

CHAPTER 157
COSMETOLOGY

Referred to in §147.76, 158.6, 158.8, 158.12, 158.14, 261.9, 710A.1, 710A.2, 710A.2B, 710A.7

Enforcement, §147.87, 147.92

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157.1 Definitions.

For purposes of [this chapter](#):

1. “Board” means the board of cosmetology arts and sciences.
2. “Certified laser product” means a product which is certified by a manufacturer pursuant to the requirements of [21 C.F.R. pt. 1040](#) and as specified by rule.
3. “Chemical exfoliation” means the removal of surface epidermal cells of the skin by using only nonmedical strength cosmetic preparations consistent with labeled instructions and as specified by rule.
4. “Cosmetologist” means a person who performs the practice of cosmetology, or otherwise by the person’s occupation claims to have knowledge or skill particular to the practice of cosmetology. Cosmetologists shall not represent themselves to the public as being primarily in the practice of haircutting unless that function is, in fact, their primary specialty.
5. “Cosmetology” means all of the following practices:
 - a. Arranging, braiding, dressing, curling, waving, press and curl hair straightening, shampooing, cutting, singeing, bleaching, coloring, or similar works, upon the hair of any person, or upon a wig or hairpiece when done in conjunction with haircutting or hairstyling by any means.
 - b. Massaging, cleansing, stimulating, exercising, or beautifying the superficial epidermis of the scalp, face, neck, arms, hands, legs, feet, or upper body of any person with the hands or mechanical or electrical apparatus or appliances or with the use of cosmetic preparations, including cleansers, toners, moisturizers, or masques.
 - c. Removing superfluous hair from the face or body of a person with the use of depilatories, wax, sugars, threading, or tweezing.
 - d. Applying makeup or eyelashes, tinting of lashes or brows, or lightening of hair on the face or body.
 - e. Cleansing, shaping, or polishing the fingernails, applying sculptured nails, nail extensions, wraps, overlays, nail art, or any other nail technique to the fingernails or toenails of a person.
6. “Cosmetology arts and sciences” means any or all of the following disciplines, performed with or without compensation by a licensee:
 - a. Cosmetology.
 - b. Electrology.
 - c. Esthetics.
 - d. Nail technology.
 - e. Manicuring and pedicuring.

7. “*Department*” means the Iowa department of public health.
8. “*Depilatory*” means an agent used for the temporary removal of superfluous hair by dissolving it at the epidermal surface.
9. “*Electrologist*” means a person who performs the practice of electrology.
10. “*Electrology*” means the removal of superfluous hair of a person by the use of an electric needle or other electronic process.
11. “*Esthetician*” means a person who performs the practice of esthetics.
12. “*Esthetics*” means the following:
 - a. Beautifying, massaging, cleansing, stimulating, or hydrating the skin of a person, except the scalp, by the use of cosmetic preparations, including cleansers, antiseptics, tonics, lotions, creams, exfoliants, masques, and essential oils, to be applied with the hands or any device, electrical or otherwise, designed for the nonmedical care of the skin.
 - b. Applying makeup or eyelashes to a person, tinting eyelashes or eyebrows, or lightening hair on the body except the scalp.
 - c. Removing superfluous hair from the body of a person by the use of depilatories, waxing, sugaring, tweezers, threading, or use of any certified laser products or intense pulsed light devices. This excludes the practice of electrology, whereby hair is removed with an electric needle.
 - d. The application of permanent makeup or cosmetic micropigmentation.
13. “*Exfoliation*” means the process whereby the superficial epidermal cells are removed from the skin.
14. “*General supervision*” means the supervising physician is not on site for laser procedures or use of an intense pulsed light device for hair removal conducted on minors, but is available for direct communication, either in person or by telephone, radio, radiotelephone, television, or similar means.
15. “*Instructor*” means a person licensed for the purpose of teaching cosmetology arts and sciences.
16. “*Intense pulsed light device*” means a device that uses incoherent light to destroy the vein of the hair bulb.
17. “*Laser*” means light amplification by the stimulated emission of radiation.
18. “*Manicuring*” means the practice of cleansing, shaping, or polishing the fingernails and massaging the hands and lower arms of a person. “*Manicuring*” does not include the application of sculptured nails or nail extensions to the fingernails or toenails of a person, and does not include the practice of pedicuring.
19. “*Manicurist*” means a person who performs the practice of manicuring.
20. “*Mechanical exfoliation*” means the physical removal of surface epidermal cells by means that include but are not limited to brushing machines, granulated scrubs, peel-off masques, peeling creams or drying preparations that are rubbed off, and microdermabrasion.
21. “*Microdermabrasion*” means mechanical exfoliation using an abrasive material or apparatus to remove surface epidermal cells with a machine which is specified by rule.
22. “*Minor*” means an unmarried person who is under the age of eighteen years.
23. “*Nail technologist*” means a person who performs the practice of nail technology.
24. “*Nail technology*” means all of the following:
 - a. Applying sculptured nails, nail extensions, wraps, overlays, nail art, or any other nail technique to the fingernails and toenails of a person.
 - b. Massaging the hands, arms, ankles, and feet of a person.
 - c. Removing superfluous hair from hands, arms, feet, or legs of a person by the use of wax or a tweezer.
 - d. Manicuring the nails of a person.
25. “*Physician*” means a person licensed in Iowa to practice medicine and surgery or osteopathic medicine and surgery.
26. “*Salon*” means a fixed establishment or place where one or more persons engage in the practice of cosmetology arts and sciences, including, but not limited to, a retail establishment where cosmetologists engage in the practice of cosmetology arts and sciences.

