

MISSISSIPPI STATE BOARD OF COSMETOLOGY AND BARBERING
Board Meeting
March 24, 2025
239 North Lamar Street, Jackson, MS 39201

1. WELCOME AND CALL TO ORDER

Warren Rossi called the meeting to order at 8:00 a.m.

Catherine Bell provided a roll call with the following present:

Warren Rossi, President

Clelly Farmer

Bennie Lee Adkins, Vice President

Dr. Mary Gayle Armstrong

Michael McBunch, Secretary

Linell Palmer, Jr.

A quorum was present for voting purposes.

Others present were:

Catherine Bell, Executive Director

Pamela Ratliff, Special Assistant Attorney General / Counsel for the Board

Phillips Strickland, Special Assistant Attorney General

Members of the public were present.

2. INVOCATION

Mike McBunch provided the invocation.

3. AGENDA APPROVAL

The agenda was amended as follows:

Item 13 was removed.

Bennie Lee Adkins moved to accept the agenda as amended. Clelly Farmer provided a second. The voice vote was unanimous. Motion carried.

4. BOARD MINUTE APPROVAL

Mike McBunch moved to approve the minutes from the February 22, 2025; February 23, 2025; and February 24, 2025 Board meetings. Clelly Farmer provided the second. The voice vote was unanimous. Motion carried.

5. FINANCIAL REPORT

Denise DeRossette with Cornerstone provided the human resources and financial report. Ms. DeRossette discussed the recruitment for an accountant. Bennie Lee Adkins moved, seconded by Clelly Farmer, to accept the financial report pending audit. The voice vote was unanimous. Motion carried.

6. APPROVAL OF EXPENSES

The Board reviewed the March 9, 2025, statement from Pitney Bowes for postage as the amount of same exceeded the authority granted to the Executive Director. Dr. Mary Gayle Armstrong moved, seconded by Linell Palmer, Jr., to approve the payment of the March 9, 2025 statement from Pitney Bowes for postage. The voice vote was unanimous. Motion carried.

7. AGENDA REQUEST

Zachary Chisolm did not appear to address the Board. The Board reviewed the written request and took no action.

Andrea Calton with the Mississippi Cosmetology and Barbering School Association addressed the Board and discussed the MCBSA's request for Board approval of the June 7-8, 2025 continuing education event. The Board took no action.

Theresa Barr addressed the Board and requested clarity on when the \$25.00 application fee for an Application to Test for Practitioner License was started. The Executive Director clarified that for all Application to Test for Practitioner License that were received by the Board on or after February 25, 2025, the applicant must pay the \$25.00 application fee; however, the application would not pay the \$25.00 application fee if the Application to Test for Practitioner License was received by the Board on any date before February 25, 2025. The Board took no action.

Julia Green addressed the Board to discuss her desire to open a school. The Board took no action.

Melvin Calton addressed the Board to request the formation of an ad hoc committee to evaluate the practical exam. Mr. Calton provided a handout to the Board. The Board took no action.

Sylvina Buckley addressed the Board to discuss the length of time that is required to process applications for licensure. The Board took no action.

8. OFFICER AND COMMITTEE REPORTS

Warren Rossi had no Board Chairman report.

Bennie Lee Adkins had no Board Vice Chairman report.

Linell Palmer, Jr. and Mike McBunch, on behalf of the ad hoc advisory committee on school equipment, had no report.

Linell Palmer, Jr. provided an update of the National Association of Barber Boards of America - Mid Year Conference that was attended by himself, Mike McBunch, Bennie Lee Adkins, Dr. Mary Gayle Armstrong, and the Executive Director. Mr. Palmer also displayed the trophy awarded to the Board during the NABBA conference.

9. EXECUTIVE DIRECTOR REPORT

Catherine Bell provided the Executive Director's report noting that the Board's appropriation bill, HB1740, passed the House of Representatives and was sent to committee in the Senate. Ms. Bell reported on SB2248 and noted that the legislation did not appear to affect the Board's current process for handling Fresh Start Requests. Ms. Bell reported on NABBA. Ms. Bell noted that there had been technical issues with licensing printing, but the issues were resolved and licenses were being printed again. The Board office is working to use email communication with applicants and licensees to help speed up the licensing process. Each license is being sent with a flyer instructing the licensee to review the website for revisions to the Rules and Regulations. Ms. Bell reported on the March 7 call with barber schools and thanked those in attendance noting that many items before the Board during this meeting were derived from that call. Mr. Raper is no longer employed with the Board. The open inspector positions in the north and south part of the state will be solicited soon. Ms. Bell is waiting on the applicant period to close with SPB before reviewing the application for the open Accountant position.

10. LICENSE/WORK PERMITS/APPROVAL LETTER REPORT

The Board noted that Pearl River Community College's application was received and that once the building was complete the Board could perform the inspection as required by Rule 8.4. The Board took no action.

The Board reviewed the establishment application of P. Bennett Photos & Fades and requested clarity on what "events" would be held within the establishment. The Board also requested that an inspector perform the inspection required by Rule 10.4 and take pictures of the space for the Board to review at a subsequent Board meeting. The Board took no action.

The Board reviewed the establishment application for the Salon Purdie Creek, LLC and noted that the owner is a licensee as required by Rule 10.2. The Board took no action.

The Board reviewed the establishment application for the Wax Boutique (Southaven) and noted that the Rule 11.2 required "[a]dequate hot and cold water under pressure must be provided within a distance of no more than fifteen (15) feet from all work booths or rooms." The Board took no action.

The Board noted that there were some questions about the license and renewal information submitted by K. Tran. K. Tran was requested to appear before the Board but was absent, which was confirmed by calling his name three (3) times and checking sign-in-sheets. Mike McBunch, seconded by Linell Palmer, Jr., moved that renewal application of K. Tran was incomplete and could not be processed until such time as the requested additional information was received by the Board. The voice vote was unanimous. Motion carried.

The Board reviewed the Fresh Start Application of M. Hopson. Linell Palmer, Jr. moved, seconded by Clelly Farmer, that the felony convictions known by the Board and committed by the M. Hopson at the time of the Board meeting have been considered by the Board under the Fresh Start Act and do not prohibit the M. Hopson from obtaining a license issued by the Board once all education and testing have been completed. The voice vote was unanimous. Motion carried.

11. CONTINUING EDUCATION

The Board reviewed the application from Mississippi Cosmetology and Barbering School Association for twelve (12) hours of methods of teaching continuing education for instructor licensees on June 8-9, 2025, for the course Essential Elements: Designing Dynamic Lessons, Mindful Coaching by Pivot Point. Mike McBunch moved, seconded by Linell Palmer, Jr., to approve Essential Elements: Designing Dynamic Lessons, Mindful Coaching by Pivot Point to be held on June 8-8, 2025, for twelve (12) hours of continuing education in methods of teaching for instructor licensees. The voice vote was unanimous. Motion carried.

The Board reviewed the continuing education application made by Armstrong McCall for the April 7, 2025, event in Destin, Florida. Linell Palmer, Jr. moved, seconded by Mike McBunch, to deny the continuing education application made by Armstrong McCall. The voice vote was unanimous. Motion carried.

12. OLD BUSINESS

The Continuing Education Provider Application made by Premier Show Group remained on the table. The Board took no action.

13. NEW BUSINESS

The Board discussed the revision to Rules 8.7 and 11.13. The Board also reviewed the rules and regulations draft that incorporated all changes made during the March 23, 2025, Board meeting. Mike McBunch moved, seconded by Linell Palmer, Jr., to approve as final the rules and regulations as presented with the incorporation of the changes to Rules 8.7 and 11.13.

The voice vote was unanimous. Motion carried. A copy of the rules and regulations is attached as "Exhibit A".

The Executive Director will file the rules and regulations with the Secretary of State to begin the 25-day public comment period and will also file the rules and regulations as temporary with the Secretary of State.

The Board reviewed the revision to the Board Required Establishment Equipment List as stated below:

All Establishments must contain:

1. Signage that includes the business name and hours of operation;
2. Closed cabinet(s) of solid construction for clean towels;
3. Covered container(s) for soiled towels;
4. Lidded trash can(s) of solid construction;
5. An adequate supply of client drapes and linens (towels, sheets, and pillow covers); and
6. Sufficient supplies for giving complete services according to the establishment's license.

Cosmetology Establishments must contain:

1. One (1) dresser or workstation with chair and mirror for each cosmetologist;
2. Adequate lighting for each working chair;
3. One (1) shampoo bowl and chair per every three (3) cosmetologists;
4. One (1) dryer. (A dryer is "a chair or standing hair dryer with a hood, either stationary or portable.");
5. Twelve (12) combs and six (6) brushes per cosmetologist;
6. One (1) wet sanitizer per cosmetologist and/or establishment;
7. One (1) soiled container (any clean, closed container) per cosmetologist; and
8. One (1) dry sanitizer (any clean, closed container) per cosmetologist.

Cosmetology Establishment with Wax Service must contain, in addition to all requirements for Cosmetology Establishment:

1. One (1) free standing magnifying lamp;
2. One (1) lidded trash can with foot pedal of solid construction;
3. One (1) dry sanitizer; and
4. One (1) soiled container.

Barbering Establishments must contain:

1. One (1) dresser or workstation with mirror for each barber;
2. Mirror of each workstation must be no less than 24x30 inches;
3. Hydraulic barber/styling chair for each barber;
4. Adequate lighting for each working chair;
5. One (1) shampoo bowl and chair per every three (3) barbers;
6. Twelve (12) combs and six (6) brushes per barber;
7. One (1) wet sanitizer per barber and/or establishment;
8. One (1) soiled container (any clean, closed container) per barber; and
9. One (1) dry sanitizer (any clean, closed container) per barber.

Nail Technology Establishments must contain:

1. One (1) manicure table with lamp per nail technician;
2. One (1) patron chair and manicure stool per nail technician;
3. One (1) wet sanitizer (cotton and alcohol) per nail technician;
4. One (1) finger bowl per nail technician;
5. One (1) dry sanitizer (any clean, closed container) for clean implements per nail technician; and
6. Closed cabinet of solid construction for nail technology supplies per establishment.

Esthetics Establishments must maintain the following:

1. Treatment area(s) located so as to ensure the privacy of the esthetics client;
2. One (1) treatment table/chair/bed and one (1) practitioner stool per esthetician;
3. One (1) sink within no more than fifteen (15) feet from each esthetics treatment area;
4. One (1) covered container for soiled linens in each esthetics treatment area;
5. One (1) closed cabinet of solid construction for clean linens in each esthetics treatment area;
6. One (1) closed cabinet for esthetics supplies;
7. One (1) free standing magnifying light per esthetician;
8. One (1) woods lamp per two (2) estheticians;
9. One (1) wet sanitizer per esthetic treatment area;
10. One (1) soiled container (any clean, closed container) per esthetician;
11. One (1) dry sanitizer per esthetic treatment area; and
12. Lidded trash can of solid construction with a foot pedal for each esthetician.

Clelly Farmer moved, seconded by Bennie Lee Adkins, to approve the Board Required Establishment Equipment List as stated. The voice vote was unanimous. Motion carried.

The Board reviewed the resume and mock practical exam scores of Tyrone Mclaurin. Bennie Lee Adkins moved, seconded by Dr. Mary Gayle Armstrong, for Mr. Mclaurin to be approved as a practical exam evaluator for barbing once he submits in writing proof that he is no longer associated with or employed by any licensed school. The voice vote was unanimous. Motion carried.

The Board reviewed the resumes and mock practical exam scores of Meredith Hill and Patricia White. Bennie Lee Adkins moved, seconded by Clelly Farmer, for Ms. Hill and Ms. White to be approved as a practical exam evaluator for cosmetology. The voice vote was unanimous. Motion carried.

The Board discussed that an applicant who is a no show for a practical exam would forfeit the exam fee but there was a need for a policy addressing whether the applicant was counted as a failure or disqualification. Dr. Mary Gayle Armstrong moved, seconded by Mike McBunch, for the applicant who is a no show for a practical exam to forfeit the exam fee and be counted as a disqualification. The voice vote was unanimous. Motion carried.

The Board reviewed the request made by Steven Jackson for a letter of commendation from the Board for Linda F. Jackson due to more than forty-two (42) years of service to the cosmetology profession. Mike McBunch moved, seconded by Clelly Farmer, to authorize the Executive Director to, on behalf of the Board, send a letter of commendation upon written request. The voice vote was unanimous. Motion carried.

The Board reviewed the travel policy as proposed for Board members. Bennie Lee Adkins moved, seconded by Linell Palmer, Jr., to approve the travel policy for Board members. The voice vote was unanimous. Motion carried.

The Board reviewed the per diem policy as proposed for Board members. Linell Palmer, Jr., moved, seconded by Bennie Lee Adkins, to approve the per diem policy for Board members with the alteration of one (1) additional \$40.00 per diem per travel voucher for Board members and up to three (3) additional \$40.00 per diem per travel voucher for the Board President. The voice vote was unanimous. Motion carried.

