



# N.D. State Board of Cosmetology Dakota Highlights

## January 2017

### Board Members

Gary Andes, President  
Barbara Hougum, Vice President  
Magen Buchholz, Treasurer  
Eunice Smith, Secretary  
Miranda Stanley, Board Member

### Office Staff

Sue Meier  
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### State Inspectors

Sheila Carlson, Grand Forks  
Shannay Dvorak, Dickinson  
Lori Emerson, Mohall  
Cheryl Hokana, Oakes  
LaVonne Reiser, Turtle Lake  
Andrea Trimble, Fargo

***Our Mission is to  
ensure the  
health and safety  
of North Dakota  
consumers by  
promoting  
ethical  
standards and by  
enforcing the  
laws of the  
beauty industry.***

### A Message from the Board President

This past year, our board members spent a great deal of time updating the N.D.A.C. Article 32 which is our Laws, Rules and Regulations. Please take the time to familiarize yourself with these changes outlined on pages 2-4. They affect all individuals working in a salon. These changes go in to effect on January 1, 2017.

As North Dakota continues to grow, so does the State Board of Cosmetology and

as ND gets better, so does your State Board. We now have two new individuals on our Board who will help us keep up with the growth of the cosmetology profession.

Holding a cosmetology license in the state of North Dakota is something you can and should be proud of.

Sincerely,

Gary Andes, President

### 2017 Board Meeting Dates

January 17	February 21
March 20	April 17
May 15	June 19
July 17	August 21
September 18	October 16
	November 20

*Meetings will be held at 1:00 p.m. at the board office in Bismarck.*

*If you wish to add items to the agenda, please call 701-224-9800.*

*The agenda is posted at our office and on our website one week prior to the meeting.*

### New Board Members

**We are pleased to announce that Eunice Smith and Miranda Stanley have been appointed to the N.D. State Board of Cosmetology.**



Eunice taught in the Business Education Department with Bismarck State College as an Associate Professor for 26 years before taking retirement. She also taught online following retirement in the Business Education/Information Technology Department. Before teaching at BSC, she chaired the Business Department at the Sitting Bull College, Fort Yates, ND. She and her husband, Richard, have two sons and two grandchildren. Since she and Richard are originally from South Dakota, their spare time is spent traveling to visit family in South Dakota and the children and grandchildren who also live out of state.

Miranda Stanley is a Nurse Practitioner in Bismarck, ND where she and her husband Dr. John Stanley work together at the Institute of Facial Surgery. Miranda is also the Director of Aesthetic Medicine and Non and Minimally Invasive Procedures at SKIN at the Institute of Facial Surgery. Miranda started her career as an intensive care nurse. She graduated with her Masters in Nursing from the University of North Dakota in 2010 and has been focused on aesthetics and dermatology since. She currently resides in Bismarck with her husband and six children.



## Changes to the North Dakota Cosmetology Rules & Regulations

The following is a summary of the changes to the North Dakota Cosmetology Rules and Regulations. These changes are effective January 1, 2017.

To purchase an updated North Dakota Laws, Rules and Regulations book, please send your request to our office with a \$15 fee. These are also available on our website on the left side under "Statutes" and "Rules and Regulations".

*These changes were made throughout the entire Rules and Regulations:*

- *"manager operator" is replaced with "master cosmetologist"*
- *"sanitation/sanitary" is replaced with "cleaning and disinfecting"*
- *"cosmetology salon" is replaced with "licensed salon" or "salon"*
- *"certificates" are replaced with "license"*
- *"wet sterilizer" is replaced with "disinfecting unit"*
- *penalty fee is updated from fifteen to fifty dollars*

*The changes that are underlined have been added and those with a strikethrough have been removed.*