27. “School of cosmetology arts and sciences” means an establishment operated for the purpose of teaching cosmetology arts and sciences.

[C27, 31, 35, §2585-b1; C39, §2585.10; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, §157.1] 92 Acts, ch 1205, §1; 93 Acts, ch 61, §1; 2004 Acts, ch 1044, §1 – 6; 2005 Acts, ch 89, §20 – 22; 2007 Acts, ch 10, §157, 158; 2008 Acts, ch 1088, §141; 2010 Acts, ch 1163, §4, 5; 2015 Acts, ch 30, §62

Referred to in §157.2, 157.3A, 158.2, 158.13

157.2 Prohibitions — exceptions.

1. It is unlawful for a person to practice cosmetology arts and sciences with or without compensation unless the person possesses a license issued under [section 157.3](#). However, practices listed in [section 157.1](#) when performed by the following persons are not defined as the practice of cosmetology arts and sciences:

a. Licensed physicians and surgeons, osteopathic physicians and surgeons, nurses, dentists, podiatric physicians, optometrists, chiropractors, and physical therapists, when exclusively engaged in the practice of their respective professions.

b. Licensed barbers who practice barbering as defined in [section 158.1](#).

c. Students enrolled in licensed schools of cosmetology arts and sciences or barber schools who are practicing under the instruction or immediate supervision of an instructor.

d. Persons who perform without compensation any of the practices listed in [section 157.1](#) on an emergency basis or on a casual basis.

e. Employees of hospitals, health care facilities, orphans’ homes, juvenile homes, and other similar facilities who perform cosmetology services for any resident without receiving direct compensation from the person receiving the service.

f. Volunteers for and residents of health care facilities, orphans’ homes, juvenile homes, and other similar facilities who shampoo, arrange, dress, or curl the hair, apply makeup, or polish the nails of any resident without receiving compensation from the person receiving the service.

g. Persons who perform any of the practices listed in [section 157.1](#) on themselves or on a member of the person’s immediate family.

h. Employees of a licensed barbershop when manicuring fingernails, if permitted under [section 158.14, subsection 2](#).

i. Persons who apply samples of makeup, nail polish or other nail care products, cosmetics, or other cosmetology or esthetics preparations to persons to demonstrate the products in the regular course of business.

2. Cosmetologists shall not represent themselves to the public as electrologists, estheticians, or nail technologists unless the cosmetologist has completed the additional course study for the respective practice as prescribed by the board pursuant to [section 157.10](#).

3. Persons licensed under [this chapter](#) shall not administer any practice of removing the skin by means of a razor-edged instrument.

4. With the exception of hair removal, manicuring, and nail technology services, persons licensed under [this chapter](#) shall not administer any procedure in which human tissue is cut, shaped, vaporized, or otherwise structurally altered.

