



**STATE OF ARIZONA
OFFICE OF THE
AUDITOR GENERAL**

**A PERFORMANCE AUDIT
OF THE**

BOARD OF COSMETOLOGY

MARCH 1983

**A REPORT TO THE
ARIZONA STATE LEGISLATURE**



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STATE OF ARIZONA
OFFICE OF THE
AUDITOR GENERAL

March 30, 1983

Members of the Arizona Legislature
The Honorable Bruce Babbitt, Governor
Ms. Carole Holt-Fisher, President
Board of Cosmetology

Transmitted herewith is a report of the Auditor General, A Performance Audit of the Board of Cosmetology. This report is in response to a January 18, 1982, resolution of the Joint Legislative Oversight Committee. The performance audit was conducted as a part of the Sunset Review set forth in A.R.S. §§41-2351 through 41-2379.

The blue pages present a summary of the report; a response from the Board of Cosmetology is found on the yellow pages preceding the appendices.

My staff and I will be pleased to discuss or clarify items in the report.

Respectfully submitted,

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Enclosure

OFFICE OF THE AUDITOR GENERAL

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ARIZONA STATE LEGISLATURE

REPORT 83-5

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SUMMARY

The Office of the Auditor General has completed a performance audit of the State Board of Cosmetology in response to a January 18, 1982, resolution of the Joint Legislative Oversight Committee. This performance audit was conducted as part of the Sunset Review process set forth in Arizona Revised Statutes (A.R.S.) §§41-2351 through 41-2379.

Regulation of cosmetology in Arizona began in 1929. Currently, the three-member State Board of Cosmetology continues to exercise broad authority over the occupation of cosmetology through its licensing and enforcement activities. The Board licenses cosmetologists, manicurists, cosmetology shops, schools and instructors. The Board also inspects cosmetology shops and schools, investigates complaints and prescribes cosmetology school curriculum.

State licensing of cosmetologists, manicurists and cosmetology shops can be eliminated because the practice of cosmetology does not pose a sufficient risk to public health and safety to justify regulation. Although a limited potential exists for disease transmission through the practice of cosmetology, the actual health threat is minimal because diseases which could be spread are not serious or life threatening. Similarly, licensing is not justified because of possible harm from the use of cosmetology implements or chemical solutions because such items are readily available to and routinely used by the general public (see page 9).

Because consumers possess adequate ability and knowledge to evaluate cosmetology services in the absence of licensing, we recommend the Legislature consider allowing the State Board of Cosmetology to terminate on July 1, 1984.

If the Board is not allowed to terminate, changes should be made in the Board's structure and composition. The State Board of Cosmetology and State Board of Barber Examiners should be combined into a single regulatory agency because 1) both occupations provide many of the same services to consumers, 2) Board administrative functions are identical and 3) significant cost savings can be realized (see page 23). Regardless of whether the two Boards are merged, Board of Cosmetology members should cease to act as full-time staff leaving administrative functions to Board employees. This is necessary to avoid potential problems created when administrative duties and decision making are not separated and to avoid possible Open Meeting Law violations (see page 30). Public members should also be added to the Board to increase public participation in Board matters and promote public interest (see page 32).

In addition, the Board can substantially improve its administrative operations in at least four areas. First, the Board does not adequately investigate and resolve consumer complaints because it has not viewed complaints as serious public safety matters and has misinterpreted its complaint-handling authority (see page 35). Second, the Board does not take consistent action when violations are found during shop inspections (see page 39). Third, board record keeping needs substantial improvement. Documentation of Board minutes, consumer complaints and service measurements is deficient. Further, the Board can improve its operational efficiency by changing to a biennial license renewal cycle saving approximately \$26,000 every two years (see page 38).

Finally, if the Board is retained, changes are needed in the requirements for entry into the occupation. The Board's practical examination of applicants is unnecessary because 1) most items tested do not relate to public safety, 2) items which do relate to public safety can be effectively tested on the Board's written examination, and 3) the practical exam is costly to administer (at least \$8,800 annually) (see page 45). The Board's written exam needs to be revised to include only questions relating to public protection. Presently most questions do not relate directly to public protection but to items nonessential for licensing purposes (see page 52). In addition, current reciprocity provisions are too restrictive and the Statutes should be amended to provide for licensing by endorsement without an examination for applicants who have been licensed in another state with licensing requirements similar to Arizona's (see page 54). Moreover, Board requirements regarding education, age and moral character are also too restrictive and should be revised or eliminated (see page 55).

INTRODUCTION AND BACKGROUND

The Office of the Auditor General has conducted a performance audit of the State Board of Cosmetology in response to a January 18, 1982, resolution of the Joint Legislative Oversight Committee. This performance audit was conducted as part of the Sunset Review set forth in Arizona Revised Statutes (A.R.S.) §§41-2351 through 41-2379.

The practice of cosmetology has been regulated in Arizona since 1929 when the Legislature created the State Board of Barbers and Cosmeticians. The 1929 legislation provided for the licensing of cosmeticians and cosmetology schools. Two years later, cosmetology shops and school instructors were also required to be licensed. Regulation of cosmetology and barbering was split in 1935 when legislation created two separate boards.

The State Board of Cosmetology is composed of three members, all of whom must be licensed cosmetologists or instructors. The law also requires all three Board members to devote their full time to the duties of the Board. The Board has 4.3 other authorized employee positions for a total of 7.3 full-time employees.

Requirements for licensure as a cosmetologist have become more stringent since 1929 when one had to be 18 years old, be of good moral character, be free from infectious or contagious disease, serve a six-month apprenticeship in a registered cosmetology school and pass practical and oral exams. Now a cosmetologist candidate has to have a tenth grade education, graduate from a cosmetologist school with 1,800 hours (more than ten months) of instruction and pass practical and written examinations to be licensed as a cosmetologist.

At one time the Board held a power almost unique among occupational regulatory agencies. The Board was given the authority in 1940 to establish minimum prices for cosmetology services throughout the State. This price fixing authority was repealed apparently because the Arizona

Supreme Court on May 10, 1951, determined a similar authority held by the Board of Barber Examiners to be unconstitutional.

The Board has other duties in addition to its licensing authority. The Board conducts inspections of cosmetology shops and schools, investigates complaints and conducts hearings. Table 1 details specific Board activities for the last four fiscal years.

TABLE 1
BOARD ACTIVITIES
FISCAL YEARS 1978-79 THROUGH 1981-82

<u>Activity</u>	<u>Fiscal Years</u>			
	<u>1978-79</u>	<u>1979-80</u>	<u>1980-81*</u>	<u>1981-82*</u>
Examinations:				
Cosmetologist	1,327	1,678	1,490	1,541
Manicurist	118	141	166	282
Instructor	46	36	42	39
Examination reviews	85	202	152	193
Licenses:				
Cosmetology	15,648	16,386	16,054	13,940
Manicuring	637	719	744	824
Instructor	470	467	483	395
Salon/Shops	2357	2,349	2,192	2,095
Schools	47	42	53	43
Name changes	43	45	38	36
Inspections	5,354	6,045	28,424	22,178
Informal hearings	78	72	138	-0-

* The Board changed its reporting of service measurements, and as a result, some of the figures for 1980-81 and 1981-82 could not be verified.

The Board obtains revenues from examinations, licenses and renewals of licenses. The Board has experienced some financial problems resulting in increased fees effective July 1983. Table 2 details the Board's revenues and expenditures for fiscal years 1978-79 through 1982-83.

TABLE 2

BOARD REVENUES AND EXPENDITURES
FISCAL YEARS 1978-79 THROUGH 1982-83

<u>Activity</u>	<u>Actual 1978-79</u>	<u>Actual 1979-80</u>	<u>Actual 1980-81</u>	<u>Actual 1981-82</u>	<u>Projected 1982-83</u>
Number of Employees	<u>9.6</u>	<u>9.6</u>	<u>9.6</u>	<u>9.1</u>	<u>7.3</u>
Revenues (90%)*	<u>\$170,050</u>	<u>\$184,038</u>	<u>\$185,161</u>	<u>\$163,398</u>	<u>\$171,900</u>
Expenditures:					
Personal services	99,077	108,336	125,485	129,058	113,600
Employee-related	20,926	22,338	25,652	26,448	25,500
Professional services	-0-	25	-0-	-0-	2,300
Travel -					
In-State	8,202	11,753	13,232	7,492	5,600
Out-of-State	495	1,219	1,403	1,410	-0-
Other operating	31,548	35,150	40,382	38,193	35,000
Equipment	6,895	4,427	2,843	10,732	7,300
Total	<u>\$167,143</u>	<u>\$183,248</u>	<u>\$208,997</u>	<u>\$213,333</u>	<u>\$189,300</u>
Excess revenues	<u>\$ 2,907</u>	<u>\$ 790</u>	<u>\$(23,836)</u>	<u>\$(49,935)</u>	<u>\$(17,400)</u>

* The Board of Cosmetology remits 10 percent of its revenues to the State General Fund.

Scope of Audit

The scope of our audit included most Board operations and functions. Our major audit objectives were to determine:

1. Whether termination of the Board of Cosmetology and related licensing provisions would significantly harm the public health, safety or welfare;
2. If the Board is not terminated, whether (a) the Board of Cosmetology should be combined with the Board of Barber Examiners to improve efficiency and effectiveness, (b) Board members should continue to serve as full-time staff, and (c) public members should be added to the Board;

3. Whether the Board of Cosmetology is operating in an effective and efficient manner; and
4. Whether the degree of regulation can be reduced if cosmetology licensing is not terminated.

The Auditor General and staff express appreciation to the Board members and staff for their cooperation and assistance during the course of our audit.

SUNSET FACTORS

In accordance with A.R.S. §§41-2351 through 41-2379, 11 factors are considered to determine, in part, whether the State Board of Cosmetology should be continued or terminated.

1. Objective and purpose in establishing the Board

According to the Board's original 1929 legislation, the objective and purpose in establishing the Board was

"...the preservation of the public welfare and health...."

More recently, the Board has stated its purpose is to 1) protect the public safety by enforcing licensing provisions, 2) handle complaints to "appease patrons" receiving unsatisfactory services and 3) assure that students of cosmetology obtain the necessary job-related skills and knowledge.

2. The effectiveness with which the Board has met its objective and purpose and the efficiency with which the Board has operated

The Board's ability to effectively meet its objective and purpose is affected by the fact that public health is not threatened by the practice of cosmetology (see page 10). The potential for harm to the public safety is likewise minimal (see page 14). However, the Board has not taken action to investigate and resolve consumer complaints (see page 35).

If the Board is not allowed to terminate on July 1, 1984, the Board's efficiency can be improved by 1) adopting a biennial or triennial license renewal system (see page 38), 2) combining administrations of the Cosmetology and Barber Boards (see page 23), and 3) reducing Board administrative problems (see page 39).

3. The extent to which the Board has operated within the public interest

The Board has not operated within the public interest. State licensing of cosmetologists, manicurists and beauty shops does not serve the public because the practice of cosmetology does not pose a threat to the public health and safety (see pages 10 and 14). Instead, practice and entry restrictions appear to protect the economic interests of the profession. Therefore, costs to the public outweigh the benefits (see page 20). In addition, the Board does not adequately investigate consumer complaints (see page 35).

4. The extent to which rules and regulations promulgated by the Board are consistent with the legislative mandate

Although rules and regulations seem to be consistent with the legislative mandate, numerous rules and regulations appear to be excessive, overly restrictive and/or unreasonable and should be revised by the Board with the aid of its Attorney General representative.

5. The extent to which the Board has encouraged input from the public before promulgating its rules and regulations and the extent to which it has informed the public as to its actions and their expected impact on the public

The Board has not promulgated any rules or regulations for at least three years.

The Board has encouraged public input by posting notices of Board meetings in accordance with A.R.S. §38-431.02(A)1. However, the potential for violation of the Open Meeting Law exists because Board members serve as full-time employees of the Board (see page 30). Public members should be added to the Board to improve public participation and promote public interest (see page 32).

6. The extent to which the Board has been able to investigate and resolve complaints that are within its jurisdiction

The Board has not adequately investigated and resolved consumers complaints (see page 35). In addition, Board documentation of complaints needs improvement (see page 40).

7. The extent to which the Attorney General or any other applicable agency of State government has the authority to prosecute actions under the enabling legislation

The Board's enabling legislation lists acts which are classified as misdemeanors and may be enforced by the County Attorney. In addition, the Attorney General has authority to seek injunctive relief against violations of the Board's statutory provisions. The Attorney General may also file complaints with the Board.

8. The extent to which the Board has addressed deficiencies in the enabling statutes which prevent it from fulfilling its statutory mandate

The Board has introduced legislation to raise fees but has not addressed other statutory provisions.

9. The extent to which changes are necessary in the laws of the Board to adequately comply with the factors listed in the subsection

If the State Board of Cosmetology is not terminated on July 1, 1984, the Legislature should consider making the following statutory changes:

- a. Combine Cosmetology and Barber Boards' administrations under a single regulatory board (see page 23).
- b. Remove Board members from the day-to-day operations of the Board and provide for office administration by professional administrative staff (see page 30).
- c. Add public member(s) to the Board (see page 32).
- d. Eliminate the practical examination for all applicants for licensure (see page 45).
- e. Delete or reduce the requirement that applicants possess a tenth grade education, are at least 18 years of age and have "good moral character" (see page 55).

- f. Delete current reciprocity provisions and provide for licensing by endorsement without an examination for applicants licensed by other states which have comparable standards (see page 54).
- g. Amend A.R.S. §§32-529 and 32-530 to provide for the biennial or triennial renewal of licenses issued by the Board (see page 38).

In addition, the Board of Cosmetology proposes that A.R.S. §32-529.A. be amended to provide for licenses to expire on the "month of the applicant's birthday" instead of the applicant's birthday.

10. The extent to which the termination of the Board would significantly harm the public health, safety or welfare

Termination of the State Board of Cosmetology would not harm the public health, safety or welfare. The practice of cosmetology does not pose a serious risk to the consumer's life, health and safety or economic well-being. Consumers can be expected to possess the knowledge needed to properly evaluate cosmetology services. The benefits of regulation do not outweigh its costs to the public (see page 9).

11. The extent to which the level of regulation exercised by the Board is appropriate and whether less or more stringent levels of regulation would be appropriate

The State regulation of cosmetology is unnecessary and could be eliminated (see Sunset Factor number 10 and page 9).

If the State Board of Cosmetology is not terminated on July 1, 1984, the levels of regulation exercised by the Board can be less restrictive (see Sunset Factor number 9).

FINDING I

STATE REGULATION OF COSMETOLOGY IS UNNECESSARY.

The State Board of Cosmetology and related cosmetology licensing provisions can be terminated without significantly harming public health, safety or welfare. Licensing of cosmetology is not justified because of health and sanitation concerns or possible harm from the use of cosmetology implements and chemical solutions. Moreover, consumers possess adequate ability and knowledge to evaluate cosmetology services. Because cosmetology services do not pose a serious risk to public health and safety, the benefits of regulating cosmetologists, manicurists and beauty shops do not outweigh the costs to the public.

Arizona has licensed the occupation of cosmetology since 1929. Under the present regulatory scheme both individuals and beauty shops are required to be licensed. A separate manicurist license is available for those wishing to provide only this cosmetology service. Recently, the need for licensing the cosmetology occupation has been challenged. At least eight other states' sunset audit reports of cosmetology boards have concluded that licensing is unnecessary to protect the public.

Assessing the Need for Licensing

Licensing is a serious exercise of the power of the State. By establishing licensing for an occupation, the State makes it illegal for anyone who does not hold a valid license to engage in that occupation. Because of this, one expert has referred to licensing as "an awesome power."

Licensing of an occupation or profession is justified if unlicensed practice of the occupation could cause significant harm to the public. To assess the potential for harm, the Council of State Governments in its publication Occupational Licensing: Questions a Legislator Should Ask has established three questions which should be addressed. These questions are:

1. Whether the unlicensed practice poses a serious risk to the consumer's life, health and safety or economic well-being;
2. Whether users of the service can be expected to possess the knowledge needed to properly evaluate the qualifications of those offering services; and
3. Whether licensing benefits to the public clearly outweigh any potential harmful effects such as the price for services or availability of service providers.

In evaluating the risk to the public, both the seriousness of potential harm which could be caused and the probability or likelihood that such harm would actually occur should be considered.

The State Board of Cosmetology indicates that licensing of cosmetologists, manicurists and beauty shops is needed for four reasons: 1) to protect against the potential spread of infectious conditions or diseases; 2) to protect cosmetology patrons from potential harm caused by the improper use of haircutting and manicuring implements; 3) to protect customers from harm caused by various chemical applications; and 4) to protect against improper massage which could break down muscle tissue. If cosmetology licensing is justified, however, it must be demonstrated that these concerns pose a sufficiently serious and likely risk to warrant state regulation.

Health Concerns Are Unfounded

Cosmetology licensing cannot be justified on the basis of health and sanitation concerns. According to public health officials, public health concerns do not justify the regulation of either cosmetology or barbering. This is further supported by the fact that shop inspections uncover few violations and board inspections do not assure that critical sanitation procedures are followed. Finally, other occupations involving similar or greater potential for disease transmission are either unlicensed or not inspected for sanitation, indicating that cosmetology shop inspections are likewise unnecessary.

Disease Threat is Minimal - The types of diseases which could possibly be transmitted in a beauty shop are not life threatening and cause only minor discomfort. According to the State Department of Health Services, four kinds of communicable diseases could be spread in a beauty shop: 1) head lice, 2) ringworm, 3) scabies (a parasite), and 4) staphylococcus infections. Treatment for these diseases is simple and readily available. Head lice is treated by washing with a medicated shampoo. Ringworm is treated by oral or topical medication. Scabies is treated by a combination of bathing and topical ointment. The types of staphylococcus infections which could be transmitted in beauty shops are generally not treated because they are so common and minor in nature. Although it is possible for these diseases to be transmitted in beauty and barbershops, the actual threat to the public is minimal. Incidence rates are not available for these diseases because they are not considered sufficiently serious to require monitoring by the Department of Health Services.

Public health concerns do not justify the licensing of cosmetology. Other states have concluded that licensing cannot be justified on the basis of health concerns. For example, the director of the Washington State Division of Health has stated,

"The justification for regulation of these professions [barbering and cosmetology] based on public health concerns is lacking. Therefore, the negative public health impacts from state deregulation would be negligible."

A statement by the Director of the Division of Disease Control Services for Arizona's Department of Health Services is cautiously similar:

"Public health concerns would contribute to the support of a state licensing program for barbers, cosmetologists, and their shops, but may not completely justify such a program."

He expressed concern that the removal of minimum sanitation standards would result in an increased number of unsanitary shops particularly in low income districts. However, as discussed below, the Board of Cosmetology inspection of shops does not assure that critical sanitation procedures are followed.

Inspections Uncover Few Problems - The Cosmetology Board inspections of beauty shops do not uncover many violations nor assure that effective sanitation procedures are followed. A review of board inspection reports for the period of January 1, 1982, to October 15, 1982, showed that only 30 of 866 shops inspected or 3.5 percent were issued letters from the Board as a result of violations found. Further, these letters were often issued because a series of minor problems were noted by inspectors, and not because a serious violation was found.

Board inspections are designed to check for evidence that sanitary procedures are followed by cosmetologists. In conducting an inspection, the Board checks to see if

- licenses are properly posted,
- shop sign corresponds to wording on shop license,
- Board rules and regulations are posted in the shop,
- shop furniture is in a sanitary condition,
- shop equipment is in a sanitary condition,
- shop has a wet sanitizer,
- shampoo bowls (sinks) are clean,
- restroom is clean,
- floor is safe and clean,
- clean towels are kept in a closed container,
- paper towels and cups are used,
- cold wave rod containers are clean,
- shop has 70 percent alcohol for disinfecting tools, and
- for each cosmetologist or manicurist
 - an I.D. picture is posted with license,
 - work area is clean,
 - dry sanitizer is used, and
 - hair roller tray is clean.

However, Board inspections cannot ascertain that those procedures most critical in eliminating the potential spread of disease are actually followed by cosmetologists. Diseases could be spread by direct physical contact or by implements contacting a diseased area and then reused without disinfection. The critical procedures affecting the spread of disease which cannot be feasibly checked by the Board are

- not using a towel or neckband on more than one patron,
- using cosmetology implements only if they have been disinfected before and after each patron, and
- washing hands before and after each patron.

It should be pointed out that even if proper sanitary procedures are not followed, disease cannot be transmitted unless the cosmetologist has recently provided service to a diseased patron. As explained earlier, the actual threat of disease transmission is minimal.

Shop owners are motivated by the concept of return business to keep their shops in a clean and sanitary condition. Otherwise, customers may refuse to frequent their shops and may go elsewhere to cleaner and more sanitary shops to obtain their cosmetology services.

Other Occupations - Inspection of cosmetology shops for sanitation may be unnecessary. Other occupations with a disease transmission potential similar to or greater than that of cosmetology are either unlicensed or are not inspected for sanitation. Some occupations which are unlicensed include:

1. Massage operators - Massage operators deal with almost the entire body including the face, head and hands--areas that cosmetologists deal with. This occupation is completely unregulated by the State.
2. Electrologists - Electrologists remove hair from areas of the body by inserting electronic needles into hair follicles. Electrologists, therefore, contact people in ways similar to cosmetologists yet they are entirely unregulated.

The need for inspections may also be questioned by the fact that the offices and facilities of health professionals are not inspected for sanitation. For example, the offices of physicians, where the potential for disease spread may be the greatest, are not inspected for sanitation.

The fact that the above-mentioned occupations are neither licensed nor inspected for sanitation suggests that such inspections may be unnecessary and regulation of cosmetology on the basis of sanitation concerns is unjustified.

Cosmetology Does Not Pose A
Serious Risk to the Public Safety

The unlicensed practice of cosmetology does not pose a serious risk to the public safety. There is no evidence that cosmetologists and manicurists have caused significant harm to customers through misuse of their tools. Likewise, the use of chemical solutions does not pose a serious danger to the public nor does massage for cosmetic purposes.

Use of Tools - Cosmetology licensing cannot be justified by the use of cosmetology instruments around the head, face and hands of a customer. Instruments commonly used by cosmetologists include scissors, razors, combs, brushes and cuticle nippers and pushers. Under normal conditions persons other than cosmetologists and manicurists may be expected to use these implements and to do so with reasonable care. Further, we could not find any evidence that cosmetologists or manicurists had caused any serious harm to customers by the uses of their implements. The Board has received only one complaint in two years against licensees alleging harm resulting from the use of an implement. The complaint alleged that fingers on both hands were cut during a manicure. The Board took no action to investigate the complaint or to ascertain its validity because it originated as a telephone complaint and the complainant did not return a written complaint form to the Board. In our opinion, the possibility of significant harm to customers resulting from the use of cosmetology tools is remote.

Use of Chemicals - The use of chemical solutions in cosmetology does not present a likely danger to the public and is insufficient to justify State regulation. The type of harm which could be caused through misuse of chemicals is generally minor. As with the use of cosmetology tools, both members of the public and cosmetologists can be expected to use chemicals with the degree of care necessary to avoid injury. Furthermore, these chemical solutions are available for use by the general public and some protection is provided through the Federal government.

Chemical preparations are used in coloring, lightening (bleaching), curling and straightening hair. We consulted the Standard Textbook of Cosmetology and the director of the Division of Cosmetics Technology, U.S. Food and Drug Administration to identify the chemicals most often used in these hair processing procedures. We then contacted the Washington State Department of Labor and Industries* to determine the effect of these chemical solutions if they accidentally came in contact with eyes or skin. We found the chemicals are used at relatively low concentrations. Further, although the solutions can cause burning and irritation when contacting the eye, this can be alleviated by flushing with water. Permanent eye damage not affecting vision is the worst that may occur if the eyes are not flushed with water. The Board has not received any complaints alleging eye damage through the use of chemicals by cosmetologists. The only chemicals that burn the skin are those used in waving and straightening solutions. However, minor damage to the skin by these chemicals is probable even under normal use.

If these solutions are left on the hair too long during processing, the hair may be damaged and hair breakage may occur. This type of harm is not serious because 1) hair is not living tissue and damage is never permanent because hair grows out again from the root and 2) hair loss can be controlled with the proper application of hair conditioners.

Table 3 on the next page lists the chemical products commonly used by cosmetologists and details potential harm that can be caused by misuse. Harm in each case is generally not severe. The chemicals appearing in the table possess the greatest potential for harm. Many other chemicals are used in cosmetology or cosmetic products but are harmless because of their very low concentrations.

* This agency had researched the effects of these chemical solutions previously in conjunction with the sunset review of the Cosmetology Regulatory Activity in the state of Washington.

TABLE 3

CHEMICALS USED BY COSMETOLOGISTS
AND THEIR POTENTIALS FOR HARM

<u>Chemical</u>	<u>Normal Use</u>	<u>Potential Harm - Type and Severity</u>
Ammonium thioglycolate	Permanent waving	<p><u>Skin</u> - Some irritation in normal use, more severe irritation from improper use.</p> <p><u>Eyes</u> - None, if immediately flushed with water. If not flushed, possibility of scarring but not in line of vision.</p>
Sodium hydroxide	Hair straightening	<p><u>Skin</u> - No harm to skin normally.</p> <p><u>Eyes</u> - If not flushed, minor damage. Damage to vision <u>unlikely</u> under worst of circumstances.</p>
Paraphenylenediamine (aniline derivatives)	Hair coloring	<p><u>Skin</u> - No effect on normal skin but may cause allergic reaction in some people.*</p> <p><u>Eyes</u> - If not flushed, minor eye damage but not affecting vision.</p>
Hydrogen peroxide	Hair lightening	<p><u>Skin</u> - Will not irritate skin.</p> <p><u>Eyes</u> - Only temporary irritation under the worst of circumstances.</p>

* The Federal Food, Drug and Cosmetic Act requires a "patch" test to be given before each application of an aniline derivative tint to determine if an allergy exists.

The Board member in charge of handling consumer complaints has also indicated that serious harm resulting from the misuse of chemicals is unlikely. According to this Board member, action is not taken on complaints alleging misuse of chemicals resulting in hair breakage or skin burns because the hair can be easily repaired and most skin burns are not serious and heal quickly. The Board received 54 complaints during the period January 1, 1981, to October 18, 1982, alleging skin burns or hair breakage from the use of chemical solutions by cosmetologists. No complaints alleged eye damage.

Licensing based on the use of chemical solutions is unnecessary for two other reasons. First, consumers can purchase on a retail level hair waving, straightening, dyeing and lightening products containing the same chemicals as in those solutions used by cosmetologists. In fact, consumers can purchase the same products used by cosmetologists. Four of eight beauty supply stores contacted by our Office said they sell products marked "for professional use only" to the general public. Second, the Federal government currently provides some consumer protection through the Federal Food, Drug and Cosmetic Act. According to a Federal official this act

"...prohibits the presence, in a cosmetic, of any substance which is poisonous or deleterious under the conditions of use prescribed in the labeling or under the conditions of use which are customary or usual, without regard to whether the product is intended for professional use or consumer use."

Further, the Code of Federal Regulations requires 1) "Each ingredient used in a cosmetic product and each finished cosmetic product shall be adequately substantiated for safety prior to marketing" and 2) "The label of a cosmetic product shall bear a warning statement...to prevent a health hazard that may be associated with the product." A representative of the U.S. Food and Drug Administration confirmed that these requirements were applicable to both products sold on a retail level and those labeled "for professional use only." We examined 12 different professional use products containing the chemicals mentioned earlier and found that all contained a warning statement.

Cosmetic Massage - Finally, the act of cosmetic massage does not possess sufficient potential for public harm to justify regulation. This was substantiated by three professionals in the field of massage who were consulted by our auditors. All stated that there is definitely no damage which could be caused by cosmetic massage. In fact, the danger of even deep muscle massage is so minimal that this practice and profession is not licensed by the State.

Remedy for Damages - In those cases where a consumer is injured by a person providing cosmetology services, means other than licensing are available to act both as a deterrent and to recover damages. Anyone injured in any way by another may seek to recover damages through civil court proceedings. This method is inexpensive to the injured person and will cost no more than \$20 if damages less than \$2,500 are sought through a justice court system without an attorney's aid. Further, the Board of Cosmetology currently does not take action on complaints alleging harm to the public but instead informs complainants that they should seek relief through civil court.

Consumers Possess Adequate Knowledge
to Evaluate Cosmetology Services

Cosmetology licensing cannot be justified on the basis of consumer inability to understand cosmetology services and make informed choices in the marketplace. Licensing can only be justified when a condition of "market failure" exists. This condition is characterized by the following elements: 1) the tasks or service provided is extremely difficult or complex so as not to be easily comprehended by the consumer, 2) the service is of a nature where the consumer must rely on the provider to inform him of his needs, or 3) the consumer is unable to judge the adequacy or competency of service provided. Cosmetology does not meet any of these criteria. The drive for satisfied customers and return business will tend to regulate the quality and competence of service provided.

Consumers Understand Service - Consumers are able to understand and comprehend the services provided by a cosmetologist. The practice of cosmetology as defined in law includes

"(a) Massaging, cleansing, stimulating, manipulating, exercising, beautifying or applying oils, creams, antiseptics, clays, lotions or other preparations, either by hand or by mechanical or electrical appliances.

(b) Styling, arranging, dressing, curling, waving, permanent waving, cleansing, singeing, bleaching, dyeing, tinting, coloring or similarly treating the hair of the head of a person.

(c) Cutting, clipping or trimming the hair of persons by the use of scissors, shears, clippers or other appliances.

(d) Arching eyebrows, or tinting eyebrows and eyelashes.

(e) Removing superfluous hair from the face, neck, shoulders or arms of a person by the use of depilatories.

(f) Cleansing, dressing, wrapping or polishing the nails...."