### 32-01-02-01. Definitions.

3. "Clean" means the removal of visible debris and washing with soap or detergent and water. To clean means to make a non-porous item ready for disinfection.
4. "Contact time" means the amount of moist contact time required for the disinfectant to be effective against the pathogens on the label.
5. "Disinfect" means to destroy harmful microorganisms or to free from infection the process of making a non-porous item safe for use. To disinfect requires the use of a chemical intended to kill or denature a pathogen. An ultra-violet light is not an acceptable form of disinfection.
46. "Disinfectant" means an agent used to kill germs. Environmental Protection Agency registered bactericidal, virucidal, and fungicidal chemical or agent used to destroy pathogenic microorganisms.
9. "Non-porous" means any material that has no pores and does not allow for liquids to be absorbed or passed through, such as metal, glass, and plastic.
10. "Porous" means any material that allows for liquids to be absorbed or passed through. This includes all nail files and emery boards that are not made entirely of metal or glass, pumice stones, buffing blocks, orange wood sticks, cotton, toe separators, and flip-flops.
- 9- "Sanitized" means rendered free of dust, foreign material, and agents of disease or infestation through use of effective cleaning and disinfecting processes.

10. ~~"Sanitizer" means a container holding a sanitizing agent which is large and deep enough to completely submerge the tools and implements to be disinfected.~~

### 32-02-01-04. Sanitary Cleaning and disinfecting premises.

2. All floors must be cleaned and made free of hair and other debris after each client and must be in good repair. Carpeting is not permitted in the working area, except in ~~cosmetology establishments~~ a licensed salon with carpeting in the working area on July 1, 2000, and which have not changed ownership since July 1, 2000. Carpeting will only be permitted in the reception, and drying, ~~and facial treatment~~ areas.
4. Shampoo bowls ~~and implements~~ must be free from all hair and debris and cleansed prior to each use and disinfected daily.
6. Pedicure chairs, foot spas, and manicure tables must be cleaned and disinfected between uses. Pedicure bowls must be emptied. Screens, filters, drains and other removable parts must be removed and first cleaned with soap, detergent, and water and then immersed in an Environmental Protection Agency registered disinfectant, following the manufacturer's directions for proper contact time. The tub must be scrubbed with soap, detergent, and water, then rinsed and filled with water, adding in an Environmental Protection Agency registered disinfectant to achieve proper concentration. The concentration should be allowed to sit or run through the jetted system as per the manufacturer's recommended contact time. The tub should then be drained and either allowed to air dry or wiped dry with a clean towel.

**32-02-01-05. Water supply and waste disposal.** Each ~~cosmetology establishment~~ licensed salon shall be equipped with an adequate supply of hot and cold running water and proper plumbing located within the confines of the salon, separate from a bathroom facility...

### 32-02-01-06. Personal hygiene.

2. **Hands.** Every cosmetologist, ~~manager operator,~~ manicurist, esthetician, instructor, student instructor, and student shall wash one's hands with soap and water immediately before serving each client. Hand sanitizer must be available for customers and manicurists to use.
3. **Carrying combs.** Combs or other instruments shall not be carried in clothing pockets or other leather or cloth pouches, holsters, or other porous containers or cases.

**32-02-01-08. Sanitary Cleaning and disinfecting articles.** All tools, instruments, shampoo bowls, and other articles which come in contact with a client shall be ~~washed~~ cleaned and disinfected before use on each client. Each ~~cosmetology establishment~~ licensed salon shall have at least one wet sanitizer ready for use at all times containing a ~~disinfectant solution~~ disinfectant available for use at all times an Environmental Protection Agency registered disinfectant and a container available that will be used to disinfect tools.

## Continued... Changes to the North Dakota Cosmetology Rules & Regulations

The ~~use~~ reuse of any porous instrument which cannot be rendered sanitary disinfected is prohibited.

### **32-02-01-09. Laundry and storage of cloth items.**

2. **Soiled cloth items and laundering.** ~~Each towel, robe, All towels, robes, sheets, capes, and similar linen article items~~ may be used only once and then must be properly laundered...