14. FORMAL COMPLAINTS

EXECUTIVE SESSION

Bennie Lee Adkins moved to go into closed session to determine whether an Executive Session was needed. The voice vote was unanimous. Motion carried.

Mike McBunch moved, seconded by Dr. Mary Gayle Armstrong, that the Board had reason to go into Executive Session pursuant to MISS. CODE ANN. § 25-41-7, investigative proceedings regarding allegations of misconduct or violations of law. The voice vote was unanimous. Motion carried.

Within Executive Session the following action was taken:

The Board took no action on the following complaints: FC20240716-001 and G2024-85H/3.

Mike McBunch moved, seconded by Dr. Mary Gayle Armstrong, to refer complaint number 2024-1220-001 to the Board of Medical Licensure. The voice vote was unanimous. Motion carried.

Linell Palmer, Jr. moved, seconded by Mike McBunch, to decline to waive the violation fee assessed during an inspection and for the licensee to be notified that he may request a hearing on complaint number 2025-0227-01. The voice vote was unanimous. Motion carried.

For complaint number 2025-303-01, Bennie Lee Adkins moved, seconded by Clelly Farmer, to send an investigator to gather additional information. The voice vote was unanimous. Motion carried.

Linell Palmer, Jr. moved, seconded by Bennie Lee Adkins, to authorize Board Counsel to discuss a potential consent agreement in complaint number 2024-01-65462-1. The voice vote was unanimous. Motion carried.

The Board took no action on complaint number 2024-0805-1.

Bennie Lee Adkins moved, seconded by Linell Palmer, Jr., to dismiss complaint number 2025-0314-001 due to improper form. The voice vote was unanimous. Motion carried.

For complaint number 2025-0311.001, Mike McBunch moved, seconded by Clelly Farmer, for the Board to issue a complaint and to send an investigator to gather additional information. The voice vote was unanimous. Motion carried.

Clelly Farmer moved, seconded by Linell Palmer, Jr., moved to exit Executive Session and return to Open Session. The voice vote was unanimous. Motion carried.

15. ADJOURNMENT

Mike McBunch moved, seconded by Dr. Mary Gayle Armstrong, moved to adjourn at 12:25 p.m. The voice vote was unanimous. Motion carried.

APPROVED: _____
Mike McBunch, Secretary

**THE MISSISSIPPI STATE BOARD OF
COSMETOLOGY AND BARBERING
RULES AND REGULATIONS**

**Title 30 Professions and Occupations
Part 2101**

Chapter 1 Organization, Purpose, and Operation

Rule 1.1 Composition of the Board The Mississippi State Board of Cosmetology and Barbering (“Board”) shall consist of seven (7) members of which six (6) members are appointed by the Governor with the advice and consent of the Senate. One (1) member of the Board shall be the State Health Officer or his designee. Three (3) members shall be from the cosmetology professions (i.e. cosmetology, nail technology, and/or esthetics), and three (3) members shall be from the barbering profession. No more than two (2) members shall be appointed from each Supreme Court district, and one (1) member from each district shall be a barber.

All Board members, save the State Health Officer or his designee, shall be Mississippi citizens for at least five (5) years prior to appointment to the Board, at least thirty (30) years old, possess a high school education (or its equivalent), have been licensed by the Board, and have at least (10) years of active practice in any profession regulated by the Board. No member of the Board shall be connected in any way with any school in which any profession regulated by the Board is taught.

Source: MISS. CODE ANN. § 73-7-1.

Rule 1.2 Seal



Source: MISS. CODE ANN. § 73-7-7.

Rule 1.3 Officers The Board shall elect from its membership a president, vice president, and secretary who shall serve for one (1) year. Prior to election, the president must have served a minimum of one (1) year on the Board. The Board may select an executive director and may hire employees, including clerical assistance, bookkeepers, inspectors, investigators, and other agents as needed.

All Board members shall receive a per diem as well as reimbursement for mileage and necessary expenses incurred in the performance of his official duties.

Source: MISS. CODE ANN. § 73-7-1.

Rule 1.4 Terms of Office All members of the Board shall serve for six (6) years and until his successor is appointed and qualified.

Source: MISS. CODE ANN. § 73-7-1.

Rule 1.5 Vacancies Vacancies on the Board, except the executive officer of the State Board of Health or his designee, shall be filled by appointment of the Governor only for unexpired terms.

Source: MISS. CODE ANN. § 73-7-1.

Rule 1.6 Duties of the Board The responsibility for the enforcement of the provisions of MISS. CODE ANN. § 76-7-1 *et seq.* the Board shall have all the duties, powers, and authority specifically granted by and necessary to the enforcement of MISS. CODE ANN. § 73-7-1 *et seq.* The Board may make, adopt, amend, and repeal such rules and regulations as may be deemed necessary by the Board for the proper administration and enforcement of MISS. CODE ANN. § 73-7-1 *et seq.*, in accordance with the provisions of the Mississippi Administrative Procedures Law.

MISS. CODE ANN. §§ 73-7-7 & 25-43-1.101 *et seq.*

Rule 1.7 Mission Statement The mission of the Mississippi State Board of Cosmetology and Barbering is to:

1. Regulate the instruction and practice of Cosmetology, Barbering, Esthetics, and Nail Technology;
2. Establish rules and regulations and procedures relating to qualifications for licensure;
3. Administer licensure examinations;
4. Set sanitation requirements for operations within schools and establishments; and
5. Set standards of practice of the benefit of the consumer and for the protection of the public's health and safety.

MISS. CODE ANN. § 73-7-7.

Rule 1.8 Meetings and Attendance The Board shall hold regular meetings each month. A special meeting may be called by the President of the Board. The location of all meetings shall be identified on the notice of meeting.

Robert's Rules of Order, as revised, shall govern the meetings of the Board. A quorum is the majority of the Board.

Source: MISS. CODE ANN. § 73-7-1.

Rule 1.9 Open Meetings In compliance with the Open Meetings Act, members of the public are welcome to attend all meetings of the Board. At least ten (10) working days prior to

any regularly scheduled board meeting, any member of the public who desires to be included on the Board's agenda must submit a written request to the Board on the Agenda Request Form available on the Board's website or otherwise may be made available by the Board.

The Board has adopted the following rules of conduct for members of the public who attend a meeting of the Board:

- A. Members of the public who attend a meeting must register with the executive director upon entry to the meeting area. Organized groups must have one (1) designated spokesperson.
- B. Upon request and recognition of the Board President, an individual or spokesperson may be recognized to address the Board for five (5) minutes, unless such time is extended by the Board President.
- C. As prescribed by law, members of the public are not allowed to attend meetings of the Board when in Executive Session. All members of the public will be asked to leave the meeting area and allowed to return only when so advised by the Board President.
- D. Members of the public are expected to conduct themselves in a calm, courteous, and professional manner.

Any member of the public who does not comply with these rules will be dismissed from the meeting.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-41-1 *et seq.*

Rule 1.10 Computation of Time The Board shall adhere to MISS. CODE ANN. § 25-43-1.106 to determine when service or transmission of a pleading, motion, or other document is complete as well as how time is calculated for such service or transmissions.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-1.106 *et seq.*

Chapter 2 Public Records Requests Excluding records exempted under Mississippi law, the Board responds to public records requests pursuant to the Mississippi Public Records Act of 1983, MISS. CODE ANN. § 25-61-1, *et seq.*, in accordance with the following procedures:

Rule 2.1 Submission of Requests All requests for information must be submitted in writing and either mailed or hand delivered to the address of record for the Board.

The request should describe in reasonable detail the records sought and, if possible, include a clear and concise description of the record desired including pertinent information such as names, date, etc. that may aid the Board in locating the requested record(s).

Source: MISS. CODE ANN. §§ 73-7-7 & 25-61-1 *et seq.*

Rule 2.2 Timetable for Processing All document requests will be approved or denied by the Board within seven (7) working days after the request is received. In the event of a denial for all or part of the request, the executive director will provide an explanation of the denial to the requestor in writing. If the requested information is unable to be produced by the seventh (7th) day after the request is made, the Board will provide a written explanation regarding why the document cannot be produced during that timeframe. Unless there is a mutual agreement of the parties, in no case shall the production of the requested records, after timely payment and unless otherwise exempt, be any later than fourteen (14) working days from the receipt of the request.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-61-1 *et seq.*

Rule 2.3 Exempt Documents All applications for licensure including, but not limited to, exam results in the possession of the Board are exempt from the provisions of the Mississippi Public Records Act of 1983.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-61-1 *et seq.*

Rule 2.4 Third Party Information Records furnished to the Board by third parties which contain trade secrets or confidential commercial or financial information shall not be subject to inspection, examination, copying, or reproduction until the third party has been advised that the documents will be released. Further, no third-party information will be released if a third party obtains a court order prohibiting the same. The requestor will be notified of any court orders that prohibit the release of the requested information.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-61-1 *et seq.*

Rule 2.5 Assessment of Costs to the Requestor Prepayment by the requesting party of the cost estimated by the Board to review, notify any Third Parties, retrieve, search, duplicate, copy, and/or deliver the requested records shall be required.

Payment for information requested must be made in advance of receipt of documents and must be sufficient to cover the actual costs for the Board to furnish the information. Such costs include, but are not limited to, staff time to evaluate the request, to retrieve any relevant files, to organize the information, to notify any Third Parties, to develop a cost estimate and schedule, to reproduce the material, and to deliver the information requested.

A. An estimated cost will be provided to the requestor based on the volume of information, the format in which the information is stored and requested, and whether or not third-party information has been requested. The requestor may submit payment for processing of the request, amend the request, or withdraw the request. The requestor should submit written notice of his intent to either proceed or withdraw the request.

B. If no response is given by the requestor within (30) thirty days of the estimated cost

notification being sent, the Board will proceed no further with the request. If at a later date, the requestor decides to proceed with the request, he must submit a new request.

- C. Timely payment under paragraph B means payment received by the next business day after the estimated cost notification is provided to the requestor. By delaying the payment of the estimated fee past the next business day, the requestor acknowledges there may be a delay in the delivery of the requested documents. No request will be processed until payment is received.
- D. The decision to charge for public records is at the discretion of the executive director.

Source: MISS. CODE ANN. § 25-61-1.

Rule 2.6 Requests for Document Inspections The requestor will be billed for the total amount of time expended by employees of the Board assisting with the inspection of documents. Additional fees incident to document production may be assessed.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-61-1 *et seq.*

Rule 2.7 Public Information via the Internet Some information pertaining to the Mississippi State Board of Cosmetology and Barbering is available free of charge on the Board's webpage.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-61-1 *et seq.*

Chapter 3 Declaratory Opinions These rules are intended to supplement and be read in conjunction with the Mississippi Administrative Procedures Act (MISS. CODE ANN. § 25-43-2.103 *et seq.*). In the event of a conflict between these rules and the Mississippi Administrative Procedures Act, the latter shall govern.

Rule 3.1 Subjects Which May be Addressed by Declaratory Opinions The Board will issue declaratory opinions regarding the applicability of specified facts to a statute administered or enforceable by the Board, a rule promulgated by the Board, or an order issued by the Board. The Board will not issue a declaratory opinion regarding a statute, rule, or order which is beyond the primary jurisdiction of the Board.

“Primary jurisdiction” means:

1. The Board has a constitutional grant of authority in the subject matter,
2. The Board has a statutory grant of authority in the subject matter,
3. The Board has issued specific regulations impacting upon the subject matter, or
4. The Board has issued a specific order or orders impacting upon the subject matter.

Source: MISS. CODE ANN. § 25-43-2.103 (2).

Rule 3.2 Scope of Declaratory Opinion Request A request shall be limited to a single

transaction or occurrence.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-2.103 (2).

Rule 3.3 Format of Declaratory Opinion Request When a person with substantial interest, as required by section 25-43-2.103 of the Administrative Procedures Act, requests a declaratory opinion, the requestor must submit a printed, typewritten, or legibly handwritten request on standard letter-size white paper (8 ½" x 11").

- A. The request shall be in the form of a letter addressed to the Board or in the form of a pleading as if filed with a court.
- B. All requests must be mailed or hand delivered to the address of record of the Board. Oral, email, and/or telephonic requests for a declaratory opinion will not be accepted.
- C. Each request shall include the full name, telephone numbers, e-mail address(es), and mailing address of the requestor(s).
- D. Each request shall be signed by the person filing the request, unless represented by an attorney, in which case, the attorney may sign the request.
- E. Each request and its correspondence envelope, if any, shall clearly state it is a request for a declaratory opinion.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-2.103 (2).

Rule 3.4 Signature Attestation Any party who signs the request shall attest that the request complies with the requirements in these rules including, but not limited to, a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any agency, administrative, or judicial tribunal.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-2.103 (2).

