent education as determined by an examination conducted by the board and approved by the vocational education office of the Department of Education;

4. has held a valid certificate of registration as a barber in Louisiana and has practiced barbering in Louisiana for at least the last two years before issuance of the instructor's certificate;

5. has graduated from a barber college in a course embracing all theory and scientific manipulation taught in barber schools;

6. passes satisfactorily an examination conducted by the board to determine his fitness to be an instructor.

C. Each applicant for examination shall:

1. apply to the board on blank forms prepared and furnished by the board. This application shall contain proof under the applicant's oath of the particular qualifications set forth in the application;

2. furnish to the board two 3 x 5 inch signed photographs of the applicant, one to accompany the application and one to be returned to the applicant and to be presented to the board when he appears for the examination;

3. pay to the board the fee provided in R.S. 37:375.

D. Every three months the board shall conduct an examination of applicants for certificates of registration as instructors. Notice of such examinations and the times and places thereof shall be given by mail to each applicant. The examination of applicants for certificates as instructors shall include both a practical demonstration and a written and oral test and shall embrace the subjects usually taught in colleges of barbering approved by the board.

E. When the provisions of this Chapter have been complied with, the board shall issue a certificate of registration as an instructor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:341-392.

HISTORICAL NOTE: Promulgated by the Department of Labor, Board of Barber Examiners, LR 13:581 (October 1987), repromulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§1703. Other Standards Required

A. Proof of Employment. The instructor's examination shall be given only when the applicant shows proof to the Barber Board that they will be hired as an instructor in a barber school after passing such an examination.

B. Application Notification to Barber Board. All applicants shall furnish to the Barber Board all the necessary requirements at least 30 days prior to the next examination date.

C. Application Approval. Upon receipt of all necessary requirements from applicants applying to take the next instructor's examination, the Barber Board shall review all material received and notify applicants that their application has been approved or disapproved.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part VII. Barbers

Index

- Alien Students, 15
- Applicability, 6
- Applicants' Notification to Board, 5
- Applications for Examination, 5
- Barber Demonstrator
and Seminar Classes, 4
- Limitations, 4
- Out-of-State, 4
- Closed Examination, 6
- Completion of Hours of Instruction, 5
- Conduct
 - of an Informal (Nonadversarial) Inquiry/Hearing, 7
 - of Formal Hearing, 8
- Deadline for Examination Fees, 5
- Definitions, 3
- Demonstration and Seminar Approval, 4
- Examination
 - Applications for Examination, 5
 - Fees, 5
 - Requirements, 16
- Fees
 - Deadline for Examination, 5
 - Permit, 4
- Grading, 6
- Headrest, 2
- Inspections, 1
- Linen and Towels, 2
- Manager Responsibilities, 3
- Minimum Equipment and Supplies Required for a New
Barber Shop, 1
- Models Required, 5
- Notice, 5
- Permit Fees, 4
- Personal Cleanliness and Appearance, 2
- Procedures for Processing Complaints and Inquiries, 7
- Prohibitions, 3
- Proper Quarters, 2
- Reciprocity, 4
- Registration of Shops, 1
- Regulation for Government of Student Activities, 14
- Signs, 1
- Standards Required, 10
 - Other, 15
- Statutory Requirements, 14, 15
- Sterilization, 3
- Time Limits, 6
- Tools and Supplies Required, 6
- Transfer Students, 15
- Water Supply, 2

Chapter 3. Barber Demonstrator

§301. Demonstration and Seminar Approval

A. Any barber who is entitled by this board to demonstrate or hold seminars in all phases of advanced barbering such as hairstyling, hair straightening, coloring, hair piece fitting, styling, shaping, etc., must comply with the following:

1. must be a licensed barber or cosmetologist;
2. must abide by all the sanitation Rules and regulations as required by the Louisiana state barber laws.

B. those complying with the above Rules and regulations will be approved to demonstrate or hold seminars with registered barbers and students in hairstyling and other related services in advanced barbering after application is made in writing to the Board of Barber Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated and amended LR 14:94 (February 1988), repromulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§303. Barber Demonstrator and Seminar Classes

A. When demonstrating or having seminars, the following Rules must be observed:

1. all classes must be held in private, not open to the general public;
2. all demonstrating classes will be held with all sanitation regulations observed and work must be done as approved by the board;
3. all barber shops, during the demonstration classes must keep blinds down and curtains drawn closed at all times and doors locked other than to enter or exit;
4. no advertising shall be done concerning these classes;
5. a board member, inspector or secretary may be present at all times to see that the above Rules are observed.

B. Any demonstrator who fails to observe these Rules and regulations may have their privileges suspended or revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:341-392.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), amended and promulgated LR 14:93 (February 1988), repromulgated LR 17:356 (April 1991).

§305. Out-of-State Barber Demonstrator

A. Make sure before inviting someone from another state to help in a show or with any demonstrator that he or she meets and complies with the following:

1. have available a copy of their current barber or cosmetology license available to the board for inspection while working.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:341-392.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), amended and promulgated LR 14:93 (February 1988), repromulgated LR 17:356 (April 1991).

