

**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. § 73-7-1 *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.

Source: 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 for the benefit of the consumer and for the protection of the public's health and safety.

Source: 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 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, Executive Director, and/or Board Counsel.
- 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 Request Excluding records exempted under Mississippi law, the Board responds to any public records request 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 Request Any request 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 record(s) sought and, if possible, include a clear and concise description of the record(s) 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 Any document request 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(s) cannot be produced during that timeframe. Unless there is a mutual agreement of the parties, in no case shall the production of the requested record(s), 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 document(s) 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 their intent to either proceed or withdraw the request.
- B. If no response is given by the requestor within thirty (30) 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 Request 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 number(s), 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(s), 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 their 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 their 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 their 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 their 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 Minimum Training Hours Required In addition to having obtained a passing grade of 70 at minimum in the course of study for cosmetology, barbering, esthetics, and/or nail technology or having obtained a passing grade of an 80 at minimum in an instructor course of training, a person who seeks licensure must have either:

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, or 600 for an instructor or
2. successfully completed apprenticeship training with the minimum hours of 3000 for a cosmetologist, 3000 for a barber, 700 for a nail technician, or 1200 for an esthetician.

A licensed cosmetologist may complete 600 hours in a barber course of training and earn a passing

grade of a 70 at minimum to seek a companion license in barbering. A licensed barber may complete 600 hours in a cosmetology course of training and earn a passing grade of a 70 at minimum to seek a companion license in cosmetology.

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

Rule 5.2 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 5.3 Practitioner Licensure Examination Application A person who 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 as otherwise made available by the Board. The application must be accompanied by the non-refundable application fee and all documents required by the Board.

Such applicants must be at least sixteen (16) years old and have completed 10th grade, at minimum, at the time of application. 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 5.4 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 as otherwise made available by the Board. The application must be accompanied by the non-refundable application fee and all documents required by the Board.

Such applicants must meet the following criteria:

1. Successfully completed a 600-hour course of training as an instructor in a licensed school,
2. Have completed high school or obtained a GED or its equivalent at the time of application,
3. Is at least twenty-one (21) years old, and
4. Holds an active Mississippi practitioner license in good standing the time of application.

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

Source: MISS. CODE ANN. § 73-7-15.

Rule 5.5 Reciprocity A holder of a practitioner license issued by a Board in another state with the similar educational requirements as Mississippi may apply for a practitioner license via reciprocity. For a practitioner applicant, “similar educational requirements” means the completion of 10th grade at minimum and the completion of the minimum training hours described in Rule 5.1. For an instructor applicant, “similar educational requirements” means the completion of high

school (or its equivalent) at minimum and the completion of the minimum training hours for instructors described in Rule 5.1 or means the licensed instructor has three (3) years or more of experience prior to application.

This application, entitled “reciprocity: practitioner” or “reciprocity: instructor”, is available on the Board’s website or as otherwise made available by the Board. The application must be accompanied by the non-refundable application fee and all documents required by the Board.

Applicants must successfully pass the examination as per Chapter 6. However, if the applicant passed a nationally developed written/theory exam in their home licensing state and such state license is reciprocal with Mississippi, then the applicant once their application is approved may request a license without sitting for the exam as per Chapter 6.

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

Rule 5.6 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 as otherwise made available by the Board. The application must be accompanied by the non-refundable application fee and all documents required by the Board.

After application, the applicant must pass the Mississippi Laws and Sanitation Examination within one (1) year of their application approval.

Upon the submission to the Board of complete application 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 5.7 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 as otherwise made available by the Board. The application must be accompanied by all documents required by the Board.

After an applicant completes the military application, the applicant may 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 5.8 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 them 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 5.9 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 5.10 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 as otherwise made available by the Board. The application must be accompanied by the non-refundable application fee and all documents required by the Board. 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 5.11 Renewal To renew a license, each licensee must biennially complete the form entitled "renewal" available on the Board's website or as otherwise made available by the Board. The application must be accompanied by the licensure fee and all documents required by the Board.