5. Persons licensed under [this chapter](#) shall only use intense pulsed light devices for purposes of hair removal.

[C27, 31, 35, §2585-b2; C39, §2585.11; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, §157.2] 89 Acts, ch 240, §2; 92 Acts, ch 1205, §2; 93 Acts, ch 61, §2, 3; 96 Acts, ch 1034, §68; 2004 Acts, ch 1044, §7; 2005 Acts, ch 89, §23; 2006 Acts, ch 1184, §100, 101; 2008 Acts, ch 1088, §141

157.3 License requirements.

1. An applicant who has graduated from high school or its equivalent shall be issued a license to practice any of the cosmetology arts and sciences by the department when the applicant satisfies all of the following:

a. Presents to the department a diploma, or similar evidence, issued by a licensed school of cosmetology arts and sciences indicating that the applicant has completed the course of study

for the appropriate practice of the cosmetology arts and sciences prescribed by the board. An applicant may satisfy this requirement upon presenting a diploma or similar evidence issued by a school in another state, recognized by the board, which provides instruction regarding the practice for which licensure is sought, provided that the course of study is equivalent to or greater in length and scope than that required for a school in this state, and is approved by the board.

b. Completes the application form prescribed by the board.

c. Passes an examination prescribed by the board. The examination may include both practical demonstrations and written or oral tests and shall not be confined to any specific system or method. However, a member of the board who is a licensed instructor of cosmetology arts and sciences shall not be involved in the selection or administration of the exam.

2. Notwithstanding [subsection 1](#), a person who completes the application form prescribed by the board and who submits satisfactory proof of having been licensed in a practice of the cosmetology arts and sciences in another state for at least twelve months in the twenty-four month period preceding the submission of the application shall be allowed to take the examination for a license to practice the appropriate practice of the cosmetology arts and sciences. However, the examination requirement shall be waived for those persons who submit evidence of licensure in another state which has a reciprocal agreement with the state of Iowa under [sections 147.44](#), [147.48](#), and [147.49](#).

[C27, 31, 35, §2585-b3, -b4; C39, §2585.12, 2585.13; C46, 50, 54, 58, 62, 66, 71, 73, §157.3, 157.4; C77, 79, 81, §157.3]

[92 Acts, ch 1097, §5](#); [92 Acts, ch 1205, §3](#); [2005 Acts, ch 89, §24](#)

Referred to in [§157.2](#), [157.3A](#), [158.8](#), [158.10](#)

157.3A License requirements — additional training.

In addition to the license requirements of [section 157.3](#), a written application and proof of additional training and certification shall be required prior to approval by the board for the provision of the services described in [this section](#).

1. a. A licensed esthetician, who intends to provide services pursuant to [section 157.1, subsection 12](#), paragraphs “a” and “c”, having received additional training on the use of microdermabrasion, a certified laser product, or an intense pulsed light device, shall submit a written application and proof of additional training and certification for approval by the board. Training shall be specific to the service provided or certified laser product used.

b. A licensed esthetician who applies permanent makeup or cosmetic micropigmentation shall comply with the provisions of [section 135.37](#) and applicable rules.

c. Extractions shall be administered only by a licensed esthetician who has been trained in extraction procedures.

d. Chemical peels shall be administered only by a licensed esthetician who has been certified by the manufacturer of the product being used.

2. a. A licensed cosmetologist having received additional training in the use of chemical peels, microdermabrasion, a certified laser product, or an intense pulsed light device for hair removal shall submit a written application and proof of additional training and certification for approval by the board. A cosmetologist who is licensed after July 1, 2005, shall not be eligible to provide chemical peels, practice microdermabrasion procedures, use certified laser products, or use an intense pulsed light device for hair removal.

b. A licensed cosmetologist who applies permanent makeup or cosmetic micropigmentation shall comply with the provisions of [section 135.37](#) and applicable rules.

3. A licensed electrologist having received additional training on the use of a certified laser product or an intense pulsed light device for the purpose of hair removal shall submit a written application and proof of additional training and certification for approval by the board.

4. Any additional training received by a licensed esthetician, cosmetologist, or electrologist and submitted to the board relating to utilization of a certified laser product or an intense pulsed light device shall include a safety training component which provides a thorough understanding of the procedures being performed. The training program shall

address fundamentals of nonbeam hazards, management and employee responsibilities relating to control measures, and regulatory requirements.

5. A certified laser product shall only be used on surface epidermal layers of the skin except for hair removal.

2004 Acts, ch 1044, §8; 2005 Acts, ch 3, §39; 2005 Acts, ch 89, §25 – 28

Referred to in §157.13

157.3B Examination information.

Notwithstanding [section 147.21](#), individual pass or fail examination results made available from the authorized national testing agency to the board may be disclosed to the board-approved education program from which the applicant for licensure graduated for purposes of verifying accuracy of national data and reporting aggregate licensure examination results as required for a program's continued accreditation.

2009 Acts, ch 182, §129

157.4 Temporary permits.

1. The department may issue a temporary permit which allows the applicant to practice in the cosmetology arts and sciences for purposes determined by rule. The board shall determine and state its recommendations and the length of time the temporary permit issued under [this subsection](#) is valid.