Rule 3.5 Request Content Requirement Each request shall contain the following:

- A. A clear identification of the statute, rule, or order at issue,
- B. A concise statement of the issue or question presented for the declaratory opinion,
- C. A clear and concise statement of all the facts relevant to the question presented,
- D. The identity of all other known persons involved in or impacted by the facts giving rise to the request including their relationship to the facts, and their name, mailing address, email address(es), and telephone number, and
- E. A statement sufficient to show that the request has a substantial interest in the subject

matter of the request.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-2.103 (2).

Rule 3.6 Submission of Proposed Opinion and Memorandum The terms of the proposed opinion may be submitted to the Board together with a request for a declaratory opinion. The request likewise may contain an argument by the requestor in support of those terms of the proposed opinion. The argument may be submitted in the form of a memorandum or authorities, containing a full discussion of the reasons, including legal authorities, in support of such position of the requestor. The Board also may request an argument and memorandum of authorities be submitted by an interested party.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-2.103 (2).

Rule 3.7 Reasons of Refusal of Declaratory Opinion Request The Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not limited to:

- A. the matter is outside of the primary jurisdiction of the Board,
- B. lack of clarity concerning the question presented,
- C. there is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary,
- D. the statute, rule, or order on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request,
- E. the facts presented in the request are not sufficient to answer the question presented,
- F. the request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules,
- G. the request seeks to resolve issues which have become moot or are abstract or hypothetical such that the requestor is not substantially affected by the statute or rule on which a declaratory opinion is sought,
- H. no controversy exists or is certain to arise which raise a question concerning the application of the statute, rule, or opinion,
- I. the question presented by the request concerns the legal validity of a statute, rule, or order,

- J. the request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct,
- K. no clear answer is determinable,
- L. the question presented by the request involves the application of a criminal statute or a set of facts which may constitute a crime,
- M. the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure,
- N. the question is currently the subject of an Attorney General's opinion request
- O. the question has been answered by an Attorney General's opinion,
- P. one or more requester(s) has standing to seek an Attorney General's opinion on the proffered question,
- Q. the request has not been made in good faith,
- R. the request is harassing in nature,
- S. a similar request is pending before this Board or any other agency or a proceeding is pending on the same subject matter before any agency, administrative, or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law, and/or
- T. the question involves eligibility for a license, permit, certificate, or other approval by the Board or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate, or other approval would be determined.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-2.103 (2).

Rule 3.8 Board Response Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Board shall, in writing:

- A. issue an opinion declaring the applicability of the statute, rule, or order to the specified circumstances,
- B. agree to issue a declaratory opinion by a specified time but no later than ninety (90) days after receipt of the written request, or
- C. decline to issue a declaratory opinion, stating the reason(s) for its refusal.

The forty-five (45) day period shall begin running on the first business day after the request was

received by the Board.

The Board may give notice to any person, agency, or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments, and opinions from other persons, agencies, or other entities other than the requestor.

Source: MISS. CODE ANN. § 25-43-2.103 (2).

Rule 3.9 Final Opinion A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of the sixty (60) days, the Board may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious.

Any declaratory opinion rendered by the Board shall be binding only on the Board and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-2.103 (2).

Rule 3.10 Availability of Declaratory Opinions and Requests for Opinions

Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying at the expense of the viewer during normal business hours. Declaratory opinions and requests which contain confidential information or information which is exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-2.103 (2).

Chapter 4 Proceedings on Proposed Rules

Rule 4.1 Oral Proceedings Allowed The Board will conduct an oral proceeding on a proposed regulation or amendment if requested by a political subdivision, an agency, or ten (10) persons within twenty (20) days after the filing of the notice of the proposed regulation.

- A. Each request must be submitted on 8-1/2" x 11" white paper and must be printed, typewritten, or legibly handwritten.
- B. The request may be in the form of a letter addressed to the Board or in the form of a pleading as if filed with the court.
- C. Each request must include the full name, telephone numbers, and mailing address of the requestor(s).
- D. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-3.104.

Rule 4.2 Notification of Oral Proceeding The date, time, and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-3.104.

Rule 4.3 Presiding Officer The Board President or his designee, who is familiar with the substance of the proposed regulation, shall preside at the oral proceeding on a proposed regulation.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-3.104.

Rule 4.4 Public Presentations and Participation Public participation shall be permitted at oral proceedings in accordance with the following:

- A. At an oral proceeding on a proposed regulation, persons may make oral statements and make documentary and physical submissions.
- B. Persons wishing to make oral presentations at such a proceeding shall notify the Board at least one (1) business day prior to the proceeding and indicate the general subject of their presentations. The presiding officer, in his discretion, may allow individuals to participate that have not previously contacted the Board.
- C. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.
- D. The presiding officer may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.
- E. Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.
- F. There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the person's time where the orderly conduct of the proceeding so requires.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-3.104.

Rule 4.5 Conduct at Oral Proceedings

- A. The presiding officer shall have authority to conduct the proceeding in his discretion for the orderly conduct of the proceeding. The presiding officer shall:
1. call proceeding to order;
 2. give a brief synopsis of the proposed regulation, a statement of the statutory authority for the proposed regulation, and the reasons provided by the Board for the proposed regulation;
 3. call on those individuals who have contacted the Board about speaking in favor of or against the proposed regulation;
 4. allow for rebuttal statements following all participant's comments; and
 5. adjourn the proceeding.
- B. The presiding officer, where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that regulation-making proceeding, including any prior written submissions made by those participants in that proceeding, but no participant shall be required to answer any question.
- C. Physical and documentary submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Board and are subject to the Board's public records request procedure.
- D. The Board may record oral proceedings by stenographic or electronic means.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-3.104.

Chapter 5 Licensure and Permits

Rule 5.1 Display Each licensee shall display his license issued by this Board and any certification required by Rule 11.19 in a conspicuous location at his workstation. All establishment licenses issued by this Board and classifications required by Rule 10.14 shall be conspicuously placed in the establishment's reception area. The posting of a photocopy of a license or certification or of an expired/revoked/surrendered license is prohibited.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-11.

Rule 5.2 Minimum Training Hours Required
must have either:

A person who seeks licensure

1. successfully completed a course of training with the minimum hours of 1500 for a cosmetologist, 1500 for a barber, 350 for a nail technician, 600 for an esthetician, 1000 for an cosmetology/nail technology/esthetics instructor, 600 hours for a barber instructor (if the licensee has been a licensed barber for two or more years), 1000 hours for a barber instructor (if the licensee has not been a licensed barber for at least two years), or
2. successfully completed apprenticeship training with the minimum hours of 3000 for a cosmetologist, 3000 for a barber, 700 for a nail technician, 1200 for an esthetician, or 1000 for a nail technology or esthetics instructor.

Source: MISS. CODE ANN. §§ 73-7-13; 73-7-13.1; 73-7-15; 73-7-18; 73-7-21.

Rule 5.3 Language of Application All applications must be completed in English. If any documents accompanying the application are in any language other than English, an original translation into English, prepared and certified by a recognized translation or credentialing service, must also be submitted.

Source: MISS. CODE ANN. § 73-7-7.

Rule 5.4 Practitioner Licensure Examination Application A person who is at least sixteen (16) years old and seeks a practitioner license in the field of cosmetology, barbering, nail technology, and/or esthetics must complete an application entitled “application to test for practitioner license” available on the Board’s website or otherwise may be made available by the Board. The application must be accompanied by:

- A. Two (2) 2x2 inch passport style photograph taken within the last ninety (90) days before the application;
- B. Two (2) forms of identification of which at least one (1) must be a government issued identification with a photograph;
- C. Verified documentation of successful completion of high school, GED Certificate, high school equivalency program credentialed as approved by the State Board of Education, or proof of enrollment in a community college;
- D. Certified transcript demonstrating successful completion, meaning obtaining a passing grade of 70 at minimum and the minimum hours requirements as per Rule 5.2 for the license desired; and
- E. Non-refundable application fee.

After application, applicants must successfully pass the examination as per Chapter 6.

Source: MISS. CODE ANN. §§ 73-7-13; 73-7-13.1; 73-7-15; 73-7-18; 73-7-21.

Rule 5.5 Crossover Licensure Examination Application A crossover license is applicable for practitioners holding an active license in good standing in barbering or cosmetology only. A person seeking a crossover license must complete the application entitled “application to test for crossover license” available on the Board’s website or otherwise may be made available by the Board. The application must be accompanied by:

- A. Two (2) passport style photographs of the licensee taken within the last ninety (90) days before the application;
- B. Two (2) forms of identification of which at least one (1) must be a government issued identification with a photograph;
- C. Copy of the applicant’s valid Mississippi practitioner license;
- D. For barbers applying to crossover to cosmetology: certified transcript demonstrating successful completion, meaning a passing grade of 70 at minimum, in a course of training with the minimum hours of 600 at a licensed school of cosmetology OR
For cosmetologists applying to crossover to barbering: certified transcript demonstrating successful completion, meaning a passing grade of 70 at minimum, in a course of training with the minimum hours of 600 at a licensed school of barbering; and
- E. Non-refundable application fee.

After application, applicants must successfully pass the examination as per Chapter 6.

Source: MISS. CODE ANN. §§ 73-7-13; 73-7-13.1.

Rule 5.6 Instructor Licensure Examination Application A person seeking license as an instructor must complete the application entitled “application to test for instructor license” available on the Board’s website or otherwise may be made available by the Board. The application must be accompanied by:

- A. Two (2) passport style photographs of the licensee taken within the last ninety (90) days before the application;
- B. Two (2) forms of identification of which at least one (1) must be a government issued identification with a photograph;
- C. Copy of the applicant’s valid Mississippi practitioner license;
- D. Certified transcript demonstrating successful completion of a total of six (6) semester hours in any of the following college level courses in the following subject areas as approved by the Board:
 - 1) Communication
 - 2) Business law

- 3) English
 - 4) Psychology
 - 5) Sociology
 - 6) Mathematics
 - 7) Computer
 - 8) Safety and First Aid, or
 - 9) Any other methodology course with Board approval;
- E. Certified transcript demonstrating successful completion, meaning obtaining a passing grade of 75 at minimum and the minimum hour requirements as per Rule 5.2, of a course of training as an instructor;
- F. Proof of attendance at the Board approved “Methods of Teaching” Seminar on Mississippi law and rules and regulations wherein five (5) continuing education hours are earned; and
- G. Non-refundable application fee.

After application, applicants must successfully pass the examination as per Chapter 6.

Source: MISS. CODE ANN. § 73-7-15.

Rule 5.7 Master Licensure Application A holder of a practitioner license may make application as a master if the licensee has been a Mississippi licensee in good standing for at least twelve (12) months. This application, entitled “master application”, is available on the Board’s website or otherwise may be made available by the Board. The application must be accompanied by:

- A. Two (2) 2x2 inch passport style photograph taken within the last ninety (90) days before the application;
- B. Proof of having acquired a minimum of sixteen (16) hours of continuing education at a Board approved course; and
- C. Non-refundable application fee.

Source: MISS. CODE ANN. § 73-7-14.

Rule 5.8 Reciprocity: Practitioner License A holder of a practitioner license issued by a Board in another state with the same educational requirements as Mississippi may apply for a practitioner license via reciprocity. This application, entitled “application for practitioner reciprocity”, is available on the Board’s website or otherwise may be made available by the Board. The application must be accompanied by:

- A. Two (2) 2x2 inch passport style photograph taken within the last ninety (90) days before the application;

- B. Two (2) forms of identification of which at least one (1) must be a government issued identification with a photograph;
- C. Color copy of all licenses held to practice a profession regulated by this Board in any other state or US Territory;
- D. Certified letter/certification/verification/affidavit of active practice and good standing from the Board in all state(s) and/or US Territory where the applicant holds a license to practice a profession regulated by this Board; and
- E. Non-refundable application fee.

After application, applicants must successfully pass the examination as per Chapter 6.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-23.

Rule 5.9 Reciprocity: Instructor License A holder of an instructor license issued by a Board in another state with the same educational requirements as Mississippi may apply for a practitioner license via reciprocity if the applicant has held such license for at least three (3) years. This application, entitled “application for instructor reciprocity”, is available on the Board’s website or otherwise may be made available by the Board. The application must be accompanied by:

- A. 2x2 inch passport style photograph taken within the last ninety (90) days before the application;
- B. Two (2) forms of identification of which at least one (1) must be a government issued identification with a photograph;
- C. Color copy of all licenses held to practice a profession regulated by this Board in any other state or US Territory;
- D. Certified letter/certification/verification/affidavit of active practice and good standing from the Board in all state(s) and/or US Territory where the applicant holds a license to practice a profession regulated by this Board;
- E. Certified transcript demonstrating successful completion of a total of six (6) semester hours in any of the following college level courses in the following subject areas as approved by the Board:
 - 1) Communication
 - 2) Business law
 - 3) English
 - 4) Psychology
 - 5) Sociology
 - 6) Mathematics

- 7) Computer
 - 8) Safety and First Aid, or
 - 9) Any other methodology course with Board approval;
- F. Proof of attendance at the Board approved “Methods of Teaching” Seminar on Mississippi laws and rules and regulations wherein five (5) continuing education hours are earned; and
- G. Non-refundable application fee.