Passport style photographs submitted with any license renewal must have been taken within the past ninety (90) days.

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.

For the period of April 1, 2026, through December 31, 2026, licensees who held a license for at

least ten (10) years and whose license has not been expired more than ten (10) years will be allowed to renew their license without having to re-take the written exam. Such individuals may renew their license by payment of any delinquent license fee(s) and without the payment of any late fee(s). For instructor licensees this renewal process, the submission of twelve (12) hours of continuing education is required.

Beginning January 1, 2027, licensees who held a license for at least ten (10) years and whose license has not been expired more than five (5) years will be allowed to renew their license without having to re-take the written examination. Such individuals may renew their license by payment of any delinquent license fee(s) and late fee(s). For instructor licensees using this process, the submission of twelve (12) hours of continuing education is required.

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 5.12 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. A licensee who has obtained senior license status must biennially submit a renewal form and may be subject to late fees for late renewal.

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

Rule 5.13 Inactive Licensure Status An individual holding an active 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 as otherwise 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 the application fee and all documents required by the Board. Instructor Licensees must submit proof of completion of earning twelve (12) hours of continuing education.

Source: MISS. CODE ANN. § 73-7-7.

Rule 5.14 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 as otherwise made available by the Board.

The application must be accompanied by the non-refundable application fee and all documents required by the Board.

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

Rule 5.15 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, may work under a permit that is valid for six (6) months and that is nonrenewable. This application, entitled “student permit,” is available on the Board’s website or as otherwise made available by the Board.

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.

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

Rule 5.16 Fees The following fees shall apply for the following purposes:

A. Practitioner license/renewal	\$50.00
B. Instructor license/renewal	\$80.00
C. Inactive License status	\$15.00
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. Establishment application and initial inspection	\$85.00
H. Establishment reinspection	\$35.00
I. Establishment renewal	\$60.00
J. Establishment 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
T. Certification	\$35.00

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 5.17 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, payment of the application fee, and submission of all information required by the Board, pass the examination for licensure. 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 the written examination is required for the approval of practitioner licensure. A passing score on the licensure exam is retained and may be used for licensure for up to three (3) years.

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 the written examination is required for the approval of instructor licensure. A passing score on the licensure exam is retained and may be used for licensure for up to three (3) years.

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

Rule 6.4 Examination Scheduling An applicant may not schedule to sit for an 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 Remedial Education An applicant may take or re-take written examination as needed up to three (3) times. After the third failed examination attempt, an applicant may not sit for the written examination until the applicant has completed remedial education.

Remedial education is additional training that is related to the portion(s) of the examination that

the applicant failed to pass. Remedial training must be at least 10% but no more than 15% of the theory hours for the applicant's course of study.

After the conclusion of remedial training, the applicant must submit proof of the remedial training to the Board. Once the proof of remedial training is received, the applicant will be permitted to sit for the written exam one (1) time. If the applicant is not successful in passing the exam, the applicant must again complete remedial education and submit proof of same to the Board as described in this rule before any additional theory exam attempt is made by the applicant.

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 twelve (12) hours biennially of Board approved continuing education with the application for licensure renewal as by these Rules. Of the twelve (12) 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 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 7.3 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 7.4 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.

Rule 7.5 Master Practice Continuing Education Designation A holder of a practitioner license may receive a "Master Continuing Education Designation" on their license upon submission of proof of earning eight (8) hours of Board approved continuing education in courses within their practitioner license scope of practice. The Master Continuing Education Designation is optional and must be re-submitted with each renewal cycle for the designation to be printed on the practitioner license. A practitioner of multiple practitioner licenses may receive a Master Continuing Education Designation of only one (1) practitioner license.

Source: MISS. CODE ANN. § 73-7-7.

Rule 7.6 Human Trafficking and Domestic Violence Continuing Education Courses

All licensees must complete a course on Human Trafficking and a course on Domestic Violence prior to July 1, 2029. Each licensee must provide to the Board proof of completion of the course on Human Trafficking and of the course on Domestic Violence with their license renewal. The course on Human Trafficking and the course on Domestic Violence must be completed only once and is not required to be completed with each biennial renewal thereafter.