While some skill may be desired to provide aesthetic value, consumers nevertheless understand and comprehend these kinds of services. In fact, many consumers provide these services to themselves or members of their families without any formal training. Cosmetology services may be contrasted to service provided by medical doctors. Many services provided by an M.D. are of such a nature that most consumers cannot understand or comprehend them, much less attempt to provide the services to themselves or their families. Therefore, licensing of cosmetology is not justified on the basis of consumer inability to comprehend and understand services.

The market also functions adequately to allow consumers to choose qualified and competent practitioners. Since most persons seeking cosmetology services do so numerous times, they can rely on their own experiences to guide them in their selections. Consumers may also seek the advice of neighbors, friends or family to identify a competent person who provides the service they desire. Short of any other method, consumers may question prospective service providers to determine their training and experience regarding the service consumers wish to obtain. Therefore, consumers are able to select qualified and competent practitioners without State intervention in the form of licensing.

Consumers Define Their Own Service Needs - Consumers do not need to rely on cosmetologists to inform them of their service needs and how best to meet those needs. Instead, consumers can inform cosmetologists of the services they want to receive. While cosmetologists may suggest or recommend additional or alternate services, consumers still are capable of determining their own wants. Contrast this situation with a visit to the medical doctor. Generally, a consumer must rely on the doctor to inform him of the services he requires. This is not the case, however, with cosmetology services. Therefore, cosmetology licensing cannot be justified on the basis of consumer dependence on the judgment and ability of the practitioner.

Consumers Can Judge the Quality of Services Provided - Consumers possess the ability to adequately assess the quality and competency of services which have been provided by cosmetologists. Both during and after the service is provided, consumers can judge the quality and competency of the cosmetologist by 1) the manner in which services were provided, 2) whether any discomfort or harm was incurred, and 3) the progress and final result of the service. In fact, beauty services are of the nature where only the consumer can judge whether or not they are to his/her liking. In making this decision, he/she may be aided by the comments of family, friends and neighbors. Contrast cosmetology services to medical services. In receiving medical services, consumers often cannot judge whether the work performed was competent; only another doctor can make that decision. This is not the case, however, with cosmetology services.

Return Business Regulates Market - The concept of return business is sufficient to regulate the quality of cosmetology services provided in the marketplace. Economists studying the field of regulation believe that any long-run ability of consumers to reward high-quality practitioners and penalize low-quality practitioners will result in market ability to monitor and guarantee product quality. One economist states

"Markets can and will impose penalties for supply of low-quality professional services. . . .Self-interested professionals are motivated to control their own and their colleagues' levels of quality because of future quasi-rent returns [fees for services] from currently satisfied customers."

Another economist contends that because services of the same quality are supplied continually over time by a particular person, customers have information from past experiences, friends and relatives in which to evaluate services. The repeat sales concept is even applicable to one-time purchasers who through their satisfaction offer word-of-mouth advertising. Therefore the cosmetology profession would tend to be self-regulating through the experiences of consumers, and incompetent or unqualified practitioners would soon be eliminated from the marketplace.

Benefits of Regulation
Do Not Outweigh Costs

Since no serious risk to the public's health and safety exists, and consumers possess the ability to properly evaluate the quality and competency of cosmetology services offered, the benefits of regulation do not outweigh the costs to the public. These costs are incurred through restrictions on the practice of cosmetology services and through the imposition of high entry costs on those wishing to become cosmetologists.

Practice Restrictions - The current regulatory scheme restricts the practice of cosmetology for compensation to only those practitioners who have met all of the requirements for cosmetology licensing. Similarly, cosmetology services can only be provided in beauty shops licensed by the Board. These requirements not only restrict the availability of cosmetology services but also prohibit a cosmetologist from operating from his/her home to minimize business costs. It also substantially prohibits a cosmetologist from performing cosmetology services in a patron's home. According to the Board, licensed cosmetologists can only provide service in a patron's home when the patron makes the appointment through a licensed salon and the stylist leaves from the salon and returns to the salon when services are completed.

Entry Restrictions and Costs - The current regulatory scheme further restricts opportunities for individuals to practice cosmetology by imposing high entry costs. A person who desires to become a cosmetologist must meet the Board's minimum educational and other requirements and graduate from a cosmetology school licensed by the Board. Average tuition

cost is about \$2,400. The cosmetology student must then complete 1,800 hours of training (approximately 10 to 11 months work) most of which consists of providing cosmetology services to school clients without receiving compensation. When schooling is completed, all-day written and practical Board examinations must be taken which are only offered in Phoenix. After passing the Board examinations, a person may then become licensed; and only then can the cosmetologist legally practice for compensation. If the cosmetologist wishes to set up a shop, other Board requirements must be met. Since cosmetology regulation is not needed to protect public health and safety, it can be argued that these entry restrictions only serve the economic interests of licensed cosmetologists by protecting them from unwanted competition. (For a related discussion regarding the level of regulation, see Finding IV.)

CONCLUSION

State licensing of cosmetologists and beauty shops can be eliminated. The practice of cosmetology does not pose a sufficient risk to public health and safety to justify regulation, and consumers possess adequate knowledge to evaluate cosmetology services.

RECOMMENDATION

The Legislature should consider allowing the Arizona State Board of Cosmetology to terminate on July 1, 1984.*

* If the Board is allowed to terminate, the licensing of cosmetology schools would automatically transfer to the State Board of Private Technical and Business Schools which regulates all other vocational schools except cosmetology and barbering (see page 59).

FINDING II

CHANGES IN BOARD STRUCTURE COULD ENHANCE STATE REGULATION OF COSMETOLOGY.

If the State Board of Cosmetology is not allowed to terminate on July 1, 1984, several changes are needed in Board structure and composition. First, combining the Cosmetology and Barber Boards would improve regulation of these occupations and result in substantial cost savings. Board operations could be further improved by removing Board members from day-to-day administrative functions. Finally, public members should be added to the Board to increase consumer protection and better promote public interest.

Combining the Cosmetology and Barber Boards

The Cosmetology and Barber Boards can be consolidated to improve regulation and increase administrative efficiency. Several factors favor such a combination. First, both Boards perform the same administrative functions. Second, the practices of barbering and cosmetology are very similar making it feasible to regulate both occupations under a single board. Third, problems and inequities created by separate regulation of similar occupations could be eliminated by combining the regulatory functions under one board. Finally, Arizona can realize a substantial cost savings by combining the Cosmetology and Barber Boards.

Similarity of Functions - The administrative functions of the Cosmetology and Barber Boards are almost identical. As shown in Table 4, both Boards issue and renew licenses to schools, shops and individual practitioners; inspect schools and shops; handle complaints and perform similar office administrative functions. The only duty both Boards do not have in common is that the Board of Barber Examiners may act as a mediator for controversies. This duty has not been used by the Board and the Board has suggested that it be repealed.

TABLE 4

STATUTORY DUTIES OF
THE COSMETOLOGY AND BARBER BOARDS

<u>Duty</u>	<u>Barber</u>	<u>Cosmetology</u>
Conduct exams	Yes	Yes
Issue licenses	Yes	Yes
Conduct hearings	Yes	Yes
Revoke/suspend licenses	Yes	Yes
Inspect shops and schools	Yes	Yes
Collect and deposit fees	Yes	Yes
Enforce rules and regulations	Yes	Yes
Maintain records	Yes	Yes
Act as mediator for controversies	Yes	No

Similarity of Cosmetology and Barber Practices - Cosmetologists and barbers also provide many of the same services to consumers making it feasible to regulate both occupations under one board. The statutory definitions of barbering and cosmetology are very similar. Moreover, current industry trends indicate historical differences between services provided by each occupation are diminishing.

Table 5 illustrates the similar statutory scopes of both practices. With the exception of manicuring and make-up artistry (arching eyebrows or tinting eyelashes and eyebrows), barbers and cosmetologists perform the same tasks. Barbers are technically excluded from providing permanent waving and related services; however, they are nonetheless providing these services to customers.*

* A Legislative Council memorandum dated September 21, 1982, stated that these services are not currently permitted under the definition of the practice of barbering.

TABLE 5
STATUTORY SCOPE OF PRACTICE FOR
COSMETOLOGY AND BARBERING

<u>Type of Practice</u>	<u>Barber</u>	<u>Cosmetology</u>
Shave or trim beard	Yes	No
Cut, clip or trim hair	Yes	Yes
Give facial or scalp massage	Yes	Yes
Apply:		
Oils, creams, lotions or other preparations	Yes	Yes
Cosmetic preparations, antiseptics, powders, oils, clays or lotions	Yes	Yes
Singeing, shampooing, dyeing the hair or applying hair tonics	Yes	Yes
Styling, arranging, dressing, curling, waving, permanent waving	No*	Yes
Arching eyebrows or tinting eyelashes and eyebrows	No	Yes
Manicuring	No	Yes

* Barbers are nonetheless trained in these areas and some are providing these services to clients.

Historical differences between the practices of cosmetology and barbering are diminishing. The differences between these occupations originated because barbers worked on men while cosmetologists worked on women. However, today industry trends are closing the gaps between the two practices. Cosmetologists and barbers are providing their services to both men and women. A review of the Metro-Phoenix phone book yellow pages indicates that at least 50 barbershops and 140 beauty shops are advertising as serving both men and women. Some of these "unisex" shops may be licensed by both Boards because they employ both cosmetologists and barbers.

Recognizing this trend and the convergence of the two occupations, seven states have recently combined barber and cosmetology regulation under a single board. Connecticut, for example, which performed a job analysis of

both cosmetology and barbering practices, found that barbers graduating within the last ten years were performing the same tasks as cosmetologists. The National Hairdressers and Cosmetology Association (NHCA), which has developed a model bill which includes provisions for the regulation of cosmetology and barbering under a single board, has noted the convergence of both occupations:

" . . . we must face the reality that one day we [barbers and cosmetologists] will all be cosmetologists performing cosmetological services."

The increasing similarities of cosmetology and barbering is further evidenced by the fact that barber schools are teaching and barbers are providing services to the public which had been historically reserved for cosmetology. These services include roller setting, permanent waving, hair straightening and hairstyling which, as mentioned earlier, are technically outside the scope of barber practice.

Differences in Regulation Cause Inequity - Inequity created by separate regulation of similar occupations can be eliminated by combining administrative functions of the Barber and Cosmetology Boards. Differences in laws and regulations have created unnecessary and overrestrictive barriers between the cosmetology and barbering practices which are burdensome to shops and practitioners, students and school owners.

Dual licensure is burdensome on shops and practitioners because it restricts employment. Barbers can only work in shops licensed by the Board of Barber Examiners and cosmetologists can only work in shops licensed by the Board of Cosmetology. For a shop wishing to employ both cosmetologists and barbers this means 1) purchasing two separate establishment licenses 2) duplicating sanitation inspections by both Boards, and 3) following two different sets of regulations on shop, equipment and practice. As a further example of these problems barbers require an apprenticeship which means a barber graduate cannot work in a cosmetology shop unless there is a journeyman barber on the staff. In one case noted during our audit, a cosmetology shop wanted to employ a recent

graduate of a barber school. However, in order to have done so, the shop would have had to obtain both a barbershop license and another barber to satisfy Board of Barber Examiners requirements. The barber school graduate was not hired by the cosmetology shop even though it was felt he was qualified.

The existence of dual standards and requirements for cosmetology and barbering may become an increasing problem in the future because of the trend to employ both barbers and cosmetologists in the same shop. The Barber Board indicated that approximately 13 percent of all barbershops already have dual licenses, and, according to both Cosmetology and Barber Board members, the trend to employ both cosmetologists and barbers in one shop is growing.

The differences in educational requirements between cosmetology and barbering create burdensome restrictions on students. While barbers are only required to receive 1,250 hours of schooling before licensure, cosmetologists must receive at least 1,800 hours. Part of the increased hours may be justified because cosmetologists receive training in make-up application and manicuring. However, for the cosmetologist who wishes to provide only hair care services, this requirement is unnecessarily restrictive. Further, barber school hours are not accepted for cosmetology licensing and vice-versa except that a licensed cosmetologist enrolling in barber school is given 400 hours credit. Oregon has solved this educational reciprocity problem by consolidating the hairdresser and barber licenses into a single license.

Differences in requirements for cosmetology and barber schools also create unwarranted burdens on school owners. A barber school must have a sink for every student while a cosmetology school only needs six sinks per school. The instructor/student ratio for barbering is 1 to 12 while for cosmetology it is 1 to 20. These and other unique requirements of each law are overrestrictive and cause frustration and economic hardships to shop and school owners. In addition, these economic burdens are likely to be passed on to students and consumers.

Cost Savings - Combining the Cosmetology and Barber Boards would provide cost savings and increased efficiency. As previously noted, the Barber and Cosmetology Boards perform the same functions. However, we are unable to estimate cost savings through merging the Boards because of factors which affect the amount of savings.

Cost savings by combining Board functions will result for several reasons. First, an economy of scale should provide savings. This can be shown by comparing annual administrative costs per licensee for both Boards. As shown in Table 6, the Board of Barber Examiners expended \$24 in administrative costs for each licensee while the Board of Cosmetology expended only \$12, yet both Boards provide a similar level of regulation. The difference in annual operating cost per licensee is probably due to an economy of scale because there are many more licensed cosmetologists than barbers. If the Boards were merged and the annual operating cost per licensee could be maintained at the Board of Cosmetology cost of \$12, then at least \$40,000 could be saved by such an economy of scale.

TABLE 6

ANNUAL OPERATING COST PER LICENSEE

	Barber 1981-82	Cosmetology 1981-82
Total Board expenditures	<u>\$83,509</u>	<u>\$213,333</u>
Total number of licenses	<u>3,478</u>	<u>17,333</u>
Cost per license	<u>\$24.01</u>	<u>\$12.31</u>

Second, combining Boards will provide savings by reducing duplication such as the inspection of shops which employ both cosmetologists and barbers. Travel costs could be saved by one inspector inspecting both cosmetology shops and barbershops in outlying areas rather than each Board sending an inspector. Finally, other expenditures such as office rent and telephone service may be reduced by merging the Boards.

We did not attempt to estimate cost savings through merging the two Boards because several other factors contribute to the amount of savings which can be realized. First, we recommend both Boards eliminate the practical examination for all candidates of licensure. This is estimated to save at least \$8,800 annually for the Board of Cosmetology alone (see page 45). Second, we recommend a biennial renewal for licenses of both Boards for a combined savings of \$31,300. Third, we recommend that Board members cease to function as full-time employees and that all administrative functions be handled instead by Board employees (see page 30). Finally, the Board of Barber Examiners inspects shops approximately three times annually while the Board of Cosmetology inspects less frequently. All of these factors individually and collectively affect the amount of cost savings to be realized by merging the Boards of cosmetology and barbering.

However, experience with combined boards in other states indicates that substantial cost-savings can be achieved. Seven states have recently combined the two boards and at least four report efficiencies by job sharing, reducing rent payments and number of personnel. Oregon reported that combining the Cosmetology and Barber Boards in 1977 resulted in the following advantages.

- Entry level fees for barbers and hairdressers were reduced by as much as 40 percent for the first time in Oregon history.
- The number of full-time personnel was reduced from 14 to 7.
- Administrative costs were reduced by streamlining the examination operation and requiring biennial licensure.

Oregon further reported that productivity increased 300 percent with a combined board at a time when the average annual growth rate in licenses was 10 percent. This resulted in an estimated cost savings of \$93,500 in the 1981-83 biennium and projections estimate a \$140,000 cost savings in the next biennium. Colorado, which also has a recently combined board, similarly estimates a first-year cost savings of between \$39,000 to \$45,000 by reducing personnel and rent payments.

Board Members Serving
as Full-time Staff

Regardless of whether the Cosmetology and Barber Boards are combined, Board operations could be improved by removing Board members from day-to-day administrative functions. Having Board members serve as administrative staff creates potential legal problems with separation of functions and violation of the Open Meeting Law. Professional administrative staff can perform the administrative functions now performed by Board members, thus eliminating these problems.

The Boards of cosmetology and barbering are the only Arizona occupational licensing boards whose members act as full-time administrative employees. The three Board of Cosmetology members are required to serve as staff pursuant to A.R.S. §503.C. which states in part,

"...The [Board] members shall devote their full time in performing their duties as members of the board."

Other occupational licensing boards are composed of only part-time board members who act as decision makers and leave administrative functions to professional staff.

Separation of Functions Needed - The functions of complaint handling which include investigation, prosecution and judgment should be separated. Currently one Board member receives complaints, investigates them and decides final action to be taken. This lack of separation of functions violates fundamental notions of fairness and may be unconstitutional as suggested in case law. The U.S. Supreme Court stated in Withrow v. Larkin, 421 U.S. 35, 46-55,

"...under a realistic appraisal of psychological tendencies and human weakness, conferring investigative and adjudicative powers on the same individuals poses such a risk of bias or prejudgment that the practice must be forbidden if the guarantee of due process is to be adequately implemented."

This idea is supported by the National Association of Attorneys General which stated that

"...While the courts have not clearly defined the degree to which a board may combine the duties of a prosecutor and a judge, such combination should be avoided; the board's primary role is that of decision-maker."

Potential Open Meeting Law Violations - The potential for violation of the Open Meeting Law is increased if the Board members work together daily on Board business. All legal actions of the Board must be conducted in an open meeting. Legal action is defined as a collective decision, commitment or promise made by a public body pursuant to its specified scope of authority. Legal actions taken by the Board not in an open meeting could be later declared null and void. In one instance while an auditor was present, two Board members, representing a quorum of the Board, discussed whether to grant or deny a license to a license applicant. A decision was made to require another examination. Actions taken by two or more Board members constitute technical violations of the Open Meeting Law. Therefore, to avoid potential legal problems, Board members should not serve as full-time staff.

Administrative Functions Can Be Performed by Other Than Board Members - Professional administrative staff can perform the administrative functions now performed by the full-time Board members. The Board of Cosmetology indicates that Board members need to be full-time staff in order to proctor the practical exam for licensees, answer policy questions of the public, perform inspections of cosmetology shops and schools and handle complaints. However, the practical portion of the examination can be eliminated (see page 45) thus allowing other staff to administer the written portion of the examination. Staff could also be trained to answer

most questions regarding Board rules, regulations and policy. In addition, most cosmetology shop inspections are already performed by staff inspectors who receive lower salaries than Board members.

Therefore, the problems associated with Board members serving as full-time staff outweigh any benefits. As stated by the National Association of Attorneys General, a board's primary role is that of decision maker. This is further supported by the fact that the Cosmetology and Barber Boards are the only two licensing boards in Arizona which have board members acting as full-time administrative staff.

Need for Public Members on the Cosmetology Board

Public members should be added to the Board of Cosmetology to increase consumer protection and promote public interest. A survey of 21 Arizona occupational licensing boards shows that the Cosmetology and Nursing Care Administrators Boards are the only occupational boards in Arizona that do not have public members.

The Board of Cosmetology is currently composed of three members. A.R.S. §32-502 requires each member of the Board to be a licensed cosmetologist thus denying representation by lay members.

The addition of public members to licensing boards is desirable for several reasons. These reasons are explained in the Council of State Governments publication Occupational Licensing: Questions a Legislator Should Ask. Public lay members can provide public input and promote the general public's interest:

"There has been a growing movement to place public members on regulatory boards to ensure that there will be input from groups other than those representing the regulated occupation. Those who favor the idea believe that the presence of public members will help to break up the in-group psychology that often prevails when all board members are practitioners. Ideally, public members will provide a point of view otherwise absent on a board composed solely of license holders." (emphasis added)

Public board members can also balance the potential for board members of the occupation to be sympathetic with or overly protective of their peers. This is especially important when dealing with consumer complaints. As noted elsewhere in this report, the Board has failed to investigate and resolve complaints alleging malpractice or incompetence (see page 35). The Council of State Governments (CSG) has also addressed this problem:

"Many regulatory agencies are perceived as overly protective of those whom they regulate. This has led consumers to question whether professionally dominated boards are willing to deal forcefully with their peers when complaints are received from the public. Consumers also express doubts that they will receive a fair hearing before boards composed solely of licensed practitioners." (emphasis added)

The CSG article recommends that a minimum of two public members serve on licensing boards.

CONCLUSION

Regulation of cosmetology can be improved by changing the structure and composition of the Board of Cosmetology. The cosmetology and barber boards can be combined to improve administration and effectiveness of regulation for these occupations at a substantial cost savings. Board members should not serve as full-time administrative staff. This will eliminate potential legal problems and violation of the Open Meeting Law. Public members should be added to the Board to increase consumer protection and promote public interest.

RECOMMENDATIONS

If the Board of Cosmetology is not allowed to terminate on July 1, 1984, the legislature should consider making the following statutory changes.

1. Combine administration and regulation of cosmetology and barbering under a single regulatory board.

2. Repeal statutory requirements of Board members serving as full-time staff and provide for all administrative functions to be performed by professional staff.
3. Add public members to the Board.

FINDING III

THE COSMETOLOGY BOARD CAN IMPROVE ITS ADMINISTRATIVE OPERATIONS.

If the Board of Cosmetology is not allowed to terminate on July 1, 1984, the Board should substantially improve its administrative operations. First, the Board should adequately investigate and document consumer complaints placing priority on complaints alleging harm to the public. Second, renewals should be processed on a biennial basis to save the Board \$26,000 in operating expenses. Third, shop inspection enforcement efforts should be improved. Finally, documentation and reporting of Board activities needs improvement.

The Board of Cosmetology Does Not Take Adequate Action on Consumer Complaints

The Cosmetology Board needs to improve its handling of consumer complaints. The Board does not take adequate action on consumer complaints alleging malpractice or incompetence. Action is inadequate because the Board has not viewed complaints as serious public safety matters and has misinterpreted its complaint-handling authority. In addition, complaints have not been brought before the full Board for resolution.

One of the Board's responsibilities is to respond to complaints from the public. The Board received 115 written and 318 telephone complaints between January 1981 and October 1982. The Board sends written complaint forms to telephone complainants and pursues these complaints when the written complaint form is returned. The most serious complaints received by the Board typically concern the misuse of chemicals. Harm alleged in these cases may include hair breakage and skin or scalp burns.

Harm Complaints - The Board has not taken adequate action on complaints alleging consumer harm. As shown by Table 7, the Board took action on only two of the 56 public safety-related complaints received from January 1981 through October 1982. In 30 cases, the Board took no action because the complaint was taken by telephone but not received in writing. In seven other cases, however, the Board took no action even when a written complaint was filed. In 16 cases, the Board notified the complainant that the complaint was a civil matter which must first be handled in a civil court, but the Board took no further action. In the two cases where an informal hearing was held, the complainant was not invited; and based on the defendant's responses to the allegations, the Board decided the complaint was invalid. This same pattern of Board inaction was found to be true for complaints in general.

TABLE 7

BOARD ACTIONS ON PUBLIC SAFETY-RELATED COMPLAINTS
JANUARY 1981 THROUGH OCTOBER 1982

<u>Action</u>	<u>Number in Category</u>	<u>Percent of Total</u>
<u>No action:</u> Phone complaint for which no written form was returned	30	53.6%
<u>No action:</u> Written form returned	7	12.4
<u>No action:</u> Consumer notified complaint is a civil matter	16	28.6
Informal hearing held	2	3.6
Complaint not within Board's jurisdiction	<u>1</u>	<u>1.8</u>
	<u>56</u>	<u>100.0%</u>

Complaints Not Serious - The Board does not view complaint matters as serious threats to public health and safety. According to the Board member in charge of complaints, the harm alleged in consumer complaints is usually of such a nature that permanent damage to the complainant is unlikely and the damage can usually be repaired by additional cosmetology services. This statement supports our conclusion that the practice of cosmetology does not pose a significant threat of harm to the public sufficient to warrant licensing (see page 14).

Misinterpretation of Authority - The Board has also misinterpreted its authority with regard to complaint handling. First, the Board feels consumer harm complaints must be prosecuted in civil court prior to Board action. Second, the Board feels that telephone complaints should be received in writing before investigations are made.

The Board feels complaints of consumer harm must be prosecuted in a civil court before the Board can take action to suspend or revoke a license. According to the Board's Attorney General representative, however, the Board does have the discretionary authority to take action. The Board may investigate the complaint independently of the civil case and base its decision to suspend or revoke a license on its own evidence.

In addition, the Board has misinterpreted its ability to handle telephone complaints. The Board investigates only complaints received in writing. Some complaints are received over the telephone; however, a written complaint form is not subsequently returned to the Board. According to the Board's Attorney General representative, all complaints, whether written or oral, alleging malpractice or incompetence should be investigated and should receive the highest priority.

Board Resolution - Complaints should be brought before the full Board for resolution. The Board has assigned one Board member to investigate and resolve consumer complaints. In most cases complaints are not brought to the full Board for disposition. A preferred method of complaint handling would be for the entire board to make final disposition of complaints in

Board meetings. Board disposition of complaints would reduce the possibility of individual bias and inappropriate action by an individual Board member.

\$26,000 Can Be Saved by
Biennial Renewal Cycle

The Board of Cosmetology can save up to \$26,000 every two years by renewing licenses on a biennial cycle.* Board statutes currently require all licenses to be renewed on an annual basis with a June 30 expiration date. After July 1, 1983, cosmetologist and manicurist licenses will be renewed on a staggered annual cycle with the expiration date on the applicant's date of birth. However, if the Board would also renew on a biennial cycle, \$26,000 could be saved in labor and material costs every two years as shown in Table 8. Even greater savings can be realized by renewing licenses on a triennial cycle. In addition, Board members and employees would be able to devote more time to other Board business. Board members and six employees spent approximately 2,800 hours on the typing and processing of 1982-83 renewals.

TABLE 8

LICENSE RENEWAL PROCESSING EXPENDITURES

Labor (including employee-related expenses)	\$21,900
License forms	900
Envelopes	200
Postage	3,000
	<u>\$26,000</u>

* Actual cost savings may be less since the Board hopes to reduce annual renewal costs by acquiring a word processor unit in May 1983. The Board supports a change to a biennial renewal cycle and states it has requested such a legislative change in the past.

The Board Needs to Improve Enforcement
Efforts on Shop Inspections

The Board does not take consistent action on violations found during inspections. According to Board policy, if a shop receives two low inspection grades in one fiscal year, the shop owner shall be called in for an informal hearing. However, the Board has not enforced this policy consistently and equitably among shops meeting the criteria. A review of approximately 800 shops inspected during January 1980 through October 1982 showed 37 shops in violation of this Board policy. A hearing was held in 7 cases, however, in 13 cases no hearing was held. In 17 cases Board documentation was so poor that it could not be determined what action, if any, the Board had taken. Table 9 shows Board action for shops meeting the criteria for an informal hearing.

TABLE 9
ACTION ON SANITATION VIOLATIONS

<u>Board Action</u>	<u>Number in Category</u>	<u>Percent of 37</u>
Action undeterminable	17	46.0%
Shop in violation of Board policy, no informal hearing held	9	24.0
Informal hearing canceled	2	5.5
Warning letter sent, no hearing	2	5.5
Informal hearing held	7	19.0
	<u>37</u>	<u>100.0%</u>

The Board Needs Improvement
in Documenting and
Reporting Its Activities

Documentation of Board of Cosmetology activities is deficient. The Board needs to improve its documentation and reporting in three areas: 1) consumer complaints, 2) service measurements, and 3) Board minutes.

The Board is required in A.R.S. §§32-504.A. and 41-1346.A. to keep adequate and proper documentation of its acts and proceedings. A.R.S. §32-504 states that the Board shall:

"3. Make and maintain a record of its acts and proceedings, including, but not limited to, the issuance, refusal, renewal, suspension or revocation of the licenses provided for in this chapter."

A.R.S. §41-1346.A. states that an agency shall:

"2. Make and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency designed to furnish information to protect the rights of the state and of persons directly affected by the agency's activities."

Complaints - Consumer complaints contain several documentation errors. Files do not contain a clear status of whether they are open or closed nor what action was taken by the Board. Files are also missing or contain clerical errors and are not cross-referenced.

Complaints do not contain a clear record of status and disposition. A review of Board complaints showed 62 percent were found to be pending. The pending files did not clearly show what action had been taken and what further action was needed to close the file. Many of these complaints dated as far back as January 1981, but it is doubtful that further action will be taken. In addition, 11 percent of the files had been closed, but it was unclear how the case had been resolved.

We were unable to locate some complaint files and others contain clerical problems. During a review of complaint files, 11.4 percent were missing from Board records. An additional 8 percent of the files contained clerical problems such as the placement of several unrelated complaints in one file, misnumberings of files, misplacements of investigation reports and lack of complaint descriptions.

The Board does not cross-reference complaint files to detect operators or shops with multiple complaints. By cross-referencing complaints, the Board would be able to determine who is receiving multiple complaints and use this information for possible disciplinary action.

Service Measurements - Board service measurements are improperly documented and some are artificially inflated. These inflated figures misrepresent information presented in both budget requests and the Board's annual report to the Governor. For example, the 1983-84 budget request and Governor's report shows the 1981-82 consumer complaint total as 526. However, a review of consumer complaint logs shows a total of 241 complaints. A portion of the difference is accounted for by what the Board calls "inspection generated complaints" which are simply Board inspection reports for shops and schools receiving low inspection grades. As a second example, the Board inflates salon and school inspection figures by including the number of salon operators and school students in its inspection total. This method of reporting more than quadruples the actual number of inspections. For instance, the 1979-80 inspections were determined by the Board to be 6,045 but were shown in the budget request as 25,560.

Board records do not substantiate complaint and inspection figures or service counts, and we cannot verify their accuracy.

Minutes - Board minutes do not comply with A.R.S. §38-431.01 in both content and availability of the minutes to the public. A.R.S. §38-431.01 requires agencies to keep accurate documentation of Board meetings and to have Board minutes available to the public. The statute states:

"B. All public bodies, except for subcommittees and advisory committees, shall provide for the taking of written minutes or a recording of all their meetings, including executive sessions. For meetings other than executive session, such minutes or recording shall include, but not be limited to:

1. The date, time and place of the meeting.
2. The members of the public body recorded as either present or absent.
3. A general description of the matters considered.
4. An accurate description of all legal actions proposed, discussed or taken, and the names of members who propose each motion. The minutes shall also include the names of the persons, as given, making statements or presenting material to the public body and a reference to the legal action about which they made statements or presented material....