Applicants who have not completed the six (6) semester hours in the college level courses in the subjects listed above may apply for a one-time temporary teaching permit described in Rule 5.19.

After application, applicants must successfully pass the examination as per Chapter 6.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-23.

Rule 5.10 Licensure Pursuant to the Universal Recognition of Occupational Licenses Act

A person who establishes Mississippi residency seeking licensure pursuant to the Universal Recognition of Occupational Licenses Act, MISS. CODE ANN. § 73-50-2 *et seq.*, may complete an abbreviated application available to qualifying applicants. This application, entitled “universal application”, is available on the Board’s website or otherwise may be made available by the Board. The application must be accompanied by:

- A. Two (2) 2x2 inch passport style photograph taken within the last ninety (90) days before the application;
- B. Two (2) forms of identification of which at least one (1) must be a government issued identification with a photograph;
- C. A color copy of the applicant’s current and valid, out-of-state (or US Territory) practitioner or instructor license and proof of good standing from the out-of-state’s (or US Territory) licensing board,
- D. Certified letter/certification/verification/affidavit of active practice and good standing from the Board in all state(s) and/or US Territory where the applicant holds a license to practice a profession regulated by this Board;
- E. Proof of Mississippi residency as per MISS. CODE ANN. § 73-50-2; and
- F. Non-refundable application fee.

After an applicant completes the universal application and pays the required fee, the applicant must also pass the Mississippi Laws and Sanitation Examination within one (1) year of his application. Upon the submission to the Board of a complete application and payment of required application fee but prior to successful completion of the examination, an applicant will receive a temporary practice permit that is valid for 365 days from the date of issue and is not subject to renewal or

extension. Temporary practice permits are non-transferable. Applicants who do not successfully complete the examination within one (1) year of the application date may re-apply for licensure under this Rule but will not be issued an additional temporary practice permit.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-50-2.

Rule 5.11 Licensure Pursuant to the Military Family Freedom Act Active members of the military, spouses, and/or dependents of an active member of the military, located in Mississippi, seeking registration pursuant to the Military Family Freedom Act, MISS. CODE ANN. § 73-50-1 *et seq.*, may complete an abbreviated application available to qualifying applicants. This application, entitled “military application,” is available on the Board’s website or otherwise may be made available by the Board. The application must be accompanied by:

- A. Two (2) 2x2 inch passport style photograph taken within the last ninety (90) days before the application;
- B. Two (2) forms of identification of which at least one (1) must be a government issued identification with a photograph;
- C. a color copy of the applicant’s current and valid, out-of-state (or US Territory) practitioner or instructor license or proof of military occupational specialty, completion of a military program of training, testing, and/or experience performed in the occupational specialty, and
- D. Certified letter/certification/verification/affidavit of active practice and good standing from the Board in all state(s) and/or US Territory where the applicant holds a license to practice a profession regulated by this Board;

After an applicant completes the military application, the applicant will receive a temporary practice permit that is valid for 120 days from the date of issue. The Board will either issue or deny license within 120 days from the date of the application.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-50-1.

Rule 5.12 Fresh Start Act Request An individual may submit a request for the Board to make a determination of whether an individual’s criminal record will disqualify him from obtaining a license. The determination request shall be in writing, on the form supplied by the Board, and signed by the requester in the presence of a notary. The request shall also be accompanied by a certified copy of any judgment of conviction.

If the Board determines that the individual’s criminal record prohibits the individual from obtaining a license, the Board shall provide to the individual the grounds for the disqualification, notify of the right to a hearing to be conducted as described in Chapter 12, notify of the earliest date for reapplication for licensure, and notify of what rehabilitation may be considered upon reapplication.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-77-1 *et seq.*

Rule 5.13 Application Retention Applications for examination shall be kept on file with the executive director of the Board for ninety (90) days. Incomplete applications will be destroyed after ninety (90) days.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-19.

Rule 5.14 Duplicate License A licensee may submit a request for a duplicate license on the application entitled “duplicate license request” available on the Board’s website or otherwise may be made available by the Board. The application must be accompanied by the non-refundable fee. Only one (1) duplicate license per licensee, absent good cause shown, shall be issued during a licensing period.

Source: MISS. CODE ANN. § 73-7-7.

Rule 5.15 Renewal To renew a license, each licensee must biennially complete the form entitled “renewal” available on the Board’s website or otherwise may be made available by the Board. The application must be accompanied by:

- A. Two (2) 2x2 inch passport style photograph taken within the last ninety (90) days before the application;
- B. Name and address of each establishment wherein licensee is affiliated; and
- C. Non-refundable renewal fee.

A licensee who holds a license that has been expired for at minimum sixty (60) days but no longer than three (3) years must pay a delinquent renewal fee in addition to any renewal fee(s). A licensee holding a license that has been expired for three (3) or more years must successfully pass the examination described in Chapter 6 to renew his license.

No license may be renewed until the licensee has paid all monetary fines and penalties, if any, assessed to the license.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-19.

Rule 5.16 Senior Licensure Status A licensee who is seventy (70) years or older at the time of renewal and who holds an active Mississippi license in good standing is not required to pay a renewal fee.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-19; 73-7-29.

Rule 5.17 Inactive Licensure Status An individual holding an active practitioner license who is in good standing but not actively practicing in Mississippi may, upon licensure renewal, move his license to inactive licenses status by completing the application entitled “Inactive

Licensure Status Request” available on the Board’s website or otherwise may be made available by the Board.

A license in inactive status may move to active license status by completing the application entitled “Removal of Inactive License Status” available on the Board’s website or otherwise may be made available by the Board. The application must be accompanied by:

- A. Two (2) 2x2 inch passport style photograph taken within the last ninety (90) days before the application;
- B. Proof of successful completion of:
 - a. five (5) hours of continuing education if the license was inactive for no more than three (3) years; or
 - b. ten (10) hours of continuing education if the license was inactive for three (3) to seven (7) years; or
 - c. fifteen (15) hours of continuing education if the license was inactive for seven (7) or more years; and
- C. Color copy of all licenses held to practice a profession regulated by this Board in any other state or US Territory;
- D. Certified letter/certification/verification/affidavit of active practice and good standing from the Board in all state(s) and/or US Territory where the applicant holds a license to practice a profession regulated by this Board; and
- E. Non-refundable application fee.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-13.

Rule 5.18 Demonstrator Permit An individual who is not a licensee of the Board may demonstrate products or tools only after obtaining a demonstrator permit. “Demonstrate” means to perform a one-time service on a consumer, without compensation, to show how the product or tool is used or to prove its value or effectiveness, with the intent that the consumer may later purchase and apply the product himself, without the help of a licensee or product instructor, and the purchase price of the product charged to the consumer is no more than its average retail price.

A demonstrator permit is valid for one (1) year. This application, entitled “Demonstrator Permit Application,” is available on the Board’s website or otherwise may be made available by the Board. The application must be accompanied by a non-refundable application fee.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-25.

Rule 5.19 Student Permit to Work A student practitioner or student instructor who has successfully completed a course of training in a profession regulated by the Board and who has successfully passed the written examination and who has applied for but not yet successfully

passed the practical examination described in Chapter 6, may work under a permit that is nonrenewable. This application, entitled “student permit,” is available on the Board’s website or otherwise may be made available by the Board.

A student practitioner permit is valid for six (6) months. A student instructor permit is valid for ninety (90) days. A student instructor permit via reciprocity application is valid for six (6) months.

Holders of a student permit must work within the direct supervision of an active Mississippi licensed practitioner within the same scope of practice. There may be no more than two (2) student permit holders working under the supervision of one (1) active Mississippi licensee.

In the event that a holder of a student permit does not successfully pass the practical examination, the student permit must be returned to the Board office and is null and void.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-13; 73-7-13.1; 73-7-15; 73-7-18; 73-7-21.

Rule 5.20 Fees The following fees shall apply for the following purposes:

A. Practitioner license/renewal	\$50.00
B. Instructor license/renewal	\$80.00
C. Master license/renewal	\$70.00
D. Application under reciprocity or UROLA	\$55.00
E. Delinquent renewal penalty – practitioner and instructor	\$50.00
F. There shall be no renewal fee for any licensee seventy (70) years of age or older.	
G. Salon/barber shop application and initial inspection	\$85.00
H. Salon/barber shop reinspection	\$35.00
I. Salon/barber shop renewal	\$60.00
J. Salon/barber shop delinquent renewal penalty	\$50.00
K. School application and initial inspection	\$300.00
L. School reinspection	\$100.00
M. School relocation	\$150.00
N. School renewal	\$75.00
O. School delinquent renewal penalty	\$100.00
P. Duplicate license	\$10.00
Q. Demonstrator permit	\$10.00
R. Penalty for insufficient fund checks	\$20.00
S. Affidavit processing	\$15.00

The Board may charge additional fees for services which the Board deems appropriate to carry out its intent and purpose.

The Board accepts payments made by personal/business/cashier’s check, money order, or credit card (any processing fees are assessed to the payor). Any check returned for insufficient funds will require the payor to pay any fees assessed for the returned check.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-29.

Rule 5.21 Change of Information Notification A licensed practitioner must in writing notify the Board of any change of address and/or establishment affiliation within thirty (30) days of such change.

Source: MISS. CODE ANN. § 73-7-7.

Chapter 6 Examinations

Rule 6.1 Examination A person seeking licensure as a Mississippi Practitioner or Instructor must, after the completion of the application and submission of all information required by Rules 5.4, 5.5, 5.6, 5.8, and 5.9, pass the examination for licensure. An examination for licensure for each practitioner and instructor license is both practical and written. An applicant must demonstrate by practical examination minimal skills and knowledge necessary for the licensure sought. An applicant must demonstrate by written examination for licensure knowledge of the profession, health and safety standards, and Mississippi law pertinent to the practice for the licensure sought.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-12.

Rule 6.2 Practitioner Required Examination Score The examination grade of no less than 70 scaled score on each portion of the practical examination and no less than 70 scaled score on the written examination is required for the approval of practitioner licensure.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-12.

Rule 6.3 Instructor Required Examination Score The examination grade of no less than 75 scaled score on each portion of the practical examination and no less than 75 scaled score on the written examination is required for the approval of instructor licensure.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-12.

Rule 6.4 Examination Scheduling An applicant may not schedule to sit for either the practical examination or written examination until the applicant's full and complete application has been received by the Board and scheduling approval provided to the applicant by the Board.

In the event of a failure of any exam required by the Board, the applicant may not schedule a new examination date until at least fourteen (14) days post failed examination have passed.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-12.

Rule 6.5 Brush Up Hours Within one (1) year of an applicant's completion of a course of training for a profession regulated by the Board, an applicant may take or re-take either the practical examination or written examination as needed.

Once the one (1) year period described above has passed and the applicant has not successfully

passed both parts of the required examination, the applicant must complete “brush up hours” consisting of additional training of the prescribed course hours for which the application for licensure was submitted. The brush up hours must be related to the examination or portion of the examination that the applicant failed to pass. Brush up hours are considered to be a new student enrollment.

The amount of required brush up hours is as follows:

- 366 days to three (3) years: at least ten (10) percent but no more than fifteen (15) percent of the prescribed course hours;
- More than three (3) years and less than seven (7) years: at least twenty (20) percent but no more than twenty-five (25) percent of the prescribed course hours; or
- More than seven (7) years: at least forty (40) percent but no more than fifty (50) percent of the prescribed course hours.

This rule shall not apply to an applicant whose one (1) year testing period as described above is interrupted due to service in the armed forces during active-duty deployment.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-12.

Chapter 7 Continuing Education

Rule 7.1 Instructor Licensee Continuing Education A licensed instructor must submit proof of earning twenty-four (24) hours biennially of Board approved continuing education with the application for licensure renewal as per Rule 5.15. Of the twenty-four (24) hours of continuing education, at least five (5) of the hours must be at a Board approved course on the methods of teaching.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-15.

Rule 7.2 Master Licensee Continuing Education A holder of a master license must submit proof of earning eight (8) hours biennially of Board approved continuing education with the application for licensure renewal as per Rule 5.15.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-14.

Rule 7.3 Excess Hours A licensee who earns continuing education hours in excess of the Board required amount for each licensure status may not roll any hours over.

Source: MISS. CODE ANN. § 73-7-7.

Rule 7.4 Permissible Courses A licensee will receive continuing education hours for only those courses that are registered with and approved by the Board.

Source: MISS. CODE ANN. § 73-7-7.

Rule 7.5 Certificate Retention A licensee must retain a copy of the certificate of

completion for a course for two (2) years after the date of completion.

Source: MISS. CODE ANN. § 73-7-7.

Chapter 8 Schools

Rule 8.1 Advertising All licensed schools must clearly display the type of school license held per Rule 8.2 and shall disclose when requested its pass/fail ratio to prospective and current students.