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

Chapter 8 Schools

Rule 8.1 Advertising All licensed schools shall disclose, when requested, their pass/fail ratio to prospective and current students.

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

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 or establishment;
3. Includes the hours of operation for the clinic floor.

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

Rule 8.2 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, ten (10) students.

The holder of a school license is the owner(s) of the school. The holder of the school license shall be responsible for the implementation and maintenance of the sanitary conditions of the school as well as compliance with all Board rules and regulations.

A school desiring licensure may make application entitled “school application” which is available on the Board’s website or as otherwise made available by the Board. The application must be accompanied by the application fee and all documents required by the Board as set forth on the application.

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 8.3 Post Secondary Designation A school that admits only students who have completed high school or obtained a GED, may request the designation of Post Secondary be added to the school’s license by completion of the Board required form.

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 requirements on initial inspection may be reinspected. The school owner must submit the request for reinspection and pay the fee as required before the Board will perform the reinspection.

No school may enroll students until the inspection detailed in this rule 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 must apply for renewal biennially. This application, entitled “school renewal”, is available on the Board’s website or as otherwise made available by the Board. The application must be accompanied by the renewal fee and all documents required by the Board as set forth on the application.

As part of the school renewal, the Board will review the results of the most recent school audit and sanitation inspection as well as the annual and cumulative pass/fail ratios. 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 Pass/Fail Ratio A school pass/fail ratio is derived from the students of a licensed school during the state fiscal year when a student sits for the licensure exam for the first time.

If the annual pass/fail ratio of the licensure exam for a school falls below 70% for practitioner students and 50% for student instructors, the Board may require 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. If at the conclusion of the agreed upon time period, if the pass/fail ratio has not improved, the Board may take action to discipline the school, including, but not limited to suspension or revocation of the school license.

The cumulative pass/fail ratio of a school is derived from the average of the previous five (5) years annual pass/fail ratio. If the cumulative pass/fail ratio of the licensure exam for a school falls below 70% for practitioner students and 50% for student instructors, 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 On a student’s first day in a program of study, a

licensed school shall provide each student a Board approved textbook, either in digital or hard copy format, and a copy of the Board's most current rules and regulations and statutes. A school shall supply, at no cost to the student, wet sanitizer/disinfectant and supplies used in assigned practical work.

Notwithstanding the requirements set forth in this rule, licensed schools operating under the authority of or partnership with the Mississippi Department of Education (MDE) or the Mississippi Department of Corrections (MDOC) may implement a structured loaner textbook(s) and workbook(s) for students enrolled in instructional programs.

A licensed school must maintain in a sanitary and safe operating order all 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.

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 to accommodate all Board required equipment for each licensure program for which the school is Board approved to teach. The minimum square footage for a theory classroom is 200 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.

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 shall not be connected with any other business, including, but not limited to, an establishment. The school and all other businesses 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 begins, the Board must be notified in writing, and the plans 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. Any Board required notices and/or information and

2. 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;” if applicable.

A copy of the most recent inspection report issued by the Board must be made available upon request.

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 prior to 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(s) 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 on selling or transferring ownership of a licensed school must be submitted to the Board, in writing, at least thirty (30) days prior to the sale.

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 a student instructor. Theory hours must be conducted in a classroom that is separate from the practical floor and must be taught at least four (4) hours each week. Students shall 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 demonstrator permit as required by these Rules.

A field trip is an instructor supervised, educational opportunity that takes place outside of the traditional school setting and may include a student's attendance at a job shadowing opportunity, trade show, continuing education presentation, and/or Board meeting. Students may earn no more than 4% of the total required clock hours for the student's program of study for student attendance on 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 timeframe (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, fifteen (15) weeks for crossover between cosmetology and barbering and vice versa, nine (9) weeks for nail technology, fifteen (15) weeks for esthetics, and fifteen (15) weeks for an instructor.

A school may not award credit or provide instruction for any student's attendance outside of the school's Board approved operating schedule.