**32-02-01-10. Method of disinfection.** The disinfection process shall consist of three steps...:

1. **Cleaning.** ~~Clean hair out of combs, brushes, Remove debris from tools, and instruments and wash them thoroughly with hot water and a synthetic detergent in order to remove all traces of soil. Contact points of nonimmersible (electrical) equipment such as clippers must be wiped or sprayed with an environmental protection agency registered, hospital grade, tuberculocidal disinfectant created specifically for electrical equipment.~~
2. **Rinse.** Thoroughly rinse in clear water to remove all traces of detergent from the ~~combs, brushes, tools, and instruments.~~
3. **Immersion.** Completely immerse ~~combs and brushes~~ all implements that are nonporous, such as those made of glass, metal, or plastic, in an appropriate utensil container, large enough to cover all items including all handles, with an effective germicidal solution Environmental Protection Agency registered bactericidal, virucidal, and fungicidal disinfectant prepared and used in accordance with directions on the label, after which the combs, brushes, tools, and instruments shall be. After the manufacturers required contact time listed on the label has been met, items must be removed, air dried, and stored in a clean, covered, and dustproof cabinet in the cosmetology establishment salon until used.

Shears and razors are not required to be washed, but must be wiped to remove hair, product residue, and skin debris, and then disinfected with an Environmental Protection Agency registered disinfectant spray or wipe after each use. The surface must remain wet with the spray or wipe disinfectant for the contact time listed on the disinfectant label.

Non-immersible electrical equipment must be wiped or sprayed with an Environmental Protection Agency registered disinfectant that is bactericidal, virucidal, and fungicidal and created specifically for electrical equipment. Contact time for the electrical equipment as listed on the manufacturer's label must be observed.

### **32-02-01-11. Particular aspects of disinfecting.**

1. **Germicides.** In disinfecting tools, instruments, and implements, ~~any federally approved germicide prepared specifically for germicidal~~ any Environmental Protection Agency registered bactericidal, virucidal, and fungicidal disinfectant treatment of tools, instruments, and implements shall be used in accordance with the directions of the manufacturer. All germicidal solutions shall be fresh, clean, and free from contaminants.

2. **Fluids, creams, waxes, and powders.** All fluids, semifluids, creams, wax, and powders shall be kept in a clean, covered container free of contaminants at all times and shall be dispensed with a clean sanitized spatula or from a shaker, dispenser pump, or spray-type container. Single use Spatulas spatulas made of a washable, nonabsorbent material may be sanitized and used again, and spatulas made of wood shall be discarded after use porous material, such as wood, must be discarded after a single use or application. Non-porous spatulas, such as those made of plastic or metal, can only be used for a single use or application and must be cleaned and disinfected before being used again. Fluids, semifluids, creams, and powders shall be applied only by sanitary, disposable applicators, and the applicators shall be discarded after use. Gloves must be worn when performing waxing or tweezing services. Roll on wax is prohibited.
3. **Tools and instruments.** All permanent wave equipment, clips, rollers, pins, ~~shampoo and comb-out capes, nets,~~ as well as all other tools, instruments, and implements shall be kept in a clean, sanitized and disinfected condition at all times. Neck strips or similar covering shall be used in lieu of a clean towel whenever applicable in order to prevent such materials from coming in contact with the skin or hair of each client. Such neck strips or similar covering shall not be used more than once, and all All other reusable items shall be washed, sanitized, cleaned and disinfected before use on each client.
4. **Containers.** The manufacturer's label must be on all original containers for any chemicals used in the salon. All bottles and containers shall be correctly and distinctly labeled to disclose their contents, and all bottles and containers containing poisonous substances shall be so designated.
5. **Waste container.** ~~Each cosmetology establishment licensed salon shall provide adequate covered and lined waste containers which shall be emptied and washed daily. All chemical waste material must be deposited immediately in a closed fire retardant container and frequently disposed of in a sanitary manner when full.~~
6. **Protective coverings.** All protective coverings used on a client shall be kept clean and in good condition. Protective coverings, or "capes," must always be used on clients receiving hair services and must be laundered in accordance with section 32-02-01-09 after each use. Capes made of plastic or vinyl unable to be laundered in accordance with section 32-02-01-09 shall be disinfected with the use of an Environmental Protection Agency registered disinfectant spray or wipe in accordance with the manufacturer's label.
7. **Wet sanitizers disinfecting units.** ~~Each cosmetology establishment licensed salon shall have wet sanitizers disinfecting units of sufficient size and quantity to sanitize disinfect all tools, instruments,~~



## Continued... Changes to the North Dakota Cosmetology Rules & Regulations

and implements of the establishment, and such ~~sanitizers~~ disinfectants shall be readily accessible. Such ~~sanitizers~~ disinfecting units shall contain a ~~commercial sanitizing agent approved federally~~ an Environmental Protection Agency registered disinfectant and such ~~sanitizing agent~~ disinfectant shall be used according to the manufacturers' directions.