§307. Barber Demonstrator Limitations

A. Demonstrators may demonstrate:

1. only to barber students who are presently enrolled in any approved Louisiana barber college and all current Louisiana licensed barbers and/or cosmetologists in good standing;
2. not more than four days in a 30-day period to the same group, unless the demonstrator has prior approval of the board;
3. as a guest to show techniques: not to teach or demonstrate on a regular basis without a valid barber instructor's certificate.

B. Demonstrators who exceed the above limitations are required to hold a valid instructor's (teacher's) certificate. These limitations do not cover people who teach who are not covered in the barber curriculum such as fashion, make-up psychology, banking business, insurance, health, management, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:341-392.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), amended and promulgated LR 14:93 (February 1988), repromulgated LR 17:356 (April 1991).

Chapter 5. Fees

§501. Permit Fees

A. The Board of Barber Examiners hereby adopts a Rule setting permit fees of \$40 as prescribed by the Louisiana State Barber Licensing Law, R.S. 37, Title 5, Section 368.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Promulgated by the Department of Labor, Board of Barber Examiners, LR 10:803 (October 1984), repromulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

Chapter 7. Reciprocity

§701. Reciprocity

A. The Board of Barber Examiners hereby adopts a Rule setting reciprocity application fee at \$100 plus license fee as prescribed by the Louisiana State Barbering Licensing Law, R.S. 37, Title 5, Section 369.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Promulgated by the Department of Labor, Board of Barber Examiners, LR 10:803 (October 1984), repromulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

Chapter 9. Examinations

§901. Applications for Examination

A. Each applicant for examination shall:

1. apply to the board on blank forms prepared and furnished by the board. This application shall contain proof under the applicant's oath of the particular qualifications set forth in the application;
2. furnish to the board on two 3 x 5 inch signed photographs of the applicant, one to accompany the application and one to be returned to the applicant and to be presented to the board when he/she appears for examination;
3. pay to the board the fee provided in R.S. 37:375.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§903. Notice

A. Every three months the board shall conduct an examination of applicants for certificates of registration to practice as registered barbers, applicants for certificates of registration as instructors, and applicants to enter an approved barber college to determine their educational qualifications. Notice of such examinations and the times and places thereof shall be given by mail to each applicant.

B. The examination of applicants for certificates of registration as registered barbers and as instructors shall include both a practical demonstration and a written and oral test and shall embrace the subjects usually taught in colleges of barbering approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§905. Applicants' Notification to Board

A. All applicants who will take the next examination shall furnish the board written notification at least two weeks prior to the next examination date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§907. Completion of Hours of Instruction

A. All students upon completing 1,500 hours of instruction will be permitted to take the next available examination.

B. All students shall furnish to the board, prior to the examination date a certificate from the barber college attended, the total amount of completed hours of instruction, signed by the instructor of the barber college.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§909. Examination Fees

A. Students. The fee for student examination is \$32 (\$25 for the examination and \$7 for national testing), and the license fee is \$40.

B. Teachers. The fee for teachers examination is \$35 (\$25 for the examination and \$10 for national testing), and the license fee is \$10.

C. Out-of-State. The fee for out-of-state examination is \$57 (\$50 for the examination and \$7 for national testing), and the license fee is \$40.

D. Cosmetologist. The fee for a Louisiana cosmetologist is \$32 (\$25 for the examination and \$7 for national testing), and the license fee is \$40.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§911. Deadline for Examination Fees

A. All examination fees must be received by the Board of Barber Examiners no later than two weeks prior to the next examination date.

B. No personal checks will be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§913. Models Required

A. All applicants are required to furnish their own models for the examination.

B. All applicants must have three models: two males and one female. A taper cut is to be done on one of the males and a cut and style on the other male and female. Also, be prepared to do full service on models, such as shaves, massages, perm rod wraps and any other service necessary as determined by the board.

C. All applicants should be prepared for an all day examination, and when called upon, models must be available immediately, regardless of the time. Any applicant delaying the examination at any time may be disqualified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§915. Time Limits

A. Practical Examination. All applicants must complete all phases of the practical examination within the three-hour period of time.

B. Written Examination. All applicants must complete all phases of the written examination within a one-hour period of time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§917. Tools and Supplies Required

A. All applicants are required to furnish their own tools, supplies, and towels and any other materials necessary to complete the entire examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§919. Closed Examination

A. The Board of Barber Examiners and the staff will conduct the examinations and no other person or persons are allowed to view the examination unless authorized by the president of the Barber Board. During the examination, all applicants shall direct questions to board members or staff personnel only. Failure to comply may result in disqualification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§921. Grading

A. All applicants must achieve an average score of at least 70 percent on the entire examination, and a minimum score in each part of the examination of at least 60 percent. The practical and oral examination segments warrants 60 percent of the total score and the written examination warrants 40 percent of the total score.

B. Any applicant for a certificate of registration who fails to satisfactorily acquire an average score of 70 percent of the examination may continue to appear before the board for examination every three months thereafter. Re-examination will be given upon receipt of additional examination fee.