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 time clock. 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 if there is no financial obligation owed for the hours. Once a student instructor successfully completes the 600 hours that makes them 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 temporary instructor permit issued by the Board.

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 Kits A licensed school shall provide the kit required for the course of enrollment to each student upon that student's completion of between sixty (60) and eighty (80) clock hours. All provided kits must be comprised of new items and must contain all items required by the Board. The full list of all Board required items for student kit is available on the Board's website or otherwise made available by the Board.

Notwithstanding the requirements set forth in this rule, licensed schools operating under the authority of or partnership with the Mississippi Department of Education (MDE) or the Mississippi Department of Corrections (MDOC) may implement a structured loaner kit system for students enrolled in instructional programs.

Such loaner kit systems must comply with the following:

1. The school shall maintain a documented inventory and tracking system for all issued kits. Each student shall be assigned a kit and shall sign a receipt acknowledging responsibility for all items issued.
2. All reusable implements and tools included in loaner kits must be cleaned, disinfected, and maintained in accordance with Chapter 11 (Health and Safety) prior to reissuance to another student. Any items classified as single-use or non-sanitizable under Board rules shall not be reissued and must be replaced prior to reassignment of the kit.
3. All loaner equipment/kits must be maintained in good working condition and must meet Board standards for tools and instructional use. The licensed school remains responsible for ensuring that all equipment used in instruction meets Board requirements and that all practices remain in full compliance with applicable rules and regulations.
4. Each student must have consistent and equitable access to the required tools and equipment necessary to complete all theory and practical training requirements.

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 instructional staff may teach any program of study for which the Mississippi Licensed Instructor also holds a Mississippi Practitioner License that is active and in good standing with the Board so long as the program of study is also approved by the Board to be offered by the licensed school wherein the instructor teaches.

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

A final transcript must include, at minimum, the student's enrollment date, completion date, numerical grade or alphabetic grade with a key, hours earned, and school official signature or school seal.

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 they are enrolled. All work performed by a student must be under the direct supervision of a licensed instructor.

A student instructor may not begin teaching, leading, or supervising any theory or practical class until the student instructor has completed at least 15% of the total time required for the program.

A student practitioner or student 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 shall be provided by the school and shall not be paid for by the student.

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

Rule 8.19 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 10 Establishments: Salons/Shops

Rule 10.1 Unlicensed Practice Prohibited An establishment owner 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 an establishment 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. 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. 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. Proof of business's good standing filed with the Mississippi Secretary of State, if applicable;
- B. Building permit (new construction), if applicable;
- C. Evidence of successful inspection by the county/city and fire department, if applicable;

- D. List, including quantity, of equipment in the establishment;
- E. List of all licensed practitioners associated with the establishment; and
- F. 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. 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, unless good cause is shown in writing, 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. Proof of business’s good standing filed with the Mississippi Secretary of State, if applicable;
- B. List of all licensed practitioners associated with the establishment; and
- C. 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 licensed to offer the services of barbering.

A barber pole may be displayed only if the establishment is licensed to offer the services of barbering.

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 establishment 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 conveniently located for client use; 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 An establishment license as issued by this Board is not required for an establishment located within a skilled nursing facility, a long-term care hospital, a comprehensive medical rehabilitation facility, or other such place wherein the resident is confined due to illness if the services are restricted to residents only.

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

Rule 10.11 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 citation for 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.

Chapter 11 Health and Safety

Rule 11.1 Compliance with All Applicable Regulations The licensee listed as the establishment 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 their primary work area and equipment.

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

Rule 11.2 Water Supply Requirements and Standards Within the licensed establishment each water source must supply an adequate supply of hot and cold potable running water, under pressure, from an approved source.

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 systems meet 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 shall wash hands with soap and water before providing services to each client. An alcohol-based hand sanitizer may be used only when running water is temporally unavailable and the practitioner's hands are not visibly soiled.

For all manicuring services, the client shall wash hands with soap and water before providing services to each client. An alcohol-based hand sanitizer may be used only when running water is temporally unavailable and the practitioner's hands are not visibly soiled.