D. The minutes or a recording shall be open to public inspection three working days after the meeting except as otherwise specifically provided by this article...."

Board minutes do not comply with this statute as Board actions are not adequately described, Board voting is often omitted and attachments to the minutes, such as letters or memoranda, are frequently missing. In addition, minutes to two Board meetings are lost and are, therefore, not available for public inspection.

Administrative Problems May Be Caused
By Board Members Serving as Staff

The administrative deficiencies discussed in this Finding may be the result of Board members serving as staff. Board members, appointed by the Governor as prescribed by law, are either cosmetologists or cosmetology instructors, not professional administrators. Moreover, as Board officers are elected annually, duties associated with an office, such as complaint handling or office supervision, may shift. This shift in duties requires Board members to learn new functions and forfeit any proficiency which was developed in their prior function. In addition, the new officer tends to implement his/her own procedures for performing his/her duty, thus introducing inconsistencies which may be confusing to office staff. Assigning a professional administrator to manage Board administrative operations and removing Board members from day-to-day administrative functions should help correct the deficiencies addressed in this Finding (see page 30 for further discussion of this issue).

CONCLUSION

The Board of Cosmetology should make improvements in four administrative areas. First, the Board is not adequately investigating consumer complaints nor placing priority on complaints alleging harm to the public. Second, renewals can be processed on a biennial basis to save the Board \$26,000 every two years in operating expenses. Third, shop and school disciplinary actions for violations found during inspections should be made more consistent. Finally, the documenting and reporting of Board activities needs improvement.

RECOMMENDATIONS

If the Board of Cosmetology is not allowed to terminate on July 1, 1984, the following recommendations should be considered.

1. The Board should improve its investigation of complaints involving harm to the public.
2. All complaints should be presented to the full Board for final disposition.
3. A.R.S. §32-529 should be amended to require renewals to be issued on a biennial or triennial cycle. In line with this change, A.R.S. §32-530 would also need an amendment to provide for the doubling or tripling of renewal fees.
4. The Board should take consistent action on violations found during inspections.
5. Complaint documentation should be improved by providing files with clear status, safeguards to prevent loss of files, a cross-referencing system and increased accuracy to reduce clerical errors.
6. The Board should maintain accurate records of its service measurements and report these measures in uninflated terms. Only the number of shops and schools inspected should be reported, excluding students and operators. Complaint figures should include consumer complaints only, no inspection-generated complaints.
7. Board minutes should be improved to comply with A.R.S. §38-431.01 by recording an accurate description of proceedings, including Board votes on decisions, and safeguarding minutes to prevent misplacement.

FINDING IV

REQUIREMENTS FOR ENTRY INTO THE OCCUPATION OF COSMETOLOGY CAN BE REDUCED.

If cosmetology licensing is retained, those requirements for entry into the profession which are either too restrictive or do not serve a valid public purpose should be eliminated or changed. Specifically, the Board's practical examination should be eliminated and the written examination revised to include only items relating to public protection. In addition, the statutes should be amended to provide for licensing by endorsement without an examination for applicants who have been licensed in another state. Finally, requirements relating to education, age and moral character should be revised.

Currently, before a person can be licensed in Arizona as a cosmetologist, he/she has to meet certain qualifications. Applicants must 1) have graduated from a licensed cosmetology school completing at least 1,800 hours of training, 2) pass both a Board practical and written examination, 3) possess a tenth grade or equivalent education, 4) be at least eighteen years of age, and 5) be of good moral character. No provisions exist to allow applicants to serve an optional apprenticeship in lieu of attending cosmetology school.

Board Practical Examination Should Be Discontinued Saving \$8,800

The Board of Cosmetology practical examination of applicants is unnecessary and should be eliminated. Most tasks required as part of the practical examination are not critical to public protection, and those which do relate to public safety may be better tested on the Board written examination. In addition, candidates have received sufficient training and experience while in cosmetology school and should possess adequate performance skills. Finally, the practical examination may cause undue

hardship for some applicants and is costly to administer. If the practical examination is eliminated at least \$8,800 in expenses can be saved annually.

Purpose of Examinations - The Board practical and written examinations should include only those items which relate to protection of the public. Experts in the field of occupational licensing and examining stress that items on tests should be related to the purpose of licensure, protection of the public. The exams should, therefore, measure the critical or important knowledge, skills and abilities prerequisite to performance of the job at the minimum level of competence deemed necessary for the public's protection. This means that applicants for licensure need not be tested on all aspects of the practice of cosmetology (e.g., shop management and hairstyling techniques) but only on those tasks or subject areas which are directly related to protection of the public.

Practical Exam Unrelated to Public Protection - Most tasks included on the Board practical examination do not relate to public health and safety matters; rather, they measure the applicant's skill level. (As discussed in Finding I, the practice of Cosmetology poses little threat to public health and safety--see page 9.) The 13 cosmetology services required to be performed as part of the applicant's practical demonstration of knowledge are briefly described below as well as the possible harm or danger the public would be exposed to if the applicant is incompetent.

1. Thermal curling - The applicant must press hair and demonstrate two different kinds of curls by using a heated curling iron. The Board states danger to the public may occur if the hot iron touches the patron's scalp or if the iron is too hot and burns the hair.

2. Facial - The applicant must give a facial treatment including facial massage and the application of make-up. There is little potential for public harm.
3. Scalp treatment - As tested, this basically consists of brushing the hair and scalp. There is no potential for public harm.
4. Haircut - A haircut is given. There is little potential for public harm.
5. Chemical curling (permanent waving) - The applicant is required to section the hair and wrap four waving rods. Actual chemicals are not used. The Board states damage to the hair may occur if hair is not rolled properly.
6. Coloring - The applicant simulates the application of hair coloring solution and is asked several oral questions regarding methods of application. The Board holds that overprocessed hair may become damaged.
7. Fingerwave - The applicant demonstrates fingerwave styling. There is no potential for public harm.
8. Skipwave - The applicant demonstrates skipwave styling. There is no potential for public harm.
9. Pin curls - The applicant demonstrates the rolling of hair into pin curls. There is no potential for public harm.
10. Shampoo - The applicant demonstrates the correct shampooing procedure including sanitation procedures. There is little potential for public harm.

11. Wet set - The applicant demonstrates the wet setting of hair in hair rollers in preparation for hair styling and the model is placed under hair dryer. There is no potential for public harm.
12. Manicure - The applicant provides a manicure including the application of nail polish. There is little potential for public harm.
13. Hairstyle and Combout - The applicant demonstrates the styling of hair subsequent to the wet set. There is no potential for public harm.

The only tasks demonstrated during the practical exam which have the potential of harm to the public are thermal curling, chemical curling and haircoloring. However, public safety aspects of these tasks can be as effectively tested on the Board written examination, thus eliminating the need for any practical demonstration of knowledge.

Written Exam More Effective than Practical - Public safety items of the Board practical examination can be appropriately tested by a written examination. The written examination can effectively address all items of public safety currently appearing on the practical exam. A written exam has the additional advantage of being less subjective. Some states have either eliminated the practical examination of cosmetology applicants or recommended that it be eliminated.

Critical items of public safety can be included on the Board written exam eliminating the need for a separate practical examination. Because the Board has no guarantee that procedures demonstrated by applicants will be followed in practice, the Board needs only to ascertain that applicants possess the knowledge to practice safely. For the practice of cosmetology this can be accomplished by a written examination. To illustrate this point, consider the Board practical tests for thermal curling, chemical curling and hair coloring which are the only practical examination tasks which potentially affect public safety.

Thermal curling - The Board requires applicants to press one section of hair and make two different curls. The only points of public safety tested here are 1) the curling iron temperature (too hot an iron will burn hair) and 2) how to use the hot iron. The iron temperature is determined by touching it to a piece of paper and seeing if it scorches the paper. This knowledge could be tested on a written exam. Use of the hot iron is a procedure which need not be tested.

Chemical curling - The Board requires applicants to section the hair and wrap four curling rods. No chemical curling solution is used. According to the Board, improper sectioning and wrapping may cause hair to break after processing. However, the Board does not test such things as proper application of chemicals and processing time which may also cause hair breakage. Neither is patron protection tested. Knowledge of all these procedures can be tested on the written exam.

Hair coloring - The Board requires applicants to go through the motions of applying hair coloring solutions without using the actual solution. Applicants are graded on the basis of answers to oral questions only. The questions could be asked on the written exam.

As indicated above, knowledge of critical procedures currently tested on the Board practical examination as well as other procedures critical to protect the public can be assessed by the Board's written examination.

Subjectivity - A written examination is preferable to a practical examination because of the inherent subjectivity of practical examinations. The Board has no defined performance criteria with which to rate applicants on practical demonstrations. This does not allow for a standardized rating of applicants. Benjamin Shimberg in Occupational Licensing: A Public Perspective notes the importance of carefully defined rating criteria.

"Evaluating an applicant's performance poses many problems. To guard against subjectivity and differences in standards among observers, carefully defined performance criteria are needed. In well-developed performance tests, evaluators are usually provided with checklists so that they know precisely what to look for. They are required to record for each item on the checklist whether or not the applicant performed according to the specified criteria."

In addition, although examiners may not know candidates by name, the ratings could nonetheless be influenced by race, sex or other factors because examiners observe and to some extent interact with candidates. Such subjective factors can be avoided by providing a standardized written test to all applicants.

Other states have questioned the value of practical examinations for cosmetology licensing. Oregon abolished practical examinations for both barbers and cosmetologists in 1977 presuming that graduates of state-approved schools possess the requisite performance skills, and if not, the marketplace would quickly eliminate those who are unqualified or unsuited. The written exam was further revised to include only those items specifically related to public protection. Following Oregon's lead, the Washington State Department of Licensing has recommended that the legislature consider eliminating practical examination requirements for cosmetology. They argue that the use of practical examinations to evaluate applicants is a questionable practice because 1) the exams are inherently subjective in nature, 2) the tests are not reliable indicators of an applicant's skill or knowledge, 3) personal interaction between applicant and examiner may affect the examiner's scores, and 4) practical test scores may vary widely from exam to exam in ways unrelated to applicant skills.

Sufficient Practical Training Provided in Cosmetology School - Cosmetology applicants receive extensive practical experience while attending cosmetology school by providing cosmetology services to the public. Based on responses from 33 of 49 licensed cosmetology schools, we determined the

average number of selected cosmetology services provided by students upon completing the 1,800 hours required for licensing. These averages are shown in Table 10.

TABLE 10
AVERAGE NUMBER OF COSMETOLOGY SERVICES
PROVIDED BY STUDENTS GRADUATING FROM COSMETOLOGY SCHOOL

<u>Cosmetology Service</u>	<u>Number of Times Performed</u>
Chemical (cold) waving	150
Thermal pressing, curling and waving	30
Finger waving	40
Skip waving	50
Pin curling	80
Hair relaxing or straightening	10
Hair tinting	70
Lash and brow tinting	10
Hair bleaching	20
Hair cutting	700
Shampoos	1,000
Rinses	400
Wet set or roller set	800
Hair styling and comb out	800
Scalp treatment	60
Facials	20
Applying make-up	20
Manicuring	100

As shown, cosmetology students should develop adequate performance skills prior to graduation. This is attested by the low failure rate on the Board's practical examination which, for a recent 11-month period, was only 5 percent. Some of these failing applicants retook the exam and passed resulting in an even lower percentage of candidates who were denied licensure based on the practical examination.

Practical Exam Causes Undue Hardship - The Board practical examination may impose undue hardship on applicants and is costly to administer. The test is only offered in Phoenix requiring many applicants and their models* to incur travel expenses and take time off from work or other activities. The practical examination is costly for the Board to administer because 1) 5 hours are allocated to applicants to complete the test, 2) only 18 applicants can be examined at one time, and 3) 2 Board members must proctor the examination. By eliminating the practical examination, Board employees could proctor the written examination at various sites throughout the State, thereby reducing applicant hardship. In addition, at least \$8,800 in personal service expense could be saved annually.

Written Exam Needs Revision

The Board's written test also needs revision because 65 percent of the questions on the written exam do not relate to public protection. The exam consists of both true/false and multiple choice questions. Examples of true/false questions included on the exam which do not relate to protection of the public are:

- "The stockholders of a corporation are personally responsible for company losses."
- "A store lease guards against any increase in rent."
- "In a partnership, each partner assumes unlimited liability of debts and bankruptcy."
- "In purchasing a salon, the correct identity of the seller must be established before transacting further."

* Each practical exam applicant must bring a person (model) to the exam on whom they can demonstrate their skills.

- "A middle part in the hair should minimize the roundness of a round facial type."
- "In the art of make-up, a shadow effect minimizes prominent features."
- "Bulging eyes may appear more normal if dark eye shadow is used."

Examples of multiple choice questions included on the exam which do not relate to protection of the public are:

- "The best form of advertising is:

A. a pleased patron	C. newspaper
B. T.V.	D. mailed flyers"
- "The income tax law is a:

A. federal law	C. state law
B. county law	D. federal and state law"
- "State Board members are:

A. appointed by legislature	C. elected by cosmetologists
B. appointed by the governor	D. hired by the State"
- "An excellent styling comb is made of:

A. plastic	C. soft rubber
B. hard rubber	D. none of these"
- "A service record in a salon records:

A. appointments	C. supplies used
B. treatments given	D. none of these"

As shown by the examples presented here, the written test needs to be revised to eliminate those items which do not relate directly to the purpose of licensing--public protection.

Licensing by Endorsement
Should be Provided

Entry requirements imposed on out-of-state cosmetologists are too restrictive and should be reduced. A.R.S. §32-522.B. provides for out-of-state applicants to be licensed as cosmetologists in Arizona without an examination if they have practiced as a licensed cosmetologist for at least five of the last seven years and if the other state provides the same opportunity to Arizona cosmetologists. This means that a cosmetologist who has been tested and licensed in another state and has successfully practiced as a cosmetologist for as many as four years must take and pass an Arizona Board of Cosmetology examination before he/she can provide service as a cosmetologist in Arizona. This provision does not serve to protect the public but only restricts out-of-state applicants who may be otherwise qualified to provide services. Under a licensing-by-endorsement approach, applicants holding licenses from other states would be granted licensure without examination regardless of years in practice if the licensing standards of their states were comparable to the licensing standards of Arizona, regardless of whether these states reciprocated.

Miscellaneous Licensure
Requirements Can Be Reduced

Other licensing requirements can also be reduced or eliminated. These requirements pertain to 1) age, 2) education, and 3) moral character.

Age requirements - The 18 years of age requirement for cosmetology applicants can be reduced or eliminated. Board members could not provide adequate justification for the current age requirement. An analysis of other states' age requirements shows that Arizona's requirement is higher than most other states' age requirements. Table 11 shows age requirements for cosmetology licensing in the 50 states.

TABLE 11

AGE REQUIREMENTS FOR COSMETOLOGY LICENSING
IN THE 50 STATES

<u>Age Requirement</u>	<u>Number of States</u>
None	1
16 years	24
16 1/2 years	1
17 years	13
18 years	<u>11</u> (includes Arizona)
	<u>50</u>

Educational Requirements - The tenth grade educational requirement for cosmetology applicants is unjustifiable for the following reasons. First, the Board could provide no justification for a tenth grade educational level although it felt some level of education was needed to read product labels and follow instructions. Second, we found that 22 states have educational requirements for cosmetology that are lower than Arizona's tenth grade requirement. Six of those states have no educational requirement at all. Table 12 shows educational requirements for cosmetology licensing in the 50 states.

TABLE 12

YEARS OF FORMAL EDUCATION REQUIRED
FOR COSMETOLOGY LICENSING IN THE 50 STATES

<u>Years of Schooling Required</u>	<u>Number of States</u>
None	6
7	1
8	12
9	3
10	21 (includes Arizona)
12	<u>7</u>
	<u>50</u>

Finally, the tenth grade requirement does not allow flexibility since applicants may be otherwise qualified. According to Benjamin Shimberg, a noted authority on occupational licensing,

"...once minimum educational requirements are incorporated into licensure law, they establish an inflexible standard to which boards must adhere even when the standard serves no clear public purpose."

Although the Board will accept a Graduation Equivalency Diploma (G.E.D.), the Board has no authority to accept less than a tenth grade education or its equivalent. This requirement may cause entry into the profession to be delayed or even cause an additional financial hardship if applicants must take additional schooling or special courses in order to obtain a G.E.D.

Good Moral Character - The requirement for good moral character and temperate habits should be eliminated because it is too vague. Neither Board statutes nor rules and regulations define what constitutes good moral character and temperate habits. Currently, the Board has no method of assessing this requirement short of a printed statement appearing on the application for license immediately preceding the applicants signature which states in part:

"I do hereby certify and declare that I am of good moral character and temperate habits; that I am not an habitual drunkard or addicted to the habitual use of morphine, cocaine or other habit forming narcotic drugs...."

In the absence of specific guidelines defining moral character and temperate habits and under what conditions a person would be disqualified thereunder, the potential for arbitrary rejection of an applicant for reasons not related to public protection exists. Again, Benjamin Shimberg questions the use of good moral character as a test of fitness for licensing. He states,

". . . [good moral character requirements] in addition to keeping out those with criminal records, . . . [are] sometimes used to exclude individuals with 'histories of mental illness, alcoholism, or drug abuse from licensed occupations. Moreover, the ambiguity of 'good moral character' makes it easy for boards to exclude persons from dissident lifestyles' . . . any consideration of an applicant's character must be limited to matters having a substantial relationship to the functions and responsibilities of the licensed occupation." (emphasis added)

CONCLUSION

Some requirements for licensure are too restrictive, do not serve a valid purpose in protecting the public and could be eliminated or revised to provide greater ease of entry into the cosmetology occupation.

RECOMMENDATIONS

If the Board of Cosmetology is not allowed to terminate on July 1, 1984, the following recommendations should be considered.

1. A.R.S. §32-528 should be amended to delete the requirements of a Board practical examination and provide that applicants shall only be required to take a written examination on those aspects of cosmetology relating to safe practice of the occupation.
2. The Board should revise its written examination to include only questions directly related to public protection and the safe practice of cosmetology.
3. A.R.S. §32-522 should be amended to
 - a. eliminate current reciprocity provisions and provide for the licensing by endorsement without an examination for those applicants licensed in other states with comparable standards,
 - b. reduce or eliminate the age requirement,
 - c. reduce or eliminate education requirements, and
 - d. eliminate requirement of good moral character and temperate habits.

OTHER PERTINENT INFORMATION

During the audit, other pertinent information was developed regarding 1) cosmetology school regulation and 2) cosmetology school hours required for licensing.

Cosmetology School Regulation

The Board of Cosmetology licenses and regulates cosmetology schools. However, cosmetology school regulation could be provided by another existing State agency. The Board of Private Technical and Business Schools (PTBS) was established in 1970 and licenses approximately 235 proprietary vocational schools enrolling approximately 110,300 students annually. The different schools licensed by the PTBS Board provide training and instruction to students in as many as 60 different occupational areas. Many of these schools are similiar to cosmetology schools in that they provide both theoretical and practical training to students. Also, some of these schools provide vocational training in occupations which are regulated in some manner by some other State or local governmental agency. Cosmetology schools were excluded from PTBS Board regulation because they were already regulated by the Board of Cosmetology. Currently the Board of Cosmetology licenses and regulates 49 cosmetology schools. Cosmetology and barber schools are the only vocational schools not regulated by the PTBS Board. If the cosmetology and barber boards are allowed to terminate, regulation of the respective schools will automatically be vested in the PTBS Board.

Cosmetology School Hours

Arizona currently requires completion of 1,800 hours of cosmetology school before an applicant can be licensed as a cosmetologist. Table 13 shows hours in each area required by the Board's rules and regulations.

TABLE 13

COSMETOLOGY SCHOOL HOURS REQUIRED
BY THE BOARD IN EACH AREA

<u>Item</u>	<u>Hours Required</u>
Theory of cosmetology (including Arizona Law and Rules governing cosmetology)	210
Practical cosmetology and practical theory:	
Monitor duties, salesmanship, ethics and shop management	35
Electricity and lights	20
Permanent waving including chemical hair relaxing	350
Shampoos	120
Hair styling, pressing, thermal curling and waving	305
Rinses	10
Manicuring, hand and arm massage and related services	100
Hair cutting	150
Scalp treatment and brushing	75
Hair tinting and bleaching	250
Facials and make-up including physical and chemical depilatories	100
Lash and brow tinting	10
Miscellaneous	65
Total hours required for licensing	<u>1,800</u>

There are 33 states which have lower cosmetology school hour requirements than Arizona. Table 14 shows the school hour requirements for the 50 states.

TABLE 14

HOURS OF COSMETOLOGY SCHOOL REQUIRED FOR LICENSING

<u>Hours Required</u>	<u>Number of States</u>
1,000 to 1,250	9
1,500	22
1,600 to 1,650	2
1,800	6 (includes Arizona)
2,000 to 2,100	<u>11</u>
	<u>50</u>

AUDITOR GENERAL NOTE

The Auditor General has reproduced the entire narrative portion of the Board of Cosmetology's response. Because of the extensive length of this response, however, several supplementary documents which were attached to it are not presented here. These documents, which are available at the Board of Cosmetology office, are as follows:

1. Excerpts from Human Hair Growth in Health and Disease, David Ferrman, D.M. (Springfield, Illinois: Charles C. Thomas, Publisher) discussing hair growth rate and cycle (4 pages). Supports comments on page 7 of response.
2. Excerpts from Chemical and Physical Behavior of Human Hair, Clarence R. Robbins (New York: Van Nostrand Reinhold Co.) describing chemical changes to hair which occur in the permanent waving process (3 pages). Supports comments on page 8 of response.
3. Excerpts from Standard Textbook of Barbering and Styling, Seventh Edition (Charlotte, North Carolina: National Educational Council) discussing precautions which should be taken and potential harm in the application of massage (3 pages). Supports comments on page 12 of response.
4. Why Cosmetologists Support Continuance of the State Board of Cosmetology, a pamphlet published by the National Hairdressers and Cosmetologists Association, Inc. setting forth the Association's position favoring regulation of cosmetology (2 pages). Supports the Board's position stated on pages 1-15 of its response.
5. Statement calling for continuation of the Board of Cosmetology to protect consumers, source and author not identified (4 pages). Supports the Board's position stated on pages 1-15 of its response.

6. Cosmetologists Oppose Being Regulated by Barbers, a statement published by the National Hairdressers and Cosmetologists Association, Inc. opposing merger of cosmetology and barber boards (2 pages). The Board does not oppose such merger as long as Board membership is proportional to number of licensees (see pages 15-16 of response).
7. "Legislative Handbook" published by the National Hairdressers and Cosmetology Association, Inc. outlining the Association's positions on numerous issues affecting the Cosmetology industry (28 pages). Supports several Board comments contained in its response.
8. Statement from the Barbers, Beauticians and Allied Industries International Association supporting continuation of state barber boards (2 pages). Statement does not directly address cosmetology regulation.
9. The State Board of Cosmetology and Sunset Legislation, sponsored by the Council for the Cosmetology Industry, a statement endorsing the principle of sunset legislation but stressing the important functions of cosmetology licensing boards (1 page). Supports Board comments stated on pages 1-15 of its response.

ARIZONA STATE BOARD OF COSMETOLOGY



Performance Audit Response

March 9, 1983

The Arizona State Board of Cosmetology was established in 1935. It's primary purpose is that of protection of the public's health, safety and welfare. This goal is achieved through it's testing and licensing procedures. Further protection is ensured through regular school and salon inspections. The three member board is also responsible for authorizing and administering examinations, setting curriculum for schools of Cosmetology and establishing Rules and Regulations. We feel it would be doing the public a grave injustice if there were no guidelines or tests for potential technicians entering the Cosmetology Industry.

The Arizona Board of Cosmetology would like to express our appreciation to the Auditor General's Office for it's thoroughness in performing it's Audit of our Agency. Many of the program changes suggested by your staff have already been implemented. Some areas are under study as to the most effective way to implement, others would require legislative approval but would undoubtedly make the Agency more effective.

Many of the areas covered in your report we would like to explain more thoroughly, since at the time of your investigation we were in our examination period and perhaps did not answer some of your questions as completely as we should.

As explained in more detail in our response we feel it would not be in the best interest of the public for the Agency to be terminated. The consumer views a license as proof that the cosmetologist performing a service on them has passed an examination and reached a certain proficiency level, has knowledge of the structure of hair, skin and nails as well as an understanding of the chemicals being used on them. The elimination of licensing would also have an adverse effect on the 25,000 licensees should these people move to a state who requires proof of current licensure. Regular Board inspections also serve as a tool to encourage Cosmetology Schools and Salons to practice sanitation and sterilization methods which help to ensure the health, safety and welfare of it's clients.

The Board also serves a useful purpose to the public as mediator of complaints. As you noted in your complaint this Agency receives a large number of complaints. While it is true that in the past we have had our problems in resolving all of these complaints thoroughly, it is frightening to consider how many more complaints there might be if inspections were not done periodically. The Board has completed a random survey of Arizona Salons as to the effectiveness of salon inspections. The input is, that salon owners feel that inspections make the stylists as well as the salon owners, aware of the need to maintain high standards which in turn is passed on to the public in the form of clean, sanitary salons.

The Cosmetology Industry is an ever changing one. Today's stylists and manicurists perform many functions not thought of twenty, or even ten years ago. He or she works with more sophisticated chemicals, scientific hair

analysis equipment as well as keeping abreast of the ever changing world of fashion. You will find enclosed in our report copies of letters from doctors, psychologists, dermatologists, optometrists as well as statements from the National Hairdressers and Cosmetology Association, an organization which has done extensive studies as to the effectiveness of regulatory Board and Licensing.

The majority of today's salons are no longer the "Mom and Pop Beauty Shops" of years ago but are instead big business including many franchised chain salons which generate considerable amounts of money. These salons more than ever require licensing through examination and periodic salon inspections to ensure that the people performing services on the public has the skills and knowledge necessary to ensure consumer protection.

We ask the legislators to consider this: Licensing by examination is a tool to ensure that the licensee has the knowledge which enables him or her to perform competent service. This knowledge may keep the public from paying pounds, if not tons of suffering at the hands of amateurs and unprofessionals.

FINDING I

The State Board of Cosmetology does not agree that licensing can be terminated without significantly harming public health, safety and welfare. The Board fulfills its mandate by making certain through its licensing procedure that all applicants have the necessary training and skills to competently and safely provide professional services.

The reasons for continued regulations of the Cosmetology profession are compelling. Fundamental training and a working knowledge of sanitation and hygienic care coupled with scientific knowledge of human anatomy and the dynamics of chemical treatments must be integrated into the cosmetologists practice in order that treatments may be safely administered. The licensed cosmetologist, in addition to special training and satisfaction of license requirements to ensure competence, is a "second person applier" who may observe and take necessary action to ensure that the professional services are safely performed. These facts are important because, as discussed, in

greater length below, cosmetologists regularly use potentially dangerous chemical treatments and electrical instruments on the skin, hair, nails, face and frequently around the area of the eyes.

In assessing the need for licensing, we would like to address the question:

DOES THE UNLICENSED PRACTICE POSE A SERIOUS RISK TO THE CONSUMER'S LIFE, HEALTH, SAFETY OR ECONOMIC WELL BEING?

While we obviously do not claim that cosmetologists pose a risk to the consumers life, we do feel that proficiency in skills, knowledge of sanitary measures to prevent the spread of disease, an awareness of chemicals which can harm the skin and eyes as well as destroying the hair, do indeed have a very strong impact on the health, safety and well being of the consumer. The economic well being could very likely have its impact in the cost of medical treatment or replacement wigs or reweavings. The psychological impact of a client who has had her hair or her image destroyed must not be treated lightly.

CAN THE USERS OF THE SERVICE BE EXPECTED TO POSSESS THE KNOWLEDGE NEEDED TO PROPERLY EVALUATE THE QUALIFICATIONS OF THOSE OFFERING SERVICES?

This seems to be a question which requires a lot of ifs, we would like to point out one fact however. The Arizona consumer, at this point in time, is not required to make that decision. He or she is aware that because licensure is required the person performing the service has met certain requirements and standards.

Since all 50 states presently examine and license cosmetologists, there is no laboratory to study the actual effect on the consumers of an unregulated environment.

DO LICENSING BENEFITS TO THE PUBLIC CLEARLY OUTWEIGH ANY POTENTIAL HARMFUL EFFECTS SUCH AS THE PRICE FOR SERVICE OR AVAILABILITY OF SERVICE PROVIDERS.

The requirements for licensure may have an effect on the availability of service providers in that it helps to ensure that only qualified persons

are available to provide cosmetological services. If there were no license requirements in Arizona there would also be no way in which to see that only qualified people were performing services safely and in sanitary conditions. The statutes do not allow for price setting so we do have the competitive fair pricemarket existing.

HEALTH CONCERNS ARE UNFOUNDED

The evaluation committee has stated that "According to public health officials, public health concerns do not justify the regulation of either cosmetology or barbering." If this is the case it is interesting to note that a dermatologist, optometrist, physician, psychologist and chemist (letters attached) do not seem to agree. Since these are the people who really understand the ramifications perhaps their opinions should be considered.

DISEASE THREAT IS MINIMAL

We would like to offer a little more information on the four communicable diseases listed in the report and mention a few more not taken into consideration.

1. Head lice - Auditors reported treatment is simple and readily available. Pediculosis capitis is an animal parasite that lives off another living organism and is extremely contagious. They are crawling insects usually less than 1/8" long and almost as wide. They live by stabbing a little opening in the scalp and sucking blood. Their feeding induces intense itching, the chief symptom of lice infection. Adult lice live about one month. During this time the female lays from 5-10 tiny white eggs a day cementing them to the back of a persons neck or behind the ears. One female can have hundreds of offspring if the infestation is not detected in time. Millions are faced with this problem each year. True, we now have safe medications, however, the problem must first be identified. Many people do not realize what they have, thinking they may just have "dandruff" (itching scalp and white flakes). Or they may be ashamed to seek treatment thinking of this serious

condition as dirty. They may buy special shampoo and still have the problem a few days later when the eggs (nits) hatch if not informed that the shampoo must be used on a particular schedule, bedding must be laundered in hot water (at least 130°) as well as nightclothes, clothing, combs and brushes, etc.