A licensed school may advertise the prices of clinical services if the advertisement meets the following:

1. Clearly state, in bold print that “**all work is performed by students under the supervision of a licensed instructor;**”
2. Does not compare prices to any other licensed school, salon, or shop;
3. Includes the hours of operation for the clinic floor.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Rule 8.2 School Licensure The Board will issue one (1) of the two (2) following licenses to a new school with less than two (2) graduating classes:

1. Temporary, if the school has less than two (2) graduating classes; or
2. Probationary, if the school received significant violations in the year prior.

A Temporary License or Probationary License is active for one (1) year.

The Board will issue one (1) of the two (2) following licenses to a school with two (2) or more graduating classes:

1. Conditional License, if the school had any significant violations in the most recent year or the school’s annual or comprehensive pass rate does not meet the Boards required minimum standard;
2. Nonconditional License (License Without Condition), if the school had no significant violation in the most recent year and the school’s annual or comprehensive pass rate meets the Boards required minimum standard.

A Conditional License is active for one (1) year. A school may not hold a Conditional License for more than two (2) years without being subject to discipline including, but not limited to, license revocation, under Chapter 12. A Nonconditional License is active for two (2) years.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Rule 8.3 Application A school wherein any profession regulated by this Board is taught must have an active license issued by the Board prior to enrolling students. A school must be equipped to accommodate, at minimum, twenty (20) students. A school desiring licensure may make application entitled “school application” which is available on the Board’s website or otherwise may be made available by the Board. The application must be accompanied by:

- A. Surety bond in the amount of Fifty Thousand Dollars (\$50,000) in favor of the Board on the bond form completed by the insurance company or in lieu of the bond submit cash/certificate of deposit/government bonds in the amount of Fifty Thousand Dollars (\$50,000);
- B. Completed Personal Survey Form, if applicable;
- C. Proof of professional liability insurance policy covering all aspects of the facility, personnel, and/or students;
- D. Proof of good standing filed with the Secretary of State, if applicable;
- E. Proof of current accreditation, if applicable;
- F. Post-Secondary School Affidavit, if applicable;
- G. Curriculum for the instruction of each profession regulated by the Board that will be taught by the school and complies with the rules and regulations of the Board;
- H. Copy of the student contract;
- I. Building permit (new construction), if applicable;
- J. Evidence of successful inspection by the county/city and fire department, if applicable;
- K. Floor plan, indicating measurements for each area and equipment layout;
- L. List of all equipment, including amounts of same;
- M. Copy of all brochures, catalogs, and advertisements; and
- N. Non-refundable fee.

Upon successful completion of an application, an inspection detailed in Rule 8.4 of the school premises may be scheduled.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Rule 8.4 Inspection An inspection of a school shall be performed by two (2) agents of the Board prior to licensure. A school shall meet all applicable health and safety standards required by local, state, and/or federal law. A school that does not meet the minimum requirement on initial inspection may be reinspected. The school owner must submit the request for reinspection and pay the fee listed in Rule 5.20 before the Board will perform the reinspection.

No school may enroll students until the inspection detailed in Rule 8.4 is successfully passed and written notice that a license will be issued is provided by the Board.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Rule 8.5 Licensure Renewal A school license issued by this Board shall not be automatically renewed. Schools of all licensure types indicated in Rule 8.2 must apply for renewal annually or biennially, according to licensure type. This application, entitled “school renewal”, is available on the Board’s website or otherwise may be made available by the Board. The application must be accompanied by:

- A. Surety bond in the amount of Fifty Thousand Dollars (\$50,000) in favor of the Board on the bond form completed by the insurance company or in lieu of the bond submit cash/certificate of deposit/government bonds in the amount of Fifty Thousand Dollars (\$50,000);
- B. Proof of professional liability insurance policy covering all aspects of the facility, personnel, and/or students;
- C. Proof of good standing filed with the Secretary of State, if applicable;
- D. Proof of current accreditation, if applicable;
- E. Post-Secondary School Affidavit, if applicable;
- F. Curriculum for the instruction of each profession regulated by the Board that will be taught by the school and complies with the rules and regulations of the Board, if any changes to the curriculum have been made during the previous period of licensure;
- G. Copy of the student contract, if any changes to the student contract have been made during the previous period of licensure;
- H. Copy of all brochures, catalogs, and advertisements, if any changes to brochures, catalogs, and advertisements have been made during the previous period of licensure; and
- I. Non-refundable fee.

After a successful application for renewal of a school license, an inspection of the premises must be successfully passed. No school license may be renewed until all monetary fines and penalties assessed by the Board are paid in full.

A school that fails to renew licensure within one (1) year from the date of expiration shall not be eligible for renewal and must make a new application for licensure.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Rule 8.6 Annual Reporting Annually, each licensed school shall report the number of students enrolled in each program, number of students who dropped from the course, the number

of students who transferred, the number of students who finished the program, the number of students who passed the licensure exam, the number of students who failed the licensure exam, number of students who after an initial exam failure ultimately obtained licensure, and how any inspection violations and/or audit findings have been corrected. The annual report must be submitted to the Board no later than July 16.

A school pass/fail ratio is derived from the students of a licensed school during the state fiscal year. If at any time, the pass/fail ratio on either portion of the licensure exam for a school falls below 70% for practitioner students and 50% for student instructors, the Board requires the school to submit a compliance plan that includes the steps the school will take to improve the pass/fail ratio. The school will be provided six (6) months to implement the compliance plan. At the conclusion of the six (6) months, if the ratio has not improved to either meet or exceed the Board required pass/fail ratio, the Board may take action to discipline the school, including, but not limited to suspension or revocation of the school license.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Rule 8.7 Required Equipment A licensed school shall provide to each student a Board approved textbook and a copy of the Board's most current rules and regulations. A school shall supply, at no cost to the student, wet sanitizer/disinfectant and supplies used in assigned practical work.

A licensed school must maintain in a sanitary and safe operating order all of the Board required equipment for the teaching of the licensure programs for which the school is Board approved. A complete list of Board required equipment is available on the Board's website or otherwise may be made available by the Board.

A school that was licensed by either the former Mississippi State Board of Cosmetology or the former Mississippi State Board of Barber Examiners prior to December 31, 2024, and is in good standing with the current Board shall be permitted to continue operation with the equipment as required by the aforementioned boards and shall not be required to add the following equipment items:

For schools of cosmetology – workstation with chair and mirror no less than 24x30" (chair must elevate/lower either mechanically or manually), shampoo bowls, dryers, facial chair/all purpose chair with headrest or esthetics treatment table, manicure table, client chair, operators stool/chair;

For schools of barbering – workstation with 24x30 inch mirror and hydraulic barber/all-purpose with headrest, shampoo bowl with chair, dryers;

For schools of esthetics – treatment table

For schools of nail technology – manicure table fitted with adjustable lamp, client chair, operators stool/chair

if same (equipment or quantity) was not required by either of the aforementioned boards.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Rule 8.8 Physical Facilities Instructional floor space means the floor space of a school

designated primarily for the instruction of students and shall not include such spaces as storage, restrooms, utility rooms, passageways, or inhabited administrative spaces such as reception areas, offices, and break area. In addition to instructional floor space, a licensed school must also include a reception area, office, restroom(s), reference library, dispensary/stock room, and locker area.

A licensed school must have a minimum square feet of instructional floor space. For schools that obtain licensure on or after January 2025, the minimum square footage for a theory classroom is 400 square feet. The practical floor must accommodate, at minimum, the required number of stations for a profession licensed by the Board for a school to be approved to teach such profession.

A school that was licensed by either the former Mississippi State Board of Cosmetology or the former Mississippi State Board of Barber Examiners prior to December 31, 2024, and is in good standing with the current Board shall be permitted to continue operation without being required to conform to the square footage above.

There should be minimal visual obstructions in the skill/practical and theory classrooms to ensure continuous and uninterrupted supervision. The practical floor in a school teaching cosmetology, barbering, and/or nail technology must be well ventilated.

A licensed school cannot be connected with any other business, including, but not limited to, a salon or shop. A school and another business must be separated by walls of permanent construction without any opening between the facilities.

Before any alteration to the floor plan submitted with the application for licensure according to Rule 8.3 begins, the Board must be notified in writing, and the plan for the alteration must be submitted to the Board. The school must successfully pass the inspection as per Rule 8.4 upon the conclusion of any floor plan alteration.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Rule 8.9 Display A licensed school must display the following in a conspicuous place:

1. The current Mississippi school license;
2. The current Mississippi license of all instructors employed by the school;
3. The current practitioner license of all student instructors enrolled in the instructor training program;
4. Any Board required notices and/or information;
5. A notice, in letters large enough to be read across the length of the room, that states “all services in this school are performed by students who are in training; all work must be inspected by a licensed instructor;”
6. Any certifications of proficiency for a specific device used in the practice of any profession licensed by this Board as required by Rule 11.18; and
7. A copy of the most recent inspection report issued by the Board.

Students within a licensed school must comply with the school’s uniform policy and must wear an identification badge that includes, at minimum, the student’s name, student’s photograph, and whether the student has the ability to work on clients.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-11; 73-7-16.

Rule 8.10 Closure Within sixty (60) days of a school closure, the school must submit the following information to the Board:

1. Reason for the closure;
2. Teach out plan for all enrolled students;
3. Document(s) provided to enrolled students that includes notice of closure, how to obtain a financial refund, and how to obtain student records;
4. Contact information of individual responsible for student record dissemination;
5. Roster of all currently enrolled students with hours earned;
6. Transcript(s) of all enrolled students; and
7. Bankruptcy Petition, if applicable.

Any documents relating to federal tuition assistance should not be forwarded to the Board.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Rule 8.11 Licensure No school license is transferrable from one owner to another or from one location to another without prior Board approval. Intent to sell or transfer ownership of a licensed school must be submitted to the Board, in writing, at least thirty (30) days prior to the sale. After the sale, an application pursuant to Rule 8.3 and inspection to Rule 8.4 must be performed prior to enrolling students.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Rule 8.12 Curriculum A licensed school shall utilize the Board approved curriculum for the education of all students enrolled in a course of study for any profession licensed by the Board. The Board approved curriculum for each profession licensed by the Board is available on the Board's website or otherwise may be made available by the Board.

Of the hours of education and training required for each profession licensed by the Board, a student must complete both theory and practical hours. Theory hours must be taught by a licensed instructor, or for a period no longer than one (1) day, a student instructor and/or a student who has earned enough hours to be able to work on clients may teach theory hours. Theory hours must be conducted in classroom that is separate from the practical floor and must be at least four (4) hours each week. Students may not leave a theory classroom to work on a client or on the practical floor. All hours must be performed under the supervision of a licensed instructor.

Students may earn clock hours for attending training for demonstration and for product knowledge being taught by suppliers if the licensed instructor is present and the demonstrator holds a permit as required by Rule 5.18.

A field trip is an educational opportunity that takes place outside of the traditional school setting and may include a student's attendance at a trade show, continuing education presentation, and/or Board meeting. Students may earn no more than 5% of the total required clock hours for the

student's program of study for student attendance of a field trip. A field trip is to be an educational enhancement not a substitute for theory or practical time.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Rule 8.13 Coursework Acceleration Accelerated hours means a reduction of the time-frame (not clock hours) required for course completion by compressing into a shorter period and is impermissible.

A licensed school may not permit a student to complete a program in a time period less than the following: thirty-six (36) weeks for cosmetology, thirty-six (36) weeks for barbering, twelve and one half (12 ½) weeks for crossover between cosmetology and barbering and vice versa, nine (9) weeks for nail technology, fifteen (15) weeks for esthetics, fifteen (15) weeks for a barber instructor (if the licensee has been a licensed barber for two or more years), twenty-five (25) weeks for a cosmetology/nail technology/esthetics instructor, and twenty-five (25) weeks for barber instructor (if the licensee has not been a licensed barber for at least two years).

A school may not award credit or provide instruction and a student may not earn credit/hours for any attendance in excess of the Board approved program hours of the school.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Rule 8.14 Hours Each licensed school shall keep a permanent record of each student's attendance as reflected on a time-clock punch card or timeclock. If a change is required, the signature of both the instructor and the student is required at the point of change. Each student must personally clock in/out; if a student is in or out of the school for lunch, he must clock out. No hours may be given for unverified time. Daily, attendance shall be taken at the start of each class; such attendance records must be maintained by the school.

Student hours are transferrable from one (1) licensed school to another as long as there is no financial obligation owed for the hours. Once a student instructor successfully completes the 1000 hours that makes him eligible to apply for licensure, that student instructor may no longer function in the school as a "student instructor" unless the student instructor holds a valid work permit.

A monthly report must accurately document a student's work for the day and must be initialed by the instructor monthly. A school must maintain a monthly report of each enrolled student's academic progress and hours earned. On or before the 10th of each month, a licensed school must submit to the Board in the format required by the Board documentation of each enrolled student's earned hours for the month prior.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Rule 8.15 Student Equipment/Kits A licensed school shall provide the equipment/kit required for the course of enrollment to each student upon the start of the program. All provided equipment/kit must be comprised of new and professional grade items and must contain all items required by the Board. The full list of all Board required items for student equipment/kit is

available on the Board's website or otherwise may be made available by the Board.