C. Any applicant for a certificate of registration who fails to satisfactorily acquire a minimum score of 60 percent in either part of the examination, may continue to appear before the board for that portion of the examination needed to acquire a minimum score of 60 percent. Re-examination will be given upon receipt of additional exam fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), promulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

**Chapter 11. Due Process Procedures
for Violations of the Louisiana Barber
License Law**

§1101. Applicability

A. Violations of the Louisiana Barber License Law shall be determined on the basis of the Rules and regulations of the Board of Barber Examiners, R.S. 37:341-392.

1. If it has been determined that a party has used fraud or deception in applying for a license or in taking an examination provided for in the Act.

B. These procedures shall apply only in the consideration of alleged violations by licensed barbers.

NOTE: The board will answer complaints regarding the violations of the Louisiana Barber License Law of nonlicensed persons by making referrals elsewhere when appropriate, for example, to better business bureaus, professional associations, agencies, private legal counsel, or the district attorney of the appropriate judicial district.

C. Complaints may be initiated by any citizen of the state, another licensed barber, or by the board on its own initiative.

D. Declarative Statements of the Board. The board may issue a declarative statement in response to a request for clarification of the effect of Rules and regulations of R.S. 37:341 et seq.

1. A request for a declarative statement is made in the form of a petition to the board. The petition should include at least:

- a. the name and address of the petitioner;
- b. specific reference to the statute or Rules and regulations to which the petition relates;
- c. a concise statement of the manner in which the petitioner is aggrieved by the Rule or statute or by its potential application to her/him, or in which (s)he is uncertain of its effect.

2. Said petition shall be considered by the board at its next regularly scheduled meeting provided that the petition has been filed at least 21 days prior to said meeting.

3. The declarative statement of the board on said petition shall be in writing and mailed to petitioner at the last address furnished to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), amended and promulgated LR 13:24 (January 1987), repromulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§1103. Procedures for Processing Complaints and Inquiries

A. Upon receipt of complaints or inquiries, the board will take immediate action.

1. Anonymous letters of complaint against individuals shall not be recognized as a basis for formal action.

2. If the information in the complaint is insufficient, the board may request further information by either written correspondence or an informal hearing.

B. All complaints received shall be assigned a sequentially ordered complaint code number which shall be utilized in all official references.

C. At its next meeting, the board shall officially receive and act upon all complaints and inquiries received.

D. Upon receipt of the complaint, the board shall determine if the complaint is an ethical issue.

E. The identity of all parties to a complaint shall be revealed to the invoked parties except if contrary to law.

F. The board shall inform the complainants of the initial determination.

1. No action
2. Informal inquiry
3. Informal hearing
4. Formal hearing

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), amended and promulgated LR 13:25 (January 1987), repromulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§1105. Conduct of an Informal (Nonadversarial) Inquiry/Hearing

A. Informal Inquiry Procedures

1. The licensee shall be given adequate prior notice of the informal inquiry and possible hearing of the issues to be discussed. Adequate notice includes:

- a. informing the licensee in writing that a complaint has been filed;
- b. a short and plain statement of the nature of the complaint;
- c. a reference to the particular sections of the statutes, Rules and/or ethical standards of the board which appear to have been involved;
- d. copies of the law and the Rules and regulations of the board; and
- e. a request for the licensee's cooperation in obtaining a full understanding of the circumstances which led to the allegation.

2. The licensee is requested to provide, within 30 days, a written statement giving the licensee's view of the situation which is the subject of the complaint so that the board may be cognizant of all relevant aspects of the case.

3. Evaluating the Findings of the Informal Inquiry. Upon receipt of a reply from the licensee, the board shall review the information and determine if a violation may have occurred, and if so, what standard(s) have been violated. If the determination of the board is that the issues raised by the complainant would constitute a violation of standards, the board shall then determine whether:

- a. further investigation by correspondence is indicated;
- b. further investigation by an informal hearing is indicated; or
- c. institution of formal hearing procedures is indicated.

B. Informal Hearing Procedures. The board shall conduct informal hearings in executive session in accordance with the following:

1. it is expected that the licensee not have an attorney or other advisor present, although it is his right to do so;
2. witnesses may be called, but are not placed under oath and no subpoenas are issued;
3. statements made at the informal hearing may not be introduced at a formal hearing unless all parties consent;
4. no transcript of the informal hearing is made.

C. Evaluating the Finding of the Informal Hearing

1. If the board decides that the subject of the complaint is a violation of the standards, and the disciplinary proceedings are warranted, the board shall then determine whether:

- a. the violation merits informal disposition; or
- b. a formal hearing will be held.

2. The board, in determining for informal disposition, shall order actions such as:

- a. a settlement between the person making the complaint and the licensee. This settlement shall be written, signed by the licensee and the complainant and submitted to the board within 30 days of the informal hearing.
- b. a consent order describing the disciplinary action which will be taken. A consent order shall be signed by the licensee, the chairman, and vice-chairman of the board.

