MISSISSIPPI STATE BOARD OF COSMETOLOGY AND BARBERING
Board Meeting
August 24, 2026
Robert E. Lee Building, Jackson

1. WELCOME AND CALL TO ORDER
Leisa McElreath, Board Chairman, called the meeting to order at 9:03 a.m. All present recited the Pledge of Allegiance.

Catherine Bell provided a roll call with the following present:

Leisa McElreath, Board Chair
Wendi Hill, Vice Chair
James Cook, Secretary
Thomas Elkins
Todd Freeman
Aaron Washington
Dr. Mary G. Armstrong

A quorum was present for voting purposes.

Others present were:
Catherine Bell, Executive Director
Sara Hartzog, Special Assistant Attorney General/ Counsel for the Board

2. AGENDA APPROVAL
The agenda was amended as follows:
Item 14 Complaints – Group I (d) 2026-0105-1 was removed.
Item 14 Complaints – Group II (d) 2025-1808-1 and (e) 2025-0409-1 were removed.
Item 14 Complaints – Group III (h) 2025-2904-5 was added.
Item 14 Complaints – Group IV was removed.

James Cook moved to accept the amended agenda. Todd Freeman provided a second. The voice vote was unanimous. Motion carried.

3. BOARD MINUTE APPROVAL
James Cook moved, seconded by Aaron Washington, to approve the minutes of the Board meeting held on July 29, 2026. The voice vote was unanimous. Motion carried.

Wendi Hill moved, seconded by Todd Elkins, to approve the minutes of the Board meeting held on August 3, 2026. The voice vote was unanimous. Motion carried.

4. AGENDA REQUEST
LaTrenda Hudson and Amanda Mullen addressed the Board. Aspen Simmons, Ashlyn Raybourn, and Mary Catherine Mullen were not present. The Board took no action.

5. CONTINUING EDUCATION
James Cook moved, seconded by Aaron Washington, to approve the Cosmetology and Barbering School Owners and Teachers Association continuing education course Sanitation, Compliance, and Creative Engagement Activities to be held on October 5, 2026, at the Hilton Jackson Hotel for five (5) hours of methods of teaching continuing education for instructor licensees. The voice vote was unanimous. Motion carried.

6. EXECUTIVE DIRECTOR'S REPORT
Catherine Bell provided an update to the Board of the licensing printing time of four (4) weeks and the processing time for applications to test of two (2) to three (3) weeks. Ms. Bell updated the Board on the Accelarate Mississippi Conference, state worker's compensation conference,

and upcoming Women's Summit. The Board reviewed the compliance data for monthly reports for each school. The Board reviewed data for all inspections performed and citations for violation written in July 2026. The last Inspections Town Hall will be August 25 in Hattiesburg.

James Cook moved, seconded by Aaron Washington, for the Board to hold a retreat on November 15. The voice vote was unanimous. Motion carried.

Todd Freeman moved, seconded by James Cook, to call Executive Barber College, Brookhaven Barber Styling School, and S&S College of Hair before the Board for a Show Cause hearing for the school renewals that remain incomplete. The voice vote was unanimous. Motion carried.

7. LICENSE/WORK PERMITS/APPROVAL LETTER REPORT

Catherine Bell provided an update of all applications made and licenses/work permits issued for the month of July 2026, for the professions of cosmetology, barbering, nail technology, and esthetics as well as establishments. Aaron Washington moved, seconded by James Cook, to approve all licenses/work permits as stated. The voice vote was unanimous. Motion carried. A copy of the accepted licenses is attached hereto as "Exhibit A".

The Board took notice that Tom Harris of Tupelo obtained fifty (50) years of licensed practice as a barber. A letter of commendation was issued to Mr. Harris.

The Board took notice that Alfred Bradley of New Albany obtained fifty (50) years of licensed practice as a barber. A letter of commendation was issued to Mr. Harris.