Source: MISS. CODE ANN. § 73-7-7.

Rule 8.16 Instructional Staff All instructional staff must hold an active Mississippi Instructor License and be in good standing with the Board. The Board must receive a Certification of Instructor employment within ten (10) days of hire and within ten (10) days of any change of designation or schedule for any instructor. A copy of the Certification of Instructor Form is available on the Board's website or otherwise may be made available by the Board.

1. The instructional staff to student ratio cannot exceed one (1) instructor to every twenty (20) enrolled students in practitioner course of study. The instructional staff to student ratio cannot exceed one (1) instructor to every three (3) enrolled students in an instructor course of training. Each student, part time or full time, shall be counted as one (1) student for the determination of the ratio.
2. An instructor may not work on clients on school premises for remuneration.
3. All student work on the practical floor must be monitored, supervised, and checked by a member of the Board licensed instructional staff.
4. Instructors must wear an identification badge that includes, at minimum, the instructor's name and the instructor's photograph.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Rule 8.17 Paperwork Each school must maintain for a minimum of five (5) years as part of each student's permanent record the following information:

1. Enrollment form;
2. Proof of education;
3. Proof of college hours (instructors only);
4. Proof of receipt of student kit, Board rules and regulations, and textbook;
5. All contracts, excluding financial aid, between the school and student;
6. Attendance records;
7. A monthly report of student's academic progress and hours earned;
8. Monthly activity sheet;
9. Results of any tests and/or instructor's evaluation;
10. Information on student conduct; and
11. Final transcript.

Each school must submit to the Board on the form required by the Board a record of each student's enrollment at the school within thirty (30) days of the student's start date.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Rule 8.18 Student Work on Clients A student may not perform work on any member of the public until that student has completed at least 15 % of the total time required for the program in which he is enrolled. All work performed by a student must be under the direct supervision of a licensed instructor.

A student practitioner or instructor may not receive remuneration for work on clients performed as part of school curriculum. All products used by students in the service of clients must be provided by the school and may not be paid for by the student.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Rule 8.19 Break in Attendance Where a student has not completed a program of study in a profession licensed by this Board and has a break in attendance at a licensed school:

1. At least three (3) years and less than four (4) years and 364 days, a student shall lose 25% of the hours;
2. At least five (5) years and less than nine (9) years and 364 days, a student shall lose 50% of the hours; or
3. At least ten (10) years or more, a student shall lose all hours.

This rule shall not apply to a student whose break in attendance is due to service in the armed forces during active-duty deployment.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Rule 8.20 Audit The Board or its authorized agent(s) may inspect licensed schools as necessary. During such an audit, all records of the school must be made available to the Board or its authorized agent(s) during the school's business hours. An audit may include, but is not limited to the following review of:

1. Curriculum including, but not limited to, current syllabus and lesson plan(s) for each course;
2. Student files, including all documents listed in Rule 8.17;
3. Attendance records and clock hours; and
4. Physical facilities.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-16.

Chapter 9 Apprenticeship

Rule 9.1 Apprentice Registration and Requirements A person who is at least sixteen (16) years old and seeks training as an apprentice in the field of cosmetology, barbering, nail technology, and/or esthetics must complete an application entitled "application for apprenticeship" available on the Board's website or otherwise may be made available by the Board. The application must be accompanied by:

- A. Two (2) 2x2 inch passport style photograph taken within the last ninety (90) days before the application;
- B. Two (2) forms of identification of which at least one (1) must be a government issued identification with a photograph;

- C. Verified documentation of successful completion of high school, GED Certificate, high school equivalency program credentialed as approved by the State Board of Education, or proof of enrollment in a community college; and

- D. Non-refundable application fee.

After successful completion of the application, the apprentice shall receive a Board issued badge that shall be worn at all times while the apprentice is in training. If an apprentice ceases training before completion of a course, the sponsoring instructor shall submit to the Board the apprentice badge and statement of apprenticeship termination that is signed and notarized by the student within five (5) days.

Apprenticeship training shall be under the direct supervision of the approved sponsoring instructor at all times. An apprentice must complete a new application as per Rule 9.1 in order to change sponsoring instructor.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-13; 73-7-13.1; 73-7-15; 73-7-18; 73-7-21.

Rule 9.2 Sponsoring Instructor Registration and Requirements A licensed instructor in good standing who has been in active practice in Mississippi for at least ten (10) years may serve as a sponsoring instructor and train an apprentice within the scope of the sponsoring instructor's practitioner license only. At all times of an apprenticeship program, the sponsoring instructor must maintain an active license in good standing.

Before the start of each apprentice program, a sponsoring instructor must complete an application entitled "sponsoring instructor application" available on the Board's website or otherwise may be made available by the Board. The application must be accompanied by:

- A. Location of sponsoring establishment;
- B. Curriculum for the instruction of each profession regulated by the Board that will be taught by the sponsoring instructor that complies with the rules and regulations of the Board;
- C. Equipment affidavit;
- D. Agreement between apprentice and sponsoring instructor;
- E. If the sponsoring instructor is not the owner or manager of the sponsoring establishment, a signed and notarized letter of permission from the owner or manager for the requested apprenticeship to occur; and
- F. Non-refundable application fee.

Upon successful completion of an application, an inspection detailed in Rule 8.4 of the sponsoring establishment premises may be scheduled. The inspection detailed in Rule 8.4 must be passed before any apprentice training may begin.

After successful completion of the application and inspection, the sponsoring instructor shall receive a Board issued badge that shall be worn at all times while the apprentice is in training. If an apprentice ceases training before completion of a course, the sponsoring instructor shall submit to the Board the sponsoring instructor badge and student affidavit within five (5) days.

Such sponsoring instructor may train only one apprentice at a time. Each sponsoring instructor must be associated with a Board approved sponsoring establishment wherein the apprentice training and instruction will occur.

A sponsoring instructor may not charge the apprentice for training. All products used by the apprentice in the service of clients must be provided by either the sponsoring instructor or the Board approved sponsoring establishment and may not be paid for by the apprentice. The sponsoring instructor may charge for services rendered by the apprentice while in apprentice training.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-13; 73-7-13.1; 73-7-15; 73-7-18; 73-7-21.

Rule 9.3 Sponsoring Establishment Requirements A sponsoring establishment is the establishment wherein the apprentice receives training and instruction under the supervision of the sponsoring instructor. A sponsoring establishment must be licensed at all times of an apprenticeship. Only one (1) apprentice per licensed establishment shall be approved to train at any given time.

The minimum equipment and supplies are the same as for students at a licensed school. A sponsoring establishment must conspicuously display a sign stating: “Services Offered by Apprentice or Student Trainee”.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-13; 73-7-13.1; 73-7-15; 73-7-18; 73-7-21.

Rule 9.4 Curriculum The sponsoring instructor shall instruct the apprentice in all subjects as outlined in the curricula prescribed by the Board to be taught in a school and shall use the Board approved textbook. The sponsoring instructor shall give the apprentice tests and a final examination in both the practical skills and theory work.

A sponsoring instructor must provide to the apprentice a kit as described by Rule 8.15. When working on patrons, an apprentice may perform services on the general public for only the areas that they have received technical training.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-13; 73-7-13.1; 73-7-15; 73-7-18; 73-7-21.

Rule 9.5 Hours Each sponsoring instructor shall keep a permanent record of the apprentice’s attendance as reflected on a time-clock punch card or timeclock. If a change is required, the signature of both the instructor and the student is required at the point of change. Each apprentice must personally clock in/out; if an apprentice is in or out of the sponsoring establishment for lunch, he must clock out. No hours may be given for any unverified time..

A monthly report must accurately document an apprentice's work for the day and must be initialed by the sponsoring instructor monthly. A sponsoring instructor must maintain a monthly report of the apprentice's academic progress and hours earned. Hours cannot be transferred from an apprenticeship program to a licensed school.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-13; 73-7-13.1; 73-7-15; 73-7-18; 73-7-21.

Rule 9.6 Coursework Acceleration Accelerated hours means a reduction of the time-frame (not clock hours) required for course completion by compressing into a shorter period and is impermissible.

A Sponsoring Instructor may not permit an apprentice to complete a program in a time period less than the following: seventy-five (75) weeks for cosmetology, seventy-five (75) weeks for barbering, seventeen and one half (17.5) weeks for nail technology, thirty (30) weeks for esthetics, and twenty-five (25) weeks for a student instructor (nail technology or esthetics).

A Sponsoring Instructor may not award credit or provide instruction and an apprentice may not earn hours for any attendance in excess of the Board approved program hours.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-13; 73-7-13.1; 73-7-15; 73-7-18; 73-7-21.

Rule 9.7 Completion of Apprenticeship Within thirty (30) days after an apprentice completes the required hours and training, the sponsoring instructor must certify a record of completion for the apprentice and shall notify the Board of such completion.

An apprentice must complete the course of training within the following time period: one hundred (100) weeks for cosmetology, one-hundred (100) weeks for barbering, twenty-three (23) weeks for nail technology, forty (40) weeks for esthetics, and thirty three and one half (33.5) weeks for a student instructor (nail technology or esthetics).

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-13; 73-7-13.1; 73-7-15; 73-7-18; 73-7-21.

Rule 9.8 Audit The Board or its authorized agent(s) may inspect the sponsoring establishments as necessary. During such an audit, all records of the apprentice must be made available to the Board or its authorized agent(s) during the business's hours. An audit may include, but is not limited to the following review of:

1. Curriculum including, but not limited to, current syllabus and lesson plan(s) for each course;
2. Apprentice's file, including all documents listed in Rule 8.18;
3. Attendance records and clock hours; and
4. Physical facilities.

Each sponsoring instructor shall maintain the paperwork detailed in Rule 8.18 for each apprentice for a minimum of five (5) years.

The Board may, if necessary, withdraw approval of an apprentice or sponsoring instructor as per

the discipline outlined in Chapter 12.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-13; 73-7-13.1; 73-7-15; 73-7-18; 73-7-21.

Chapter 10 Establishments: Salons/Shops

Rule 10.1 Unlicensed Practice Prohibited An establishment owner and/or manager must ensure that all persons performing or offering to perform any service within the scope of practice of any profession licensed by this Board are properly licensed at all times. No one shall work within the scope of practice of any profession licensed by the Board within a salon without a valid license or permit.

An establishment may not perform or offer to perform any service within the scope of any profession licensed by this Board that is outside of the scope of the establishment's license.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-9; 73-7-35 (2).

Rule 10.2 Enforcement The holder of an establishment license is the owner of the establishment if the owner also holds a license issued by this Board. If the owner is not a licensee, the owner shall name a manager who also holds a current, valid license issued by this Board as the holder of the establishment license. The holder of the establishment license shall be responsible for the implementation and maintenance of the sanitary conditions of the establishment as well as compliance with all Board rules and regulations. Any licensee shall be held individually responsible for the implementation and maintenance of the sanitary conditions of his station and/or equipment as well as compliance with all Board rules and regulations

Source: MISS. CODE ANN. § 73-7-7.

Rule 10.3 Posting Board Required Information A licensed establishment must post in a conspicuous place any information or announcement so required by the Board.

Source: MISS. CODE ANN. § 73-7-7.

Rule 10.4 Establishment License Application All establishments where any profession licensed by the Board is practiced must also hold an establishment license. Each establishment shall have a licensee as either the owner or the manager. An application entitled "establishment application" available on the Board's website or otherwise may be made available by the Board. The application must be accompanied by:

- A. If owner is not a licensee, the owner must make a written statement naming a licensed manager of the establishment. The statement must be notarized and signed by both owner and manager;
- B. Proof of business's good standing filed with the Mississippi Secretary of State, if applicable;

- C. Building permit (new construction), if applicable;
- D. Evidence of successful inspection by the county/city and fire department, if applicable;
- E. List, including quantity, of equipment in the establishment;
- F. List of all licensed practitioners associated with the establishment; and
- G. Non-refundable fee.

An establishment license is non-transferable. Any change to the establishment ownership, location (including area within a building i.e. suite), and/or name requires the submission of a new establishment license application. A change in management of the establishment may be made without the need for a new establishment application but with the submission of the document included in sections A of this rule. No license shall be issued until all fines previously assessed to the establishment have been paid in full.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-17; 73-7-35.

Rule 10.5 Establishment License Inspection An establishment license cannot be issued until after an inspection by the Board or a Board agent is successfully passed. The establishment inspection may be scheduled only after the submission of a complete application as per Rule 10.4. If an applicant fails to appear at the scheduled inspection date and time, the applicant must pay a re-inspection fee before another inspection may be scheduled.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-17; 73-7-35.