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 lidded container(s) of solid construction and removed from the premises as frequently as necessary to prevent nuisance. Hair and nail clippings must be 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 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 covered container with ventilation and cannot be used again until properly laundered and disinfected.

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 hot water and with detergent and thoroughly dried.

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

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

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

Supplies that cannot be disinfected according to either Rule 11.12 or Rule 11.13 are considered single client use only and must be disposed of after use. Such supplies include, but are not limited to, cotton gauzes, cotton pads, cotton strips, ear pads, neck strips, spa liners, toe separators, flip flops, non-metal nail files, e-file sanding bands, make up applicators, and nail buffers.

During any manicure or pedicure, all multi use implements and tools used on a client must be placed in a solution of 70% alcohol when such implement or tool is not in current use. After the service, all implements and tools must be removed from the workstation and shall not be used again until disinfected according to Rule 11.12 and Rule 11.13. After the service, the 70% alcohol must be disposed after use on each client.

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

Rule 11.7 Whirlpool Foot Spa A whirlpool foot spa may be piped or pipeless. 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. Remove all removable parts (i.e. footplate, impeller, screen);
 - 2. Scrub and clean all removable parts and the inside walls of the bowl with a clean and disinfected brush and soap and water;
 - 3. Rinse all removable parts and the inside walls of the bowl with clean water;
 - 4. Refill the bowl with clean water, and add the manufacturer's recommended amount of an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, virucidal, pseudomonacidal properties and follow the manufacturer's instructions for required contact time;
 - 5. Clean and disinfect any additional parts and/or surface;
 - 6. Drain, rinse, and wipe the basin dry using a single use paper towel or clean towel.
- B. At the end of each day, each basin must be disinfected in the following manner:
 - 1. All water shall be drained, and all debris shall be removed from the basin. Remove all

- removable parts (i.e. footplate, impeller, screen);
 - 2. Scrub and clean all removable parts and the inside walls of the bowl with a clean and disinfected brush and soap and water;
 - 3. Rinse all removable parts and the inside walls of the bowl with clean water;
 - 4. Fill basin with chelating detergent and circulate through the spa system for approximately 5-10 minutes or as directed by the manufacturer;
 - 5. Drain the bowl and rinse with warm water;
 - 6. Refill the bowl with clean water, and add the manufacturer's recommended amount of an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, virucidal, pseudomonacidal properties and follow the manufacturer's instructions for required contact time;
 - 7. Clean and disinfect any additional parts and/or surface;
 - 8. Drain, rinse, and wipe the basin dry using a single use paper towel or clean towel.
- C. Weekly, each whirlpool foot spa shall be cleaned and disinfected in the following manner:
- 1. All water shall be drained, and all debris shall be removed from the basin. Remove all removable parts (i.e. footplate, impeller, screen);
 - 2. Scrub and clean all removable parts and the inside walls of the bowl with a clean and disinfected brush and soap and water;
 - 3. Rinse all removable parts and the inside walls of the bowl with clean water;
 - 4. Fill basin with chelating detergent and circulate through the spa system for approximately 5-10 minutes or as directed by the manufacturer;
 - 5. Drain the bowl and rinse with warm water;
 - 6. Refill the bowl with clean water, and add the manufacturer's recommended amount of an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, virucidal, pseudomonacidal properties and follow the manufacturer's instructions for required contact time;
 - 7. Do not drain the solution but leave the solution in the basin overnight;
 - 8. Drain the bowl and rinse with warm water;
 - 9. Refill the basin and run clean water through the spa pedicure system;
 - 10. Drain, rinse, and wipe the basin dry using a single use paper towel or clean towel.

A record shall be made of the date and time of each daily and weekly 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. These records must be retained for a period of six (6) months.

A sonic vibration spa should be cleaned according to the manufacturer's instructions. A cleaning log, as described in this rule, should be maintained for sonic vibration spas.