8. **Metal instruments.** All metal tools, instruments, and implements shall be ~~sanitized~~ cleaned and disinfected with a ~~an Environmental Protection Agency registered~~ disinfectant solution after each use and stored in a closed container until the next use. All clippers and trimmers must be cleaned with a ~~an Environmental Protection Agency registered~~ disinfectant spray or wipe after each client.

14. **Ultra-violet light.** Ultra-violet light boxes are prohibited as a means of disinfection.

15. **Banned products.** Any products or supplies banned by the United States Drug Enforcement Administration or other federal, state, or local governing agency, including methyl-methacrylate, are prohibited.

16. **Invasive practices.** Skin cutting equipment, including razor type callus shavers, credo blades, rasps or graters, or other implements used to remove corns, calluses, moles, or otherwise used to cut below the skin surface, are prohibited. The use of lancets is also prohibited.

### **32-03-01-07. ~~Manager-operator~~ Salon Management.**

Every cosmetology salon shall have a ~~manager-operator~~ master cosmetologist who shall be responsible for the operation, conduct, and management of the salon. A salon only providing manicuring services must have a master cosmetologist or master manicurist who shall be responsible for the operation, conduct, and management of the salon. A salon providing only skin care shall have a master cosmetologist or master esthetician who shall be responsible for the operation, conduct, and management of the salon. The ~~manager-operator~~ master cosmetologist, master manicurist, or master esthetician shall be present on the salon premises during business hours, except the ~~manager-operator~~ individual may take breaks or leave to perform other responsibilities for periods of time that do not exceed one hour and the ~~manager-operator~~ individual need not be present if cosmetology services are not being performed. Each salon owner or ~~manager-operator~~ master cosmetologist, master manicurist, or master esthetician shall provide the office with an accurate schedule of the days and hours the salon is open for business.

**32-03-01-10. Booth space.** In the event any salon premises are divided into booth space allotments to be leased to others, each person, firm, association, partnership, corporation, or other entity whose name appears on the application as operator of the booth space shall be responsible for ~~the sanitary conditions of~~ properly cleaning and disinfecting the space...

Each booth space allotment shall be licensed as a separate salon ~~having a separate and independent certificate of~~

~~registration~~, and each booth space allotment shall be operated only by a ~~manager-operator~~ master cosmetologist, master manicurist, or master esthetician.

### **32-04-01-07. Student transfers.**

1. **Foreign transfer.** Any student of a cosmetology school located in another state, country, or territory desiring to transfer to a North Dakota school... If the board approves the application and the student did not complete the course, the student shall be granted ~~two-thirds full~~ credit hour for the hours completed.

### **32-04-01-25. Examinations.**

2. **Board examinations.** A cosmetologist, manicurist, ~~and~~ esthetician, and instructor examination shall consist of a theoretical portion and a practical portion. The practical examinations shall be administered by the board.
3. **Failing applicant.** Applicants who fail any portion of the examination shall reregister and pay the required fee before being permitted to retake ~~the portion of the examination they have failed...~~

### **32-05-01-01.1. License without examination.**

3. Demonstrate that either:
  - a. the applicant provides satisfactory proof of completing the course curriculum hours required by the board and provide proof of successfully passing the theoretical and practical examinations substantially similar to those required in this state; or
  - b. the other jurisdiction's licensure requirements... Under this specific subsection, Three three thousand hours or more of work experience as a licensed cosmetologist will be considered substantially equal to three hundred hours of cosmetology education.
4. Pass an examination on North Dakota ~~sanitation practices and cosmetology law~~ laws, rules, and regulations.

### **32-05-01-06.1. Master esthetician.**

A master esthetician may operate ~~as a manager-operator of~~ and supervise a salon that is operated and engaged exclusively in the practice of skin care.

4. **Change of name or address.** Every master esthetician shall notify the board in writing of any change of name or residence.
5. **License displayed.** Every master esthetician shall conspicuously display the master esthetician's license in the reception or work area of the salon.