Today's professional cosmetologist is trained to recognize this problem immediately and will refer the person to a physician assuring them that it is nothing to be ashamed of. The cosmetologist also knows the needed procedure for sanitizing the salon which may have been infected before the problem was identified.

The Board has worked in co-operation with county health officials in sending warnings to the parents of specific school districts when detection has been reported in a specific area.

Scabies, another animal parasite is an infestation of the itch mite which burrows into the scalp and caused scalp eruptions and often hair loss. In animals this condition is referred to as mange. A cosmetologist will not work over anyone with Scabies and would refer the client to a physician for treatment.

Tinea is a skin condition caused by a fungus and is extremely contagious. This condition, referred to as ringworm, appears as a circular inflamed area of small blisters. At the onset this problem is often confused with a minor skin rash to an untrained individual.

Staphylococci produces local infections. Hospitals have found that this condition can spread very quickly unless all objects that come in contact are sterilized properly. Proper sanitation techniques help to control this condition.

Other disorders of the hair the trained cosmetologist may recognize include the two types of dandruff, (pityriasis capitis simplex and pityriasis steatoides) alopecia (areata, premature, congenital or acquired) canities, hypertrichosis or hirsuties, trichoptilosis, trichorhexes nodosa, monilethrix and fragilitas.

Skin disorders a cosmetologist specializing in skin care may recognize include macule, papule, wheals, tubercles, tumors, vesicles, bullas or pustules.

A cosmetologist or manicurist may also recognize many other diseases they would refer to a physician such as Onychomycosis, Paronychia, Onychia and many other disorders they may work over might include: hypertrophy, leuconychia, corrugations, onychorecxis, agnail, eggshell and blue nails.

INSPECTIONS UNCOVER FEW PROBLEMS

In a recent Board questionnaire our survey has shown that salon owners do indeed feel that regular Board inspections are important in keeping their salons clean and sanitary. The auditors report stated that the Board does not check certain areas. These areas were concerns that disease could be spread by direct physical contact or by implements contacting a diseased area and then re-used without disinfection. The Board does in fact check to see if a wet sanitizer is set up and being used and that each stylist has an adequate supply of combs and brushes so that the need to re-use is eliminated and that alcohol is present at the station for sanitizing cutting implements. Physical contact is controlled by washing hands prior to service and since that would require us to have someone in the restroom that is not feasible. Board inspectors however do check to see if clean towels and neckbands are used on each client. They also check to see that hair is not left laying as this can so easily cause a person to slip and fall.

Again, it is difficult to determine what the ramification might be if there were no salon inspections. Through the knowledge that board inspectors do periodically visit to inspect the premises the cosmetologist is encouraged to practice good sanitation and safety measures.

The Auditor's report pointed out that there are other occupations, which deal with the same areas of the human anatomy as does the cosmetologist. Those mentioned were massage operators and electrologists. Attempts have been made in the past to license electrologists in Arizona, as they are in many

other states, but since electrologists and massage operators are not governed by this agency we are not qualified to respond to this.

In addressing the issue of the need for inspections, the Auditor's report points out that the office of physicians where the potential for disease spread may be the greatest are not inspected for sanitation. Our response to that is that a doctor's course of study is far more extensive, with much more emphasis on public health. Who better to understand the importance of sanitation and sterilization than someone who is trained to prevent and cure disease? It must be taken into consideration that the primary function of a cosmetologist is to beautify the appearance of the consumer through the use of his or her skills and knowledge.

COSMETOLOGY DOES NOT POSE A SERIOUS RISK TO THE PUBLIC SAFETY

The contention that the unlicensed practice of Cosmetology does not pose a serious risk to public safety is unfounded since there is no way of determining that fact. We can only address the issue of what might happen if there were no examinations, no salon inspections and if there was mis-use of chemicals.

USE OF TOOLS

The State Board examination emphasizes the safe usage of implements used for cutting hair and performing a manicure. Salon Inspections follow through by making sure sanitation and sterilization rules are being followed.

We would like to clarify the potential harm which could result through the use of chemicals. In discussing hair breakage caused by improper usage it must be taken into consideration that hair grows approximately 1/2" per month. It stands to reason then, that if a client who wears her hair approximately 6" inches long suffers hair breakage it would take one full year for her hair to return to its former length. Secondly, hair loss can not be controlled topically. Hair loss is either systemic in nature or caused by heredity. The rate of hair loss however may be effected by topically applied treatment or high - frequency treatments. If you are

referring to hair damage incurred from permanent wave solutions or sodium hydroxide straighteners it should be noted that if the cystine bonds in the hair are damaged to the extent that they turn to cysteic acid they cannot be repaired through topical application of conditioners or reconditioners and in all probability the hair will eventually break. (See Appendix II)

We note that in the Auditor's report little emphasis is put on damage to the skin and eyes. In fact the statement is made that should these chemicals get into the eye simply flushing the eye with water affords relief. One eye specialist's comment to that was that if the chemical did not in fact burn the cornea that relief might be obtained by flushing the eye with many gallons of water. Exact studies are difficult to obtain since it is difficult to find human guinea pigs to volunteer for this type of study. One optometrist we spoke to stated that chemicals which have a pH value of 9 to 14 could cause severe damage to the eye. He suggested that if there is no requirement for teaching or testing on safety measures that he certainly hopes that anyone using these chemicals uses goggles. (See Appendix I)

The optometrist we spoke to also suggested consideration to be given to the possibility of hair spray propellants and the problems these chemicals may cause.

Also included at the back of this report is a letter from a dermatologist who is concerned with the possibility of increased cases of fungal infection due to improper methods of sterilization in the application of artificial nails. (See Appendix III)

We would like to point out that Table 3 on page 15 of the Auditor's report is an incomplete list of Cosmetic chemicals used in the salon. Other chemicals used which may be of interest are bleach and the presulfate salts and alkalis used in the activators of bleach, formaldehyde which is widely used as a cosmetic preservative, quaternium compounds used in many products as well as sanitizing agents, methacrylate monomers used in artificial nail products, sodium bromate used in rebonding or neutralizing permanent waves.

Appendix I

Letter not received before due date of report. Will send letter when received.

Many of these chemicals can be dangerous when mixed as shown by the reprint below:

Perm chemicals on towels can be salon fire hazard

Who would expect that the damp towels from the cosmetology salon's permanent waves would start a \$3 million department store fire? The culprit appears to be thioglycolic acid when it comes in contact with sodium bromate. What place do these queer sounding chemicals have in a salon?

Municipal fire departments have been reporting fires that apparently started inside the bins into which salon attendants put discarded towels. The cause had generally been attributed to cigarettes which might have been thrown into the towel bins. Fire department investigators in one city were not satisfied with this simple explanation after a disastrous fire in a department store. After all, the towels were wet, or at least damp, when put

into the bin. A cigarette, if discarded into the bin, probably would have been extinguished by the dampness. Was there any chemical used in a salon that might explain these fires?

Consultation with cosmetic chemists showed that a common ingredient in permanent wave solutions use a chemical named thioglycolic acid. This may be innocent by itself but it tends to heat up in the presence of an oxidizer. A frequently used chemical for this purpose is sodium bromate. Into the same bin go towels that have become damp with thioglycolic acid from permanent wave applications and towels dampened with sodium bromate from hair tinting jobs. The two chemicals react, heat up, and the result is spontaneous ignition. The result

in many cases has been the equivalent of storing oily rags in a wooden box. This spontaneous ignition hazard may also be present from discarded products such as paper wrappers, cotton padding, and other absorbent materials as well as from the towels.

Cosmetology salons should be provided with self-closing metal cans equivalent to those used for oil and paint soaked rags. Two sets of such containers are needed, one for waste materials and another for used cotton towels. The wooden bins or open trash cans that are used in many salons are an invitation to spontaneous ignition.

(This article is reprinted from a recent edition of Best Products Underwriting Newsletter.)

USE OF CHEMICALS:

Recognition must be given to the distinction between professional products, designed and tested for use by professionally trained persons, and tested for use by professionally trained persons, and consumer cosmetic products which may be purchased through retail outlets for consumer's self application in their homes. Many professional products contain potentially dangerous chemicals and may cause moderate or even severe injury if used by untrained persons or even in the hands of a trained professional, if the professional products are used improperly. Potential physical injuries that may occur include severe damage to or loss of the hair, thermal or chemical burns to the skin which could result in permanent scarring, and damage to the eyes which in some instances could potentially cause irreparable loss of vision.

Hair straightening products, permanent waves, hair colors and bleaches are all examples of cosmetics which contain potentially dangerous chemicals. Most creme relaxers that are used by cosmetologists to straighten hair contain sodium hydroxide which is highly alkaline. Many kitchen and drain cleaners also use sodium hydroxide as an active ingredient e.g. lye is substantially composed of sodium hydroxide. Sodium hydroxide is used in a creme relaxer to relax the chemical bonds in curling hair so that the hair may be straightened. Depending on many factors such as the strength and condition of the hair, the time required for the straightening process may vary from one to sixty minutes. It is important that the person applying the relaxer be adequately trained as are licensed cosmetologists because it is difficult to gauge the length of time that a relaxer must remain on the hair to be effective. If the creme relaxer remains on the hair for a great period of time, the hair can be severely damaged. Many creme relaxers that contain sodium hydroxide may also cause some degree of burning of the scalp. If burning does occur, it is crucial to have a trained cosmetologist present to identify the problem and initiate remedial action.

Permanent Waves can also prove to be dangerous in the hands of unskilled persons. Most alkaline cold-wave permanent waves include a waving lotion which contains thioglycolic acid and ammonia and a bonding solution or neutralizer which contains hydrogen peroxide or a bromate solution. If the waving lotion, which is referred to as a reducing agent is accidentally combined with the bonding lotion, which is referred to as an oxidizing agent, the chemical reaction generates a tremendous amount of heat which could cause severe burning, or even ignite into open flame. There is also the potential that these chemicals in permanent waves may cause damage to skin, hair or eyes. By way of example, if a patron had recently used a metallic dye (such as lead acetate) to color her hair to eliminate gray hair and then applies a permanent wave, her hair will likely be damaged and may even begin to smoke.

If waving lotion is allowed to remain on the hair for too great a period of time, it may cause hair damage. A licensed cosmetologist is trained to monitor the speed at which the chemical restructuring of the hair is

taking place by utilizing a "test curl". A great deal of training and experience is required to properly interpret the "test curl".

Permanent waves that are sold for use by individuals in their own homes often contain thioglycolate acid. However, the home permanent wave products contain a lower percentage of thioglycolic acid than is used in professional permanent waves designed to be administered by licensed cosmetologists. Because the home waving product is "less potent" these waves do not last as long and usually do not provide the same degree of curl as do professional salon administered waves. Therefore, a licensed cosmetologist can provide a more efficacious and safe permanent wave service to their patrons than the patron could expect to obtain by using a home permanent wave.¹(See Appendix V)

Many professional products contain potentially dangerous chemicals and may cause moderate or even severe injury if used by untrained persons.

COSMETIC MASSAGE:

We do not agree with the opinion in the report regarding damage which could be caused by cosmetic massage. Massage is one of the oldest and most useful methods of physical treatment. In Cosmetology, it is also employed for reasons of health and beauty. To master massage techniques requires a knowledge of anatomy and physiology and considerable practice in performing the various movements.

Massage involves the application of external manipulations to the body. This is accomplished by means of the hands or with the aide of mechanical or electrical appliances, such as therapeutic lamps, high frequency facial steamers, heating caps, steamers and vibrators.

1. Resource

Dr. Ronald A. Kvaas, Phd.

Director of Technical Services a Compliance

Redken Laboratories, Inc.

The licensed cosmetologist knows that massage should not be used when certain conditions exist, such as a heart condition, high blood pressure, inflamed and swollen joints and glandular swelling. Nor should it be applied when abrasions of the skin, skin diseases and broken capillaries are evident.

It must be understood that proper massage means the use of proper types of manipulations to induce the desired effects. It means the use of proper techniques in giving manipulations, and dosage of time of administration.

A normal skin may be soothed, mildly stimulated or strongly stimulated, depending on the type, quality and time of manipulations. On the other hand, if the skin is inflamed or sub-normal, any stimulation will tend to cause aggravation instead of correction.

Over stimulation aggravates and breaks down tissue. Massage techniques must be used with moderations. (See Appendix VI)

REMEDY FOR DAMAGES:

This area will be discussed in the portion of this response regarding complaints. The complaint system has been completely revised since the time of the evaluation.

CONSUMERS POSSESS ADEQUATE KNOWLEDGE TO EVALUATE COSMETOLOGY SERVICES:

It is a difficult task to explain to anyone who has not worked in a cosmetology Salon the anguish of a client who has used a reactive chemical (permanent wave or permanent hair color) at home with unsatisfactory results. These situations are corrected only by professionals with a thorough understanding of hair structure, the laws and levels of color and knowledge of chemicals.

Dr. C. Raymond White, Clinical Psychologist at the Washington State Hospital state in his letter "It is certainly well worth regulating the qualifications

Resource: Standardized Textbook of Barbering and Styling.

of people entering the profession, the professional methods of practice, and the products sold by the profession. This, among other things, will help safeguard the mental health and sense of well being of our women." (See Appendix VII)

CONSUMERS UNDERSTAND SERVICE:

While it is true that many consumers provide some cosmetological services to themselves or family members we cannot accept the auditors contrast to an M.D., since there are people who treat themselves for medical problems rather than visit a doctor. Normally if a more complicated problem arises that person will then seek professional advise. Likewise, a person may perform everyday tasks on themselves or their familys, but for a major change such as a chemical service the majority of the public will seek professional advise and service.

The Auditors who prepared the Performance Audit for the Washington State Legislators conducted a survey designed to determine the attitude of "Citizen" Consumers towards Cosmetology Regulation. The majority of citizens who responded deemed regulatory practices necessary in the following order of importance: practical examination, shop inspections, written examinations, specific number of hours of cosmetology school attendance and shop licensing. (See Appendix VIII)

The survey seems to indicate that the majority of consumers do in fact feel that regulation is needed for consumer protection.

CONSUMERS DEFINE THEIR OWN SERVICE NEEDS:

The average consumer will approach a cosmetologist with an idea of how they would like to look. The professional cosmetologist has been trained to evaluate the hair texture and competency, restructure or change the color of the hair with reactive chemicals and execute a precision hair shaping to achieve the desired results or, to inform the prospective client if this look is adaptable to her body and bone structure and hair texture at all. Cosmetology instructors and educators closely watch fashion forecasts and

design hair styles to compliment current fashions. The consumers look to the cosmetologist for advice on current trends and styles and offers suggestions as to how best enhance his or her appearance.

BENEFITS OR REGULATION DO NOT OUTWEIGH COST:

It should be noted that the Board has nothing to do with establishing the tuition for cosmetology schools. The tuition charged by a school has a great deal to do with accreditation through a national organization which has devoted itself to the upgrading the education offered in cosmetology schools. This association is called NACCAS (National Accreditation Council of Cosmetology Arts and Science).

The curriculum for the school is set by the Board in its Rules and Regulation. The 1800 hour requirement was established many years ago. The question of whether this is in fact enough hours is often questioned since, as pointed out earlier, cosmetologists are actually performing many more services than at the time this requirement was established.

At one time examinations were given in various parts of the state. As nearly as this Board has been able to determine this was eliminated because of the cost involved for travel for Board members.

By requiring cosmetology salons to be licensed this agency is aiding in consumer protection by periodic inspections to ascertain that the individual performing the services on the consumer has proved her skill and knowledge by passing an examination and is familiar with sanitation rules.

It should be noted that both the state and federal government are now receiving revenue from cosmetology salons and its employees that would very likely not be reported if licensing were abolished.

Under present regulation it is permissible to establish a cosmetology salon in the home. The requirements established determine that it be totally separated from living quarters by a separate entrance so there is less likely

to be a problem with what we refer to as "kitchen cosmetology" where sanitation could be a problem. It is also required to have a separate restroom for the clinets convenience.

PRACTICE RESTRICTIONS:

Please note a cosmetologist is not prohibited from going to the home of a person who is confined for health or other reasons. If the appointment is made through a salon and the stylist leaves from the salon and returns to the salon this is permitted. This is insurance for the consumer in that the stylist is working out of a salon which is practicing proper sanitation and sterilization methods.

FINDING II

CHANGES IN BOARD STRUCTURE COULD ENHANCE STATE REGULATION OF COSMETOLOGY:

It is true that both the Cosmetology and Barber Boards perform many of the same functions. It should be noted that the statement on page which states: "Arizona can realize a substantial cost savings by combining the Cosmetology and Barber Boards" is an ambiguous statement since both Boards are 90/10 self sustaining agencies.

SIMILARITY OF COSMETOLOGY AND BARBER PRACTICE:

It should be noted that while both professions perform many of the same services to its clientele that Barber schools are not required to teach any chemistry of permanent restructuring of hair or any fundamental color application. Also while manicuring and make-up artistry are mentioned as services the cosmetologist may perform, superflous hair removal, skin care and facials, thermal pressing and ironing, or high frequency treatments for skin or scalp are also taught in Cosmetology Schools.

We also recommend that should a combined board be established as a result of this review that several factors be taken into consideration. The Cosmetology profession has proven to be an ever growing progressive industry.

The public has proven this fact through the past few years as more and more men visit Cosmetology Salons for chemical services and precision hair cuts. While it is true that many barber salons are offering permanent waves and color, the majority have been forced to obtain this training at their own expense from cosmetologists as the necessary training has not been available at Barber Schools. Arizona has approximately 2,200 licensed Cosmetology Salons and 750 Barber Shops. For a policy making board to have fair representation for both industries and public members the ratio might be a 3-2-1 - the 3 representing the 2,200 Cosmetology Salons, 23,00 cosmetologists - 2 representing the 750 Barber Shops and 2500 Barber Stylists and one public members.

BOARD MEMBERS SERVING AS FULL TIME STAFF:

Many of the problems noted by the Auditor's report have been corrected. A Board member attended the Open Meeting Law Seminar sponsored by the Attorney Generals office and all Board members are now fully informed on all areas of this law. All complaints, waivers and other functions of the Board are now properly listed on the agenda and action to be taken is determined in the meeting. All meetings are taped and all minutes are now current.

In response to the recommendations:

1. Combine administrative and regulation of cosmetology and barbering under a single regulatory board.

Answer: We concur, if this board would be proportionate to the number of licenses. A policy making board should have a fair representation from both industries to make fair judgements. We do feel, however, that the differences in curriculum do justify separate license for the cosmetologist and barber although a single establishment license may be indicated.

The National Hairdressers and Cosmetologist Association, the cosmetologists only National Association, in their Legislative Manual suggests this opinion from the industry "NHCA recognizes that cosmetologists have increasingly serviced

a male clientele that has spurned the barber shop in favor of the Comprehensive Services provided by cosmetologists. In contrast, Barbers who are untrained in certain essential skills and sometimes prohibited by law from providing such services - have failed to adapt to modern consumer demands NHCA therefore proposes that the jurisdiction of the board of cosmetology be expanded to include the regulation of barbers, thus eliminating the need for a separate board of barbering." (See Appendix X)

2. Repeal statutory requirements of Board Members serving as full-time staff and provide for all administrative functions to be performed by professional staff.

Answer: We disagree. The questions that come in from the public on a day to day basis are invariably questions the Office staff could not answer. If the administrator had a sound Cosmetological and Barbering background he or she might be able to answer questions but undoubtedly in that instance, you risk having the wrong person. There is an old saying that two heads are better than one. In this instance, combining the knowledge of three people gives a better chance for solid decisions.

3. Add Public Members to the Board.

Answer: We concur.

The addition of a public member to the Board would, in all probability, be an advantage to the consumer. The one problem that we see however, is where an agency is established to make rules and regulations on the public as do the Cosmetology Rules and Regulations it seems inconceivable a "consumer member" could offer any advantage without knowledge of Cosmetology.

FINDING III

THE COSMETOLOGY BOARD CAN IMPROVE IT'S ADMINISTRATIVE OPERATIONS.

Response: The Board concurs with many of the deficiencies in the area of administration as reflected in this performance audit.

The primary objections of the audit committee have been taken into consideration and corrected. A new complaint system has been devised. This system allows for each complaint to be listed on the agenda for board meetings and the action to be taken is decided at that time.

An example of the deposition of a complaint as handled in a board meeting appears as Appendix XI.

A board member recently attended the Open Meeting Law Seminar offered by the Attorney Generals staff and the board is following all suggestions offered at that time. The format for preparing the agenda has been revised. All minutes are recorded and prepared in the same format. Past minutes have all been brought up to date. An agenda is sent to Mr. Gary Sheets from the Attorney Generals office prior to each meeting and issues requiring his opinion are noted for legal advice.

THE BOARD OF COSMETOLOGY DOES NOT TAKE ADEQUATE ACTION ON CONSUMER COMPLAINTS.

Response: The Board agrees with the statement made in this report referring to the fact this Agency needs to improve its handling of consumer complaints. The Board reviewed the statutes pertaining to this area, the system of handling consumer complaints which was in effect at the time of this report, and checked with our representative from the Attorney General's Office as to the correct steps that Board should take when handling these complaints, therefore, creating a new system of handling these consumer complaints. At the end of the section referring to consumer complaints there is a detailed outline of the new system of handling consumer complaints. For now this Agency will use examples of the system to emphasize a point.

COMPLAINTS NOT SERIOUS.

Again, since all 50 states license and examine applicants we know that all cosmetologists have met a certain proficiency level. If there were no

licensing there would be no need to complete a course of education or to be tested on knowledge of skills. It seems feasible then to assume that complaints would be significantly more threatening to public health and safety and with no board to intervene could create a real problem for the state.

MISINTERPRETATION OF AUTHORITY.

The board did have a mistaken view of its rights as to what action can be taken by the board which had been passed down from previous board members. It has corrected that error on advice from Mr. Sheets in a board meeting.

BOARD RESOLUTION.

The Board agrees with your recommendation that complaints should be brought before the full Board for resolution. This infraction has already been corrected by new methods of handling complaints. Presently the complaints are being discussed and resolved in weekly Board Meetings.

BIANNUAL RENEWAL CYCLE.

We wholeheartedly agree that a bi-annual renewal cycle would be cost and time effective. This was requested in legislature when our fee increase was approved. It should also be noted that the approval allowed applicants to renew on their birth date. While our word processor will be of great assistance in making this transaction it would certainly be more time effective if the law stated month of birth rather than date of birth.

THE BOARD NEEDS TO IMPROVE ENFORCEMENT EFFORTS ON SHOP INSPECTIONS.

Prior to 1981, this Agency had a less effective system in regulation of complaints, at that time on the advice of our Attorney General, after a performance audit, a policy was initiated where as the Board would take action on Consumers Complaints and recurring constant salon sanitation infractions. Due to financial cut-backs and the reduction in force required by the Governor, Legislation and the financial crisis of the Agency inspections of salons were not conducted from February through August of 1983. Therefore,

the Board was unable to fulfill requirements of this policy. The policy of inspecting at least 3 times a year as previously presented as our method of conducting inspections presently is being implemented and such practices will continue in the future.

THE BOARD NEEDS IMPROVEMENT IN DOCUMENTING AND REPORTING ITS ACTIVITIES.

This, a problem that has now been corrected. As noted previously, information from the Open Meeting Law Seminar and the Attorney Generals Office is now being implemented. The complaint system, as well as being revised, will be cross referenced also with the files implemented into the Word Processor. All minutes are taped as well as written.

MINUTES.

The situation described in the Auditors report has been corrected. Board minutes now comply fully with A.R.S. 38-431.01. All meetings are taped then typed within three days of the meeting. The two missing minutes have been transcribed. The format for Agenda and Minutes follow the recommendations suggested at the Open Meeting Law Seminar.

RECOMMENDATIONS.

1. The Board should improve its investigation of Complaints involving harm to the public.

Response: This has been corrected. We have investigated several systems from other agencies and have established a new procedure for handling complaints.

2. All complaints should be presented to the full Board for final disposition.

Response: This is now being done. Complaints are listed on the Agenda and action to be taken is decided upon in Board Meetings.

3. A.R.S. 32-529 should be amended to require renewals to be issued on a bi-annual or tri-annual cycle. In line with this change A.R.S. 32-530 would also need an amendment to provide for the doubling or tripling of renewal fees.

Response: We concur. This would save not only money but a great deal of time and would make the office run smoother.

4. The Board should take consistent action on violations found during inspections.

Response: We concur. This is one area that was hurt due to the financial cut-backs. The attempt to inspect more than 2,200 salons three times a year with 1.3 F.T.E.'s for inspectors. We have asked for more F.T.E.'s in this area. The word processor will make cross-checking for number of violations in a year much easier.

5. Complaint documentation should be improved by providing files with clear status, safeguards to prevent loss of files, a cross-referencing systems and increased accuracy to reduce clerical errors.

Response: We concur. This is currently being done.

6. The Board should maintain accurate records of its service measurements and report these measures in uninflated terms. Only the numbers of shops and schools inspected should be reported excluding students and operators. Complaint figures should include consumer complaints only, no inspections - generated complaints.

Response: We concur. The present board was following guidelines established by previous boards but will follow the suggestions of the Auditors in this area.

7. Board minutes should be improved to comply with A.R.S. 38-431.01 by recording an accurate description of proceedings, including Board votes on decisions, and safeguarding minutes to prevent misplacement.

Response: We concur. This suggestion has been implemented. Board minutes are taped as well as written and follow the format suggested by the Attorney Generals Office. Mr Sheets is reviewing the agenda and minutes and has made suggestions. He has also recommended that all files he reviewed for records retention purposes and plans are being made in that area.

FINDING IV

REQUIREMENTS FOR ENTRY INTO THE OCCUPATION OF COSMETOLOGY CAN BE REDUCED.

Regulation of the cosmetology profession by requiring license by examination guarantees to salon owners and the public, that those who are licensed to practice cosmetology are in fact skilled and competent professionals.

Qualifications required before an applicant can be licensed in Arizona were established in order to ensure that the cosmetologist working on the public in this state has at least adequate skills and knowledge to perform cosmetological services safely on the public. We do feel that reciprocity requirements could be adjusted to give people moving into the state, who have worked for a period of time in another state, a better chance to earn a living in Arizona. We also agree that the requirement of good moral character be deleted since this is difficult to determine.

We agree that examinations must measure the applicants ability for public protection but do not agree that this can be accomplished by eliminating the practical exam.

BOARD PRACTICAL EXAMINATIONS SHOULD BE DISCONTINUED SAVING \$8,800.

We have been unable to determine where the \$8,800 figure is derived from. The practical examination is administered at the board offices at 1645 W. Jefferson in Phoenix. The three Board members rotate administering the exam with two proctoring the exam at all times. Students coming in for examination take their written exam from 9 a.m. til 10:00 a.m. The practical examination starts at 10:00 a.m. and lasts until 3:00 p.m. (approximate) with one hour off for lunch. The Practical examination is designed to determine the knowledge and skill of the applicants with emphasis on protection of the consumer in the areas of safe usage of implements and thermal appliances as well as sanitation. We would also like for it to be noted that all applicants are assigned a number so no names are visable to the Board members during the practical examination. If a board member does know an applicant and could be influenced in any way she is disqualified from scoring for that person. This presents a good argument for keeping the practical examinations at the State level for if the schools were to administer their own examination it would be difficult not to be influenced by past experiences with this individual.

The public is interested in knowing that the professional cosmetologist is proficient in the skills required to accomplish the task competently as well as safely. As an example, the report states that fingerwaving has no potential for public harm. In fact, fingerwaving is the basis of all hairstyling. It is the only exercise the cosmetologist performs that requires only a comb to create a style. This equates to learning to crawl before you can walk. It proves that the stylist understands hair growth patterns and shapings and has good control over the hair.

The report states that a haircut provides little potential for public harm. This statement is not reflected by the number of complaints received by people who are unhappy with haircuts received. Remembering that hair grows only 1/2" a month and that it could take a year or more to grow a "new head of hair", this is not a fair statement.

Pity then, the client who likes and wears waist length hair. The enclosed letter from Dr. C. Raymond White, Clinical Psychologist at Washington State Hospital states:

"If the cosmetology profession were allowed to sell sub-standard services, do shoddy workmanship, or sell damaging products, the customers' self-image could be damaged. It is certainly worth regulating the qualifications of people entering the profession, the professional methods of practice and the products sold by the profession."

The National Hairdressers and Cosmetology handbook states: "The Board of Cosmetology salon patrons receive the professional services for which they make payment. It ensures that these services meet minimum standards of professionalism by regulating cosmetologist, commencing with their basic education and licensure and continuing throughout their whole careers. The Board accredits and develops a comprehensive and up-to-date curriculum for schools of cosmetology. It authors and administers tests to graduates of cosmetology schools in order to evaluate whether they have adequately learned the subjects they have been taught".

"Not only will improperly trained cosmetologists fail to provide the professional services for which consumers contract, they may also inflict physical harm on salon patrons. In contrast to the dangers posed to the public by other occupations generally subject to State regulation, such as accounting and the sale of real estate, the harm presented by unqualified practitioners of cosmetology is not merely the loss of money; rather, an unskilled cosmetologist can cause facial disfigurement or even baldness. In the course of obtaining the services offered by the practitioners of beauty culture, thousands of men and women entrust not only their hair and their scalps but also their faces and upper torso to their cosmetologist.

Because there exists a very real possibility of physical injury, it is imperative that the practice of cosmetology be regulated by a State Board with specific authority and sufficient expertise to make certain that the high standards of this profession continue to be met." (See Appendix VIII)

WRITTEN EXAM NEEDS REVISION.