2. The fee for a temporary permit shall be established by the board as provided in [section 147.80](#).

3. Notwithstanding [section 157.13, subsection 1](#), the board may issue a temporary permit to practice in the cosmetology arts and sciences for the purpose of demonstrating cosmetology arts and sciences services to the public or for providing cosmetology arts and sciences services to the public at not-for-profit events. A permit issued pursuant to [this subsection](#) shall be subject to the following requirements:

a. The permit shall be issued for a specific event and may be issued to a salon, school of cosmetology arts and sciences, or person.

b. The permit shall be posted and visible to the public at the location where the cosmetology arts and sciences services are provided.

c. The permit shall be valid for no longer than twelve days.

d. An applicant for a temporary permit shall submit a completed application on a form provided by the board at least thirty days in advance of the intended use date.

e. An applicant shall submit an application fee determined by the board by rule.

f. The board shall issue no more than four permits to an applicant during a calendar year.

g. A person providing cosmetology arts and sciences services at a not-for-profit event shall hold a current license to practice cosmetology arts and sciences.

[C31, 35, §2585-c10; C39, §2585.20; C46, 50, 54, 58, 62, 66, 71, 73, §157.11; C77, 79, 81, §157.4]

92 Acts, ch 1205, §4; 2005 Acts, ch 89, §29; 2018 Acts, ch 1156, §1, 2

157.4A License and government-issued identification — peace officer request.

1. For purposes of [this section](#), unless the context otherwise requires:

a. "Government-issued identification" means any of the following:

(1) An unexpired driver's license issued by any state, territory, or district of the United States.

(2) An unexpired identification card issued by any state, territory, or district of the United States.

(3) An unexpired United States passport.

(4) A naturalization certificate issued by the United States citizenship and immigration services.

(5) An unexpired permanent resident card, also known as a green card, issued by the United States citizenship and immigration services.

(6) An unexpired employment authorization document issued by the United States citizenship and immigration services.

b. “Peace officer” means any of the following:

- (1) Sheriffs and their regular deputies who are subject to mandated law enforcement training.
- (2) Marshals and police officers of cities.
- (3) Peace officer members of the department of public safety as defined in [chapter 80](#).
- (4) Special security officers employed by board of regents institutions as set forth in [section 262.13](#).
- (5) Such employees of the department of transportation as are designated peace officers by resolution of the department under [section 321.477](#).
- (6) Employees of an aviation authority designated as peace officers by the authority under [section 330A.8, subsection 16](#).

2. A person licensed or who purports to be licensed under [this chapter](#) shall, upon the request of any peace officer investigating a complaint of illegal services, present a copy of the person’s valid license issued pursuant to [this chapter](#) and a government-issued identification to the peace officer.

[2021 Acts, ch 123, §3](#)

Referred to in [§710A.1, 710A.2, 710A.3](#)

NEW section

157.4B Announcements to the public.

1. For purposes of [this section](#), “*announcement to the public*” means the use of any print media, broadcast media, subscription internet site, internet site available to the public, or any other means to do any of the following:

- a. Advertise or market cosmetology services.
 - b. Provide a site for clients to post reviews.
 - c. Offer a virtual marketplace at which goods or services may be offered or clients may be solicited.
2. A person shall not do any of the following in an announcement to the public:
- a. Represent that another person is licensed under [this chapter](#) when the person knows, or has reason to know, that the other person is not licensed.
 - b. Falsely represent the person’s self as licensed under [this chapter](#).
 - c. Offer, or imply the offer of, services that violate state law.
3. A person who violates [subsection 2](#) commits a serious misdemeanor.

[2021 Acts, ch 123, §4](#)

Referred to in [§710A.3](#)

NEW section

157.5 Consent and reporting requirements.

1. A licensed cosmetologist, esthetician, or electrologist who provides services relating to the use of a certified laser product, intense pulsed light device for hair removal, chemical peel, or microdermabrasion, shall obtain a consent in writing prior to the administration of the services. A consent in writing shall create a presumption that informed consent was given if the consent:

- a. Sets forth in general terms the nature and purpose of the procedure or procedures, together with the known risks associated with the procedure or procedures, if reasonably determinable.
- b. Acknowledges that the disclosure of that information has been made and that all questions asked about the procedure or procedures have been answered in a satisfactory manner.
- c. Is signed by the client for whom the procedure is to be performed, or if the client for any reason lacks legal capacity to consent, is signed by a person who has legal authority to consent on behalf of that client in those circumstances.