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

Rule 11.8 Shampoo Bowl/Chair

When the head rest is in use, the head rest 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 and disinfected after each client and/or use. Shampoo bowls and chairs 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 All products must be clearly labeled and stored in a clean, closed container. Creams, lotions, powders, and/or other cosmetics must be removed from the container by means of cotton, gauze, pledget, soft absorbent paper, spatula, or other sanitary applicator. Any excess remaining after application can neither be returned to the original container nor applied to another client but must be discarded.

All powder used on clients must be kept in a clean shaker or may be applied by means of cotton or other sanitary applicator. Non-disposable applicators must be disinfected after each client. Disposable applicators must be discarded immediately after use. Alternatively, powder used upon clients may be placed in a disposable or suitable dappen dish wherein the client dips. All unused powder along with the disposable dappen dish must be discarded after use upon each client.

Lotions or liquids must be poured into a sanitary, appropriate container and must be applied to the client by means of a sanitary 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.

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

Rule 11.10 Paraffin Wax 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.

Appropriate, single use paraffin wax liners designed for such use are recommended, though not required, for paraffin wax treatments.

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

Rule 11.11 Hair Removal Gloves shall be donned before beginning a waxing service. Follow manufacturers' guidelines for pre- and post- service instructions on wax use.

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.

Applicators cannot be re-dipped.

Do not wax over skin tags and/or moles.

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

Rule 11.12 Disinfecting Non-Electrical Tools and Implements Work surfaces must be cleaned and disinfected after each client. All non-disposable implements, tools, materials, and/or supplies used in direct contact with a client must be thoroughly cleansed with soap and water and disinfected after each client.

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 implement(s) or tools and must contain the appropriate amount of solution for total immersion. Implements or tools must be removed from the disinfectant in such a manner as not to contaminate the disinfectant solution, rinsed, and placed on a clean dry towel to air dry.

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

Ultraviolet ray cabinets and/or glass bead sterilizers are not Board approved disinfecting devices.

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

Rule 11.13 Disinfecting Electrical Implements and Tools Non-disposable implements or tools that cannot be disinfected by the procedures in Rule 11.12 must be disinfected by:

1. Thoroughly cleansing the working parts of the implement after each use and prior to disinfection and
2. Contact points of non-immersible equipment shall be wiped or sprayed with disinfectants that are EPA registered and demonstrate bactericidal, fungicidal, virucidal, pseudomonacidal properties.

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

Rule 11.14 Disease Control No licensee shall perform any service upon the skin or scalp where such skin is inflamed, broke, sunburned, or otherwise compromised or where a skin infection or eruption is present. A licensee shall 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 shall not have contact with clients or other licensees in any establishment or school until their condition is no

longer communicable.

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

Rule 11.15 Blood Exposure

- A. Practitioner Injury. If a practitioner/licensee sustains a cut, or other blood exposure 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 appropriately 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 11.12 and 11.13.
 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 or finger cot (e.g., plastic, vinyl, nitrile) on the wound or injury, 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 exposure injury, the client service must be immediately stopped, and the following procedure employed:
1. Put on appropriately 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 11.12 and 11.13.
 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 or finger cot (e.g., plastic, vinyl, nitrile) on the wound or injury, if the service continues.
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 disinfectant, or a blood and body fluid cleanup and disinfection with 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 implement is contacted with blood or bodily fluid, it must be immediately cleaned and disinfected using an EPA-registered disinfectant in accordance with the manufacturer's instructions or totally immersed in a blood and body fluid cleanup and disinfection with chlorine bleach solution for five (5) minutes. Disposal of blades that were in contact with blood must be in a red sharps biohazard container.

If any porous implement 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 11.16 Storage of Implements and Tools Disinfected implements or tools must be stored in a clean, disinfected, closed receptacle when not in use.

Carrying implements in or on garments or uniforms is prohibited.

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

Rule 11.17 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 11.18 Products All products must be used according to the manufacturer's instructions. A material safety data sheet for all products used must be available for reference and produced upon request.

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 evidence of its use.