Response: We concur. Suggestions from the Auditors have been taken into consideration, the exams have been re-evaluated and are presently being revised.

LICENSING BY ENDORSEMENT SHOULD BE PROVIDED.

Response: We agree. State legislators should enact a reciprocity statute which enables a cosmetologist licensed in one state to qualify for practice in another state without further examination if the state of original licensure has substantially equal educational requirements or if the cosmetologist has accumulated six months of experience prior to application for reciprocal licensure. Such legislation insures that the public will continue to receive a high standard of cosmetology services while simultaneously guaranteeing the basic right of all cosmetologists to pursue their careers throughout the nation free of artificial distinctions based on place of original licensure.

Appendix VIII: This is the suggestion of the National Hairdressers and Cosmetologist Association from their Legislative Handbook and we find it is a good one. This will ensure that Arizona Cosmetologists moving to another state as well as those moving into Arizona and equal opportunity to earn a living. We would also like to note that at this time there is no reciprocity provisions for manicurists and would suggest that if new legislation is derived as a result of this report that manicurists and instructors be included in reciprocal agreements.

MISCELLANEOUS LICENSURE REQUIREMENTS.

Response: We disagree that the educational requirements should be lowered. The 10th grade education required by Arizona is lower than that of many states. The National Hairdressers and Cosmetologists Association states: "a high school education or the equivalent thereof should be a prerequisite to admission to cosmetology schools and, subsequently, to the practice of cosmetology. The modern practice of cosmetology demands are educated persons who understands human anatomy and is able to apply potentially dangerous products and procedures without injury."

In 1982, 32 states required a high school diploma or the equivalent thereof as a prerequisite to the practice of cosmetology. The number of students trained in cosmetology has more than doubles since 1960, when only 3 states required four years of high school and 23 required two years of high school. Obviously the raising of educational requirements has not decreased the number of students applying for and receiving certificates in cosmetology.

It should also be considered that if the suggestion for reciprocity is accepted on the basis of equal educational requirements, that to lower the educational or age requirements may deny the Arizona cosmetologist moving to another state the rights to licensure by endorsement.

GOOD MORAL CHARACTER.

Response: We agree that this limitation should be removed because it is too vague.

RECOMMENDATIONS.

1. A.R.S. 32-528 should be amended to delete the requirements of a Board practical examination and provide that applicants shall only be required to take a written examination on those aspects of cosmetology relating to safe practice of the occupation.

Response: The Auditors recommendations for the alternative methods of ensuring the protection of the consumer was administering a written examination geared to questions involving the areas of greatest concern as far as safety measures go. While this appears to be a cost effective decision it affords no protection for the consumer who spends thousands of dollars in this state to receive cosmetological services. Also to be considered is the fact that the cosmetology art is an ever changing one with new reactive chemicals as well as skills being introduced constantly unlike professions such as secretarial, welders, electricians, etc. If the testing of this profession were to fall under the control of the Board of Private Technical and Business Schools who control industries that do not change it is unlikely that any safe testing program can be achieved.

2. The Board should revise its written examination to include only questions directly related to public protection and the safe practice of cosmetology.

Response: We agree. As noted previously the Board is revising its written examination. We feel it would be an unfair practice to simply administer a written examination with no practical examinations. We find many students who are incapable of reading well enough to do well on a written examination. This may be caused by language barriers, learning disabilities or simply poor reading habits. This is shown on the attached

sheet (Appendix XIII) which shows a recap for the month of December 1982. Out of 102 cosmetologist examinees taking the exam there were 22 written failures and only 4 practical failures. From this number 2 failed both. All who fail receive an evaluation and may schedule a review in which their weak areas are pointed out and then rescheduled for examination.

You will also find attached to this report a letter from the Tucson Cosmetologists Association expressing industry concern regarding the fate of the Board of Cosmetology and addressing the suggestion of schools being placed under the control of the State Board of Private, Technical and Business Schools. They point out that the public is either rarely or never in contact with other professions controlled by that agencies as contrasted with the Beauty Industry performing services requiring physical contact with the public.

3. A.R.S. 32-522 should be amended to:

- a. Eliminate current reciprocity provisions and provide for the licensing by endorsement without an examination for those applicants licensed in other states with comparable standards.

Response: We agree.

- b. Reduce or eliminate the age requirement, and
- c. reduce or eliminate educational requirements.

Response: We disagree. We feel that the age and educational requirements help to ensure that an applicant has the maturity and education required to understand anatomy and the judgement to administer potentially dangerous products and procedure without injury. This opinion is shared by the N.H.C.A. and is reflected in page 11 of Appendix.

COMPLAINT DEALING WITH ALLEGED MALPRACTICE OR INCOMPETENCY

T/C 055 and W/C 047

Ms. Huff received a Dark and Lovely Chemical Hair Relaxer from Ms. Kimberly Bass resulting in the loss of hair in areas. The service was done August 1982. Complaint was filed January 1983. The materials reviewed by the Board in the March 2, 1983 Board meeting supporting Ms. Huff's allegations were too vague. The supporting information that Ms. Bass and Mrs. Davis presented to the Board showed no negligence on the part of Ms. Bass. The time span in which Ms. Huff responded to the problem indicated that she was not interested in and didn't have the time for the problem and indicated in Ms. Bass' letter. There was a motion by Mrs. Blanche Curtis, Secretary Treasurer of the Board to close the case because there was not enough evidence to prove negligence on the part of Ms. Bass. Seconded by Patricia Moore, Vice President. The motion was unanimously approved.

Steps as indicated in the example above have been taken by this Agency to improve our method of handling consumer complaints in the areas of malpractice and incompetency.

1820 West Maryland, Suite 2
Phoenix, Arizona 85015
(602) 246-8889

1525 North Granite Reef Road
Suite 4
Scottsdale, Arizona 85257
(602) 949-5712

Appendix III

^a
dermatology
place

John N. Stathakis, D.O.
dermatologist

ACNE
ALLERGIES
COLLAGEN IMPLANTS
HAIR TRANSPLANTS
SKIN CANCER
SKIN DISEASES
SKIN SURGERY

February 28, 1983

Arizona State Board of Cosmetology
1645 W. Jefferson
Phoenix, AZ

Attn: Carol Holt Fisher

Dear Carol:

It has come to my attention with the escalating problems I am seeing in my office due to the improper application of artificial fingernails, that there is a possibility that due to the Sunset Act the Arizona State Board of Cosmetology might be dissolved.

As a dermatologist familiar with the problems of the nail, I feel that the consumer would be at an extreme disadvantage if there were no guidelines or proper testing to determine who is or is not qualified to work on them. I feel strongly that we are looking for nothing but trouble if nail technicians are not in somewhat educated and tested on their knowledge of proper sterilization and application techniques.

Please consider this letter my personal affirmation that the Arizona State Board of Cosmetology remain in existence for the well being of the consumer.

Sincerely,

John N. Stathakis, D.O.

John N. Stathakis, D.O.

JNS/gsb

R E C

ARIZONA STATE BOARD
OF COSMETOLOGY

REDKEN®

LABORATORIES, INC.

6625 Variel Avenue, Canoga Park, CA 91303 • Phone (213) 992-2700

February 15, 1983

ROUTE STAMP

Ms. Carole Holt-Fisher
President
Arizona State Board of Cosmetology
1645 W. Jefferson St.
Phoenix, Arizona 85007

2/22/83 CHF
2/22/83 JH
2/24/83 BL

Re: Sunset Review -
State Boards of Cosmetology

Dear Ms. Holt-Fisher:

Redken Laboratories, Inc. is a Delaware corporation which develops, manufactures and markets hair and skin care products, hair coloring, and cosmetics for use and resale in beauty and barber styling salons.

Redken is vitally concerned with the possible deregulation of "cosmetology" in the various states and the possible elimination of State Boards of Cosmetology which have the responsibility for testing and licensing professional cosmetologists. Redken believes that the State Boards of Cosmetology must be allowed to continue their role of regulating the cosmetology profession so that the public's health, safety and welfare will be ensured. One of the ways in which the State Board fulfills its mandate is to make certain through its licensing procedures that all cosmetologists have the necessary training and skill to competently and safely provide professional services.

The reasons for continued regulation of the cosmetology profession are compelling. Fundamental training and a working knowledge of sanitation and hygienic care coupled with scientific knowledge of human anatomy and the dynamics of chemical treatments must be integrated into the cosmetologist's practice in order that treatments may be safely administered. The licensed cosmetologist, in addition to special training and satisfaction of licensure requirements to ensure competence, is a "second person applier" who may observe and take necessary action to ensure that the professional services are safely performed. These facts are important because, as discussed in greater length below, cosmetologists regularly use potentially dangerous chemical treatments and electrical instruments on the skin, hair, nails and face, frequently around the area of the eye.

/cont.

Appendix V

Recognition must be given to the distinction between professional products, designed and tested for use by professionally trained persons, and consumer cosmetic products which may be purchased through retail outlets for consumer's self application in their homes. Many professional products contain potentially dangerous chemicals and may cause moderate or even severe injury if used by untrained persons or, even in the hands of a trained professional, if the professional products are used improperly. Potential physical injuries that may occur include severe damage to or loss of the hair, thermal or chemical burns to the skin which could result in permanent scarring, and damage to the eyes which in some instances could potentially cause irreparable loss of vision.

Hair straightening products, permanent waves, hair colors and bleaches are all examples of cosmetics which contain potentially dangerous chemicals. Most creme relaxers that are used by cosmetologists to straighten hair contain sodium hydroxide which is highly alkaline. Many kitchen and drain cleaners also use sodium hydroxide as an active ingredient e.g. lye is substantially composed of sodium hydroxide. Sodium hydroxide is used in a creme relaxer to relax the chemical bonds in curly hair so that the hair may be straightened. Depending on many factors such as the strength and condition of the hair, the time required for the straightening process may vary from one to sixty minutes. It is important that the person applying the relaxer be adequately trained, as are licensed cosmetologists, because it is difficult to gauge the length of time that a relaxer must remain on the hair to be effective. If the creme relaxer remains on the hair for too great a period of time, the hair can be severely damaged. Many creme relaxers that contain sodium hydroxide may also cause some degree of burning of the scalp. If burning does occur, it is crucial to have a trained cosmetologist present to identify the problem and initiate remedial action.

Permanent waves can also prove to be dangerous in the hands of unskilled persons. Most alkaline cold-wave permanent waves include a waving lotion which contains thioglycolic acid and ammonia and a bonding solution or neutralizer which contains hydrogen peroxide or a bromate solution. If the waving lotion, which is referred to as a reducing agent, is accidentally combined with the bonding lotion, which is referred to as an oxidizing agent, the chemical reaction generates a tremendous amount of heat which could cause severe burning, or even ignite into open flame. There is also the potential that these chemicals in permanent waves may cause damage to skin, hair or eyes. By way of example, if a patron had recently used a metallic dye (such as lead acetate) to color her hair to eliminate gray hair and then applies a permanent wave, her hair will likely be damaged and may even begin to smoke.

If waving lotion is allowed to remain on the hair for too great a period of time, it may cause hair damage. A licensed cosmetologist is trained to monitor the speed at which the chemical restructuring of the hair is taking place by utilizing a "test curl". A great deal of training and experience is required in order to properly interpret the "test curl".

/cont.

Permanent waves that are sold for use by individuals in their own homes often contain thioglycolic acid. However, the home permanent wave products contain a lower percentage of thioglycolic acid than is used in professional permanent waves designed to be administered by licensed cosmetologists. Because the home permanent waving product is less "potent", permanent waves designed for home use do not last as long and usually do not provide the same degree of curl as do professional salon administered permanent waves. Therefore, a licensed cosmetologist can provide a more efficacious and safe permanent wave service to their patrons than the patron could expect to obtain by using a home permanent wave.

The use of hair color and bleaches also require proper training and experience in order to apply them safely and obtain the desired results. Most permanent hair colors contain derivatives of a chemical called para-phenylenediamine. Although this chemical gives excellent results and long lasting color, it may induce severe allergic reactions in some persons. This result may be avoided by using a "patch test" to determine if a patron may exhibit an allergic reaction to the hair color. A licensed cosmetologist is aware of the importance of using the "patch test" and is trained in the proper technique of giving and interpreting the results of the "patch test".

Both hair color and bleaches have the potential to cause severe eye damage. It is, therefore, important that the person applying the hair color or bleach be properly trained to take the steps necessary to prevent these agents from coming into contact with the eyes. This is an example where "second party" application is highly beneficial. The cosmetologist applying the agents is able to ensure that the hair color and bleaching agents are kept away from the area of the eyes. This relatively simple objective may be difficult for an untrained individual attempting to apply these products to themselves.

Licensed cosmetologists are called upon to utilize their skill and judgment in determining whether a particular chemical process should be recommended and may be safely performed. Licensed cosmetologists integrate their education, experience and professional judgment to determine the existing condition of the hair and/or skin and whether additional conditioning treatments should be applied prior to a chemical treatment. Although "unseen", a trained cosmetologist's professional recommendation is an important, perhaps the most important, service provided to the patron.

A salon patron is of course concerned not only that the professional service is safely provided, the salon patron also wants the most efficacious result. By way of example, in order to obtain a desired hair color, the person applying the hair color must be educated in the "law of color" and experienced in working with hair color. The same bottle of hair color can produce different shades on different types of hair. There have been numerous cases of inexperienced persons applying hair color at home who are rudely surprised at the final result. These persons usually then require the services of an experienced cosmetologist for corrective work. This again illustrates the benefit of competent licensed professionals to provide these services.

/cont.

Manufacturers such as Redken are constantly improving products and methods. Many manufacturers' products carry directions which specify "dos" and "don'ts" and many products require caution notices. All insist on "following directions carefully". For the customer's satisfaction and protection, the cosmetologist must be able to understand and strictly adhere to these directions, many of which are written for the trained professional. As discussed above, merely following directions may not be enough. Pretesting and monitoring may be required, professional judgment based on training and experience is often necessary, and "second party" application makes it possible to achieve improved results with greater safety. The professional cosmetologist must keep up with the "state of the art" through continuing education in an effort to upgrade the profession and provide services with the greatest efficacy and safety.

For the reasons discussed above, Redken emphasizes the need for State Boards of Cosmetology to effectively regulate the cosmetology profession. State Boards of Cosmetology serve a vital function in enforcing the state's licensing and regulation of a profession which affects the health and safety of the public. Licensing standards not only ensure minimal competence of licensates, these standards foster a sense of professional responsibility among professionals who are licensed.

An effectively administered professional licensing system furthers each state's interest to ensure that safe and effective services are provided to the state's consuming public. Redken believes that only skilled and licensed cosmetologists possess the specialized training to provide routine service as well as deal with unusual or unexpected situations where knowledge and training may make the difference between a successful treatment and a potentially hazardous failure.

Very truly yours,

REDKEN LABORATORIES, INC.

RAK:la

Ronald A. Kvaas

RONALD A. KVAAS, PhD.

Director of Technical Services & Compliance



KMS Research Laboratories, Inc.

6807 Highway 299 East • P.O. Box 520 • Bella Vista, California 96008 • (916) 549-4472

ROUTE STAMP

March 14, 1983

State Board of Cosmetology
1645 W. Jefferson
Phoenix, AZ 85007

Pres. 3/17/83 ☒ JMF
Vice-Pres. 3/17/83 ☒ JAM
Secy-Treas. 3/17/83 ☒ J
Filed By _____ ☐

Attention: Carol Holt Fisher

Dear Ms. Fisher:

We are currently aware of a recent proposal to abolish the State Board of Cosmetology in the state of Arizona. As a major manufacturer of professional hair and skin care products with national distribution, the concept of abolishing the professional licensing of cosmetologists causes us great concern.

Our firm manufactures hair and skin care products which are specifically formulated to be used and recommended by the professional salon stylist for consumer benefit. Each product has been designed for specific needs and requires advanced education for proper application and recommendation. Licensed stylists undergo extensive training to correctly apply reactive chemical processes such as permanent waving, relaxing, and coloring. Even with the current licensing qualifications required of professional stylists, education on a consistent basis is a tremendous task. Regulation without professional background would be impossible. Should the salon industry become open to unskilled stylists, extraordinary confusion and consumer dissatisfaction will result. The incorrect use of products containing chemical reactants can cause extensive damage to hair and jeopardize the health and welfare of the consumer. For these reasons, we have declined to make KMS products available for retail sale outside of the professional salon.

Removing the licensing requirement of professional consultants who prescribe a specific product and precise application also constitutes the potential for legal repercussions from resulting damages to the consumer. In addition to placing an economic burden on KMS Research Laboratories, Inc., revoking the licensing of trained cosmetologists will also result in revenue loss for the state of Arizona as well as the entire beauty industry.

State Board of Cosmetology
Attn: Carol Holt Fisher

March 14, 1983
Page 2

By method of comparison, federal laws forestall the improper dispersal of prescription drugs by prohibiting an uncertified person from opening a pharmaceutical business. By legal mandate, a practicing nurse may not administer medical treatment without professional training and a qualifying license. As a manufacturer of hair and skin care products, we must abide by Food and Drug Administration regulations on product content and safety, ingredient listing and packaging. Careful attention must be taken in the production, handling and packaging of all products to insure the satisfaction of all standards. It is crucial that this regulatory stature continue to the salon where products are recommended and utilized. This cannot be done if the criteria for the professional handling of products is annulled.

I respectfully submit that all repercussions be carefully considered before any further action is initiated to nullify current cosmetology licensing qualifications. Certainly such an act of deregulation cannot benefit the consumer but rather allows for extensive damage.

Cordially,

KMS RESEARCH LABORATORIES, INC.

Jamey Mazzotta
President
Director of Research

JM;jb

cc: KMS of Central Arizona



2/2/83
3-3-83
3-3-83

February 28, 1983

Ms. Carol Holt Fisher
Arizona State Board of Cosmetology
1645 W. Jefferson
Phoenix, Arizona 85007

Dear Carol:

Attached are copies of my original letter and proposal to Senator Usdane. As you will note this proposal was designed for the purpose of starting a training school for nail sculpture only, however I feel that separate schools for manicuring are imperative.

Let me reiterate my feelings on the dissemination of the State Board of Cosmetology. I strongly feel that we would be doing the public a grave injustice if there were no guidelines or tests for potential technicians entering the beauty industry. "Let the buyer beware" should not be said to a consumer entering an unlicensed salon and should not be a guideline for our industry. The consumer entrusts his physical being to us and as professionals that trust is taken very seriously. The credibility and respect given those in our industry is due to the fact that we are governed by a Board that sets proper guidelines to protect the consumer from an onslaught of unskilled, uncaring, non-professionals.

Keep on fighting Carol! I'm sure that good common sense on the part of legislature will be your best argument.

Very Truly Yours,

Renee Weisberg
President

RW:jd
Enc

Appendix VII

Rt. 1, Box 259
Medical Lake, Wa. 99022
February 25, 1983

is cher
ate Board of Cosmetology
. Jefferson
enix, Arizona 85007

Dear Carole:

In response to your recent request, I would like to say a few things regarding some possible meanings of competent vs. incompetent cosmetology practices for women.

It is easy to observe in our society, the importance of hair to a woman. Magazines are devoted to all aspects of beauty, and some exclusively to hair styling and care. Most popular magazines are filled with adds promising to make one's hair look rich, well groomed, and alluring. Newspaper and television adds promote all sorts of products for hair care and grooming. Certainly, if hair were not important to a woman, advertisers would not invest huge amounts of money to appeal to this need.

Also, in our society, women are taught not only to admire men, they are also taught to admire other women. They go to style shows and show a great deal of interest in what the latest "look" or style is. The grooming and care of hair is very important, and quickly noticed. The hair is often considered a woman's "crown jewell."

It follows from this that, if manufacturers are allowed to sell defective or damaging products, a woman's "crown Jewell" could be damaged, and her self esteem also damaged. Similarly, if the cosmetology profession were allowed to sell sub-standard services, do shoddy workmanship, or sell damaging products, the customer's self-image could be damaged. It is certainly well worth regulating the qualifications of people entering the profession, the professional methods of practice, and the products sold by the profession. This, among other things, will help safeguard the mental health and sense of wellbeing of our women.

Should you need more information, please feel free to contact me.

Sincerely,

C. Raymond White
C. Raymond White, Ph.D.
Licensed Clinical Psychologist
(Wa. Lic. # 219-00-0000295)

December 1982

*Appendix
XIII*

MONTHLY EXAMINATION RECAPITULATION

COSMETOLOGISTS:

SCHEDULED	<u>104</u>	
NO SHOWS	<u>2</u>	
TOTAL TAKING	<u>102</u>	
TOTAL PASSING	<u>78</u>	
WRITTEN FAILURES	<u>22</u>	
PRACTICAL FAILURES	<u>4</u>	(FAILED BOTH <u>2</u>)
TOTAL FAILURES	<u>26</u>	

MANICURISTS:

Scheduled	<u>49</u>	
No Show	<u>1</u>	
Total Taking	<u>48</u>	
Total Passing	<u>46</u>	
Written Failures	<u>2</u>	
Practical Failures	<u>0</u>	Failed Both <u>0</u>

RETAKES (COSMO-MANIC):

Scheduled	<u>55</u>	
Total Taking	<u>55</u>	No Shows <u>0</u>
Total Passing	<u>30</u>	(Written)
Total Failures	<u>21</u>	(Written)
Practical Passing	<u>3</u>	
Practical Failure	<u>1</u>	

INSTRUCTORS:

Scheduled	<u>4</u>
Pass	<u>3</u>
Fail	<u>1</u>

RETAKES (INSTRUCTORS):

Total Scheduled 0

Arizona State Board of Cosmetology

1645 WEST JEFFERSON STREET • PHOENIX, ARIZONA • (602) 255-5301



CAROLE J. HOLT-FISHER

PRESIDENT

PATRICIA H. MOORE

VICE PRESIDENT

BLANCHE G. CURTIS

SECRETARY-TREASURER

March 1, 1983

Dear Salon Owner,

The State Board of Cosmetology is doing a survey on Cosmetology and Manicuring Salons. We need your input on periodic salon inspections by the board. Do you feel inspections influence sanitation in your establishment in the following areas:

NO	YES		NO OPINION
3	23	1. Individual stylist dry sanitizers and stations	2
5	26	2. The use of clean and sterilized combs and brushes on patrons	2
2	29	3. Keeping wet sanitizers set up and clean at all times	2
5	26	4. The use of clean towels on each patron	2
5	26	5. Keeping equipment clean and ready for use	2
5	26	6. Keeping floors free from hair	2

Comments:

SURVEY SENT TO 50 COSMETOLOGY SALONS IN VARIOUS AREAS OF THE STATE.
RESULTS ABOVE RECORDS THE OPINIONS OF 33 SALONS THAT RETURNED SURVEY.

We request your response as quickly as possible. Thank you for your co-operation.

ARIZONA STATE BOARD OF COSMETOLOGY



TUCSON COSMETOLOGISTS ASSOCIATION

Affiliate of ACA

March 16, 1983

Arizona State
1645 W. Jefferson
Phoenix, AZ 850.

Appendix IV

Gentlemen:

I have been apprised through the private school sector that one of the recommendations of the Governor's Sunset Review Committee would be to place the beauty and barber schools under the control of the State Board of Private, Technical and Business Schools rather than the current structure of the Board of Cosmetology and Board of Barbers.

While on the surface this would appear to be a cost-saving measure, it would in fact, be ill-advised and quite detrimental to the Beauty and Barber industries.

As you are aware, the State Board of Private, Technical and Business Schools covers all areas i.e. welders, air conditioning repair, secretarial etc., etc. There are major differences between these fields and the cosmetology and barbering professions. Some of those major differences are listed below.

1. To maintain a quality control and a check and balance system, licenses are required for the Beauty and Barber Professional while licenses and/or proficiency requirements are not in place for most of the other professions.
2. In other professions, the public is either rarely or never in contact with the professional and as a result the individual involved is only a danger to him/herself. The Beauty and Barber Professions are different in that all services are done on the public to the tune of hundreds of thousand or, even millions of services a year.

3. Most other professions do not change the "state of the art" constantly and, what is learned in school will last them for the rest of their professional career. However, there are new developments in perming techniques, haircolor, haircuts, facial methods etc. As a result of these changes, cosmetologists and barbers must at all times stay abreast of what is happening so as to adequately service their customers. There is a constant need for re-training of cosmetologists and barbers to not only service the public properly but also to adequately protect the public.
4. As time changes, manufacturers are constantly changing the formulas of their hazardous materials. An educational system is required for cosmetologists and barbers to keep them abreast of new developments. These programs are available only through the professional organizations dealing with cosmetologist and barbers as other industries are not only not aware of what is happening but, quite frankly, could care less.
5. The State Board of Private, Technical and Business Schools does not understand the cosmetology industry as the businesses they control do not change from year to year. This is contrary to the needs and requirements of cosmetologists and barbers and will be quite detrimental to the profession.

In summary, the Beauty and Barber Industries deal exclusively with the public where other private and technical industries do not. If a secretary does not know her skills well she affects no one but herself. Her only risk is to lose her job. If a welder does a poor job he will either hurt himself or lose his job. If an air conditioning maintenance person does a poor job he will therefore lose his job. However, if a cosmetologist or barber does a poor job the potential damage will be done to the unwitting public who enters the beauty or barber salon with blind faith assuming that the professional knows what he/she is doing. The State Board of Private, Technical and Business Schools just not set up to handle the needs of the Cosmetology and Barber Industry as they have a lack of understanding of this industry.

Arizona State Board of Cosmetology

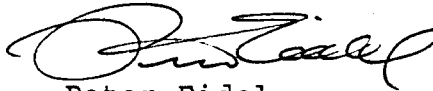
Page 3

March 16, 1983

We have polled the 350 professional members of the Tucson Cosmetologists Association concerning this subject. The overwhelming response was an absolute negative that the Beauty and Barber Schools should be taken over by the State Board of Private, Technical and Business Schools. Our industry has great faith in our State Board of Cosmetology and we do not want to see a change of its current structure.

In business and politics as in life, there is no perfect solution. No one has ever said that the State Board of Cosmetology is flawless. However, the Board has done a superior job in monitoring our industry and we would not like to see any changes to the current system as the public has been protected and has been served by the Board's existence.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter Fidel", written in dark ink.

Peter Fidel
President

PF/j

APPENDIX XI

TABULATED RESULTS OF QUESTIONNAIRE SENT TO 500 "CITIZENS" SELECTED AT RANDOM

1. a. Do you believe that the practice of barbering, as you observe it, is of such a nature that the State needs to "license" those who perform this duty?

☐ 68 Yes

☐ 37 No

3 "NO" Responses

- b. Do you believe that the practice of cosmetology, as you observe it, is of such a nature that the State needs to "license" those who perform this duty?

☐ 78 Yes

☐ 27 No

3 "NO" Responses

2. If you believe that regulation is necessary, which of the following current regulatory practices are most necessary in your view? Check those you believe necessary.

<u>BARBERING</u>	<u>YES</u>	<u>NO</u>	<u>COSMETOLOGY</u>	<u>YES</u>	<u>NO</u>
Registering Students	<input type="checkbox"/> 41	<input type="checkbox"/> 25	Registering Students	<input type="checkbox"/> 46	<input type="checkbox"/> 27
Requiring specific number of hours of barber school attendance	<input type="checkbox"/> 58	<input type="checkbox"/> 14	Requiring specific number of hours of cosmetology school attendance	<input type="checkbox"/> 67	<input type="checkbox"/> 10
Practical Exam	<input type="checkbox"/> 68	<input type="checkbox"/> 8	Practical Exam	<input type="checkbox"/> 73	<input type="checkbox"/> 7
Written Exam	<input type="checkbox"/> 61	<input type="checkbox"/> 11	Written Exam	<input type="checkbox"/> 67	<input type="checkbox"/> 10
Annual License Renewal	<input type="checkbox"/> 48	<input type="checkbox"/> 22	Annual License Renewal	<input type="checkbox"/> 58	<input type="checkbox"/> 19
Shop Licensing	<input type="checkbox"/> 60	<input type="checkbox"/> 14	Shop Licensing	<input type="checkbox"/> 65	<input type="checkbox"/> 11
Shop Inspections	<input type="checkbox"/> 67	<input type="checkbox"/> 11	Shop Inspections	<input type="checkbox"/> 67	<input type="checkbox"/> 11
Requiring continuing education in profession	<input type="checkbox"/> 59	<input type="checkbox"/> 28	Requiring continuing education in profession	<input type="checkbox"/> 47	<input type="checkbox"/> 27

NOTE: The references to Cosmetology (cosmetologists) refer to beauty operators and hairdressers.

ALVA
beauty products

Tu-K Industries, Inc.

Manufacturer of Quality Cosmetics

Al's Day



No. Calif. (415) 797-8877

3339 Union Pacific Ave.
P.O. Box 23336
Los Angeles, CA 90023
(213) 261-3181

March 2, 1983

Arizona Board of Cosmetology
1645 W. Jefferson
Phoenix, AZ. 85007

Attn.: Carol Fisher

ARIZONA BOARD
OF COSMETOLOGY

Dear Mrs. Fisher,


As a manufacturer of beauty products for the professional trade we have been involved with the disinfectant products used for combs, brushes and scissors.

It is our opinion that strict control should be maintained to protect the public in this area. The most effective agent we have found is the so-called quaternary compounds such as dimethyl benzyl ammonium chloride. By maintaining a concentration of 250 ppm and changing the solution daily, proper disinfection takes place. Again this must be monitored for proper procedure. Our recommendation is that each professional stylist maintain a fresh solution at his or her station as well as having a container in the back bar area.