D. Refusal to Respond or Cooperate with the Board

1. If the licensee does not respond to the original inquiry within 30 days, a follow-up letter shall be sent to the licensee by registered or certified mail, return receipt requested.

PROFESSIONAL AND OCCUPATIONAL STANDARDS

2. If the licensee refuses to reply to the board's inquiry or otherwise cooperate with the board, the board shall continue its investigation. The board shall record the circumstances of the licensee's failure to cooperate and shall inform the licensee that the lack of cooperation may result in action which could eventually lead to the suspension or revocation of license, or other appropriate legal action under the law.

E. **Withdrawal of Complaint.** If the complainant wishes to withdraw the complaint, the inquiry is terminated, except in cases where the board judges the issues to be of such importance as to warrant completing the investigation in its own right and in the interest of the public welfare.

F. If, at any point in the informal proceedings described above, the board finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, the board is hereby given authority to obtain a restraining order from a judge of the appropriate court to suspend the license pending formal hearing proceedings for revocation of license or other disciplinary action. This formal hearing shall be promptly instituted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), amended and promulgated LR 13:25 (January 1987), repromulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§1107. Conduct of Formal Hearing

A. Initiating the Process

1. The board initiates a formal hearing by issuing full notice of the hearing. A formal hearing may be the result of a complaint made by any manner specified in the informal procedures.

2. Once full notice of the formal hearing has been served, no board member or officially designated hearing officer may communicate with any party to a formal hearing or to that party's representative concerning any issue of fact or law involved in that formal hearing.

3. **Full Notice.** The written notice shall recite specific acts which the licensee is alleged to have committed and shall assert that those acts violate a statute or Rule of the board.

a. Notice shall include:

- i. a statement of the date, time, place and nature of the hearing;
- ii. a statement of the legal authority and jurisdiction under which the hearing is to be held;
- iii. a reference to the particular sections of the statutes, Rules, or ethical standards involved;
- iv. a short and plain statement of the matters asserted which shall be the subject of the hearing;
- v. a statement of the rights of the parties.

b. Notice shall be given to all parties 30 days in advance of the proceedings to allow a reasonable opportunity for preparation.

c. The notice shall be delivered by registered or certified mail, return receipt requested. If the licensee can not be found by this or other reasonable methods, the board may hold a hearing in the licensee's absence.

NOTE: It is the licensee's obligation to keep the board informed of his/her whereabouts.

d. The content of the notice limits the scope of the hearing and of the evidence which may be introduced.

e. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

4. Designation of a Hearing Officer

a. The hearing officer is responsible for ensuring that the hearing is orderly and fair and that it progresses in an expeditious manner. This officer is empowered to prepare written findings of fact and conclusion which shall be recommended to the board.

b. The board shall designate a hearing by affirmative vote of a majority of its members.

c. The hearing officer shall be unbiased and qualified to preside over the case. A designated hearing officer shall withdraw when that officer can not accord a fair and impartial hearing or consideration.

d. Any party may request the disqualification of a hearing officer on the ground of inability to give a fair and impartial hearing by filing an affidavit (which states the specific grounds) within three days of receipt of notice of the designation of the hearing officer. The issue shall be determined promptly by the board.

e. The hearing officer shall not be a current member of the board.

B.1. Discovery

a. Depositions and interrogatories of witnesses may be taken and shall be admissible in the proceedings.

b. Evidence which was not made available to both parties at least five days in advance may be barred from the introduction.

c. Evidence not within the scope of the notice may be excluded.

d. When the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

e. Documentary evidence in possession of the board may be received in the form of copies of excerpts, or by incorporation by reference.

f. Official notice may be taken of generally recognized technical or scientific facts. However, parties shall be afforded an opportunity to contest the material so noticed.

2. Subpoenas. The Louisiana Department of Justice Disciplinary Action Manual for Occupational Licensing Boards by William J. Guste Jr., Attorney General. Section 10.2 Subpoena Authority: Boards are empowered by statute to issue subpoenas, and in Louisiana, the statutes allow the board to issue a subpoena when requested in writing by any party in a contested case. Either side in a contested hearing may request that a subpoena be issued. It is generally required that the information called for by a subpoena must be reasonable in terms of amount required and that it must relate to the matter under consideration. A subpoena duces tecum should be reasonable in scope and should be limited to documentary material that is relevant to the proceeding.

a. The board or its designated hearing officer may sign and issue subpoenas when requested in writing by any party to a contested case.

b. The information called for by a subpoena shall be reasonable and shall relate to the matter under consideration.

c. Investigative subpoenas are issued at the discretion of the hearing officer.

d. If the person fails to comply with a subpoena, the board may apply to the judge of the appropriate district court for an attachment as for a contempt.

3. Motions

a. A request to the board or the hearing officer by a party for a particular action should be made in the form of a motion.

b. A motion may be made before, during or after a hearing.

c. All motions must be made at an appropriate time.

d. Motions made before or after the hearing shall be made in writing. Motions made during the course of the hearing may be made orally.

e. Motions are directed to the hearing officer who shall dispose of them appropriately.

f. A party may not submit written proposed findings of fact.

g. The hearing officer may refer a motion to the board.