2. A licensed cosmetologist, esthetician, or electrologist who provides services related to the use of a certified laser product, intense pulsed light device for hair removal, chemical peel, or microdermabrasion, shall submit a report to the board within thirty days of any incident involving the provision of such services which results in physical injury requiring medical

attention. Failure to comply with [this section](#) shall result in disciplinary action being taken by the board.

[2004 Acts, ch 1044, §9](#); [2005 Acts, ch 89, §30, 31](#)

157.5A Manicurists. Repealed by [2006 Acts, ch 1184, §126](#).

157.6 Sanitary rules — practice in the home.

The department shall prescribe sanitary rules for salons and schools of cosmetology arts and sciences which shall include the sanitary conditions necessary for the practice of cosmetology arts and sciences and for the prevention of infectious and contagious diseases. Subject to local zoning ordinances, a salon may be established in a residence if a room other than the living quarters is equipped for that purpose. The department shall enforce [this section](#) and make necessary inspections for enforcement purposes.

[C27, 31, 35, §2585-b6; C39, §2585.15; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, §157.6]

[92 Acts, ch 1205, §6](#)

Referred to in [§157.8, 157.13](#)

157.7 Inspectors and clerical assistants.

1. The department of inspections and appeals shall employ personnel pursuant to [chapter 8A, subchapter IV](#), to perform duties related to inspection functions under [this chapter](#). The department of inspections and appeals shall, when possible, integrate inspection efforts under [this chapter](#) with inspections conducted under [chapter 158](#).

2. The Iowa department of public health may employ clerical assistants pursuant to [chapter 8A, subchapter IV](#), to administer and enforce [this chapter](#). The costs and expenses of the clerical assistants shall be paid from funds appropriated to the department of public health.

[C27, 31, 35, §2585-b9; C39, §2585.17; C46, 50, 54, 58, 62, 66, 71, 73, §157.8; C77, 79, 81, §157.7]

[90 Acts, ch 1204, §23](#); [2003 Acts, ch 145, §201](#); [2019 Acts, ch 24, §104](#)

Referred to in [§10A.104](#)

157.8 Licensing of schools of cosmetology arts and sciences and instructors.

1. It is unlawful for a school of cosmetology arts and sciences to operate unless the owner has obtained a license issued by the department. The owner shall file a verified application with the department on forms prescribed by the board.

2. *a.* The application for a license for a school shall be accompanied by the annual license fee determined pursuant to [section 147.80](#) and shall state the name and location of the school and such other additional information as the board may require. The license is valid for one year and may be renewed.

b. The license shall contain a statement which provides that the licensee is approved by the department as a provider of postsecondary education.

c. A license for a school of cosmetology arts and sciences shall not be issued for any space in any location where the same space is also licensed as a barber school.

d. The school of cosmetology arts and sciences must pass a sanitary inspection under [section 157.6](#). An annual inspection of each school of cosmetology arts and sciences, including the educational activities of each school, shall be conducted and completed by the board or its designee prior to renewal of the license.

3. *a.* The number of instructors for each school shall be based upon total enrollment, with a minimum of two licensed instructors employed on a full-time basis for up to thirty students and an additional licensed instructor for each fifteen additional students. A student instructor shall not be used to meet licensed instructor-to-student ratios. A school operated by an area community college prior to September 1, 1982, with only one instructor per fifteen students is not subject to this paragraph and may continue to operate with the ratio of one licensed instructor to fifteen students. A student instructor may not be used to meet this requirement.

b. A school with less than thirty students enrolled may have one licensed instructor on site in the school if offering only clinic services or only theory instruction in a single classroom and less than fifteen students are present. If a school is offering clinic services

and theory instruction simultaneously to less than fifteen students, at least two licensed instructors must be on site. Schools with more than thirty students enrolled shall meet the licensed instructor-to-student ratio as provided in paragraph “a”.

c. A person employed as an instructor in the cosmetology arts and sciences by a licensed school shall be licensed in the practice and shall possess a separate instructor’s license which shall be renewed biennially. An instructor shall file an application with the department on forms prescribed by the board. Requirements for licensure as an instructor shall be determined by the board by rule.

d. The application for an instructor’s license shall be accompanied by the biennial fee determined pursuant to [section 147.80](#).