James Cook moved, seconded by Todd Freeman, to approve Gulf Coast College for a school license and to offer the programs of cosmetology and esthetics. The voice vote was unanimous. Motion carried.

Wendi Hill moved, seconded by Thomas Elkins, to not require lockers in any school located within a Mississippi Department of Corrections facility. The voice vote was unanimous. Motion carried.

James Cook moved, seconded by Wendi Hill, to approve Central Mississippi Beauty College for a school license for the program of nail technology once the school submits the amended floorplan and submits photos showing correction of towel storage and photos of chemical storage separated from product storage. The voice vote was unanimous. Motion carried.

Aaron Washington moved, seconded by Thomas Elkins, to deny a school license to Smith County Career Center for the program of cosmetology until the school was modified to include an office, reception area, stocked reference library, and locker area as well as had corrected the space needed for nail technology tables, with submission of an amended floorplan, as well as the supply of required pedicure basins and student kits. The voice vote was as follows:

Leisa McElreath – aye
Wendi Hill – abstain
James Cook – abstain
Thomas Elkins - aye
Todd Freeman – aye
Aaron Washington – aye
Dr. Mary Armstrong – abstain.

Motion carried.

Aaron Washington moved, seconded by Thomas Elkins, to remove the post-secondary designation for L Tresses Academy of Nails. The voice vote was unanimous. Motion carried.

Todd Freeman moved to place A. Burkey's Fresh Start Request on the table pending receipt of the Judgement. James Cook provided the second. The voice vote was unanimous. Motion carried.

Todd Freeman moved, seconded by James Cook, to call V. T. Che before the Board for a show cause hearing. The voice vote was unanimous. Motion carried.

Todd Freeman moved, seconded by James Cook, to call V.D. Dao, T. Ho, H.T. Le, K.M.H. Le, H.B.P. Pham, J.V.Q. Phan, S.V. Tran, and H.T.T. Vu before the Board for a show cause hearing. The voice vote was unanimous. Motion carried.

8. OLD BUSINESS

The Board reviewed the Fresh Start Application submitted by A.T. Webster. Todd Freeman moved, seconded by Aaron Washington, that the felony convictions known by the Board and committed by A.T. Webster at the time of the Board meeting have been considered by the Board under the Fresh Start Act and do not prohibit A.T. Webster from obtaining a license issued by the Board once all education and testing have been completed. The voice vote was unanimous. Motion carried.

James Cook moved to adopt Rules and Regulations Chapter 13: Mobile Establishments as temporary rules and for the Executive Director to file Rules and Regulations Chapter 13: Mobile Establishments in temporary status with the Secretary of State and to publish same for public comment. Todd Freeman provided the second. The voice vote was unanimous. Motion carried. A copy of Rules and Regulations Chapter 13: Mobile Establishments are attached as "Exhibit B".

9. NEW BUSINESS

James Cook moved, seconded by Wendi Hill, to approve the Establishment Inspection Report. The voice vote was unanimous. Motion carried.

Aaron Washington moved, seconded by James Cook, to clarify that remedial education as required by Rule 6.5 may be taught by any licensed instructor of the same discipline as the testing candidate in need of remediation. The voice vote was unanimous. Motion carried.

James Cook moved, seconded by Todd Freeman, that the hyaluron pen is not within the scope of practice of any license regulated by the MSBCB. The voice vote was unanimous. Motion carried.

James Cook moved, seconded by Wendi Hill, to file as final pending OLRC review the Rules and Regulations Chapter 11: Health and Safety and Chapter 12: Hearings and Discipline. The voice vote was unanimous. Motion carried. A copy of Rules and Regulations Chapter 11: Health and Safety and Chapter 12: Hearings and Discipline are attached as "Exhibit C".

The Board reviewed the public comments received for Rules and Regulations Chapter 9: Apprenticeship. Todd Freeman, moved seconded by Aaron Washington, to place Rules and Regulations Chapter 9: Apprenticeship on the table. The voice vote was unanimous. Motion carried.