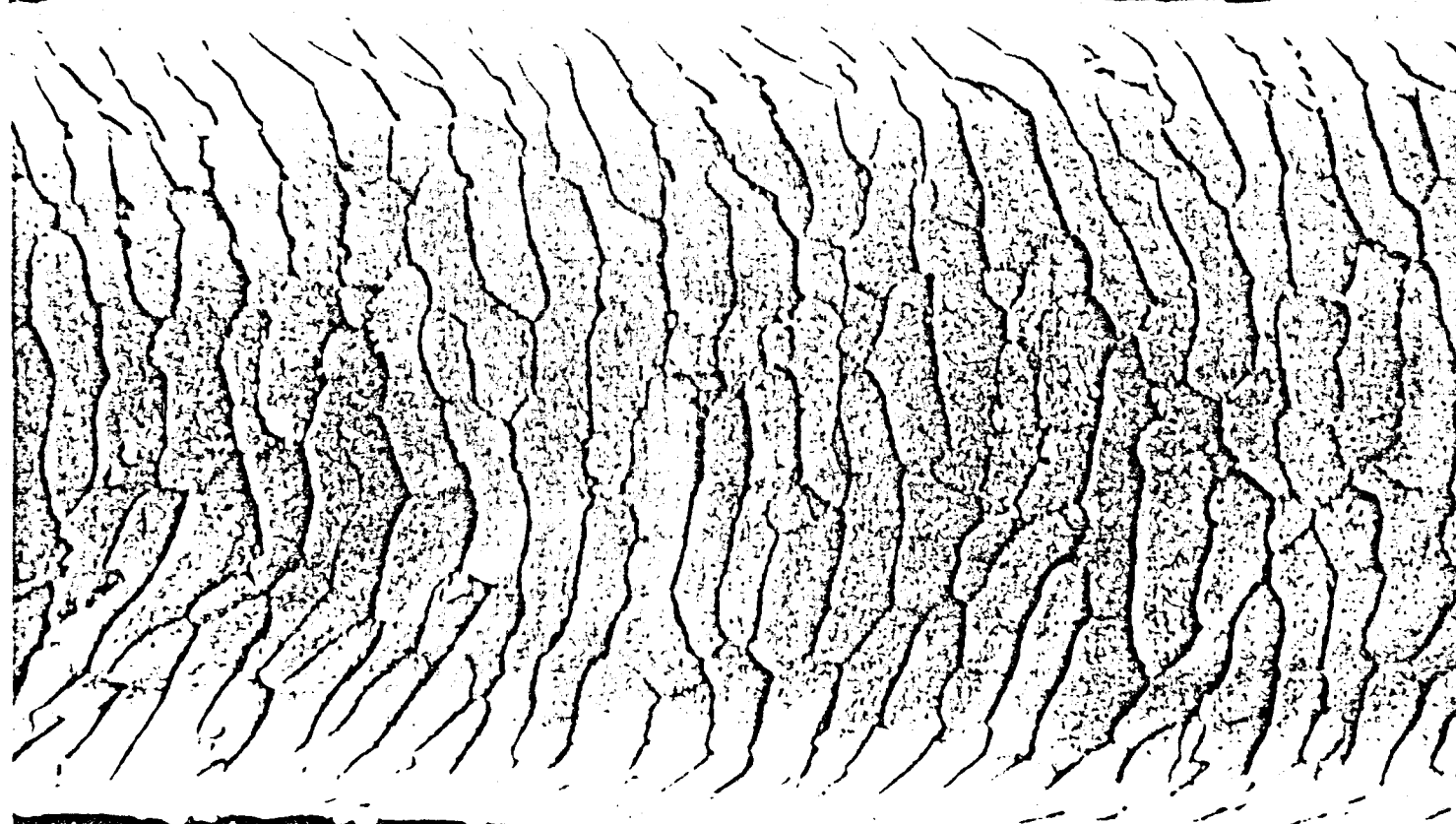
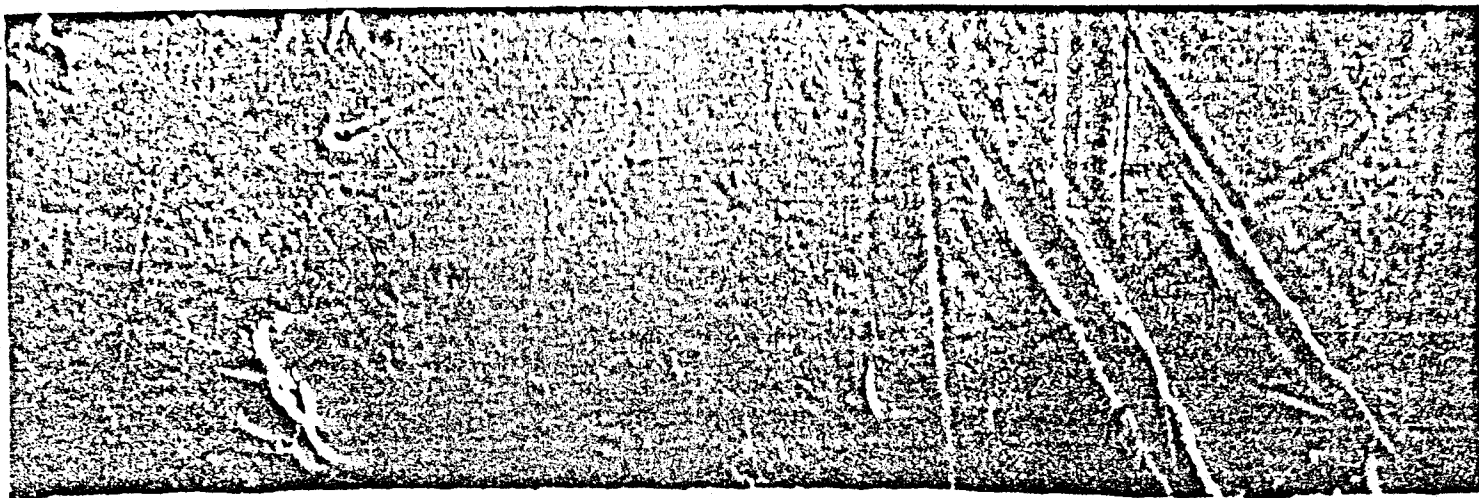
Our proprietary product called Alva-Quat meets all of these specifications and is registered for use by the EPA. It is sold as a concentrate and all instructions for proper mixing are printed on the bottle.

Hopefully this information will be of assistance.

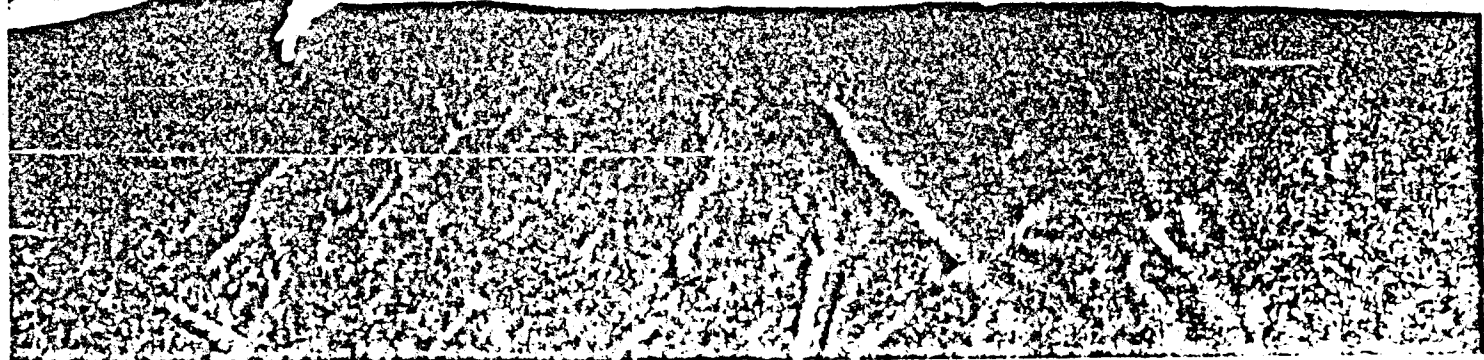
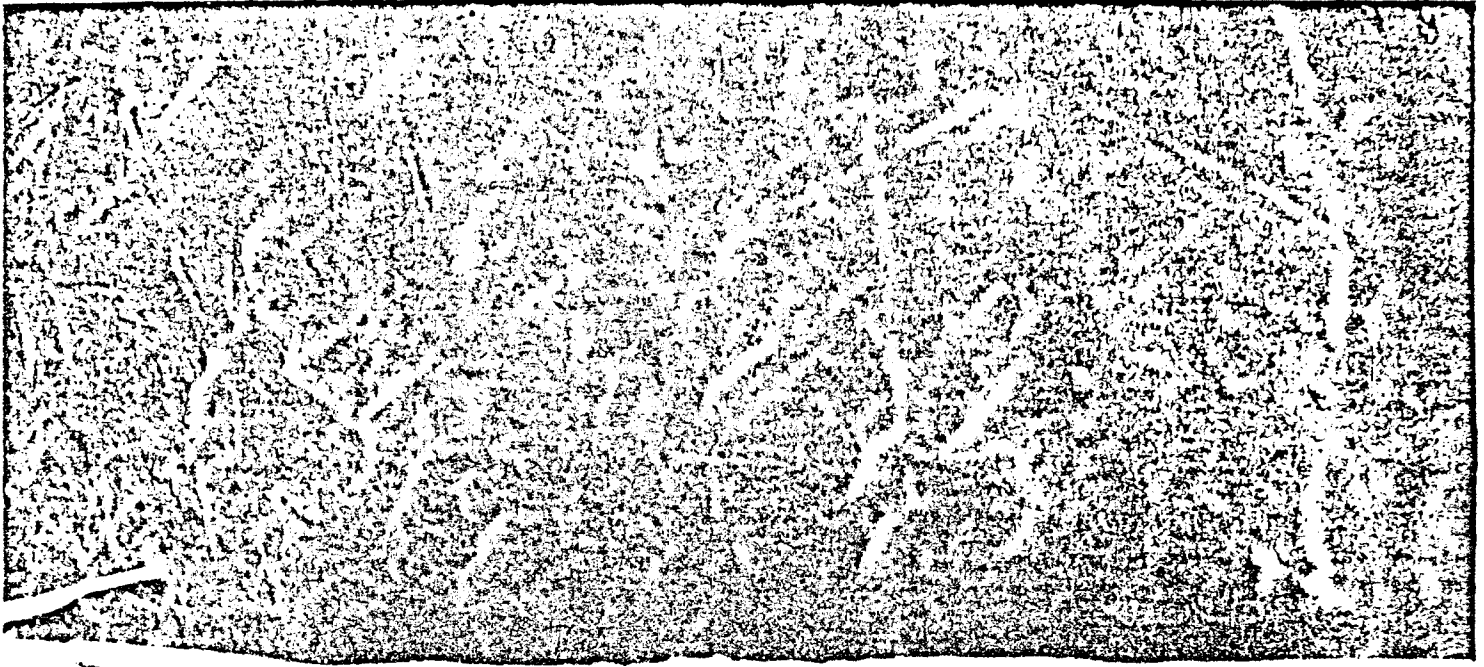
Sincerely yours,


Al Berkowitz - Vice President
Tu-K Industries, Inc.

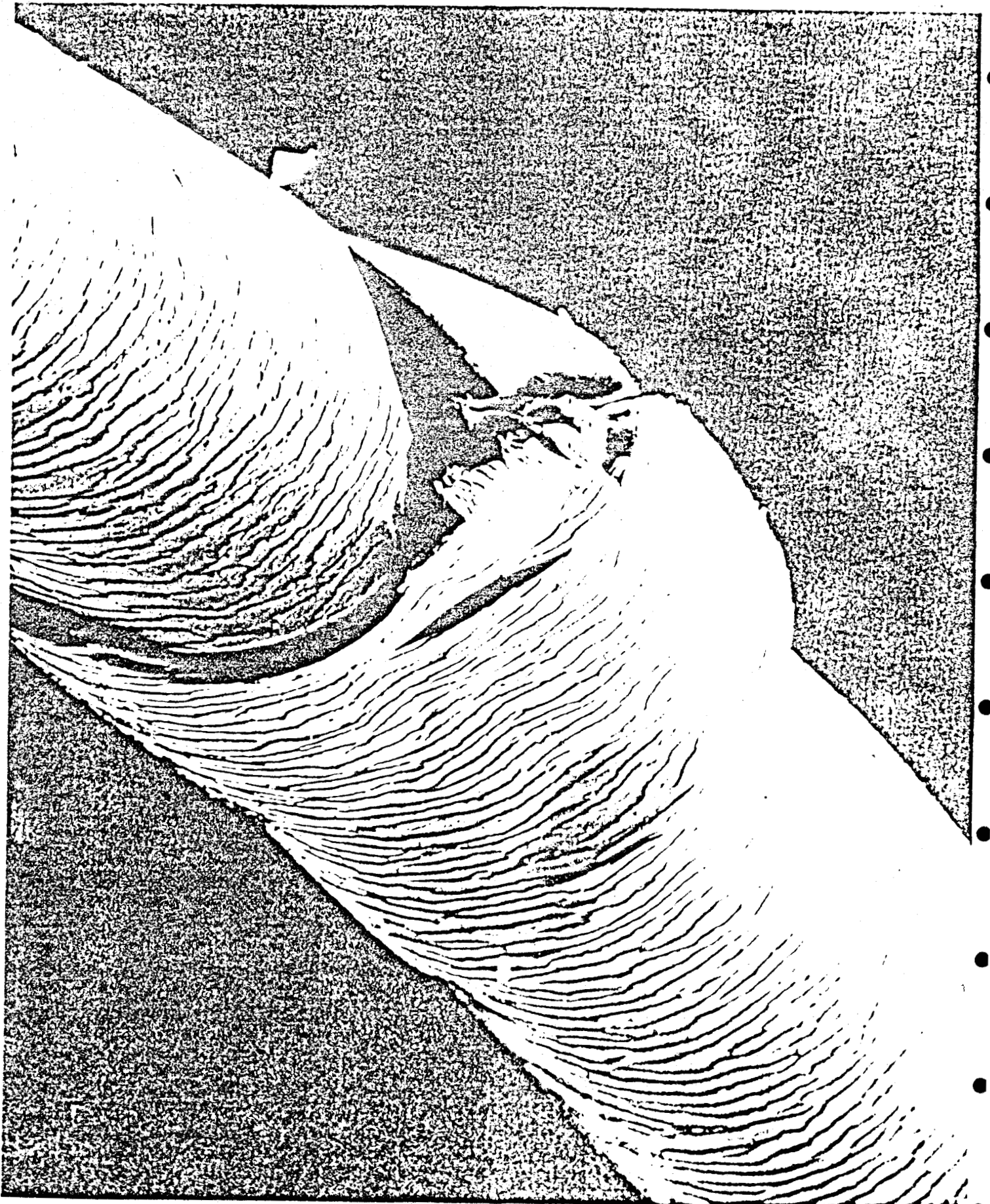
AB/jr



Virgin Healthy Hair



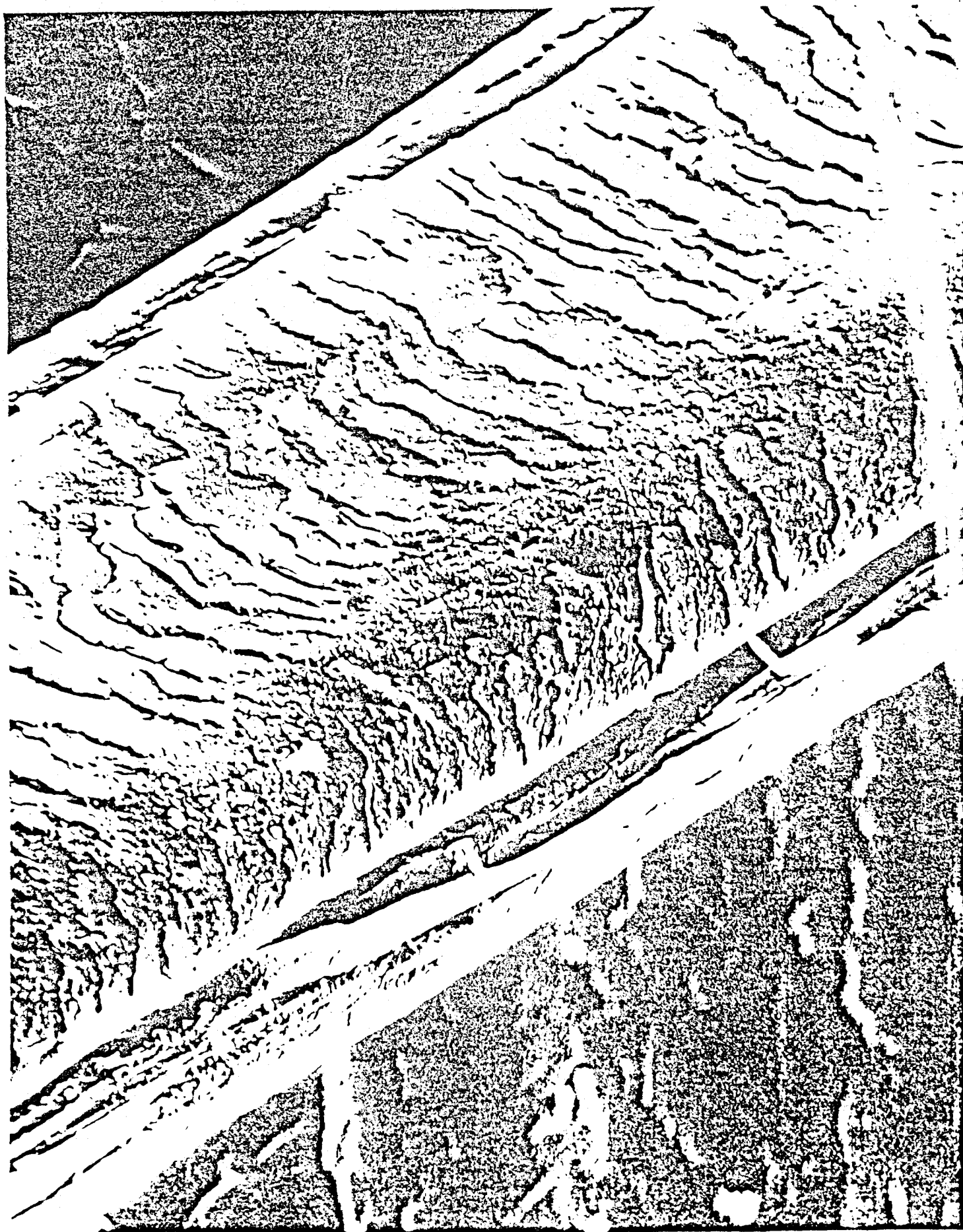
Heat Damage - Blow dryer



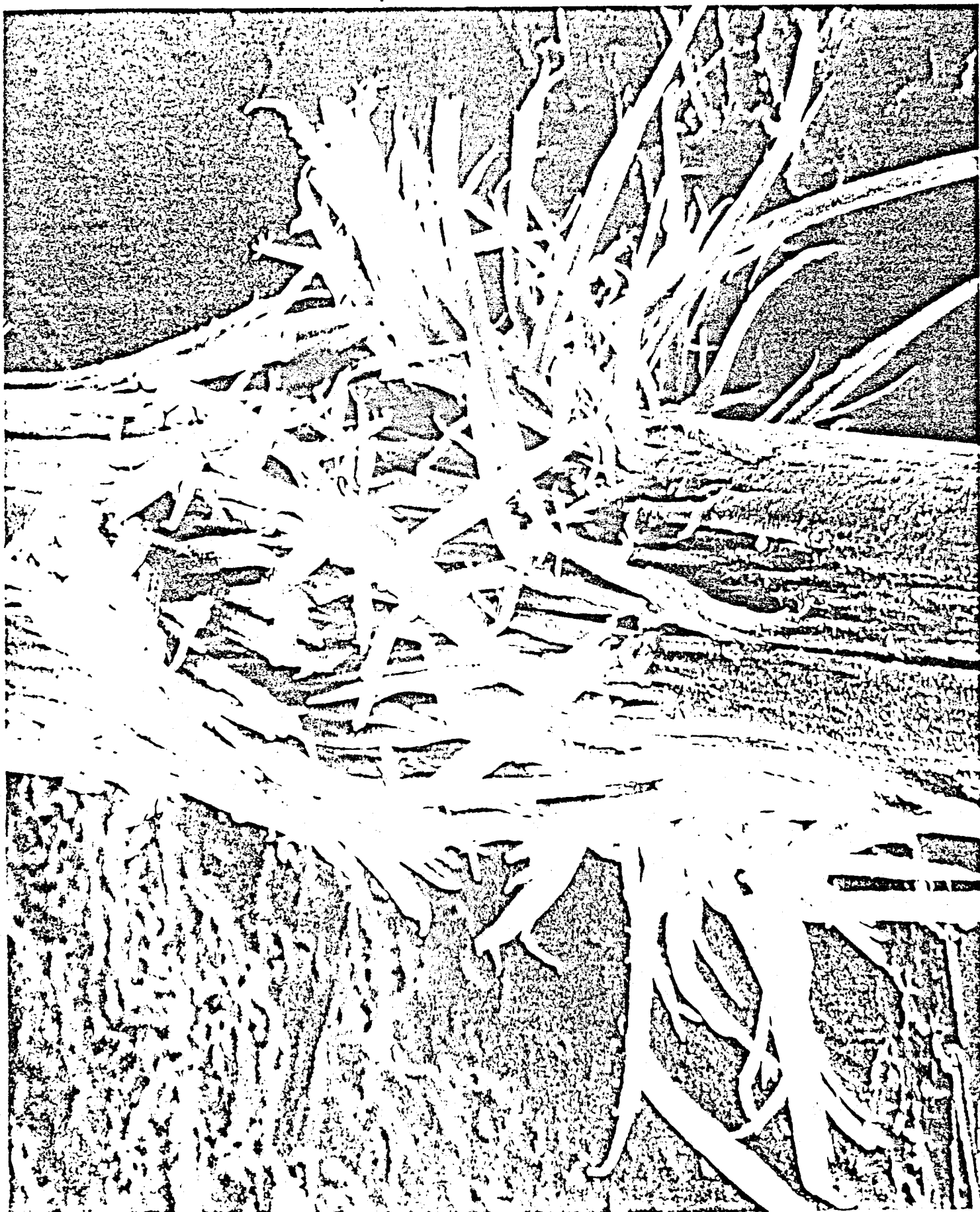
Thermal Damage - Improper use of curling iron



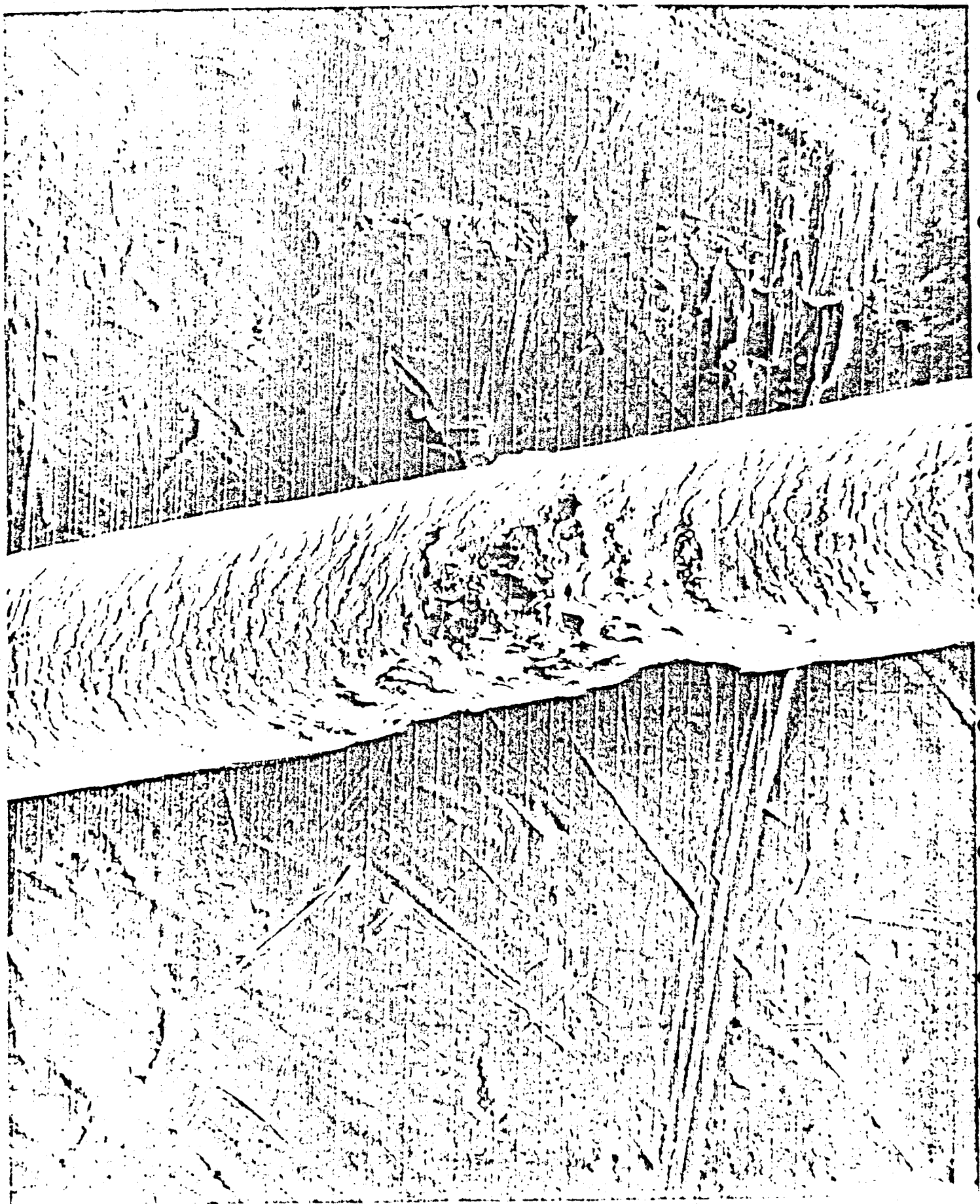
Damaged - improper combing - mechanical damage