Rule 10.6 Establishment License Renewal An establishment license must be renewed biennially. An application entitled “establishment renewal” available on the Board’s website or otherwise may be made available by the Board. The application must be accompanied by:

- A. Two (2) 2x2 inch passport style photographs of the owner or manager taken within the last ninety (90) days before the applicatino;
- B. If owner is not a licensee, the owner must make a written statement naming a licensed manager of the establishment. The statement must be notarized and signed by both owner and manager;
- C. Proof of businesses’ good standing filed with the Mississippi Secretary of State, if applicable;
- D. List of all licensed practitioners associated with the establishment; and
- E. Non-refundable fee.

An establishment license that is not renewed within one (1) year from the date of expiration must

make a new application for licensure complying with Rule 10.4 and successfully complete the inspection described in Rule 10.5.

No license shall be renewed until all fines previously assessed to the establishment have been paid in full.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-17; 73-7-35.

Rule 10.7 Required Equipment A licensed establishment must maintain in a sanitary and safe operating order all of the Board required equipment. A complete list of Board required equipment is available on the Board's website or otherwise may be made available by the Board.

Source: MISS. CODE ANN. § 73-7-7.

Rule 10.8 Display of Barber Pole A barber pole is a pole or cylinder with alternating stripes of any combination including, but not limited to, red and white or red, white, and blue, which run diagonally along the length of the cylinder or pole; or any depiction, rendering, or other representation of a "barber pole" that appears in any form, which would create the impression to members of the general public that a business located near the object is a barbershop.

A barber pole may only be displayed if the establishment is licensed as a barber shop or dually licensed as a cosmetology salon/barber shop with at least one (1) barber licensee employed at the location.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-11.

Rule 10.9 Establishments Attached to a Residence An establishment may be attached to a residence if:

1. there is a wall between the salon and residence that is complete from floor to ceiling; if there is a door located within this wall, it must remain closed at all times;
2. there is an outside entrance into the establishment;
3. there is a restroom located within the establishment; and
4. all equipment required by Rule 10.7 is located within the establishment and not within the residence.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 10.10 Nursing Home Establishments A nursing home is an establishment wherein residents are confined due to illness. A retirement home/community is not a nursing home.

An establishment license as issued by this Board is not required for a nursing home salon that is part of a patient care facility if the services are restricted to only residents.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-35.

Rule 10.11 Mobile Establishments A mobile establishment is a self-contained, enclosed motor vehicle that is movable to different locations. Mobile establishments may not be operated in Mississippi.

Source: MISS. CODE ANN. § 73-7-7.

Rule 10.12 Inspection All establishments licensed by the Board shall be inspected, without prior announcement, biennially at minimum. The Board or its agent(s) may conduct an establishment inspection as part of the investigation of a complaint. Interference with an inspection may result in the issuance of a violation and may result in further discipline.

A licensee shall make his government issued photo identification available upon request of the Board or its agent(s).

An establishment shall meet all applicable health and safety standards required by local, state, and/or federal law.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-11.

Rule 10.13 Violations Resulting from Inspection When the Board or its agent(s) find a violation(s), notice of the violation shall be provided to the licensee on the Board's citation form which also includes the monetary penalty for the violation. Notice shall be issued by certified mail or by personal service.

Within thirty (30) days, the licensee who received a violation(s) may invoke his right to a hearing under Chapter 12 or may waive this right and pay the violation(s). If no hearing is requested, violation(s) should be paid within thirty (30) days and must be paid prior to the renewal of any license issued by the Board.

If an establishment with an unpaid violation is sold, any unpaid violation will be assessed to the new establishment owner/manager. An establishment with an unpaid violation that moves locations or changes names will have any unpaid violation due and owing by the licensee owner/manager on file with the Board at the time of the location or name change.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-27.

Chapter 11 Health and Safety

Rule 11.1 Compliance with All Applicable Regulations The licensee listed as either the establishment manager or owner is liable for the implementation and maintenance of the sanitary conditions of the establishment. A licensed practitioner is individually liable for the implementation and maintenance of the sanitary conditions of his station and equipment.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.2 Water Supply Requirements and Standards Each establishment must be provided with an adequate supply of hot and cold potable running water, under pressure, from an approved source that is separate and apart from any breakroom, kitchen, and/or restroom facility. Adequate hot and cold water under pressure must be provided within a distance of no more than fifteen (15) feet from all work booths or rooms.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.3 Restroom/Toilets and Water Disposal Each establishment must have at least one (1) restroom facility wherein all sewage disposal system meets the requirements of the Mississippi State Department of Health and/or the Mississippi Public Utilities. Each restroom must be equipped with hot and cold running water and soap.

A licensed practitioner must wash with soap and water or use antibacterial skin cleanser, if running water is temporarily unavailable, before work on each client. For all manicuring services, the client must wash his hands with antibacterial skin cleanser or antibacterial hand sanitizer, if running water is temporarily unavailable, prior to service.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.4 Refuse and Waste Materials All refuse and waste material must be kept in a labeled, lidded container(s) of solid construction and removed from the premises as frequently as necessary to prevent nuisance. Hair and nail clippings must removed from the floor and surface area following each client.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.5 Towels or Linens Clean linens or towels must be stored in a labeled, clean, closed cabinet or container. Only freshly laundered or new disposable linens or towels can be used on each client. After linens and towels have been used, they must be deposited in a labeled, closed receptacle and cannot be used again until properly laundered and sanitized.

Used linens and towels must be laundered either by regular commercial laundering or by a non-commercial laundering process which includes the following treatment: Immersion in water at hot. for not less than five minutes at some time during the wash or rinsing operation. All linens are to be disinfected during the wash cycle using detergent.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.6 Articles in Contact with a Client All instruments and supplies which have been used in direct contact upon a client or which have become soiled must be removed from primary work area, placed in a properly labeled receptacle provided for the purpose, and cannot be used on another client until properly cleaned and sanitized.

A sanitary neck strip or towel must be used to keep all protective covering from coming in direct contact with a client unless such protective covering is single use.

Supplies that cannot be sanitized according to either Rule 11.9 or Rule 11.10 are considered single client use only and must be disposed of after use. Such supplies include, but are not limited to, cotton, ear pads, neck strip, spa liner, toe separation tools, flip flops, non-metal nail file, e-file sanding band, make up applicators, and nail buffer.

During any manicure or pedicure, all multi use instruments used on a client must be placed in a solution of 70% alcohol when such tool is not in current use. After the service, the entire set of instruments must be removed from the workstation and shall not be used again until disinfected according to Rule 11.9 and Rule 11.10.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.7 Whirlpool Foot Spa A whirlpool foot spa is any basin using circulating water, either in a self-contained unit or in the unit that is connected to other plumbing in an establishment or school.

- A. After use upon each client, each whirlpool foot spa must be cleaned and disinfected in the following manner:
 - 1. All water shall be drained, and all debris shall be removed from the basin.
 - 2. The whirlpool foot spa must be cleaned with soap and water.
 - 3. The whirlpool foot spa must be disinfected with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal properties which must be used according to manufacturer's instructions.
 - 4. The whirlpool foot spa must be wiped dry with a clean towel.
- B. At the end of each day, each basin must be disinfected in the following manner:
 - 1. The screen shall be removed; all debris trapped behind the screen shall be removed, and the screen and the inlet shall be cleaned with soap and water.
 - 2. Before replacing the screen, one (1) of the following procedures shall be performed:
 - a. The screen shall be washed with a chlorine bleach solution of one (1) teaspoon of 5% chlorine bleach to one (1) gallon of water, or
 - b. The screen shall be totally immersed in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal properties which must be used according to the manufacturer's instructions.
 - 3. The spa system, if applicable, shall be circulated with low sudsy soap and warm water for at least ten (10) minutes, after which the spa shall be rinsed and drained.
- C. Bi-monthly, after following the procedures outlined for end-of-day disinfection, each whirlpool foot spa shall be cleaned and disinfected in the following manner:
 - 1. The whirlpool foot spa shall be filled completely with water and one (1) teaspoon of 5% bleach for each one (1) gallon of water.
 - 2. The spa system, if applicable, shall be circulated with the bleach and water solution for five (5) to ten (10) minutes allowed to sit for six (6) to ten (10) hours.

3. The whirlpool foot spa shall be drained and flushed with water before use upon a client.

A record shall be made of the date and time of each daily and bi-monthly cleaning and disinfecting of each whirlpool foot spa as required by this Rule. This record must be made at or near the time of cleaning and disinfecting of each whirlpool foot spa and must indicate if a whirlpool foot spa was not used during an individual workday.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.8 Shampoo Bowl/Chair

The head rest chair must be provided with a clean towel or paper sheet for each client.

Shampoo bowls must be cleaned with soap and water or other detergent after each shampoo. Shampoo bowls must be kept in good, sanitary condition at all times.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.9 Materials in Contact with a Client and Use of Paraffin Wax All creams, lotions, and/or other cosmetics must be clearly labeled and stored in a clean, closed container. Creams and other semi-solid substances must be removed from the container with a sanitized spatula or other article. Creams, lotions, powder, and/or other cosmetics must be removed by means of cotton, gauze, pledget, soft absorbent paper, or other sanitized material.

All powder used on clients must be kept in a clean shaker or may be applied by means of cotton or other sanitized applicator. Applicators must be sanitized after each client. Disposable applicators must be discarded immediately after use. Alternatively, powder used upon clients may be placed in a small, single use disposable container wherein the client dips into. All unused powder along with the small, single use disposable container must be discarded after use upon each client.

Lotions or liquids must be poured into a sanitized glass or other container and must be applied to the client by means of cotton or sanitized applicator. Any excess remaining after application can neither be returned to the original container nor applied to another client but must be discarded.

Cosmetic pencils must be sharpened before and after being used on a client. A sharpener must be properly disinfected before each use.

Paraffin wax may be used only once and then must be discarded. It cannot be returned to the wax heater. Applicators cannot be re-dipped. Paraffin wax used for services requires the following:

1. The skin must be thoroughly cleansed.
2. The skin must be completely dried with a clean towel prior to immersion.
3. Wax must be discarded when cloudy or when it contains debris.
4. The product removed from the body must be discarded.

Wax and sugar mixtures used for epilation must be discarded when the wax or sugar mixture becomes cloudy or when it contains debris. The product removed from the body must be discarded.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.10 Disinfecting Non-Electrical Tools and Implements Work surfaces must be disinfected after each client. All non-disposable instruments, materials, and/or supplies used in direct contact with a client must be thoroughly cleansed with soap and water or other appropriate disinfectant after each use.

Each establishment and school must have and use for disinfection a Wet Disinfectant Container that is covered at all times, properly labeled, and made of plastic/glass/stainless-steel/the type recommended by the manufacturer of the product it contains. The Wet Disinfectant Container must be large enough for total immersion of the instrument(s) and must contain the appropriate amount of solution for total immersion. Instruments must be removed from the disinfectant in such a manner as to not contaminate the disinfectant solution, rinsed, and placed on a clean dry towel to air dry.

The disinfectant must be EPA registered and demonstrate bactericide, virucidal, and fungicidal properties. The licensee must follow the manufacturer's instructions for disinfectant mixing and immersion time. Disinfectant must be discarded when contaminated. Disinfectant cannot be used for storage of instruments, materials, or other supplies.

Ultraviolet ray cabinets and/or glass bead sterilizers are not Board approved disinfecting devices. An autoclave may be used by a licensee of this Board within the physical practice location of a physician, physician's assistant, or advance practice registered nurse. If an autoclave is used, the licensee of this Board must provide proof of autoclave protocol upon request.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.11 Disinfecting Electrical Tools and Implements Non-disposable instruments that cannot be sanitized by the procedures in Rule 11.9 must be disinfected by:

1. Thoroughly cleansing the working parts of the instrument after each use and prior to disinfection and
2. Immersion of the working parts of the instruments in a solution of 70% alcohol for no less than five (5) minutes. Contact points of non-immersible equipment shall be wiped or sprayed with disinfectant that is EPA registered and demonstrate bactericide, virucidal, and fungicidal properties.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.12 Disease Control No licensee shall massage any person upon a surface of the skin or scalp where such skin is inflamed or where a skin infection or eruption is present. A licensee should not have contact with a client who has a communicable disease or parasitic infection that is transmittable.