C. Formal Hearing Procedures

1. Conduct of a Hearing

a. The members of the board shall be present for hearing.

b. The hearing will be conducted in accordance with the Administrative Procedure Act, R.S. 9:955-966.

i. Opportunity shall be afforded all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and conduct such cross-examination as may be required for a full and true disclosure of facts.

ii. Objections to evidentiary offers may be made and shall be noted in the record.

c. The hearing will be open to the public.

d. Order of Proceedings

i. The hearing officer calls the session to order, identifies the case, subject of the case, and cites the authority for holding the hearing.

ii. The hearing officer asks the parties to identify themselves and their counsel.

iii. All testimony shall be given under oath, such oath to be administered by the hearing officer.

iv. Customary order of the proceedings should be followed at the discretion of the hearing officer.

2. Evidence

a. In determining the admissibility of evidence, the hearing officer must follow the Rules governing administrative hearings in Louisiana.

b. Constitutional guarantees of due process give the licensee a right to a decision based on the evidence presented at the hearing or officially noted in the record.

D. Final Decision of the Board

1. The board must determine whether the facts in the case support the charges brought against the licensee. It must determine whether the charges are a violation of R.S. 37-341 37:392 et seq., or other Rules and regulations of the board.

2. The board accepts a proposed order from the hearing officer setting forth the findings of facts and conclusions of the hearing. The board may adopt such findings and conclusions in whole or in part. Any board members not present at the hearing must review the record prior to such decision.

3. The decision must be accompanied by a statement of the reasons for the decision and must dispose individually of each issue of fact or law necessary from the hearing officer.

4. The board's decision shall be based on the evidence and the proposed decision from the hearing officer.

5. The vote of the board must be recorded and made part of the decision. A majority vote must be obtained in order for a violation to be judged to have occurred.

6. The board determines the sanctions appropriate and consistent with law. The board may decide to revoke or suspend a license or fine the licensee.

7. The final decision shall be delivered to each party by registered or certified mail, return receipt requested.

8. The final decision shall be delivered within 30 days of the close of the hearing.

9. The final decision shall become effective 11 days after the receipt of notification of all parties, provided that there is no appeal. Publication shall be withheld until that date.

E. Appeal of Board Decision

1. A petition by a party for reconsideration of hearing must be in writing and filed with the board within 10 days after receipt of board's final decision. The petition must set forth the grounds for rehearing which must be one of the following:

- a. the board's decision is clearly contrary to the law and the evidence;
- b. there is newly discovered evidence, which was not available to the licensee at the time of the hearing and which may be sufficient to reverse the board's action;
- c. there is a showing that issues not previously considered ought to be examined in order to dispose of the case properly; or
- d. it would be in the public interest to further consider the issues and the evidence.

2. If a petition for reconsideration is denied, a party may proceed to seek judicial review of the decision.

3. Judicial review may be initiated by filing a petition in the appropriate district court within 30 days after mailing or notice of the final decision of the hearing or rehearing.

F. Case Record

1. A complete case record must be maintained for each formal hearing.

2. The record must be retained until the time for any appeal has expired, or until the appeal has concluded.

3. The case record shall be composed of all material officially noted.

G. Notification of Final Actions. Upon completion of the final decision, expiration of the time for any appeal, or conclusion of appeals, the board shall notify all affected parties of its actions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Adopted by the Department of Labor, Board of Barber Examiners (July 1964), amended and promulgated LR 13:25 (January 1987), repromulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

Chapter 13. Barber Schools

§1301. Standards Required

A. All of the standards required by the cited sections of the statutory law shall be strictly complied with. School owner licensee shall be strictly responsible for all persons licensed and actions upon the licensed premises and shall be further held responsible for violations by employed teachers as well as students of R.S. 37:341-398 et seq.

B. Physical Requirements for Opening a Barber School. No school of barbering shall operate within the state without a certificate of registration. Any person desiring to conduct a school of training in the vocation of barbering shall make an application to the board for a certificate of registration and license after they have completed the following steps.

1. Request in writing to the Board of Barber Examiners information relative to opening a barber school.

2. After receipt of the letter from the applicant, it shall be necessary for the prospective owner to select a location and request an inspection, notifying the Board of Barber Examiners of the location, and the approximate floor space and type of construction.

3. A detailed floor plan of the proposed barber school, drawn to scale, must be submitted to the Board of Barber Examiners showing the arrangement of classrooms, placement of equipment, electrical outlets, ventilating facilities, and plumbing and lighting facilities, and shall indicate that the school will have an outside entrance and exit and that it contains no less than 2,000 square feet of floor space. This plan must be submitted before the first inspection.

4. The Board of Barber Examiners may also require a petition containing signatures of the registered barbers in the parish and adjacent communities, showing evidence of the need for a barber school in the given area.

5. After the location and floor space and all of the above has been checked, and a report has been made to the board in an official meeting, the applicant shall then show proof, in writing, that the proposed area location will not be detrimental to the public welfare. The board shall then approve or disapprove the application, and shall notify the applicant in writing of the decision of the board.