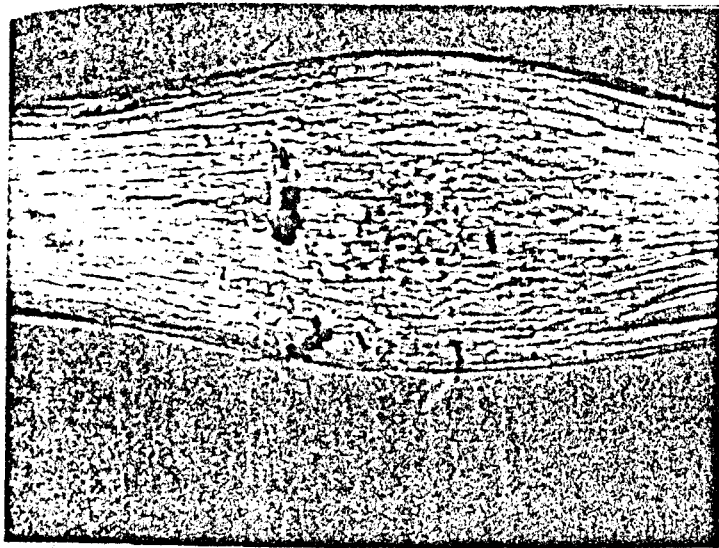
Over-Neutralized Perm



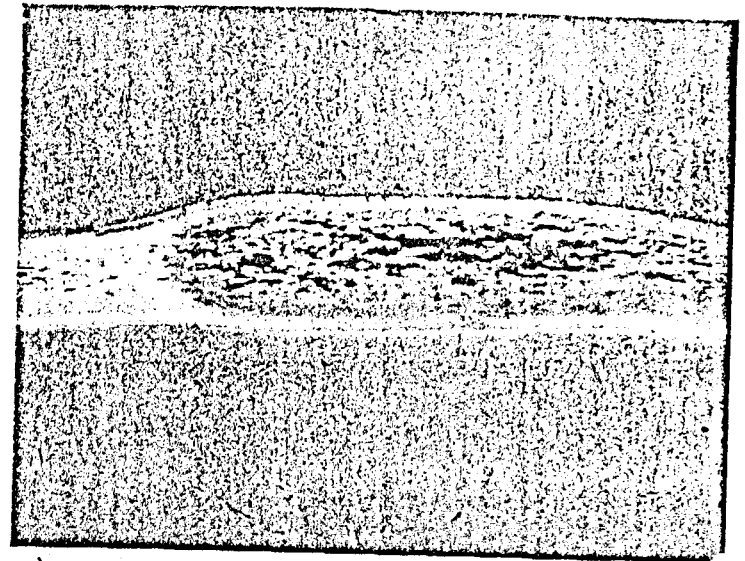
HAIR Breakage — Over-lapped Bleach



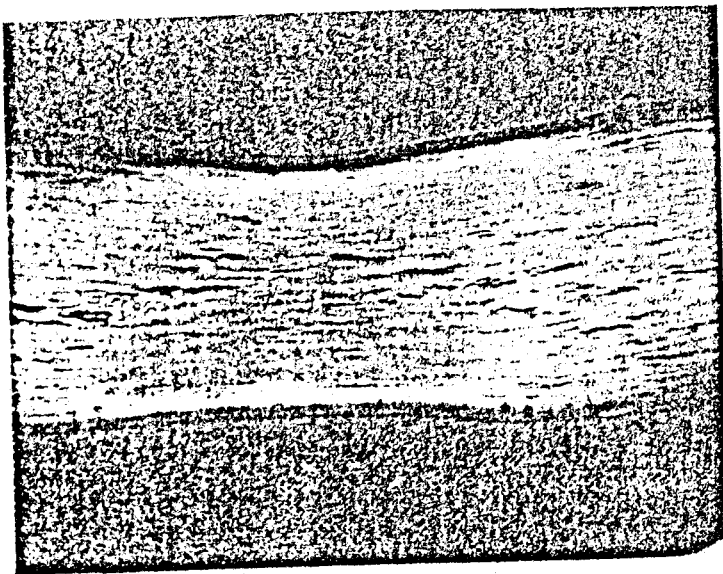
HAIR DAMAGE AS A RESULT OF CHEMICAL AND/OR MECHANICAL



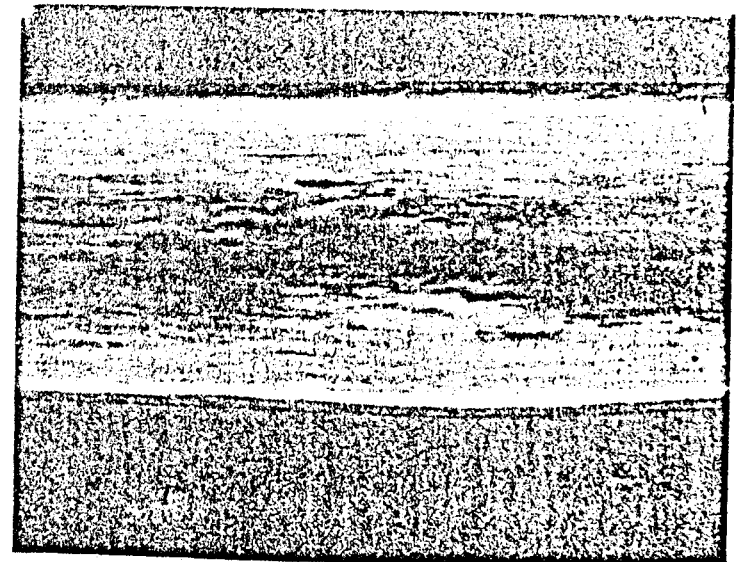
chemical damage



improper placement of fern roots

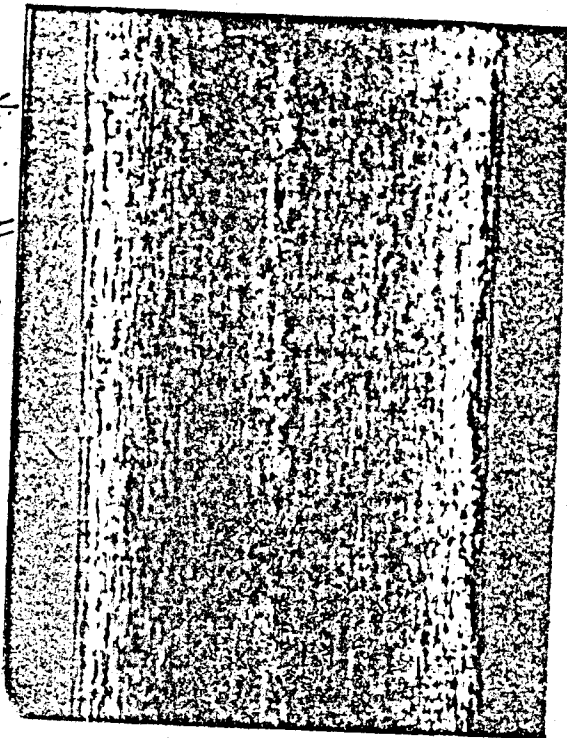


heartwood border

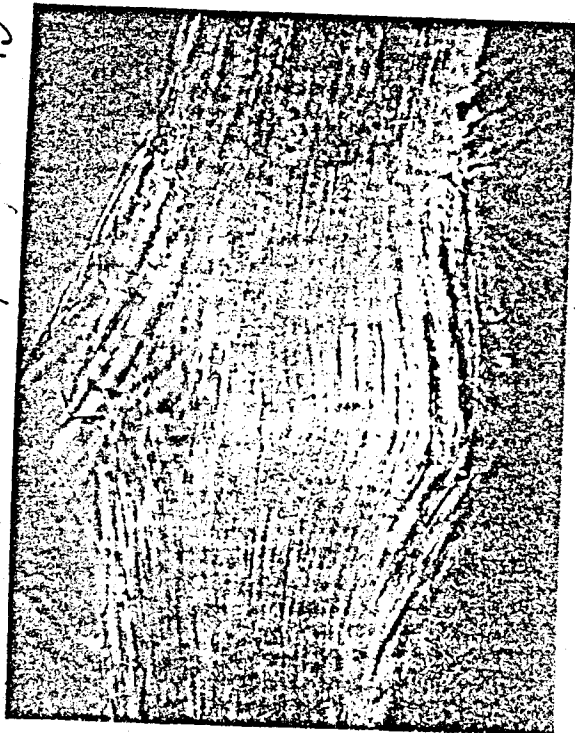


over-bleached

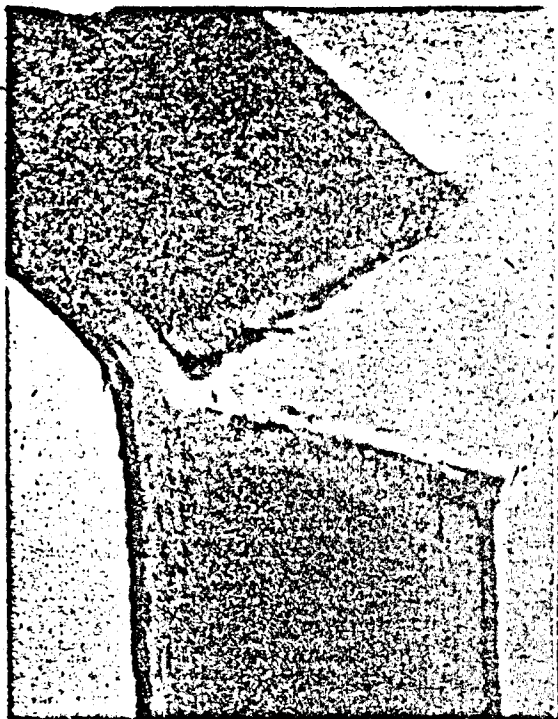
Virgin Hair



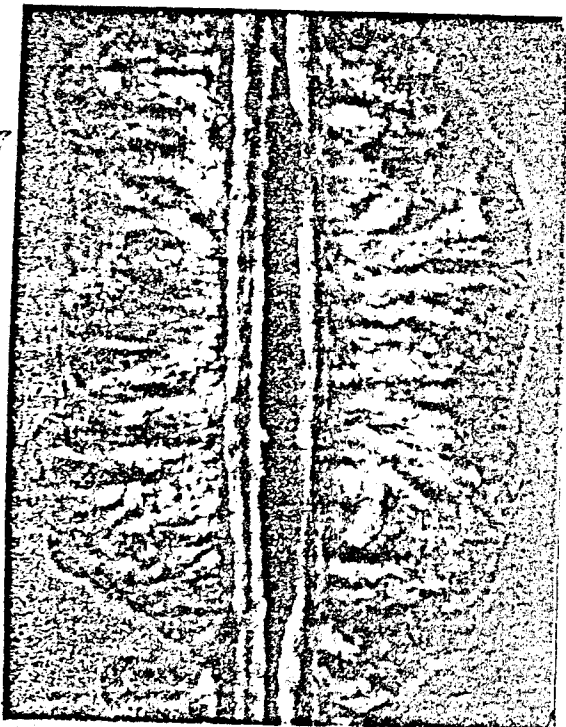
Chemical / Mechanical Damage



Damage - Sun / UV



Fungus



**Reply of the Cosmetology Industry
to the
Auditor General's Report on Cosmetology
JUNE 1983**

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SUMMARY AND CONCLUSION

When analyzing the Auditor General's Report on cosmetology, the following questions should be asked:

1. Could the Auditor General's Office generate reliable information without soliciting information from industry experts who could adequately advise them?

2. Is an unfair and improper burden placed on the public by assuming that the public could protect themselves and seek appropriate remedies if they found that they were subjected to the risk of their health and safety?

3. Is the State of Washington report used as a crutch and roll model with an insufficient investigation conducted by the Arizona Auditor General's Office?

4. Are statistics presented in such a way as to exhibit a partial and biased viewpoint?

5. Is adequate consideration being given to the loss of millions of dollars to the State Treasury if the industry was deregulated?

Our review of this Report reveals that the Auditor General's Office has not carried out the mandate of the Legislature adequately. The mandates of Section 41-2354D-1 through 12 were reviewed with a biased and one-sided approach.

CONCLUSIONS

The Auditor General's Office did not seek out reliable, detailed expert testimony of industry experts out of anticipation that these sources would be biased. Therefore, how can their results be considered factual and grounds for termination of the Board.

An improper premise was used in the report when assuming that hazards to the public are minimal or do not exist. The assumption that the public has remedies available to them was over-stated and not investigated properly.

The State of Washington Report was used as a crutch. It is important to note that since the preparation of the Arizona Report, the Washington Legislature rejected their Sunset review recommendations.

Statistics were prepared in such a way as to reflect negatively on Arizona's situation and did not clearly show all sides of the issue.

Millions will be lost to the State Treasury if deregulation is accepted. In a time when the State Legislature is struggling with a budget dilemma, deregulation would cost a substantial loss in revenues.

1. The State Board is a ninety-ten agency. The ten percent revenues would be lost.

2. Thousands of cosmetologists now currently required to work in "licensed salons" would go out on their own and become self-employed, working out of their homes. Taxes they generated would be lost:

- a. The unemployment compensation insurance fund (2.7% of the first \$7,000 in wages), equal to \$189 per person, or a loss of at least \$100,000 per year.

- b. Millions in sales tax revenues now declared by established salons, which will go unreported by self-employed untrained individuals.

- c. Millions in undeclared State income tax that would not be declared when they are dealing in a "cash business".

3. Millions in tax dollars taken out of the State by "snow birds" who will be able to spend their winters in Tucson working and return to their home States without paying taxes on income they earned in Arizona.

4. The increased expenses, workload and burden placed on other State and County agencies that will have to monitor illegal business activities; i.e. zoning departments, Department of Health, and the Attorney General's Office who will have to prosecute illegal activities.

Finally, two of the factors to consider under Section 41-2354D-3, and 41-2354D-10 of the Sunset Review Procedures, state that investigation to determine "the extent to which the agency has operated within the public interest", and "the extent to which deregulation of the Agency would significantly harm the public health, safety or welfare."

In these critical areas, the Auditor General's Report has improperly minimized the potential for harm to the public and, as a result, has caused many of the conclusions in the report to be suspect.

INTRODUCTION

The following reply to the Auditor General's recommendations concerning the Cosmetology Industry was compiled through a joint effort of the Arizona Cosmetology Association, its various affiliates in Phoenix, Tucson, Mesa, Scottsdale, Sierra Vista, The Arizona Allied Cosmetology Council (membership consist of cosmetologists, manicurist, school owners, salon owners, wholesalers, instructors, students), the Arizona Cosmetology School Association and concerned public members i.e. physicians, PHD's, attorneys, insurance companies, chemical experts and representatives from almost every major product manufacturer in the country.

It is our feeling that the Sunset Review process serves a functional purpose even though at times, the broad spectrum of powers given to the Auditor General's office are over used. In this particular report the State of Washington is quoted as an authority by the Auditor General's office because that State also conducted a survey just before Arizona's. When comparing the Washington Report to the Arizona Report many sections are taken verbatim and it would appear that very little actual research was conducted by the Arizona office as the opinions expressed in the Washington Report were accepted without study or review.

Ironically, the Washington State Legislature rejected their report and on May 17, 1983 the Governor signed into law legislation extending the Washington Board of Cosmetology for an additional year and charged the Board of Licensing with the responsibility of constructing Legislation to be introduced in January 1984 that the Industry would accept and that would also address some of the issues raised in the Auditor General's Report. It is interesting to note that initial legislation sponsored by the Washington Cosmetology Industry was sponsored by 40 signers in their House of Representatives out of 98 seats.

Under no circumstances do we want to use the State of Washington as a role model for Arizona as the two States have their own identity and own set of circumstances. However, we felt it important to raise the Washington issue as it has been quoted in many sections of the Arizona Report.

Many constructive points were raised in the Arizona Auditor General's Report. Some issues have already been dealt with concerning administrative functions of the Arizona Board of Cosmetology. Other areas need to be addressed legislatively, and finally many areas should not be dealt with as the existing law is more than adequate to protect the public's health and safety.

On the following pages we will divide our response into three major areas.

SECTION I

Sections of the Auditor General's Report with which we agree and would like to see incorporated into Legislative change.

SECTION II

Sections of the Auditor General's Report with which we disagree and the reasons for disagreement.

SECTION III

New sections of the Law that were not addressed by the Auditor Generals Office that we feel should be reviewed by the Legislative Body to update the cosmetology law.

SECTION I

RECOMMENDATIONS WITH WHICH WE CONCUR

THE BOARD SHOULD IMPROVE ITS INVESTIGATION OF COMPLAINTS INVOLVING HARM TO THE PUBLIC.

This was immediately corrected through investigating systems used by other agencies. Complaints are now being handled properly in compliance with the report.

ALL COMPLAINTS SHOULD BE PRESENTED TO THE FULL BOARD FOR FINAL DISPOSITION.

This has been instituted. Complaints are listed on the Board's Agenda and action to be taken is decided upon at Board Meetings.

A.R.S. 32-529 SHOULD BE AMENDED TO REQUIRE RENEWALS TO BE ISSUED ON A BI-ANNUAL OR TRI-ANNUAL CYCLE. IN LINE WITH THIS CHANGE A.R.S. 32-530 WOULD ALSO NEED AN AMENDMENT TO PROVIDE FOR THE DOUBLING OR TRIPLING OF RENEWAL FEES.

We agree. We feel a bi-annual cycle should be instituted Under the current law, renewal dates for licenses fall on the licensees birthday. At the time of changing to a bi-annual renewal we feel that rather than the "birthdate" as the date of renewal this should be changed to the "month of birth" which will aid in the processing of licenses.

THE BOARD SHOULD TAKE CONSISTANT ACTION ON VIOLATIONS FOUND DURING INSPECTIONS.

We agree. Financial cutbacks in the past have taken their toll in the action taken on violations uncovered during inspections. However, the Board is now on a sound financial footing and with the additional use of data processing that is currently being introduced this area will be corrected immediately.

COMPLAINT DOCUMENTATION SHOULD BE IMPROVED BY PROVIDING FILES WITH CLEAR STATUS SAFEGUARDS TO PREVENT LOSS OF FILES, A CROSS-REFERENCING SYSTEM AND INCREASED ACCURACY TO REDUCE CLERICAL ERRORS.

We agree. This has already been instituted by the Board.

THE BOARD SHOULD MAINTAIN ACCURATE RECORDS OF ITS SERVICE MEASUREMENTS AND REPORT THESE MEASURES IN UNINFLATED TERMS. ONLY THE NUMBERS OF SHOPS AND SCHOOLS INSPECTED SHOULD BE REPORTED EXCLUDING STUDENTS AND OPERATORS. COMPLAINT FIGURES SHOULD INCLUDE CONSUMER COMPLAINTS ONLY, NO INSPECTION-GENERATED COMPLAINTS.

We agree. The Board will follow the Auditor's guidelines in this area.

BOARD MINUTES SHOULD BE IMPROVED TO COMPLY WITH A.R.S. 38-431.01 BY RECORDING AN ACCURATE DESCRIPTION OF PROCEEDINGS, INCLUDING BOARD VOTES ON DECISIONS, AND SAFEGUARDING MINUTES TO PREVENT MISPLACEMENT.

We agree. This suggestion has been implemented by the Board. Board Minutes are now being taped as well as written to follow the format suggested by the Attorney General's Office. Other suggestions made by the Attorney General's Office have been incorporated.

ELIMINATE CURRENT RECIPROCITY PROVISIONS AND PROVIDE FOR THE LICENSING BY ENDORSEMENT WITHOUT AN EXAMINATION FOR THOSE APPLICANTS LICENSED IN OTHER STATES WITH COMPARABLE STANDARDS.

We agree with the concept in general to modify the reciprocity provisions. It will be important to clearly define what will constitute "comparable standards". If a licensee from another state has fewer hours than Arizona's requirement and has not worked for at least one year, they should be able to take the practical and written examination as the final judgment as to whether or not they will meet Arizona's standards and that the public will be protected. Provisions concerning educational and age requirements, and the passing of the Board exam in their previous state should be a requirement. However, the Board should waive the difference in hours as that should not prevent them from taking a licensing exam in Arizona if they have met all the other requirements. The Board exam can be waived if the applicant has at least one year of work experience in the profession.

ELIMINATE REQUIREMENT OF GOOD MORAL CHARACTER AND TEMPERATE HABITS.

We agree as this limitation is too vague and is hard or impossible to enforce.

SECTION II

RECOMMENDATIONS WITH WHICH WE DISAGREE

STATE LICENSING OF COSMETOLOGISTS AND BEAUTY SHOPS CAN BE ELIMINATED. THE PRACTICE OF COSMETOLOGY DOES NOT POSE A SUFFICIENT RISK TO PUBLIC HEALTH AND SAFETY TO JUSTIFY REGULATION, AND CONSUMERS POSSESS ADEQUATE KNOWLEDGE TO EVALUATE COSMETOLOGY SERVICES.

The reasons for continued regulation of the cosmetology profession are compelling. Fundamental training and a working knowledge of sanitation and hygienic care coupled with scientific knowledge of human anatomy and the dynamics of chemical treatments must be integrated into the cosmetologist's practice in order that treatments may be safely administered. Cosmetologists regularly use potentially dangerous chemical treatments and electrical instruments on the skin, hair, nails and face, frequently around the area of the eye.

Recognition must be given to the distinction between professional products, designed and tested for use by professionally trained persons, and consumer products which may be purchased through retail outlets for consumer's self application in their homes. Many professional products contain potentially dangerous chemicals and may cause moderate or even severe injury if used by untrained persons or, even in the hands of a trained professional, if the professional products are used improperly. Potential physical injuries that may occur include severe damage to or loss of the hair, thermal or chemical burns to the skin which could result in permanent scarring, and damage to the eyes which in some instances could potentially cause irreparable loss of vision. The Auditor General's Report inaccurately made light of these areas.

Hair straightening products, permanent waves, hair colors and bleaches are all examples of products which contain potentially dangerous chemicals. Most creme relaxers that are used by cosmetologists to straighten hair contain sodium hydroxide which is highly alkaline. Many kitchen and drain cleaners also use sodium hydroxide. Sodium Hydroxide is used in a creme relaxer to relax the chemical bonds in curly hair so that the hair may be straightened. Depending on many factors such as the strength and condition of the hair, the time required for the straightening process may vary from one to sixty minutes. It is important that the person applying the relaxer be adequately trained as are licensed cosmetologists, because it is difficult to gauge the length of time that a relaxer must remain on the hair to be effective. If the creme relaxer remains on the hair for too great a period of time, the hair can be severely damaged. Many creme relaxers that contain sodium hydroxide may also cause some degree of burning of the scalp. If burning does occur, it is crucial to have a trained cosmetologist present to identify the problems and initiate remedial action.

Permanent waves can also prove to be dangerous in the hands of untrained persons. Most alkaline cold-wave permanent waves include a waving lotion which contains thioglycolic acid and ammonia and a bonding solution or neutralizer which contains hydrogen peroxide or a bromate solution. If the waving lotion is accidentally combined with the bonding lotion the chemical reaction generates a tremendous amount of heat which could cause severe burning, or even ignite into open flame. There is also the potential that these chemicals in permanent waves may cause damage to skin, hair or eyes. By way of example, if a patron had recently used a metallic dye such as Grecian Formula to color her hair to eliminate gray hair and then applies a permanent wave, her hair will likely be damaged and may even begin to smoke.

Permanent waves that are sold for use by individuals in their own homes often contain thioglycolic acid. However, the home permanent wave products contain a lower percentage of thioglycolic acid than is used in professional permanent waves designed to be administered by licensed cosmetologists. Because the home permanent product is less "potent", permanent waves designed for home use do not last as long and usually do not provide the same degree of curl as do professional salon administered permanent waves.

The use of hair color and bleaches also require proper training and experience in order to apply them safely and obtain the desired results. Most permanent hair colors contain derivatives of a chemical called para-phenylenediamine. Although this chemical gives excellent results and long lasting color, it may induce severe allergic reactions in some persons. This result may be avoided by using a "patch test" to determine if a patron may exhibit an allergic reaction to the hair color. A licensed cosmetologist is aware of the importance of using the "patch test" and is trained in the proper technique of giving and interpreting the results of the "patch test".

Both hair color and bleaches have the potential to cause severe eye damage or loss of sight. It is, therefore, important that the person applying the hair color or bleach is properly trained to take the steps necessary to prevent these agents from coming into contact with the eyes. The cosmetologist applying the agents is able to ensure that the hair color and bleaching agents are kept away from the area of the eyes.

Licensed cosmetologists are called upon to utilize their skill and judgement in determining whether a particular chemical process should be recommended and may be safely performed. Licensed cosmetologists integrate their education, experience and professional judgment to determine the existing condition of the hair and/or skin and whether additional conditioning treatments should be applied prior to a chemical treatment. Although "unseen", a trained cosmetologist's professional recommendation is an important, perhaps the most important, service provided to the patron.

A salon patron is of course concerned not only that the professional service is safely provided, the salon patron also wants the most efficacious result. By way of example, in order to obtain a desired hair color, the person applying the hair color must be educated in the "law of color" and experienced in working with hair color. The same bottle of hair color can produce different shades on different types of hair. There have been numerous cases of inexperienced persons applying hair color at home who are rudely surprised at the final result. These persons usually then require the services of an experienced cosmetologist for corrective work. This again illustrates the benefit of competent licensed professionals to provide these services.

Many manufacturers' products carry directions which specify "dos" and "don'ts" and many products require caution notices. All insist on "following directions carefully". For the customer's satisfaction and protection, the cosmetologist must be able to understand and strictly adhere to these directions, many of which are written for the trained professional. As discussed above, merely following directions may not be enough. Pretesting and monitoring may be required, professional judgment based on training and experience is often necessary. The professional cosmetologist must keep up with the "state of the art" through continuing education in an effort to upgrade the profession and provide services with the greatest efficiency and safety.

The State Board of Cosmetology serves a vital function in enforcing the state's licensing and regulation of a profession which affects the health and safety of the public. Licensing standards ensure the minimum competence of licensees.

An effectively administered professional licensing system furthers Arizona's interest to ensure that safe and effective services are provided to the state's consuming public. We believe that only skilled and licensed cosmetologists possess the specialized training to provide routine service as well as dealing with unusual or unexpected situations where knowledge and training may make the difference between a successful treatment and a potentially hazardous failure.

REGULATION OF COSMETOLOGY CAN BE IMPROVED BY CHANGING THE STRUCTURE AND COMPOSITION OF THE BOARD OF COSMETOLOGY. THE COSMETOLOGY AND BARBER BOARDS CAN BE COMBINED TO IMPROVE ADMINISTRATION AND EFFECTIVENESS OF REGULATION FOR THESE OCCUPATIONS AT A SUBSTANTIAL COST SAVINGS. BOARD MEMBERS SHOULD NOT SERVE AS FULL-TIME ADMINISTRATIVE STAFF. THIS WILL ELIMINATE POTENTIAL LEGAL PROBLEMS AND VIOLATION OF THE OPEN MEETING LAW. PUBLIC MEMBERS SHOULD BE ADDED TO THE BOARD TO INCREASE CONSUMER PROTECTION PUBLIC INTEREST.

We do not feel that the combination of the beauty and barber boards will serve any functional purpose. Both industries have separate identities. The qualifications required to examine applicants and inspect salons differ substantially. A financial review of the potential combination of both boards has shown that only minimal cost-savings would be derived. There would be some minor savings as a result of the combination of some of the administrative staff, however, many areas of expense would also substantially increase. For example, the work load of both boards would continue and as a result administrative and secretarial staff could not be reduced. Both boards and their staffs could not fit in either of the existing facilities and as a result, new, larger space would have to be found which would increase the rent, electrical expense, telephone expense etc. Our analysis of savings to be derived is between five and ten thousand dollars in total in the combination of both boards. These monies will easily be absorbed through a fee increase already approved for the cosmetology board and through greater efficiency to be derived through data processing equipment already installed and in the test phases.

We feel that the addition of a public member to the Board of Cosmetology is a good suggestion and can be achieved with certain stipulations. First, the Auditor General's Report has pointed out that the present board members are currently performing too many Administrative functions that take valuable time away from administering the mandated responsibilities of the board adequately. The Board agrees that this problem exists but points out that in recent years it has experienced a loss of trained personnel because they are only authorized certain pay levels that are lower than most of the other large agencies. We have found that there is little room for advancement within this small agency and as a result when personnel have spent enough time in grade the only method for advancement is to leave the agency and apply somewhere else at a larger agency that has openings in higher levels. The Board is currently applying to have some of its pay levels increased to prevent this problem in the future. If the loss of trained personnel is reduced, the board members will not have to "pinch hit" to handle the paperwork that must be handled on a timely basis.

The Board currently has an unfilled authorization for an Administrative Assistant position. This person's responsibility would be to coordinate the functions of the outer office which will then alleviate the problems the Board Members have been experiencing in that area. It is our opinion that public member representation on the Board can be achieved in the following ways:

1. Hire a full-time administrative person who would also act as a public member of the Board. This person's responsibilities will be to administer the outer office administrative work in addition to the responsibilities inherent with being a Board member concerning decisions, meetings etc.
2. Add a position of a part-time "per diem" public person to the Board who will attend when there are meetings and will be involved with the decision-making process. The cost for a per diem member will be relatively small as compared to an additional full-time member.
3. The new construction of the Board will consist of 3 full-time cosmetologist members as currently authorized, plus one full-time public member who has the responsibility of the administrative functions and one part-time per diem public member who will give the appropriate input for meetings and Board decisions. Therefore, an odd number of Board Members will be maintained for voting purposes. This will also serve to achieve the Auditor General's recommendation to "increase consumer protection and promote public interest". It is interesting to point out that the Auditor General, in this case, is concerned with increasing consumer protection "while in other areas of his Report he feels that the public "does not need to be protected".

THE REQUIREMENTS FOR A PRACTICAL EXAMINATION SHOULD BE DELETED AND APPLICANTS SHALL ONLY BE REQUIRED TO TAKE A WRITTEN EXAMINATION ON THOSE ASPECTS OF COSMETOLOGY RELATING TO SAFE PRACTICE OF THE OCCUPATION.

We disagree with this recommendation. There are no cost-savings to the Board by the elimination of the practical examination. The facilities already exist, the equipment is paid for and the Board Members will be able to budget their timeto continue administering practical examinations if they can be relieved of the paperwork functions they have been experiencing as mentioned previously. The elimination ofthe practical examination affords no protection to the consumer who spends millions of dollars in this state to receive cosmetological services. The "state of the art" in the cosmetology industry is ever changing and new chemicals,

procedures and skills are being introduced constantly unlike most other professions. If the examination is eliminated there will be no method of control to ensure that schools are adequately training their students in the profession and that the consumer can feel that the working professional has met certain minimum standards and has been adequately trained in the protection of health and safety.

THE BOARD SHOULD REVISE ITS WRITTEN EXAMINATION TO INCLUDE ONLY QUESTIONS DIRECTLY RELATED TO PUBLIC PROTECTION AND THE SAFE PRACTICE OF COSMETOLOGY.

The Board has already initiated the process of updating their written examination with the elimination of some of the questionable areas pointed out in the Auditor General's Report. Much greater emphasis will be placed on questions related directly to public protection and the safe practice of cosmetology. However, other areas outside the two mentioned above should still be part of the test as it is important to make sure that all licensees have certain understanding of areas related to the law that governs them, the requirements placed on them, as well as sections concerning disease and chemicals that they come in contact with. In the broad spectrum, this can be considered as related to public protection. However it is important to make sure that the exam remains in enough depth to make sure that the practicing professional is well rounded in all areas of cosmetology.

REDUCE OR ELIMINATE THE AGE REQUIREMENTS.

We disagree with this recommendation. Currently, a student can enroll in school at the age of sixteen and a half or seventeen so that they will complete their course, and take their State Board exam in adequate time to receive their license on their eighteenth birthday. It is obvious that the maturity level of students will increase as they get older. We feel it is unreasonable to anticipate allowing students at the age of fourteen or fifteen years old to be working on the public and to understand the awesome responsibilities placed in their hands when they are working with harsh and potentially dangerous chemicals. Judgment is a key factor in any profession. Adequate judgment cannot be groomed in a person who is fourteen, fifteen or even sixteen years old. This does not mean that there are not a handful of young people who have matured at a young age. However, the greater majority of young people have not achieved the maturity level to deal with the public and have the public feel secure in the services being administered.

REDUCE OR ELIMINATE EDUCATION REQUIREMENTS.

We disagree with this recommendation. Unfortunately, the educational system in this country has gone down substantially in recent years. We feel that it is not unreasonable to require a 10th grade education. As outlined previously in other sections the complexities of the "state of the art" require that an individual read, understand and carry out the instructions of manufacturers. A reduced educational level will serve to reduce the proficiency of cosmetologists and in no way will serve to protect the public. The law provides for a 10th grade education or its equivalent. A GED exam is available to all potential licensees. Therefore, entry into the profession is not being restricted as there is an alternative available if they have not completed their high school education or at least attained a 10th grade level. Actually, we feel that the educational level should be increased to a 12th grade education due to the complexities of the industry and the requirements placed on the professional by the use of harsh chemicals and the need for comprehension of detailed instructions.

THE AUDITOR GENERAL DID NOT THOROUGHLY ADDRESS THE ISSUE OF THE 1800 HOUR SCHOOL REQUIREMENT FOR COSMETOLOGY LICENSING.

We feel this issue should be reviewed for the edification of the legislature since historically, some members of the Legislature have attempted to reduce the school hour's requirement.

There has been a lack of understanding of the comparison between the 1800 hours required for a cosmetology education as compared to credit units required in college. The following chart shows that the average college student will spend at least 1920 hours per year towards the attainment of their degree goals. Simply stated, for sixteen credit units per semester a college student will spend at least as many hours as a cosmetology student within a one year period of time but a cosmetology student will at least have attained their career goals.