Aaron Washington moved, seconded by James Cook, to table discussion of curriculum for cosmetology, barbering, nail technology, esthetics, instructor, companion from barber to

cosmetology and companion from cosmetology to barber. The voice vote was unanimous. Motion carried.

Todd Freeman moved that the Board acknowledge that scope of practice is a growing issue with all industries regulated by the MSBCB and that the Board wants to find solutions and how these issues with scope of practice can be addressed. Thomas Elkins provided the second. The voice vote was unanimous. Motion carried.

Todd Freeman moved, seconded by Aaron Washington, for the Law and Sanitation Exam administration to be moved SMT/Prometric. The voice vote was unanimous. Motion carried.

10. EXPENSE REVIEW
James Cook moved, seconded by Thomas Elkins, to approve the USNext July 2026 bill. The voice vote was unanimous. Motion carried.

11. FINANCIAL REPORT
Thomas Elkins moved, seconded by Todd Freeman, to approve the presented quote request and invoice process. The voice vote was unanimous. Motion carried.

Lori Lee presented the financial report. James Cook moved, seconded by Todd Freemanl, to approve the financial report pending audit. The voice vote was unanimous. Motion carried.

12. COMPLAINTS

EXECUTIVE SESSION
James Cook moved to go into closed session to determine whether an Executive Session was needed. The voice vote was unanimous. Motion carried.

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

Within Executive Session the following action was taken:

The Board took no action on the following complaints numbered 2025-1811-2 and 2026-2502-1.

Leisa McElreath moved, seconded by James Cook, to set complaint number 2026-3003-2 for hearing. The voice vote was unanimous. Motion carried.

James Cook moved, seconded by Aaron Washington to set complaint number 2025-1905-1 for hearing. The voice vote was unanimous. Motion carried.

Todd Freeman moved, seconded by Thomas Elkins, to accept and approve the consent order presented by Board Counsel for complaint number 2025-0107-1. The voice vote was unanimous. Motion carried.

James Cook moved, seconded by Todd Freeman, to accept and approve the consent order presented by Board Counsel for complaint number 2025-2107-1. The voice vote was unanimous. Motion carried.

Todd Freeman moved, seconded by James Cook, to accept and approve the consent order presented by Board Counsel for complaint number 2025-2107-2. The voice vote was unanimous. Motion carried.

Todd Freeman moved, seconded by Aaron Washington, to waive the citation for violation issued and dismiss complaint number 2025-2807-1. The voice vote was unanimous. Motion carried.

Todd Freeman moved, seconded by James Cook, to dismiss complaints numbered 2025-0408-1, 2026-2606-1, 2026-0106-1, 2026-0105-1, 2026-0508-1, 2026-1208-1, and 2025-2904-5. The voice vote was unanimous. Motion carried.

Todd Freeman moved, seconded by James Cook, to exit Executive Session and return to Open Session. The voice vote was unanimous. Motion carried.

13. UPCOMING MEETING DATES

    September 20, 2026, at 1:00 p.m. - Cosmetology and Barbering Council meeting – Sun-N-Sand,
    September 28, 2026, at 9:00 a.m. – in person at the Robert E. Lee Building,
    October 26, 2026, at 9:00 a.m. – in person at the Robert E. Lee Building,
    November 15, 2026, at 10:00 a.m. – Board Retreat - Luxe Salon, Ridgeland,
    November 16, 2026, at 9:00 a.m. – in person at the Robert E. Lee Building, and
    December 14, 2026, at 9:00 a.m. – in person at the Robert E. Lee Building.

14. ADJOURNMENT

    Todd Freeman moved, seconded by Wendi Hill, to adjourn at 5:31 p.m. The voice vote was unanimous. Motion carried.