### **32-05-01-07.1. Master manicurist.**

A master manicurist may operate ~~as a manager-operator of~~ and supervise a salon that is operated and engaged exclusively in the practice of manicuring.

4. **Change of name or address.** Every master manicurist shall notify the board in writing of any change of name or residence.
5. **License displayed.** Every master esthetician shall conspicuously display the master manicurist's license in the reception or work area of the salon.

## Invasive Care

**Cosmetologists and Estheticians are not allowed to perform any procedure that invades the live tissue of the dermis.**

Some services you are not allowed to perform are: mole or tissue removal, injections of any sort, cool sculpting, laser use, and chemical peels using: (1) thirty percent or higher concentration of alpha hydroxy acid; (2) twenty percent or higher concentration of beta hydroxy acid; (3) two percent or higher concentration of resorcinol; (4) fifteen percent or higher concentration of trichloroacetic acid (TCA); or (5) fifteen percent or higher concentration of phenol.

**Working under the supervision of a doctor or a nurse does not allow you to provide services outside of your scope of practice.** You risk penalties and revocation of your license. If you have any questions concerning this, please do not hesitate to contact the Board Office.

## Blood Exposure Procedure

**If blood exposure should occur while providing services, you must follow these steps:**

- When possible, the injured party should go to a sink and rinse the injury with running water and “milk” it if possible to remove any bacteria that may have entered the wound.
- Supply the injured party with an antiseptic or single use packet of antibacterial ointment and the appropriate dressing to cover the injury.
- Bag all blood-soiled (contaminated) porous articles and dispose of in the trash. Immediately wash and disinfect all non-porous items (do not continue service with these items). This is the responsibility of the student/licensee and should be executed as follows:

**STOP** the service. **GLOVE** your hands. **CLEAN** the injured area. **APPLY** an antiseptic. **COVER** the injury with the appropriate dressing to prevent further blood exposure. **BAG** and dispose of all contaminated single use items. **CLEAN** and disinfect any implements or surfaces contaminated. **CLEAN** your hands. **RETURN** to the service.

**\*\*Do not allow containers, brushes, nozzles or liquid styptic container to touch the skin or contact the wound. Use an applicator. \*\***

## Current License Statistics

Master Cosmetologists.....	5,288	Instructors.....	82
Cosmetologists.....	1,917	Homebound.....	98
Estheticians & Masters.....	366	Salon & Booths.....	1,781
Manicurists & Masters.....	656	Students.....	549



## Did You Know



- Most of our forms have changed in the past year. Please go to our website under the “Forms” tab to get the latest version.
- For license verification to another state, go to our website and download the “License Verification Form” under the “Forms” tab. Complete the form and mail it to our office with the fee of \$20. Once received, we will submit your information directly to the state requested.
- N.D.A.C 32-02-01-03 #2 states, “Each cosmetology establishment shall be equipped with an exhaust or air exchange system in the working area appropriate for the services provided.” If additional exhaust is needed, portable fans are acceptable. These systems must be on and in use while providing services.
- If you close your salon or booth space, you must notify the Board Office. Once closed, if you decide to open again, you must submit a new Salon or Booth Application.
- All individuals who hold an Instructor’s license must complete eight hours of continuing education each year. The Board accepts a wide variety of courses, such as online seminars, but recommends contacting the office first to find out if the course will be accepted.
- If you have not renewed your license for 2017, you must do so immediately. **There is now a \$50 late fee for EACH license to be renewed.**

### Infection Control Seminar

If you were not able to attend the seminar “From Zika to MRSA - Staying Safe ... Infection Control 2016 “ given by Leslie Roste in November, you can now view it on our website!

The Board would like to thank Leslie for taking the time to give this presentation. The Board would also like to thank everyone who attended this seminar. We hope that you learned some very valuable lessons in cleaning and disinfecting and how to keep you and your clients safe from infectious diseases!



***\*\*\*The Board regulates and licenses all cosmetologists, manicurists, estheticians, instructors, students, schools, and salons. It is the duty of the board to protect the public health, welfare, and safety through the prevention of the creating and spreading of infectious and contagious diseases. If you have any comments or concerns, please bring them to our attention! \*\*\****