[C31, 35, §2585-c9; C39, §2585.18; C46, 50, 54, 58, 62, 66, 71, 73, §157.9; C77, 79, 81, §157.8] 83 Acts, ch 68, §1; 92 Acts, ch 1205, §7; 2004 Acts, ch 1044, §10; 2010 Acts, ch 1163, §6; 2012 Acts, ch 1062, §1

Referred to in §261B.11

157.9 License suspension and revocation.

Any license issued by the department under the provisions of [this chapter](#) may be suspended, revoked, or renewal denied by the board for violation of any provision of [this chapter](#) or [chapter 158](#) or rules promulgated by the board under the provisions of [chapter 17A](#).

[C77, 79, 81, §157.9]

157.10 Course of study.

1. The course of study required for licensure for the practice of cosmetology shall be two thousand one hundred clock hours, or seventy semester credit hours or the equivalent thereof as determined pursuant to administrative rule and regulations promulgated by the United States department of education. The clock hours, and equivalent number of semester credit hours or the equivalent thereof as determined pursuant to administrative rule and regulations promulgated by the United States department of education, of a course of study required for licensure for the practices of electrology, esthetics, nail technology, manicuring, and pedicuring shall be established by the board. The board shall adopt rules to define the course and content of study for each practice of cosmetology arts and sciences.

2. A person licensed in or a student of a practice of cosmetology arts and sciences shall be granted full credit for each course successfully completed which meets the requirements for licensure in another practice of cosmetology arts and sciences.

3. A barber licensed under [chapter 158](#) or a student in a barber school who applies for licensure in a practice of cosmetology arts and sciences or who enrolls in a school of cosmetology arts and sciences shall be granted, at the discretion of the school, at least half credit and up to full credit for each course successfully completed for licensure as a barber which meets the requirements for licensure in a practice of cosmetology arts and sciences.

[C77, 79, 81, §157.10]

88 Acts, ch 1110, §1; 92 Acts, ch 1205, §8; 2004 Acts, ch 1100, §2; 2006 Acts, ch 1184, §102

Referred to in §157.2

157.11 Salon licenses.

1. A salon shall not operate unless the owner has obtained a license issued by the department. The owner shall apply to the department on forms prescribed by the board. The department may perform a sanitary inspection of each salon biennially and may perform a sanitary inspection of a salon prior to the issuance of a license. An inspection of a salon may also be conducted upon receipt of a complaint by the department.

2. The application shall be accompanied by the biennial license fee determined pursuant to [section 147.80](#). The license is valid for two years and may be renewed.

3. A licensed school of cosmetology arts and sciences at which students practice cosmetology arts and sciences is exempt from licensing as a salon.

[C77, 79, 81, §157.11]

83 Acts, ch 206, §10; 91 Acts, ch 268, §431; 92 Acts, ch 1205, §9; 99 Acts, ch 141, §28; 2014 Acts, ch 1106, §17

157.12 Supervisors.

A person who directly supervises the work of practitioners of cosmetology arts and sciences shall be licensed in the practice supervised or a barber licensed under [section 158.3](#).

[C31, 35, §2585-c11; C39, §2585.21; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, §157.12]

[88 Acts, ch 1110, §2](#); [92 Acts, ch 1205, §10](#)

Referred to in [§157.13](#)

157.12A Use of laser or light products on minors.

A laser hair removal product or device, or intense pulsed light device, shall not be used on a minor unless the minor is accompanied by a parent or guardian and only under the general supervision of a physician.

[2004 Acts, ch 1044, §11](#); [2005 Acts, ch 89, §32](#)

157.13 Violations.

1. It is unlawful for a person to employ an individual to practice cosmetology arts and sciences unless that individual is licensed or has obtained a temporary permit under [this chapter](#). It is unlawful for a licensee to practice with or without compensation in any place other than a licensed salon, a licensed school of cosmetology arts and sciences, or a licensed barbershop as defined in [section 158.1](#). The following exceptions to [this subsection](#) shall apply:

a. A licensee may practice at a location which is not a licensed salon, school of cosmetology arts and sciences, or licensed barbershop under extenuating circumstances arising from physical or mental disability or death of a customer.

b. Notwithstanding [section 157.12](#), when the licensee is employed by a physician and provides cosmetology services at the place of practice of a physician and is under the supervision of a physician licensed to practice pursuant to [chapter 148](#).

c. When the practice occurs in a facility licensed pursuant to [chapter 135B](#) or [135C](#).

2. It is unlawful for a licensee to claim to be a licensed barber, however a licensed cosmetologist may work in a licensed barbershop. It is unlawful for a person to employ a licensed cosmetologist, esthetician, or electrologist to perform the services described in [section 157.3A](#) if the licensee has not received the additional training and met the other requirements specified in [section 157.3A](#).

