

**STATE OF WISCONSIN
COSMETOLOGY EXAMINING BOARD**

IN THE MATTER OF RULEMAKING	:	
PROCEEDINGS BEFORE THE	:	REPORT TO THE LEGISLATURE
COSMETOLOGY EXAMINING	:	CR 15-020
BOARD	:	
	:	

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

None.

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA are attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

2013 Wisconsin Act 356 changed the licensure requirements for cosmetologist by reducing the number of training hours required to successfully complete a cosmetology course of instruction from 1,800 to 1,550 and by adding the requirement that a school of cosmetology be accredited by an accrediting agency approved by the board. This reduction in training hours puts Wisconsin on par with course of instruction requirements in neighboring states such as Illinois and Michigan. The reduction in training hours will also relieve the burden on in-state applicants seeking a cosmetology practitioner license in neighboring states and will ease the transition of out-of-state applicants seeking to become licensed as a cosmetologist in Wisconsin. 2013 WI Act 356 allows applicants to receive instruction from a school that is not operating in Wisconsin but has been accredited by an accrediting agency that has been approved by the board, by rule. The proposed rule lists the approved accrediting agencies.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Cosmetology Examining Board held a public hearing on April 6, 2015. The following people either testified at the hearing, or submitted written comments: Sue Kolve-Fechan and Lauri Thomas.

The Cosmetology Examining Board summarizes the comments received either by hearing testimony or by written submission as follows:

Lauri Thomas testified at the hearing stating that the accreditation requirements in the proposed rule would be extremely burdensome on small schools licensed in Wisconsin and would cause many schools to shut down.

Sue Kolve-Fechan testified at the hearing and submitted written testimony stating that Cos 5.01 should be amended from “shall not deviate from” to “shall offer at a minimum” in relation to subject specific hourly requirements. In her opinion, an 1800 hour program is what is best for the students. Sue Kolve-Fechan believes that the reduction in hours for cosmetology programs will result in more time learning on the job at businesses which imposes substantial costs to business owners.

The Cosmetology Examining Board explains modifications to its rule-making proposal prompted by public comments as follows:

The Cosmetology Examining Board decided to amend Cos 5.01 to read “shall offer at a minimum” instead of “shall not deviate from” in relation to subject specific hourly requirements.

The Cosmetology Examining Board decided to amend the rule to explain that schools that operate in Wisconsin under s. 440.62 (1) (a), Stats., do not need to obtain accreditation. Schools that are not operating in Wisconsin must be accredited by an accrediting agency specified in the rule.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

None.