4 YEAR COLLEGE DEGREE REQUIREMENT

125 CREDIT UNITS - BA or BS DEGREE

Yearly 31 Credit Units

Class Hours per Day per Credit Unit	1
-------------------------------------	---

Home Study, Library & Lab Hrs./per Unit Day	2
---	---

Total Daily Class & Study Hrs. per Unit	<u>3</u>
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16 Unit Hours per Week x 3 =	48 HRS./WK.
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40 Wks./College Yr. x 48 Hrs./Wk.=	1920 HRS./YR.
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#### 2 YEAR COLLEGE DEGREE EQUIVALENT

SAME AS 48 HOURS PER WEEK OR 1920 HOURS/YEAR

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10 1/2 MONTH COSMETOLOGY EDUCATION	1800 HOURS
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The following is a comparison of school hour requirements for 50 states plus the District of Columbia for the years 1960, 1970 and 1983. This comparison will show a steady upward trend in required cosmetology training. It should be noted that since 1960, twenty-five states have increased their hours requirements with only one state showing a decrease.

# SCHOOL HOURS REQUIREMENTS

| STATES            | 1960        | 1970        | 1983         |
|-------------------|-------------|-------------|--------------|
| ALABAMA           | 1000        | 1000        | 1200*        |
| ALASKA            | 2000        | 2000        | 2000         |
| ARIZONA           | 1800        | 1800        | 1800         |
| ARKANSAS          | 1200        | 1200        | 1500*        |
| CALIFORNIA        | 1600        | 1600        | 1600         |
| COLORADO          | 1650        | 1650        | 1650         |
| CONNECTICUT       | 2100        | 2000        | 1500**       |
| DELAWARE          | 1500        | 1500        | 1500         |
| DIST. OF COLUMBIA | 1500        | 1500        | 1500         |
| FLORIDA           | 1200        | 1200        | 1200         |
| GEORGIA           | 1200        | 1500        | 1500*        |
| HAWAII            | 1800        | 1800        | 1800         |
| IDAHO             | 2000        | 2000        | 2000         |
| ILLINOIS          | 1000        | 1000        | 1500*        |
| INDIANA           | 1000        | 1000        | 1500*        |
| IOWA              | 2100        | 2100        | 2100         |
| KANSAS            | 1000        | 1500        | 1500*        |
| KENTUCKY          | 1248        | 1500        | 1800*        |
| LOUISIANA         | 1000        | 1500        | 1500*        |
| MAINE             | 1500        | 1500        | 1500         |
| MARYLAND          | 1500        | 1500        | 1500         |
| MASSACHUSETTS     | 1000        | 1000        | 1000         |
| MICHIGAN          | 1200        | 1200        | 1500*        |
| MINNESOTA         | 1500        | 1500        | 1500         |
| MISSISSIPPI       | 1500        | 1500        | 1500         |
| MISSOURI          | 1220        | 1220        | 1220         |
| MONTANA           | 2000        | 2000        | 2000         |
| NEBRASKA          | 1500        | 1800        | 2100*        |
| NEVADA            | 1600        | 1800        | 1800*        |
| NEW HAMPSHIRE     | 1500        | 1500        | 1500         |
| NEW JERSEY        | 1000        | 1000        | 1200*        |
| NEW MEXICO        | 1200        | 1600        | 2100*        |
| NEW YORK          | 1000        | 1000        | 1000         |
| NORTH CAROLINA    | 1000        | 1200        | 1500*        |
| NORTH DAKOTA      | 1500        | 1500        | 1800*        |
| OHIO              | 1250        | 1250        | 1500*        |
| OKLAHOMA          | 1000        | 1000        | 1500         |
| OREGON            | 2500        | 2500        | 2500         |
| PENNSYLVANIA      | 1000        | 1250        | 1250*        |
| RHODE ISLAND      | 1500        | 1500        | 1500         |
| SOUTH CAROLINA    | 1000        | 1000        | 1500*        |
| SOUTH DAKOTA      | 1500        | 2100        | 2100*        |
| TENNESSE          | 1500        | 1500        | 1500         |
| TEXAS             | 1000        | 1000        | 1500*        |
| UTAH              | 1500        | 1500        | 2000*        |
| VERMONT           | 1500        | 1500        | 1500         |
| VIRGINIA          | 1500        | 1500        | 2000*        |
| WASHINGTON        | 2000        | 2000        | 2000         |
| WEST VIRGINIA     | 1500        | 2000        | 2000*        |
| WISCONSIN         | 1500        | 1500        | 1500         |
| WYOMING           | <u>1500</u> | <u>1500</u> | <u>2000*</u> |
| AVERAGE HOURS     | 1401        | 1505        | 1632         |

\* DENOTES 25 STATES WITH HOURS INCREASED

\*\* DENOTES STATE WITH DECREASE

### SECTION III

#### SUGGESTIONS FOR ADDITIONAL CHANGES IN NEW COSMETOLOGY LAW.

1. Reference A.R.S. Section 32-525 and A.R.S. 32-527 remove the requirements concerning a "fingerwaver" license. The last license issued for a fingerwaver was in 1941 and there is no need to have it in the law.
2. Reference A.R.S. Section 32-529, subsection (f) & (g) remove the requirement for photographs on licenses as this is unneeded and a burden to the professionals.
3. Reference A.R.S. 32-551, subsection (14d) increase provision for civil penalties from the present \$300 to \$500.
4. Reference A.R.S. 32-552 (8) remove "immorality" as a reason to suspend a license. This reason is too vague concerning what constitutes immorality and would probably not stand up if the law was tested.
5. Reference A.R.S. 32-527 (5) increase the School Bond requirement from the current \$5000. to \$10,000. When the law was written many years ago tuitions were at a lower level than currently. Therefore, the bond requirement should be increased due to inflation.
6. Reference A.R.S. 32-501 (9) in all areas defining "manicuring" the word "sculpturing" should be added to make reference to the fact that sculptured nails are a major part of a manicurist's business. In addition, in other sections of the law another problem area should be addressed. When the manicurist's license was fragmented from the cosmetologist license future problems were not considered concerning:
  - a. Reciprocity provisions for manicurist
  - b. The possibility of licensing manicurist schools
  - c. The possibility of licensing manicuring instructors

These areas should be discussed and consideration should be given to addressing these issues in the new law.

AUDITOR GENERAL'S SURVEY - TABLE 10 (Page 51) SHOWS THAT AT LEAST 1800 HOURS OF SCHOOLING ARE REQUIRED TO PERFORM NECESSARY FUNCTIONS.

The following is a chart of a survey taken by the Auditor General's office where it is stated that "Cosmetology Students should develop adequate performance skills prior to graduation." Our expansion of this chart will show that even with the Auditor General's figures, it will take at least 2400 to 2500 hours to complete this course of study rather than the current 1800 Hour requirement. It is not our intent to justify an increase in hours however, using the Auditor General's own figures will show that by no means should the 1800 hour requirement be reduced.

| SERVICE                 | NUMBER<br>of<br>TIMES | NUMBER OF<br>MINUTES<br>REQUIRED | TOTAL<br>MINUTES<br>REQUIRED | TOTAL<br>HOURS<br>REQUIRED |
|-------------------------|-----------------------|----------------------------------|------------------------------|----------------------------|
| COLD WAVE*              | 150                   | 180                              | 27,000                       | 450                        |
| THERMAL WORK            | 30                    | 30                               | 900                          | 15                         |
| FINGER WAVE             | 40                    | 20                               | 800                          | 13.5                       |
| SKIP WAVE               | 50                    | 30                               | 1,500                        | 25                         |
| PIN CURL                | 80                    | 30                               | 240                          | 40                         |
| CHEMICAL HAIR RELAXING* | 10                    | 180                              | 1,800                        | 30                         |
| HAIR TINTING*           | 70                    | 120                              | 8,400                        | 140                        |
| LASH & BROW TINTING     | 10                    | 30                               | 300                          | 5                          |
| BLEACHING*              | 20                    | 180                              | 3,600                        | 60                         |
| HAIR CUTTING*           | 700                   | 30                               | 2,100                        | 35                         |
| SHAMPOO                 | 1,000                 | 10                               | 10,000                       | 166.5                      |
| RINSES                  | 400                   | 05                               | 200                          | 3.5                        |
| WAVE SET*               | 800                   | 30                               | 24,000                       | 400                        |
| HAIRSTYLING & COMBOUT*  | 800                   | 30                               | 24,000                       | 400                        |
| SCALP TREATMENT         | 60                    | 10                               | 600                          | 10                         |
| FACIALS                 | 20                    | 45                               | 900                          | 15                         |
| MAKE-UP                 | 20                    | 20                               | 400                          | 66.5                       |
| MANICURING*             | 100                   | 30                               | 3,000                        | 50                         |
|                         |                       |                                  |                              | 1,925                      |
| Freshmen                |                       |                                  |                              | 300                        |
| Theory                  |                       |                                  |                              | 200                        |
|                         |                       |                                  |                              | 2,425                      |

\*Computed with Senior Student Speeds

INQUIRIES MADE OF AUDITOR GENERAL'S OFFICE MAY 16, 1983

AUDITOR GENERAL'S RESPONSE MAY 24, 1983

COMMENTARY CONCERNING RESPONSE

QUESTION: DID THE AUDITORS CONFER WITH ATTORNEYS (BOTH PRIVATE & PUBLIC) AS TO WHAT THE PUBLIC COULD EXPECT THROUGH THE LEGAL COURT SYSTEM AS TO COURT CALENDER DELAYS?

RESPONSE: We did not consult with attorneys on this question since court delays are not a factor commonly considered in assessing need for state licensing. The low number that a large number of new lawsuits is unlikely.

COMMENTARY: To quote the Auditor General on Page 18 of their report, "anyone injured in any way by another may seek to recover damages through civil court proceedings". Since the Auditor General is placing the burden of suit on the consumer why then did he not check into whether the resulting procedure would be feasible for the consumer to follow. Civil Court delays currently are anywhere from two to four years. Why didn't the Auditor General consider the actual burden placed on the consumer. In addition, consideration should be given to the fact that there have been a low number of complaints involving serious harm as a result of having controls, regulations and rules by. If Deregulation would occur the possibility exists that the number of complaints involving serious harm would increase substantially as a result of incorrect and hazardous procedures performed by untrained individuals.

QUESTION: WHAT AUTHORITIES WERE CONSULTED REGARDING THE USE OF CHEMICALS AND TOOLS USED ON A REGULAR BASIS BY COSMETOLOGISTS AS TO THE POTENTIAL FOR PHYSICAL HARM?

RESPONSE: The sources of this information are cited on page 15 of the Cosmetology Board report. Officials in Washington State were consulted because that State had done considerable prior work on this issue.

COMMENTARY: The research performed by the Auditor General's office was cursory at best. There are many authoritative sources within the cosmetology industry that would have shed greater light into the hazards and problems in the use of chemicals. It is our feeling that the Auditor General's Office did not solicit the advice of experts in the field because they feared that these experts

might have been biased. However, the fear of a biased response should not deter the gathering of accurate information. If the experts would have disagreed with the Auditor General's premise, the Auditor General should have reconsidered their position before committing themselves. A copy of the Washington State Report did not serve any purpose in Arizona, especially since the Washington Legislature has now rejected the Washington Report.

QUESTION: WAS ANY CONSIDERATION GIVEN TO WHAT WOULD HAPPEN TO THE RATES FOR MALPRACTICE INSURANCE FOR COSMETOLOGY AND MANICURING IF TESTING AND LICENSING SHOULD BE ELIMINATED? AT THIS TIME MALPRACTICE INSURANCE PREMIUMS ARE VERY LOW, APPROXIMATELY \$100 PER YEAR. HAS A STUDY BEEN CONDUCTED TO DETERMINE EXACTLY WHAT EFFECT DEREGULATION OF THE INDUSTRY WOULD HAVE ON INSURANCE RATES WHICH ADDITIONAL COST WOULD BE PASSED ON TO THE CONSUMER?

RESPONSE: Effects on future malpractice premium rates are also not a criteria commonly considered since malpractice coverage is a protection for the practitioner, not the public. The fact that malpractice rates are currently quite low indicates that the public experiences minimal harm at the hands of cosmetologists.

COMMENTARY: Once again, the Auditor General did not do their homework. We have surveyed nine insurance companies who carry malpractice insurance in the state of Arizona. All nine stated that if they would continue malpractice insurance without regulation, the premiums would skyrocket as much as 400 to 500%. Four of the insurance companies interviewed stated that they would no longer write policies in the state if Deregulation would go into effect. Therefore, the cost of services to the consumer would increase substantially since malpractice insurance rates are part of a business's overhead that ultimately get passed on to the consumer. The fact that rates are low due to a low incidents of malpractice under the present system is not a viable argument concerning future rate increases if Deregulation takes effect. Once again, the fact that a well trained industry is performing competent services should not be used against those who are performing those services. Instead, credit should be given where credit is due since Arizona cosmetologists are obviously doing the proper job in public protection.

QUESTION: IT SEEMS THAT THE FDA HAS SET A PRECEDENT WHICH SHOULD BE CONSIDERED. THE FEDERAL FOOD, DRUG AND COSMETIC ACT IS A LAW WHICH REQUIRES THAT COSMETOLOGISTS MUST ADMINISTER A SKIN PATCH TEST 24 HOURS PRIOR TO GIVING AN ANILINE DERIVATIVE HAIR COLOR. THIS SEEMS TO ILLUSTRATE THAT SUCH PHYSICAL HARM CAN OCCUR, AND THE LACK OF HIGHER INCIDENTS OF CONSUMER COMPLAINTS IN THIS REGARD INDICATES THAT THE CURRENT REGULATORY ACTIVITIES MAY BE AN EFFECTIVE CONSUMER PROTECTION TOOL. WOULD YOU COMMENT ON THIS?

RESPONSE: We do not dispute the fact that there is potential for some harm in the practice of cosmetology. The degree of harm, however, is not sufficiently serious, direct, and imminent to justify the exercise of the state's police powers. Furthermore, no regulatory system is so effective that all potential problems are prevented. If harm caused by the improper use of aniline derivative hair coloring products was a serious problem, there would be evidence of this with or without a state licensing system.

COMMENTARY: The Auditor General has admitted that "there is potential for some harm in the practice of Cosmetology". There has been a low incidence of harm to the public because there has been adequate training as a result of regulation. Once again, why should the public run the risk of a much higher incidence of harm if there is Deregulation. The Auditor General's office should not be allowed to use the results of a well trained industry against that industry.

QUESTION: WAS A SURVEY CONDUCTED BY YOUR OFFICE TO DETERMINE IF THE PUBLIC SEES A NEED FOR REGULATION AS WAS DONE IN OTHER STATES - WE NOTE THAT THE STATE OF WASHINGTON FOR EXAMPLE CONDUCTED A RANDOM SURVEY OF LICENSED DRIVERS FROM WHICH THE AUDITORS DETERMINED THAT THE GENERAL PUBLIC IS QUITE SATISFIED WITH THE CURRENT REGULATIONS OF THE PRACTICE OF COSMETOLOGY AND FEELS IT SHOULD CONTINUE.

RESPONSE: Public opinion, although of interest, is not a determining factor in assessing need for occupational licensing. The public would not be expected to have all the information it would need to make such a determination. Despite survey results in Washington, the Legislative Budget Committee concluded that regulation of cosmetologists was not necessary.



COMMENTARY: We disagree that public opinion is not important. Laws are constructed by the State Legislature to protect the public. As stated on page 5 of the Auditor General's Report the purpose of establishing the Board was for the "preservation of the public welfare and health". The public are voters. When they vote for Legislators, they anticipate that those persons will protect their interest. Deregulation would not serve to aid the public but in fact would increase their vulnerability. The fact that the State of Washington's Legislative Budget Committee concluded that regulation was unnecessary is not an argument for the State of Arizona. Obviously, the Washington Legislative Budget Committee was in error as the Legislature rejected their recommendations.

QUESTION: MANY COSMETOLOGISTS ARE WORKING WITH A MUCH HIGHER VOLUME OF PEROXIDE THAN COULD BE SAFELY HANDLED BY, OR IS SOLD TO, A CONSUMER FOR "HOME APPLICATION". HOW MUCH STUDY WAS GIVEN TO THE MORE CAUSTIC AND POTENTIALLY DANGEROUS STRENGTHS OF CHEMICALS USED IN PROFESSIONAL USE ONLY TYPE OF PRODUCTS?

RESPONSE: The officials we consulted on this issue were well aware of the differences between "over-the-counter" consumer products and "professional-use" products. Our position on this is stated on page 15-16 of the report.

COMMENTARY: In this question, the Auditor General's office made some of their major misstatements. There is a major difference between "over-the-counter" products and "professional-use-only" products. The first section of our reply addresses this issue in detail and shows that there is a very substantial difference between the two products and the consumer does not have the knowledge to know the difference. In addition, untrained non-professionals who do not possess adequate knowledge in the use of "professional use only" products run the risk of causing major harm to the consumer.

QUESTION: IT WOULD SEEM THAT IN ANY PERFORMANCE AUDIT, IT SHOULD BE DETERMINED TO WHAT EXTENT THE REGULATORY ENTITY DUPLICATES THE ACTIVITIES OF OTHER REGULATORY ENTITIES OR OF THE PUBLIC SECTOR, WHERE APPROPRIATE. WAS A STUDY OF THIS TYPE CONDUCTED?

RESPONSE: Duplication was considered to the extent that the Boards of Barber Examiners and Cosmetology perform similar functions and could be combined. (See page 23 of the report.) We also reviewed the Board's regulation of schools and the role of the Board of Private Technical and Business Schools.

COMMENTARY: The Auditor General's office did not adequately review the fact that no other state agencies perform any similar functions to the Cosmetology Board. The Barber Industry is separate and distinct from the Beauty Industry and there are major differences in the requirements for both industries. These Boards could not combine their efforts in one joint Board. The suggestion for regulation of the cosmetology schools by the Board of Private Technical and Business Schools is unreasonable. As stated in the Tucson Cosmetologists response to the Auditor General's Report, "the Beauty and Barber Industries deal exclusively with the public where other private and technical industries do not. If a secretary does not know her skills well she affects no one but herself. Her only risk is to lose her job. If a welder does a poor job he will either hurt himself or lose his job. If an air conditioning maintenance person does a poor job he will therefore lose his job. However, if a cosmetologist or a barber does a poor job the potential damage will be done to the unwitting public who enters the beauty or barber salon with blind faith assuming that the professional knows what he/she is doing. The State Board of Private, Technical and Business Schools is just not set up to handle the needs of the cosmetology and barber industry as they have a lack of understanding of this industry."

QUESTION: WHAT TYPE OF STUDY HAS BEEN PERFORMED AS TO THE CONSEQUENCES OF ELIMINATING THE PROGRAM OF A REGULATORY ENTITY, AND IN WHAT WAY WOULD SUCH A LEGISLATIVE MOVE BENEFIT THE PUBLIC?

RESPONSE: A study of effects of occupational deregulation is not possible in the case of cosmetology since all states have a regulatory program. Barbers were deregulated in Alabama and manicurists in New York. We are not aware of any significant problems which have occurred in these states as a result.

COMMENTARY: It is obvious that the effects of occupational deregulation is not possible to ascertain because no states have deregulated cosmetologists. A number of states have already reviewed the cosmetology industry under their Sunset Regulations and in every case regulation was continued. Why couldn't the Auditor General's office have taken a positive approach concerning the precedent that has been set by other states rather than taking a negative approach by pleading a "lack of information". Twenty-five states have increased the cosmetology hours requirement since 1960 while only one has decreased that requirement. This should point out that the "state of the art" is complex and everchanging and that the need for proper training and regulation of this industry has increased rather than decreased throughout the years.

QUESTION: CURRENT RECIPROCITY LAWS IN ALL OTHER STATES REQUIRE PROOF OF LICENSE. IF ARIZONA DID NOT LICENSE COSMETOLOGISTS AND A COSMETOLOGIST WOULD THEN MOVE TO ANOTHER STATE, THEY WOULD THEN BE FORCED TO GO THROUGH A TRAINING PROGRAM TO OBTAIN A LICENSE. IN OTHER WORDS, THE STATE OF ARIZONA WOULD BE DENYING A COSMETOLOGIST THE RIGHT TO EARN A LIVING. WHAT RECOURSE AGAINST THE STATE WOULD BE AVAILABLE TO THAT COSMETOLOGIST WHO IS DENIED THAT RIGHT AS A RESULT OF THE TERMINATION OF THE STATE BOARD AND LICENSING?

RESPONSE: Effects on interstate mobility are not a factor commonly considered when assessing need for occupational licensing. In the situation you describe, the State of Arizona would not be denying the cosmetologist the "right to earn a living," but rather the other states which would be imposing unnecessary and anti-competitive entry restrictions.

COMMENTARY: In this case, the Auditor General's office has made their greatest incorrect statement of all. Why place the blame and responsibility for an individual's lack of future work potential on the back of another state. Under the Reciprocity Laws, states react to the requirements of other states. This is the case of "who came first, the chicken or the egg". If Arizona would choose to deregulate and as a result practicing individuals would not have a license, there are no other states in the country that would allow an Arizona cosmetologist to work in that state because there

was no guarantee that this individual had any formal training. The Auditor General states that "effects on interstate mobility are not a factor commonly considered when assessing need for occupational licensing". This has not been a factor in the past because the problem has not existed. Before a major detrimental step would be taken, this factor must be considered as the legal ramifications against the State of Arizona could be enormous.

SURVEY COMPLETED BY THE BEAUTY AND BARBER INDUSTRIES.

The following survey was completed in a three week period of time by both industries. Three thousand survey questionnaires were issued and a responses from one thousand and forty-six industry members was received in this three week period. The next four pages show the responses in the following four catagories:

1. Combined responses of Cosmetologists, Students, and Barbers.
2. Responses from Cosmetologists.
3. Responses from Students.
4. Responses from Barbers.

This survey was conducted within the industry only. Consumers were not involved with the survey. Xerox notarized copies of the surveys received are available for the committee's inspection at any time.

COMBINED REPORT OF RESPONSES  
1046 RESPONSES

BEAUTY & BARBER INDUSTRY QUESTIONNAIRE

1. SHOULD BEAUTY & BARBER BOARDS BE TERMINATED?  
2% YES 98% NO
2. COULD THE ADMINISTRATIVE FUNCTIONS OF THE BEAUTY & BARBER  
BOARDS BE COMBINED TO SAVE MONEY? 55% YES 45% NO
3. SHOULD A PUBLIC MEMBER BE ADDED TO THE BOARDS?  
29% YES 71% NO
4. SHOULD LICENSES BE RENEWED EVERY TWO YEARS RATHER THAN  
ANNUALLY? 71% YES 29% NO
5. IS THE BOARD'S PRACTICAL EXAMINATION FOR NEW LICENSES  
NECESSARY? 96% YES 4% NO
6. SHOULD THE WRITTEN EXAMINATION FOR NEW LICENSES BE REDUCED  
TO ONLY PUBLIC PROTECTION QUESTIONS? 11% YES 89% NO
7. SHOULD WE ACCEPT LICENSES FROM OTHER STATES WITHOUT ANY  
RESTRICTIONS? 9% YES 91% NO
8. SHOULD THE 18 YEAR OLD AGE REQUIREMENT FOR LICENSING BE  
92% KEPT 3% LOWERED 5% INCREASED?
9. SHOULD THE 10TH GRADE EDUCATION REQUIREMENT FOR LICENSES BE  
68% KEPT 2% LOWERED 30% INCREASED?
10. SHOULD THE 1800 HOUR SCHOOL REQUIREMENT FOR COSMETOLOGISTS  
BE 83% KEPT 9% LOWERED 8% INCREASED?
11. SHOULD THE 1250 HOUR SCHOOL REQUIREMENT FOR BARBERS BE  
72 KEPT 3% LOWERED 25% INCREASED?
12. SHOULD THERE BE A CONTINUING EDUCATION REQUIREMENT OF 6  
HOURS PER YEAR FOR LICENSING RENEWAL? 56% YES 44% NO

COSMETOLOGIST RESPONSES  
730 RESPONSES

BEAUTY & BARBER INDUSTRY QUESTIONNAIRE

1. SHOULD BEAUTY & BARBER BOARDS BE TERMINATED?  
2% YES 98% NO
2. COULD THE ADMINISTRATIVE FUNCTIONS OF THE BEAUTY & BARBER  
BOARDS BE COMBINED TO SAVE MONEY? 80% YES 20% NO
3. SHOULD A PUBLIC MEMBER BE ADDED TO THE BOARDS?  
42% YES 58% NO
4. SHOULD LICENSES BE RENEWED EVERY TWO YEARS RATHER THAN  
ANNUALLY? 65% YES 35% NO
5. IS THE BOARD'S PRACTICAL EXAMINATION FOR NEW LICENSES  
NECESSARY? 95% YES 5% NO
6. SHOULD THE WRITTEN EXAMINATION FOR NEW LICENSES BE REDUCED  
TO ONLY PUBLIC PROTECTION QUESTIONS? 12% YES 88% NO
7. SHOULD WE ACCEPT LICENSES FROM OTHER STATES WITHOUT ANY  
RESTRICTIONS? 9% YES 91% NO
8. SHOULD THE 18 YEAR OLD AGE REQUIREMENT FOR LICENSING BE  
89% KEPT 3% LOWERED 8% INCREASED?
9. SHOULD THE 10TH GRADE EDUCATION REQUIREMENT FOR LICENSES BE  
53% KEPT 2% LOWERED 45% INCREASED?
10. SHOULD THE 1800 HOUR SCHOOL REQUIREMENT FOR COSMETOLOGISTS  
BE 74% KEPT 13% LOWERED 13% INCREASED?
11. SHOULD THE 1250 HOUR SCHOOL REQUIREMENT FOR BARBERS BE  
53 KEPT 5% LOWERED 42% INCREASED?
12. SHOULD THERE BE A CONTINUING EDUCATION REQUIREMENT OF 6  
HOURS PER YEAR FOR LICENSING RENEWAL? 53% YES 47% NO

STUDENT RESPONSES  
210 RESPONSES

BEAUTY & BARBER INDUSTRY QUESTIONNAIRE

1. SHOULD BEAUTY & BARBER BOARDS BE TERMINATED?  
1% YES 99% NO
2. COULD THE ADMINISTRATIVE FUNCTIONS OF THE BEAUTY & BARBER BOARDS BE COMBINED TO SAVE MONEY? 65% YES 35% NO
3. SHOULD A PUBLIC MEMBER BE ADDED TO THE BOARDS?  
32% YES 68% NO
4. SHOULD LICENSES BE RENEWED EVERY TWO YEARS RATHER THAN ANNUALLY? 52% YES 48% NO
5. IS THE BOARD'S PRACTICAL EXAMINATION FOR NEW LICENSES NECESSARY? 94% YES 6% NO
6. SHOULD THE WRITTEN EXAMINATION FOR NEW LICENSES BE REDUCED TO ONLY PUBLIC PROTECTION QUESTIONS? 17% YES 83% NO
7. SHOULD WE ACCEPT LICENSES FROM OTHER STATES WITHOUT ANY RESTRICTIONS? 21% YES 79% NO
8. SHOULD THE 18 YEAR OLD AGE REQUIREMENT FOR LICENSING BE  
88% KEPT 4% LOWERED 8% INCREASED?
9. SHOULD THE 10TH GRADE EDUCATION REQUIREMENT FOR LICENSES BE  
56% KEPT 1% LOWERED 43% INCREASED?
10. SHOULD THE 1800 HOUR SCHOOL REQUIREMENT FOR COSMETOLOGISTS BE  
85% KEPT 8% LOWERED 7% INCREASED?
11. SHOULD THE 1250 HOUR SCHOOL REQUIREMENT FOR BARBERS BE  
74 KEPT 2% LOWERED 26% INCREASED?
12. SHOULD THERE BE A CONTINUING EDUCATION REQUIREMENT OF 6 HOURS PER YEAR FOR LICENSING RENEWAL? 74% YES 26% NO



BARBER RESPONSES  
106 RESPONSES

BEAUTY & BARBER INDUSTRY QUESTIONNAIRE

1. SHOULD BEAUTY & BARBER BOARDS BE TERMINATED?  
3% YES 97% NO
2. COULD THE ADMINISTRATIVE FUNCTIONS OF THE BEAUTY & BARBER BOARDS BE COMBINED TO SAVE MONEY? 81% YES 19% NO
3. SHOULD A PUBLIC MEMBER BE ADDED TO THE BOARDS?  
48% YES 52% NO
4. SHOULD LICENSES BE RENEWED EVERY TWO YEARS RATHER THAN ANNUALLY? 68% YES 32% NO
5. IS THE BOARD'S PRACTICAL EXAMINATION FOR NEW LICENSES NECESSARY? 98% YES 2% NO
6. SHOULD THE WRITTEN EXAMINATION FOR NEW LICENSES BE REDUCED TO ONLY PUBLIC PROTECTION QUESTIONS? 11% YES 89% NO
7. SHOULD WE ACCEPT LICENSES FROM OTHER STATES WITHOUT ANY RESTRICTIONS? 18% YES 82% NO
8. SHOULD THE 18 YEAR OLD AGE REQUIREMENT FOR LICENSING BE  
82% KEPT 12% LOWERED 6% INCREASED?
9. SHOULD THE 10TH GRADE EDUCATION REQUIREMENT FOR LICENSES BE  
60% KEPT 31% LOWERED 37% INCREASED?
10. SHOULD THE 1800 HOUR SCHOOL REQUIREMENT FOR COSMETOLOGISTS BE  
88% KEPT 10% LOWERED 2% INCREASED?
11. SHOULD THE 1250 HOUR SCHOOL REQUIREMENT FOR BARBERS BE  
67 KEPT 2% LOWERED 31% INCREASED?
12. SHOULD THERE BE A CONTINUING EDUCATION REQUIREMENT OF 6 HOURS PER YEAR FOR LICENSING RENEWAL? 45% YES 55% NO