3. If the owner or manager of a salon does not comply with the sanitary rules adopted under [section 157.6](#) or fails to maintain the salon as prescribed by rules of the department, the department may notify the owner or manager in writing of the failure to comply. If the rules are not complied with within five days after receipt of the written notice by the owner or manager, the department shall in writing order the salon closed until the rules are complied with. It is unlawful for a person to practice in a salon which has been closed under [this section](#). The county attorney in each county shall assist the department in enforcing [this section](#).

4. If the board has reasonable grounds to believe that a person or establishment which is not licensed under [this chapter](#) has engaged, or is about to engage, in an act or practice which requires licensure under [this chapter](#), or otherwise violates a provision of [this chapter](#), the board may issue an order to require the unlicensed person or establishment to comply with the provisions of [this chapter](#), and may impose a civil penalty not to exceed one thousand dollars for each violation of [this chapter](#) by an unlicensed person or establishment. Each day of a continued violation after an order or citation by the board constitutes a separate offense, with the maximum penalty not to exceed ten thousand dollars.

a. In determining the amount of a civil penalty, the board may consider the following:

- (1) Whether the amount imposed will be a substantial economic deterrent to the violation.
- (2) The circumstances leading to or resulting in the violation.
- (3) The severity of the violation and the risk of harm to the public.
- (4) The economic benefits gained by the violator as a result of noncompliance.
- (5) The welfare or best interest of the public.

b. The board may conduct an investigation as needed to determine whether probable cause exists to initiate the proceedings described in [this subsection](#). Before issuing an order or citation under [this section](#), the board shall provide written notice and the opportunity to

request a hearing on the record. The hearing must be requested within thirty days of the issuance of the notice and shall be conducted as provided in [chapter 17A](#). The board may, in connection with a proceeding under [this section](#), issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence and may request the attorney general to bring an action to enforce the subpoena.

c. A person aggrieved by the imposition of a civil penalty under [this section](#) may seek judicial review in accordance with [section 17A.19](#). The board shall notify the attorney general of the failure to pay a civil penalty within thirty days after entry of an order pursuant to [this subsection](#), or within ten days following final judgment in favor of the board if an order has been stayed pending appeal. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs. An action to enforce an order under [this subsection](#) may be joined with an action for an injunction.

[C31, 35, §2585-c12; C39, §2585.22; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, §157.13]
[88 Acts, ch 1110, §3](#); [92 Acts, ch 1205, §11](#); [2004 Acts, ch 1044, §12, 13](#); [2005 Acts, ch 89, §33](#); [2006 Acts, ch 1184, §103, 104](#); [2008 Acts, ch 1088, §111](#)

Referred to in [§157.4](#)

157.14 Rules.

The board shall adopt rules pursuant to [chapter 17A](#) to administer the provisions of [this chapter](#).

[C77, 79, 81, §157.14]
[89 Acts, ch 3, §1](#)

157.15 Penalty.

A person convicted of violating any of the provisions of [this chapter](#) or rules adopted pursuant to [this chapter](#) is guilty of a serious misdemeanor.

[C35, §2522; C39, §2585.24; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, §157.15]
[92 Acts, ch 1205, §12](#)

645—5.5(147,157) Cosmetology arts and sciences license fees. All fees are nonrefundable.

5.5(1) License fee for license to practice cosmetology arts and sciences, license by endorsement, license by reciprocity, or an instructor's license is \$60.

5.5(2) Biennial license renewal fee for each license for each biennium is \$60.

5.5(3) Late fee for failure to renew before expiration is \$60.

5.5(4) Reactivation fee for applicants licensed to practice cosmetology is \$120; for salons, \$144; and for schools, \$330.

5.5(5) Duplicate or reissued license certificate fee is \$20.

5.5(6) Fee for verification of license is \$20.

5.5(7) Returned check fee is \$25.

5.5(8) Disciplinary hearing fee is a maximum of \$75.

5.5(9) Fee for license to conduct a school teaching cosmetology arts and sciences is \$600.

5.5(10) Fee for renewal of a school license is \$270 annually.

5.5(11) Salon license fee is \$84.

5.5(12) Biennial license renewal fee for each salon license for each biennium is \$84.

5.5(13) Demonstrator and not-for-profit temporary permit fee is \$42 for the first day and \$12 for each day thereafter that the permit is valid.