6. If the location is approved, the applicant shall then be notified in writing to submit the following:

- a. a copy of the lease, if space is to be leased;
- b. a copy of the proposed curriculum and a daily schedule covering the entire outline of the course of study;
- c. letters of approval from the city fire inspector and city electrical inspector as to fire hazard requirements;
- d. notarized statements from each of the licensed teachers to be employed, verifying their agreement to teach if the school is licensed;
- e. proof of the financial ability to operate the proposed barber school in accordance with the requirements of the barber license law and the regulations of the board.

7. After all equipment has been installed, and the board is satisfied of the financial responsibility, the applicant shall request final inspection from the board, together with the fee of \$250. Renewal fee of \$50 per year shall be payable on or before January 31 of each year. Failure to make payment prior to that date shall subject the licensee to an additional fee of \$50.

8. The board, or one of its agents, shall then make a final inspection to determine if the equipment and all details and sanitation sterilization requirements are met and shall report its findings to the board.

9. After final inspection by the board or its agents and a report thereof has been made to the board, the school shall be notified of its acceptance by the board and the recognition for opening date, and the board thereupon shall issue the license.

C. Changing Location or Ownership

1. Whenever any school changes its location or its ownership, by transfer or by lease or otherwise, its license may be made applicable to the new ownership and/or location, provided the parish in which the school is domiciled remains unchanged and the board is given notice of not less than 30 days prior to the change of address and/or ownership of the school and appropriate examination and inspection by the board reveal that the above requirements have been satisfied, and the notice of change of ownership is accompanied by the payment of the sum of \$250 as a license fee.

2. The above minimum size requirements shall be demanding of all newly licensed school or newly licensed school owners. The sale of a school by its present owner or the change of location of a school will require that the licensed facilities be brought to these standards.

D. Equipment Requirement. Every barber school must have practical work room, equipped with not less than the following:

1. twelve barber chairs which does not include shampoo area chairs unless otherwise approved by the board;
2. one shampoo bowl or lavatory for every four barber chairs unless otherwise approved by the board (these chairs must recline with soap dispensers for each);
3. one overhead hair dryer (chair or hood type) for every four barber chairs unless otherwise approved by the board;
4. ample permanent wave rods and sufficient trays;
5. six mannequins;
6. sufficient seating in the waiting area (this area must contain at least 200 square feet of floor space);
7. sufficient seating for students for classroom work (no classroom shall contain less than 400 square feet of floor space);
8. modern anatomy charts;
9. full size chalk board;
10. twelve modern work stands, each measuring in size not less than 60 inches wide and 12 inches deep;
11. twelve mirrors, each not less than 32 inches in diameter and/or not less than 800 square inches in size;
12. sufficient cabinets for storage of clean linen and accessories;
13. sufficient amount of covered containers for soiled linen;
14. twelve dry cabinet sterilizers not less than 1,200 cubic inches in size, or 12 electrical disinfecting cabinets (ultra violet lights);
15. twelve large professional wet sterilizers;

16. sufficient waste containers for neck strips and shaving paper;

17. sufficient amount of compounds for dry (ultra violet lights) and wet sterilizers;

18. sufficient supply of creams, lotions, hair tonics, shampoos, neck strips, headrest paper, linen, etc., necessary for serving the public;

19. hot water heater;

20. sufficient amount of covered waste containers for residue, cut hair, dirt, etc.;

21. toilet facilities;

22. sufficient amount of hooks or racks for customers' hats and coats.

E. Sanitation and Sterilization. Sanitation and sterilization Rules and regulations for barber schools must comply with the same Rules and regulations for barber shops.

F. Books. The following text must be provided to each student at registration:

1. standard textbooks of professional barber-styling;
2. Professional Barber-Styling State Board of Examination Review.

G. All schools must maintain a curricula hereinafter prescribed for the following.

1. Barber course covering curriculum in not less than 1,500 hours in a nine-month period.

H. Barber Course Curriculum

1. Introduction to Barbering
 - a. Explain history of barbering.
 - b. Become oriented to the practice of barbering.
 - c. Discuss professional ethics.
 - d. Identify shop safety hazards.
 - e. Explain physical and mental stress.
2. Louisiana Laws and Regulations
 - a. Explain or discuss statutory regulations.
 - b. Explain Rules and regulations for students.
 - c. Explain Rules and regulations for shop management.
 - d. Explain Rules and regulations for licensed barbers.
3. Implements
 - a. Identify implements.
 - b. Establish Proper handling of implements.
 - c. Demonstrate proper use of implements.
 - d. Demonstrate proper care and sanitation of implements.