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

Rule 11.19 Animals A licensee is prohibited from using animals in any procedure or service. Animals, apart from service animals as defined by the Americans with Disabilities Act

(“ADA”), are prohibited from being inside of a licensed school or establishment.

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

Rule 11.20 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 11.21 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 FDA class 2 or class 3.

A cosmetology or esthetics 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, lancets, and dermaplaning blades, must be in a red sharps biohazard container.

Only a polymer or plastic bristle neck duster is permitted.

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 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 primary work area of any item prohibited by this Rule will be considered 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 their 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 Hearings and Discipline

Rule 12.1 Violations Resulting from Inspection or Audit When the Board or its agent(s) find a violation(s) resulting from inspection (for Establishments) or inspection and/or audit (for Schools), a citation for violation shall be provided to the licensee on the Board's form which also includes the monetary penalty, if any, assessed for the violation. Notice shall be issued by certified mail or by personal service.

Within thirty (30) days from the date of receipt of the Notice required under this rule, the licensee who received a citation for violation may invoke their right to a hearing under this Chapter. To do so, the licensee must submit by email, hand delivery, or mail to the address of record of the Board the document entitled "Application for Administrative Hearing" that is available on the Board's website or otherwise made available by the Board. Any person who makes the application for a hearing shall be entitled to a hearing.

If no hearing is requested, monetary penalty(s) shall 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 any unpaid monetary penalty is sold, such unpaid monetary penalty will be assessed to the new establishment owner and must be paid before an establishment license is issued to the new owner. An establishment with any unpaid monetary penalty that moves locations or changes names will have any unpaid monetary penalty due and owing by the owner on file with the Board at the time of the location or name change.

Source: Miss. Code Ann. §§ 73-7-7 & 73-7-27.

Rule 12.2 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~~ for the Board.

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

Rule 12.3 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 whether there is substantial justification to believe the licensee has committed any of the alleged offenses. 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 12.4 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 challenge adverse evidence.

"Summons and Notice of Hearing" refers to the document(s) accompanying the Complaint which compels the respondent to appear and sets forth the date, time, and place of the hearing.

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

Applicants for an administrative hearing as contemplated in Rule 12.1 will receive no less than twenty (20) days prior to the scheduled date of the hearing a "Notice of Hearing" that compels the respondent to appear and set forth the date, time and place of the hearing. The Notice of Hearing shall be signed by the executive director and shall instruct the respondent to personally appear at the administrative 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 challenge adverse evidence.

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

Rule 12.5 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.

If, after submitting the request for an administrative hearing contemplated in Rule 12.1 and prior to the hearing, a licensee desires to admit citation(s) for violation and/or the Board attorney concludes that certain elements, findings or evidence related to the inspection or audit are not sufficient to withstand scrutiny by the Board, a consent order may be entered into with the licensee without the necessity of a hearing.

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 proceed with the scheduled hearing.

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

Rule 12.6 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 any member of the investigative committee 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 12.5.

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 12.7 Summary Suspension The Board may summarily suspend a license without a hearing, simultaneously with the filing of a Complaint, Summons, and notice of hearing according to Rule 12.4, 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 12.8 Right to Counsel All applicants and licensees have a right to counsel at their own expense.

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

Rule 12.9 Recusal A Board member shall not participate in any disciplinary action if the Board determines that such a Board member is personally biased in favor of or 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 12.10 Hearings Disciplinary hearings and hearings conducted pursuant to Rule 12.1

are held before the Board and presided by the Board President or designee of the Board. For disciplinary hearings, 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.

All hearings shall 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 all hearings. There shall be no discovery.

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

Rule 12.11 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 12.12 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 12.13 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. The Board may, in its discretion, assess and tax all actual costs incurred in an administrative hearing contemplated in Rule 12.1, against any licensee who does not prevail. Such costs may include, but are not limited to, costs incurred in the investigation of the Complaint, court reporter fees, and/or costs incurred for service of process.

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

Rule 12.14 Fines Any fines 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 12.15 Appeal Any person aggrieved by the action of the Board as a result of the 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.