



FACT SHEET

Board of Cosmetology Oversight Functions Legislative Oversight and Investigations Committee Research Report

Report Highlights

Inspections

- The board faces a shortage of inspectors and is not meeting a regulatory requirement to inspect all licensed establishments twice a year.
- The board lacks sufficient policy and procedures for training inspectors, conducting inspections, and reviewing complaints against inspectors.
- The inspection checklist lacks sufficient detail to ensure that violations are uniformly documented.

Recommendations

- The board should amend inspection requirements to reflect standards that can be reasonably met while ensuring all practitioners are reviewed regularly.
- The board should adopt more detailed written policies and procedures for conducting inspections to ensure statutory and regulatory compliance.
- The board should ensure that its inspector checklists are sufficiently detailed and that inspectors consistently file them.
- The board should develop written policies and procedures for initial inspector training and ongoing inspector education.

Fines

- The board has received and kept \$374,200 in fine revenue even though it is statutorily required to deposit all fine revenue with the State Treasury.
- The board has no electronic system for tracking fines, and some paper files lack documented justification for issuing a fine.
- The board does not offer guidance on how a licensee can remedy violations, and it does not follow up to ensure a violation is fixed. The fine process lacks transparency overall.

Recommendations

- Board staff should work with the state Office of the Controller to return the \$374,200 in fine revenue to the general fund.
- Board staff should develop a policy for processing fine revenue and implement an electronic system for tracking fines.
- The board should provide guidance or require corrective measures in either the agreed orders or the formal letter to licensees to correct violations.
- All agreed order files should include proper documentation.
- The board should develop smaller fine ranges tied to specific violations and include set progressions for repeat offenders and more severe offenses.
- Fine amounts for each offense should be cited in the agreed orders.

Other Conclusions

- The board lacks policies for when licensees give unsolicited money or gifts to inspectors.
- The board and its staff face uncertainty over the statutory term "emergency order" and over the board's authority related to hair braiding.
- Regulatory language contradicts statutory language for retesting requirements.

Recommendations

- The board should amend regulations to align with state law and create a policy to clarify the meaning of "emergency order."
- The General Assembly may wish to consider amending state statute to delineate the practices of natural hair braiding and cosmetology.
- The board should develop policies for appeal hearings, for transferring of signature authority in the event of staff changes, for using its mass communication system, and for managing unsolicited gifts.

Key Notes



The board faces a shortage of inspectors.

\$374,200

What the board has received in fine revenues.



The inspection checklist lacks sufficient detail.



The board has no electronic system for tracking fines.



Board offers no guidance on how to fix violations.