APPROVED: Leisa McElreath

Leisa McElreath, Board Chairman

EXHIBIT
A

LICENSING TEAM LEAD REPORT

TESTING/LICENSE/PERMIT REPORT

August 2026

(Report reflects July 2026 workload)

Universal Initial Licenses Issued	39
Practitioner Initial Licenses Issued	12
Universal Work Permits Issued	23
Student Work Permits Issued	42
Establishment Initial License Issued	21
Total License Issued: Practitioners 1016 Salons 163 Schools 8	

UNIVERSAL INITIAL LICENSES ISSUED

First Name	Last Name
ABBIEGAIL	SHEFFIELD
AMANDA	CARDENAS
ANNA	ALLEN
ANTHONY	CAMMARATA
CAITLIN	STEPHENS
CASSIE	BARRIOS
DIEU THU	NGUYEN
DINH HOA	TRAN
HELEN	PHAN
JULIE	WINTZEL
LATASHA	DORSEY
LIEN THI	BUI
MANH TAI	HOANG
MARTHA	ADAM
MCKENZIE	RHETT
NGA THI	NGUYEN
NGHI PHUONG	VU
NGOC ANH THI	TRUONG
NGOC NGUYEN GIANG	LE
NHU QUYNH	NGUYEN
PHUC VAN	NGO
QUANG TAN	LU
SHABRICE	RAMOS
SHONDA	REDMOND-JONES

THI BE HOA	NGUYEN
THI KIEU LOAN	TRAN
THI LAI	NGUYEN
THI NHU Y	NGUYEN
THI THUY	TRUONG
TI IOI TI II	DANG
THU THI NGOC	NGUYEN
TIEN	DO
TIEU HUONG	DUONG
TRAN ANH THU	PHAM
TRAN DUY TAN	PHAM
TUYEN THI	NGUYEN
VAN TUAN	TRAN
VERONICA	BOHANNAN
YUAN	ZHAO

PRACTITIONER INITIAL LICENSES ISSUED (STUDENTS)

First Name	Last Name
KALEA	KOGER
JADA	NEAL
JAMES	EMERSON II
ALEIGHA	ZARATE
CORDASIA	HENRY
RANTAZA	CAUSEY
NATASHA	HACKNEY
K'RANEISHA	WILSON
A'NIYAH	LITTLE
KATHERYN	LITTLE
ANNA	KELLY
LAUREN	ROBERTS

ESTABLISHMENT LICENSES ISSUED

Name	County
CUTTING UP LEGALLY	Newton
WILD WILLEAUX SALON (COSMETOLOGY/ESTHETICS)	Pearl
R AND M SALON (COSMETOLOGY)	Amite
LEXI JEANS BEAUTY BAR (FULL SERVICE)	Newton

MM HAIR SALON (COSMETOLOGY/ESTHETICS LIMITED)	Coahoma
THE HAIR PORT	Clarke
CAT'S BARBERSHOP (BARBER)	Pike
RUN ON ROOTS (COSMETOLOGY/ESTHETICS LIMITED)	Stone
CLOUD 9 SKINCARE LLC (ESTHETICS)	Simpson
TOP TIER KROWNZ LLC (COSMETOLOGY)	Forrest
MAGIC TOUCH AND SON LLC (BARBER/ESTHETICS)	Pontotoc
SIX ZERO ONE SALON (COSMETOLOGY)	Wayne
HARLI COTTEN AESTHETICS LLC (ESTHETICS)	Jasper
R L COZY CORNER	Bolivar
601 BARBERSHOP (BARBER)	Madison
BELLE'S BEAUTY & CO (COSMETOLOGY/MANICURE)	Newton
50 FADES BARBER & BEAUTY (COSMETOLOGY/BARBER)	Hinds
SALON V LLC (COSMETOLOGY/ESTHETICS LIMITED)	Tishomingo
HAIR SPA (COSMETOLOGY/ESTHETICS LIMITED)	Hinds
POLISHED BY LISA (MANICURE)	Neshoba
HOLIDAYS SALON (FULL SERVICE)	Hancock