PROFESSIONAL AND OCCUPATIONAL STANDARDS

4. Sanitation and Safety
 - a. Identify and classify types of bacteria.
 - b. Identify types of sterilization.
 - c. Describe needs for sanitation and safety.
 - d. Identify methods of sterilization.
 - e. Identify state board requirements for sanitation.
5. Shampooing
 - a. Analyze clients' hair and scalp needs.
 - b. Determine appropriate solutions.
 - c. Apply appropriate solutions.
 - d. Perform correct shampooing and rinsing procedures.
6. Taper Haircut
 - a. Demonstrate proper handling of tools for tapering.
 - b. Describe and demonstrate side and back taper.
 - c. Analyze clients' hair and determine proper procedure.
 - d. Blend and balance haircut.
7. Men's Haircutting
 - a. Define style haircutting.
 - b. Determine style.
 - c. Demonstrate basic layer cut, length and section tieends.
 - d. Demonstrate balance and proper, finish-up work.
 - e. Define razor haircutting.
 - f. Demonstrate proper razor haircutting techniques.
 - g. Identify types of hairpieces.
 - h. Demonstrate proper fit and cut of hairpiece.
 - i. Demonstrate proper care of hairpiece.
8. Women's Haircutting
 - a. Define women's haircutting.
 - b. Describe different lengths and techniques.
 - c. Analyze women's features.
 - d. Determine style.
 - e. Demonstrate methods of cutting and styling techniques.
9. Shaving
 - a. Analyze clients' skin and beard.
 - b. Define proper facial conditions for shaving.
 - c. Perform proper sanitation procedures.
 - d. Prepare face for shaving.
 - e. Demonstrate standing position and razor strokes.
 - f. Demonstrate proper finish procedures.
 - g. Demonstrate different beard styles and trimming techniques.
10. Massage and Facials
 - a. Identify types of massages and facials.
 - b. Discuss types of masks and creams.
 - c. Apply masks and creams.
 - d. Demonstrate proper hand manipulations.
11. Skin and Scalp
 - a. Analyze structure and function of the skin.
 - b. Identify and describe types of disorders of the skin and scalp.
 - c. Identify the differences between contagious and noncontagious disorders of the skin and scalp.
12. Hair
 - a. Identify functions of hair.
 - b. Identify structure of hair.
13. Chemicals
 - a. Identify dangers of hair chemicals.
 - b. Identify the hair type and appropriate solution.
 - c. Identify types of permanent waves.
 - d. Demonstrate types of permanent waves.
 - e. Determine rod size and demonstrate procedure for wrapping hair.
 - f. Identify hair types and appropriate hair relaxer for desired effects.
 - g. Identify the hair type and appropriate hair color.
 - h. Demonstrate the difference between temporary hair color, semi-permanent, and permanent hair color.
 - i. Perform proper mixing of colors.
 - j. Demonstrate the typical uses of bleach.
 - k. Demonstrate proper application and removal of hair chemicals.
 - l. Demonstrate proper processing time for permanent waves, relaxers, color, and bleach.
14. Chemistry
 - a. Identify types and definitions of compounds.
 - b. Identify the difference between physical mixture and chemical mixture.
 - c. Identify the differences between hard and soft water.
 - d. Identify types of cosmetics.
 - e. Apply cosmetics.

15. Anatomy and Physiology

- a. Identify the different cells and their functions.
- b. Identify and give the functions of each body system.

16. Shop Management and Salesmanship

- a. Identify state board requirements for shop management.
- b. Identify factors involved in financing, leasing and selecting locations.
- c. Identify personal shop duties.
- d. Set up and maintain records.
- e. Discuss advertising and promotional idea for products.

17. Employment Preparation

- a. Explain the procedure for obtaining and renewing a license to practice.
- b. Describe the role of the barber relating to legal responsibilities.
 - c. Prepare a personal resumé.
 - d. Complete a job application.
 - e. Describe procedure for resignation.
 - f. Write a letter of resignation.
 - g. Participate in a mock interview.
 - h. Discuss equal opportunity employment provisions and affirmative action policies in the work place.
 - i. Promote public relations within the work place.
 - j. Discuss state board exam review.
 - k. Discuss the transition from barbering school to the work place.
 - l. Establish benefits provided by the shop or available through the shop.
 - m. Discuss with shop owner methods used to pay income taxes and Social Security taxes.

I. Administrative Regulations

1. All barber schools must provide the board no later than 15 days following the enrollment of each student with:
 - a. student application, completed and notarized;
 - b. birth certificate or equivalent;
 - c. high school diploma or passing grade on equivalence test and;
 - d. two 3 x 5 inch signed photographs of the student.
2. All barber school owners must register hours of each student with the board office each month, no later than seven days passed the end of each month. Owner of school

must certify students' attendance for these hours. Only hours devoted toward the prescribed curriculum shall be included. This monthly/hourly student report may be certified by the head instructor in the absence of the school owner. A weekly summary of accredited hours earned by each student shall be posted in every school.

3. All barber schools may charge or accept, directly or indirectly, any money whatsoever for such clinical practice by the student for materials used therein, whether the money is considered payment for services or materials as a gratuity, upon approval by the Barber Board. Such charges must have prior approval by the Barber Board.

4. All barber schools must notify the Barber Board in writing, within five days, of any change in teaching staff, whether it is a temporary, part-time or substitute teacher, giving names and Louisiana teacher license number.