A licensee with a communicable disease or parasitic infection that is transmittable should not have contact with clients or other licensees in any establishment or school until his condition is no longer

communicable.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.13 Blood Exposure

- A. Practitioner Injury. If a practitioner/licensee sustains a cut, or other blood spill injury, the client service must be immediately stopped, and the following steps employed:
1. Thoroughly clean the injured area with soap and water. Apply antiseptic and/or liquid styptic or spray styptic as necessary. The use of styptic pencil is prohibited. Containers, brushes or nozzles of liquid styptic are not allowed to touch the skin or contact the wound. A clean applicator, such as a piece of gauze, cotton ball, or cotton swab must be used.
 2. Cover the injury with an adhesive dressing or band aid.
 3. Put on appropriate sized disposable gloves (e.g., plastic, vinyl, nitrile)
 4. Any tissue, gauze, cotton used to collect blood, or clean injury must be disposed of in a sealed plastic bag. The plastic bag must be put into another plastic bag (double bagged) and appropriately discarded.
 5. Clean and disinfect work area and remove or disinfect any contaminated implements as provided in Rule 11.10 and 11.11.
 6. Remove and discard disposable gloves and double bag before discarding. Wash and scrub hands with soap and water. Follow with antibacterial scrub on hands. Replace any adhesive dressing or band aid as needed and double bag before discarding. If wound is on hand or finger, put on properly sized disposable glove (e.g., plastic, vinyl, nitrile) on the injured hand, if continuing to work.
 7. If necessary, clean client with soap and water.
 8. In the event of a blood-to-blood contact, contact a private physician.
- B. Client Injury: If a client sustains a cut, or other blood spill injury, the client service must be immediately stopped, and the following procedure employed:
1. Put on appropriate sized disposable gloves (e.g., plastic, vinyl, nitrile).
 2. Thoroughly clean the injured area with soap and water. Apply antiseptic and/or liquid styptic or spray styptic as necessary. The use of styptic pencil is prohibited. Containers, brushes or nozzles of liquid styptic are not allowed to touch the skin or contact the wound. A clean applicator, such as a piece of gauze, cotton ball, or cotton swab must be used.
 3. If necessary/appropriate cover area with an adhesive dressing or band aid.
 4. Any tissue, gauze, cotton used to collect blood, or clean injury must be disposed of in a sealed plastic bag. The plastic bag must be put into another plastic bag (double bagged) and appropriately discarded.
 5. Clean and disinfect work area and remove or disinfect any contaminated implements as provided in Rule 11.10 and 11.11.
 6. Remove and discard disposable gloves and double bag before discarding. Wash and scrub hands with soap and water. Replace any adhesive dressing or band aid as

- needed and double bag before discarding. If wound is on hand or finger, put on properly sized disposable glove (e.g., plastic, vinyl, nitrile) on the injured hand.
7. In the event of a blood-to-blood contact, contact a private physician.

- C. In the case of blood or bodily fluid contact on any solid surface area, an EPA-registered hospital grade disinfectant, or a blood and body fluid cleanup and disinfection chlorine bleach solution must be used per manufacturer's instructions immediately to clean up all visible blood and/or bodily fluids.

If any non-porous instrument is contacted with blood or bodily fluid, it must be immediately cleaned and disinfected using an EPA-registered hospital grade disinfectant in accordance with the manufacturer's instructions, or totally immersed in a blood and body fluid cleanup and disinfection chlorine bleach solution for five (5) minutes.

If any porous instrument contacts blood or bodily fluid, it must be immediately double bagged and discarded in a closed trash container or biohazard box.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.14 Storage of Tools and Implements Disinfected instruments must be kept in a clean, sanitized, closed, labeled receptacle when not in use.

Carrying instruments in or on garments or uniforms is prohibited.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.15 Chemical Use and Storage All bottles and containers of professional grade supplies to be used on clients must be clearly labeled and must be stored apart from other substances including, but not limited to, cleaning supplies. When not in use, all bottles and containers must remain closed.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.16 Products A licensee may use only products that are FDA approved for human use. All products must be used according to the manufacturer's instructions.

Possession or storage on licensed premises of any item banned or deemed to be poisonous or unsafe by the FDA or other governmental agency will be considered prima facie evidence of its use.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.17 Animals A licensee is prohibited from using animals in any procedure or service. Animals, apart from service animals, are prohibited from being inside of a licensed school, salon, or shop.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.18 Floor Surface Floors in any area where services are performed must be covered in a non-porous material.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Rule 11.19 Competency A licensee must demonstrate appropriate knowledge, skill, and abilities to provide the service or use a device. A licensee must maintain a certificate of proficiency for devices used in the practice of any area of practice licensed by this Board including, but not limited to, electric file.

Source: MISS. CODE ANN. §§ 73-7-1; 73-7-7; 73-7-14.

Rule 11.20 Equipment/Tool/Service/Procedure Guidelines A licensee may not use the following in any procedure or service:

1. razor type callus shavers designed and intended to cut growth of skin such as corns and calluses (e.g. credo blade),
2. surgical scalpel,
3. non-solid surface foot file (e.g. “cheese grater” style foot file),
4. products containing methyl methacrylate liquid monomers (MMA),
5. electric file not designed for use on the human nail, and/or
6. any tool/equipment/product classified as either FDAclass 2 or class 3.

A licensee may perform dermaplaning services with only a disposable, non-surgical 10R rounded edge butterblade. Disposal of blades including, but not limited to, razor blades and dermaplaning blades, must be in a red sharps biohazard container.

An establishment or school may not possess, either in storage or in use, more than two (2) gallons of acetone. Acetone must be properly labeled and stored according to the manufacturer’s instructions.

Possession or storage on licensed premises of any item prohibited by this Rule will be considered prima facie evidence of its use. For licensees working within the physical practice location of a physician, physician’s assistant, or advance practice registered nurse, possession or storage within the licensee’s workstation or work area of any item prohibited by this Rule will be considered prima facie evidence of its use.

A licensee may not perform any service or procedure that is otherwise prohibited by law or rule. A licensee may not perform services that are not within the scope of his license.

Excision of moles, skintags, or any tissue destruction is prohibited. Hair removal by means of epilation and/or depilation shall not be performed on the legs, feet, arms, or hands prior to or during any manicure or any pedicure service. For all professions licensed by this Board, any service provided, or tool/equipment/product used may not penetrate the skin surface below the epidermis layer. A licensee may not practice medicine or surgery. Nothing in this Chapter shall be interpreted to grant any privileges or services reserved for physicians and/or nurses as governed by the Board

of Medical Licensure or Board of Nursing.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

Chapter 12 Discipline

Rule 12.1 Complaint Members of the public or the Board may make a complaint against a licensee for an alleged violation of the Law or the Rules and Regulations by completing the document entitled “complaint” that is available on the Board’s website or otherwise may be made available by the Board. All complaints must be signed and notarized. A complaint must be submitted by email, hand delivery, or mail to the address of record of the Board.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-27.

Rule 12.2 Investigation Once a complaint is received, the executive director shall enter the complaint into the Complaint Database and assign a number to the complaint. The executive director shall confer with the Board attorney to determine if the Board has jurisdiction to hear the complaint. After jurisdiction is confirmed, a Board member or agent of the Board will investigate the complaint to determine if there is substantial justification supporting violation by a licensee. The investigating Board member or agent of the Board, after consultation with the executive director and the Board’s attorney, will make a recommendation to the Board to proceed with a dismissal, consent order, informal conference, or formal disciplinary hearing.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-27.

Rule 12.3 Complaint, Summons, and Notice of Hearing For the purposes of this rule, “complaint” refers to the formal documents issued by the Board to initiate a disciplinary hearing. The complaint is based on prior investigation of charges or information and shall set forth a statement of the charges against the licensee. The complaint shall be signed by the executive director and shall instruct the respondent to personally appear at the disciplinary hearing, inform of the respondent’s right to counsel, and inform of the respondent’s right to produce witnesses and evidence on his behalf as well as the right to cross-examine adverse witnesses and evidence.

“Summons and notice of hearing” refers to the document accompanying the complaint which compels the respondent to appear and sets forth the date, time, and place of the hearing.

The summons and complaint shall be, no less than twenty (20) days prior to the scheduled date of the disciplinary hearing, mailed by certified mail, postage prepaid to the last known residence or business address of the licensee on file with the Board.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-27.

Rule 12.4 Consent Orders If, after receipt of a complaint and prior to the disciplinary hearing, a licensee desires to admit to a violation, a consent order may be entered into with the licensee without the necessity of a disciplinary hearing. This opportunity for settlement shall be at the sole discretion of the investigative committee. Any consent order shall be subject to the

approval of the Board and shall not be subject to appeal. The Board may reject a proposed consent order and vote to hold a formal disciplinary hearing.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-27.

Rule 12.5 Informal Conferences The respondent or the Board may request an informal conference at the Board office with the investigative committee for the purpose of showing that the allegation(s) contained in the complaint is (are) not true. The investigative committee will be composed of the designated Board member, the executive director, the Board attorney, and appropriate staff personnel; however, the absence of the designated Board member or the executive director or Board attorney or staff personnel shall not invalidate the formation of the committee or the conclusions of the conference. The respondent may have an attorney present only in an advisory capacity. If the respondent desires a conference and the complaint cannot thereafter be dismissed on the evidence, an effort will then be made to reach an informal settlement and consent order as provided in Rule 12.4.

The informal conference or settlement negotiation shall be completed no less than ten (10) days before the scheduled date of the disciplinary hearing; provided, however, the Board's investigative committee, at its sole discretion, may continue the disciplinary hearing at the request of the respondent for the purpose of completing said proceedings.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-27.

Rule 12.6 Summary Suspension The Board may summarily suspend a license without a hearing, simultaneously with the filing of a complaint and notice of hearing according to Rule 12.3, if the Board determines that the health, safety, or welfare of the public is in immediate danger. If the Board summarily suspends a license, a hearing must be held within twenty (20) days after such suspension begins, unless continued at the request of the licensee.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-27.

Rule 12.7 Right to Counsel All applicants and licensees have a right to counsel at his own expense.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-27.

Rule 12.8 Recusal A Board member shall not participate in any disciplinary action if the Board determines that such a Board member is personally biased against the licensee.

Any licensee in a disciplinary proceeding may assert conflict or bias by filing with the executive director at least three (3) days before the scheduled disciplinary hearing an affidavit asserting the disqualification together with specific details of the underlying factual bias for the assertion.

The recusal or disqualification of Board members shall be considered on the record as a preliminary matter at the hearing before any other questions are decided. In the event that after consideration there does not remain a quorum, substitute panel members shall be selected from

the most recent slates of Board appointment candidates established by the Mississippi State Board of Cosmetology and Barbering to the extent necessary to achieve a quorum. These substitute members shall receive compensation as provided for Board members in Mississippi Code Annotated section 73-7-1.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-27.

Rule 12.9 Hearings Disciplinary hearings are before the Board and presided by the Board President or designee of the Board. The investigative Board member shall not sit as a member of the Board in any disciplinary hearing resulting from that investigation.

The Board shall have the power to compel the attendance of witnesses and the production of books, documents, records, and other papers by subpoena. Upon the request of the respondent, the Board likewise may also compel the attendance of witnesses and the production of books, documents, records, and other papers by subpoena for and on behalf of respondent.

Disciplinary hearings may be recorded and/or transcribed by a court reporter.

The Mississippi Rules of Civil Procedure and the Mississippi Rules of Evidence are inapplicable to the conduct of disciplinary hearings. There shall be no discovery.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-27.

Rule 12.10 Order The Board shall issue an order within sixty (60) days after the close of the hearing, which shall include findings of fact and conclusions of law, stated separately. The licensee shall be forwarded a copy of the order by certified mail and a copy shall be forwarded to each attorney of record.

All orders issued by the Board shall be reflected in the Board minutes and shall be matters of public record and preserved pursuant to state law.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-27.

Rule 12.11 Discipline Upon a finding that the licensee has violated any law or rule and regulation adopted by the Board, the Board may fine the accused; suspend/limit/restrict the accused's license to practice; refuse to issue or renew the accused's license to practice; and/or revoke the accused's license to practice.

The Board may, in its discretion, stay the execution of its order conditioned upon any provision the Board deems just and proper under all the circumstances of each case.

In determining whether a license should be revoked or suspended or limited, and whether execution of the order should be stayed, and upon what conditions, the Board may consider all relevant factors, including, but not limited, to the following:

1. the severity of the violation(s);

2. the actual or possible danger to the public resulting from the licensee's past and present violation(s);
3. the actual damage resulting from the licensee's past and present violation(s);
4. the number of past repetitions of the licensee's present violation(s);
5. the length of time since the occurrence of the licensee's present violation(s);
6. the number and seriousness of previous violations;
7. the length of time the licensee has practiced;
8. the deterrent effect of the penalty imposed;
9. the effect of the penalty upon the licensee's livelihood;
10. any efforts of rehabilitation; and
11. any other mitigating or aggravating circumstances.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-27.

Rule 12.12 Costs The Board may, in its discretion, assess, and tax all actual costs incurred in a disciplinary hearing against any licensee found guilty hereunder, or the charging party, or both.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-27.

Rule 12.13 Fees Any fees assessed to a licensee by an Order of the Board must be paid within thirty (30) days of the Board Order, if no appeal of same is filed.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-27.

Rule 12.14 Appeal Any person aggrieved by the action of the Board as a result of disciplinary proceedings conducted hereunder may appeal therefrom as provided for in Section 73-7-27 Mississippi Code Annotated (1972). The filing of an appeal and appellate bond stays the timeframe required to pay any monetary fee assessed in a Board Order; however, the filing of an appeal does not stay any non-monetary discipline imposed on a licensee by a Board Order.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-27.