UNIVERSAL WORK PERMITS ISSUED

First Name	Last Name
ATEFEH	FAZELINIA
BINH TU	LE
BRIA	CHANDLER
BRITTANY	AIRHART
EMMARIA	DUFFY
GRACE	BERRY
HOANH VAN	TRAN
HUNG THE	NGUYEN
JACQUELINE	MCKINNEY
JESSIE	ARIAS
PHAM XUAN	HO
PHUONG	VAN

PHUONG THI YEN	LE
SHANELLE	OZOSKY-JACKSON
TAM NGOC	TRAN
THANG NGOC	NGUYEN
THI KIM NHUNG	HO
THIEN CHI	DUONG
THOAN VAN	TRAN
THUY THI LE	NGUYEN
TIEN	VAN
VERONICA	HARRISON
VINCENT	CHUNG

STUDENT WORK PERMITS ISSUED	
First Name	Last Name
ABIGAIL	PERRY
ABIGAIL	TAYLOR
ABIGAIL	STEWART
ADDISON	AREVALO
ANA	FREEMAN
ANNA	CHILDERS
ASHLYN	DARBY
AVA	PATTERSON
BRAILON	LEMUS
BRENNAN	ALEXANDER
BRIANNA	BROWN
BRITTANY	ALLEN
BROOKLYNN	ELY
CAITLIN	CONN
CATHERINE	MITCHELL
COURTNEY	NATIONS
CURISA	QUAN
DESMONIQUE	COLLINS
ELIZA	KEE
ELIZABETH	LENTZ
EMILY	MCRANEY
HALEY	LADNER
IRIDIAN	MARTINEZ
JADA	ROBINSON
JENNY	LADNER
KALEIGH	BARRETT
KAMRYNN-AYLA	DEVALL
KATHERYN	LITTLE

KATHERYN	HARRIS
KATRINA	MILLER
KYLEIGH	BAROUSSE
MADISON	UNDERWOOD
MOLLY	THOMPSON
NATALIE	TUBBS
OLYVIA	BLANCHET
PEYTON	CAIN
RAHSHEED	BUCHANAN
SARAH	LAWRENCE
SYLVIA	HUTSON
TAYSHAUN	FLOWERS
VICTORIA	MEILSTRUP
WILLIAM	MILLER

EXHIBIT
B

THE MISSISSIPPI STATE BOARD OF COSMETOLOGY AND BARBERING RULES AND REGULATIONS

Title 30 Professions and Occupations
Part 2101

Chapter 13 Establishments: Mobile Salon / Barber Shop

Rule 13.1 Mobile Salon / Barber Shop A mobile salon / barber shop is a self-contained, licensed vehicle, trailer or other transportable unit that is designed, equipped and operated to provide barbering, cosmetology, esthetics and/or nail technology services that is affiliated with a permanently located salon/barber shop.

A mobile salon / barber shop is affiliated with a permanently located salon/barber shop if it is connected through ownership or written contractual relationship.

Source: MISS. CODE ANN. §73-7-17.

Rule 13.2 Unlicensed Practice Prohibited A mobile salon / barber shop license holder must ensure that all persons performing or offering to perform any service within the scope of practice of any profession licensed by this Board are properly licensed at all times. No one shall work within the scope of practice of any profession licensed by the Board within a mobile salon / barber shop without a valid license or permit.

A mobile salon / barber shop 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; 73-7-17; 73-7-35 (2).

Rule 13.3 Enforcement The holder of a mobile salon / barber shop license is the owner of the establishment with which the mobile salon / barber shop is affiliated. The holder of the mobile salon / barber shop 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; 73-7-17.

Rule 13.4 Posting Board Required Information A licensed mobile salon / barber shop must post in a conspicuous place any information or announcement so required by the Board.