5. All schools are required to maintain a faculty of instructors, not fewer than one per each 20 students enrolled.

6. Each school must be in charge of and under the immediate supervision of a Louisiana licensed teacher of barbering.

7. All barber schools may develop a teachers training program, advance training program and brush-up programs. These programs and curriculum must be submitted to the Barber Board for prior approval. The teachers training program shall not automatically entitle a person to take an examination for a teacher's certificate as issued by the Board of Barber Examiners. The teachers' examination shall be given only when the applicant shows proof to the Barber Board that they will be hired as a teacher in a barber school after passing such an examination. Advanced training and brush-up programs shall be offered only to licensed barbers and cosmetologists.

8. All barber schools shall furnish the board written notification, at least two weeks prior to the next examination date, with the names and total completed hours of each student who will be taking the next examination.

9. All barber schools shall maintain a sign in front of its premises reading "Barber College Only."

10. There shall be no professional departments within the school, nor shall any school owner own or operate a professional salon in connection with schools. No members of the school staff shall practice in an adjoining salon. There shall be no unsealed, connecting doors between schools and shops under the same roof.

11. All barber schools must post all correspondence from the Barber Board office if directed to do so.

12. All barber schools must issue to each student the Barber Board's student and examination administrative regulations no later than 15 days following the enrollment of each student.

13. All schools must hold regular theory classes for a minimum of one hour per day. This must embrace related subjects.

14. It is incumbent upon all schools to report to their respective board members any student who does not attend classes as required by Rules and regulations set by the Board of Barber Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:381.

HISTORICAL NOTE: Promulgated by the Department of Labor, Board of Barber Examiners, LR 13:395 (July 1987), amended LR 13:582 (October 1997), repromulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

Chapter 15. Barber Students

§1501. Statutory Requirements

A. No students can commence barber school prior to their seventeenth birthday.

B. Must be of good moral character and temperate habit.

C. Shows proof of graduation from high school or its equivalent.

D. Graduation of a course or instruction of not less than 1,500 hours completed within nine months with no more than eight hours to any one working day subject to the board's authority to determine by regulation the days and hours of school within these limits.

E. The course of instruction shall include the following subjects: scientific fundamentals of barbering, hygiene and bacteriology; history of the hair, skin, muscles and nerves; structure of the head, face, and neck; elementary chemistry as it relates to sterilization and asepsis; diseases of the skin and hair glands; the massaging and manipulating of the muscles of the body above the seventh cervical vertebra; hair cutting and shaving; and the arranging, dressing, coloring, bleaching and tinting of the hair.

F. Passes satisfactorily an examination conducted by the Board of Barber Examiners to determine his/her fitness to practice barbering.

1. These examinations shall be conducted every three months and shall include both a practical demonstration and a written and oral test and shall embrace the subjects usually taught in colleges of barbering approved by the Board of Barber Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:341-392.

HISTORICAL NOTE: Promulgated by the Department of Labor, Board of Barber Examiners, LR 13:397 (July 1987), repromulgated by the Department of Employment and Training, Board of Barber Examiners, LR 17:356 (April 1991).

§1503. Regulation for Government of Student Activities

A. At all times when a student is subject to public observation in his/her work, he/she shall wear, in a readily visible position, a badge stating the following information legibly: the word "Student," and the student's name.

B. All students shall, when in the presence of the public, be dressed in clean washable uniforms, the color being prescribed by the school.

C. No person shall practice or attempt to practice barbering without a certificate of registration as a registered barber issued by the board. Students in certificated barber colleges may perform acts included in the practice of barbering but only as clinical training, and only on persons who have consented thereto after they have been specifically advised in advance that the operator is not a registered barber but only a student in training.

D. All students must provide the barber college no later than 10 days following their enrollment in barber college the following:

1. student application, complete and notarized;
2. high school diploma or passing grade on equivalent test;
3. two 3 x 5 inch signed photographs of the student.

E. All students must comply with the sanitation and sterilization Rules and regulations enacted by the Board of Barber Examiners which shall be posted in a conspicuous place therein the barber college.

F. All students shall receive a student certificate from the board office, upon receipt of the completed student application requirements. This certificate must be posted and displayed in a conspicuous place adjacent to or near his/her work chair.

G. Any member of the Board of Barber Examiners or any employee designated for the purpose shall have access to and may enter and inspect at all reasonable hours and at any time during business hours any Louisiana barber college.

H. It is incumbent upon all students to attend classes on a regular basis as a prerequisite to graduation a course or instruction on not less than 1,500 hours completed within nine months with no more than eight hours to any one working day subject to the board's authority to determine by regulation the days and hours of school within these limits.

I. A student certificate does not permit any individual to act as a barber (even in training) other than on the school premises.

J. Students attending barber schools shall not work in any licensed barber shop on the general public in any capacity outside the school. Students may work on the people in nursing homes, orphan homes, etc., if accompanied by their instructor.

K. Students transferring their student certificate and/or source of hours from one school to another are required with their transfer to submit a letter to the board office clearly stating their reason for transfer. The board office should review this letter and if the reasons do not appear to be sound, fair, and honorable, the letter will be referred to the board for study at which time the board may see fit to call the student before the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:341-392.