

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Proposing rulemaking related to discipline for barbering and cosmetology arts and sciences licensees, instructors, establishments, and schools and providing an opportunity for public comment

The Board of Barbering and Cosmetology Arts and Sciences hereby proposes to rescind Chapter 65, “Discipline for Cosmetology Arts and Sciences Licensees, Instructors, Salons, and Schools,” and to adopt a new Chapter 65, “Discipline for Barbering and Cosmetology Arts and Sciences Licensees, Instructors, Establishments, and Schools,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 147.76, 157.14, 272C.3, 272C.4 and 272C.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 147, 157 and 272C.

Purpose and Summary

This proposed rulemaking provides protection to Iowans because the rulemaking publicly defines disciplinary options when a licensee fails to act in a manner consistent with professional standards for licensees. This is important to both the public and the licensee because the rulemaking creates a shared understanding of what is and is not appropriate for certain types of licensed individuals in the state of Iowa. When professional standards are not met, it can subject a licensee to discipline against the licensee’s license. Iowans have the ability to submit a complaint to the licensing board, which can then investigate the allegation. The Board has the ability to seek discipline against the licensee for those items outlined, ensuring that the public is protected.

The 19 boards in the legacy Department of Health and Human Services (HHS) Bureau of Professional Licensure have similar disciplinary standards for all professions. For this reason, one shared disciplinary chapter has been created that applies to all professions. This chapter contains only those disciplinary grounds that are unique to the barbering and cosmetology arts and sciences professions and are therefore excluded from the general disciplinary chapter.

No public comments were received at the November 21, 2023, public hearing.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rulemaking because all administrative rules of the Board are subject to the waiver provisions accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking. Written or oral comments in response to this rulemaking must be received by the Board no later than 4:30 p.m. on February 14, 2024. Comments should be directed to:

Venus Vendoures Walsh
Division of Licensing
Iowa Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321-1270
Phone: 515.242.6529
Email: venus.vendoures-walsh@idph.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

February 13, 2024 1:50 to 2:10 p.m.	6200 Park Avenue Des Moines, Iowa Video call link: meet.google.com/jji-jaoj-uqy Or dial: 1.904.330.1060 PIN: 744 558 427# More phone numbers: tel.meet/jji-jaoj-uqy?pin=4753713549740
February 14, 2024 1:50 to 2:10 p.m.	6200 Park Avenue Des Moines, Iowa Video call link: meet.google.com/jji-jaoj-uqy Or dial: 1.904.330.1060 PIN: 744 558 427# More phone numbers: tel.meet/jji-jaoj-uqy?pin=4753713549740

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 645—Chapter 65 and adopt the following **new** chapter in lieu thereof:

CHAPTER 65

DISCIPLINE FOR BARBERING AND COSMETOLOGY ARTS AND SCIENCES LICENSEES,
INSTRUCTORS, ESTABLISHMENTS, AND SCHOOLS

645—65.1(157,272C) Definitions.

“Board” means the board of barbering and cosmetology arts and sciences.

“Discipline” means any sanction the board may impose upon barbering and cosmetology arts and sciences licensees, instructors, blow-dry stylists, establishments, and schools.

“Licensure” means the granting of a license to any person or entity licensed to practice pursuant to Iowa Code chapter 157 and 645—Chapters 60 to 65.

645—65.2(157,272C) Grounds for discipline. The board may impose any of the disciplinary sanctions provided in 645—Chapter 13 when the board determines that any of the acts or offenses listed in such chapter or in Iowa Code section 147.55 or any of the following have occurred:

65.2(1) Misappropriation of funds.

65.2(2) Failure to return the salon license to the board within 30 days of discontinuance of business under that license.

65.2(3) Permitting an unlicensed employee or person under the licensee’s or the licensed school’s or establishment’s control to perform activities that require a license.

65.2(4) Permitting a licensed person under the licensee’s or the licensed school’s or establishment’s control to practice outside the scope of the person’s license.

65.2(5) A person is determined by the investigator to be providing barbering and cosmetology services and leaving a salon at the time of inspection, which shall be prima facie evidence that an unlicensed person is providing services for which a license is required.

65.2(6) Performing any of those practices coming within the jurisdiction of the board pursuant to Iowa Code chapter 157, with or without compensation, in any place other than a licensed establishment or a licensed school of barbering and cosmetology arts and sciences.

EXCEPTION: A licensee may practice at a location that is not a licensed establishment or school of barbering and cosmetology arts and sciences when:

a. Providing a service authorized under Iowa Code section 157.4 (Temporary Permits).

b. Providing a service under rule 645—63.17(157), “Events and services provided outside of a licensed establishment” (Iowa Code section 157.13(1) “a”).

c. Extenuating circumstances related to the physical or mental disability or death of a customer prevent the customer from seeking services at the licensed establishment or school.

645—65.3(157,272C) Unlawful practices. Practices by an unlicensed person or establishment that are subject to civil penalties include, but are not limited to:

65.3(1) Acts or practices by unlicensed persons that require licensure to practice barbering and cosmetology arts and sciences under Iowa Code chapter 157.

65.3(2) Acts or practices by unlicensed establishments that require licensure as an establishment or school of barbering and cosmetology arts and sciences under Iowa Code chapter 157.

These rules are intended to implement Iowa Code chapters 147, 157 and 272C.