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

Rule 13.5 Mobile Salon / Barber Shop License Application All mobile salon / barber shops where any profession licensed by the Board is practiced must also hold an establishment license. An application entitled "mobile salon / barber shop establishment application" available on the Board's website or otherwise may be made available by the Board. The application must be accompanied by the non-refundable application fee and all documents required by the Board.

A mobile salon / barber shop license is non-transferable. Any change to the ownership and/or name requires the submission of a new mobile salon / barber shop 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 13.6 Required Equipment A mobile salon / barber shop shall contain sufficient equipment in working order to enable it to perform all services offered competently and efficiently. 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 13.7 Minimum Requirements for Mobile Salon / Barber Shop A mobile salon / barber shop must comply with the following standards:

A. The mobile salon / barber shop shall be legally parked in a fixed position and fully stationary (not in motion) when rendering any service;

B. When in motion, all furniture and equipment must be securely anchored to the unit;

C. All storage units must be secured by the use of spring struts or friction catches;

D. Carpeting is permitted only within the driving or cab area (if applicable);

E. The mobile salon / barber shop shall have and use stabilizing jacks;

F. Containers in the mobile salon / barber shop must consist of galvanized stainless steel or other noncorrosive material, not including glass;

G. All chemicals must be stored in secured cabinets, separate from other articles or equipment in the mobile salon / barber shop;

H. The mobile salon / barber shop shall not be used as a residence or for any other purpose besides providing approved services;

I. The mobile salon / barber shop shall comply with all requirements set forth in Chapter 11 of these Rules and Regulations.

J. All services must be performed within the licensees mobile salon/barber shop.

K. The mobile salon/barber shop must be well ventilated.

L. The mobile salon/barber shop must contain a fire extinguisher.

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

Rule 13.8 Water / Restroom Access

A. A mobile salon / barber shop must have:
   a. a water heater that provides fresh, hot water continuously and on demand; and
   b. a fresh water tank holding a sufficient amount of fresh water to perform the day's business. If a mobile establishment unit's fresh water supply is depleted, operation must cease until the supply is replenished; and
   c. a gray water tank which is permanently and distinctly labeled for such use; and
   d. a functioning restroom within its perimeter including a self-contained, recirculating, flush chemical toilet with holding tank.

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

Rule 13.9 Mobile Salon / Barber Shop License Inspection A mobile salon / barber shop 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 13.5. 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.

The license number of the mobile salon/barber shop shall be posted on the mobile salon/barber shop using a minimum of three (3) inch sized numbers that are placed on the driver's side of the back of the mobile salon/barber shop.

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

Rule 13.10 Mobile Salon / Barber Shop License Renewal A mobile salon / barber shop license must be renewed biennially. An application entitled "mobile salon / barber shop establishment renewal" available on the Board's website or otherwise may be made available by the Board. The application must be accompanied by the non-refundable application fee and all documents required by the Board.

A mobile salon / barber shop license that is not renewed within one (1) year from the date of expiration must make a new application for licensure complying with Rule 13.5 and successfully complete the inspection described in Rule 13.6.

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 13.11 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 13.12 Annual Inspections All mobile salon / barber shops licensed by the Board shall be inspected, with or without prior announcement, annually at minimum. The Board or its agent(s) may conduct a mobile salon / barber shop 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.

Records of the following must be kept within the mobile establishment unit and made available for inspection by department personnel: appointments; itineraries, if the establishment submits itineraries to the department as provided by subsection (d); license numbers of employees and independent contractors; and vehicle identification numbers of the mobile establishment. Records of appointments and itineraries must be kept for a period of at least one year from the date the record is made.

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

A mobile salon / barber shop 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.

EXHIBIT
C

THE MISSISSIPPI STATE BOARD OF COSMETOLOGY AND BARBERING RULES AND REGULATIONS

Title 30 Professions and Occupations
Part 2101

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 temporarily 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.

Ultraviolent 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 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.

~~**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~~