5.5(14) An initial fee or a reactivation fee for certification to administer microdermabrasion or utilize a certified laser product or an intense pulsed light (IPL) device is \$25 for each type of procedure or certified laser product or IPL device.

5.5(15) An initial fee or a reactivation fee for certification of cosmetologists to administer chemical peels is \$25.

This rule is intended to implement Iowa Code section 147.80 and chapter 157.

[ARC 5751C, IAB 7/14/21, effective 8/18/21]

645—60.1(157) Definitions. For purposes of these rules, the following definitions shall apply:

“*Active license*” means a license that is current and has not expired.

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

“*Certified laser product*” means a product which is certified by a manufacturer pursuant to the requirements of 21 Code of Federal Regulations (CFR) Part 1040.

“*Chemical exfoliation*” means the removal of surface epidermal cells of the skin by using only non-medical-strength cosmetic preparations consistent with labeled instructions and as specified by rule. This procedure is not intended to elicit viable epidermal or dermal wounding, injury, or destruction.

“*Core curriculum*” means the basic core life sciences curriculum that is required for completion of any course of study of the cosmetology arts and sciences except for manicuring.

“*Cosmetology arts and sciences*” means any or all of the following disciplines performed with or without compensation by a licensee: cosmetology, electrology, esthetics, nail technology and manicuring.

“*Depilatory*” means an agent used for the temporary removal of superfluous hair by dissolving it at the epidermal surface.

“*Examination*” means any of the tests used to determine minimum competency prior to the issuance of a cosmetology arts and sciences license.

“*Exfoliation*” means the process whereby the superficial epidermal cells are removed from the skin.

“*General supervision*” means the supervising physician is not onsite for laser procedures or use of an intense pulsed light device for hair removal conducted on minors, but is available for direct communication, either in person or by telephone, radio, radiotelephone, television, or similar means.

“*Grace period*” means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

“*Inactive license*” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“*Intense pulsed light device*” means a device that uses incoherent light to destroy the vein of the hair bulb.

“*Laser*” means light amplification by the stimulated emission of radiation.

“*Licensee*” means any person or entity licensed to practice pursuant to Iowa Code chapter 157 and 645—Chapters 60 to 65, Iowa Administrative Code.

“*Licensure by endorsement*” means the issuance of an Iowa license to practice cosmetology to an applicant who is or has been licensed in another state for 12 months during the last 24 months.

“*Mechanical exfoliation*” means the physical removal of surface epidermal cells by means that include but are not limited to brushing machines, granulated scrubs, peel-off masques, peeling creams or drying preparations that are rubbed off, and microdermabrasion.

“*Mentor*” means a licensee providing guidance in a mentoring program.

“*Mentoring*” means a program allowing students to experience cosmetology arts and sciences in a licensed salon under the guidance of a mentor.

“*Microdermabrasion*” means mechanical exfoliation using an abrasive material or apparatus to remove surface epidermal cells with a machine which is specified by rule.

“*Minor*” means an unmarried person who is under the age of 18 years.

“*NIC*” means the National-Interstate Council of State Boards of Cosmetology, Inc.

“*Pedicuring*” means the practice of cleaning, shaping or polishing the toenails.

“*Practice discipline*” means the practice of electrology, esthetics, nail technology, manicuring or cosmetology as recognized by the board of cosmetology arts and sciences.

“*Reactivate*” or “*reactivation*” means the process as outlined in rule 645—60.17(17A,147,272C) by which an inactive license is restored to active status.

“*Reciprocal license*” means the issuance of an Iowa license to practice cosmetology to an applicant who is currently licensed in another state and which state has a mutual agreement to license persons who have the same or similar qualifications to those required in Iowa.

“Reinstatement” means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

“Testing service” means a national testing service selected by the board.
[ARC 8515B, IAB 2/10/10, effective 3/17/10]

645—60.2(157) Requirements for licensure.

60.2(1) Requirements for licensure. All persons providing services in one or more cosmetology arts and sciences disciplines shall hold a license issued by the board. The applicant shall:

a. Submit a completed application for licensure.

b. Direct the educational program to submit to the board a diploma or an official transcript indicating date of graduation and completion of required hours in each practice discipline for which the applicant is requesting licensure.

c. If the applicant graduated from a school that is not licensed by the board, direct the school to provide an official transcript showing completion of a course of study that meets the requirements of rule 645—61.14(157).

d. Foreign-trained applicants. If educated outside the United States, attach an original evaluation of the applicant's education from World Education Services (WES) or any other accredited evaluation service. An applicant may obtain an application for evaluation by contacting WES online at www.wes.org or at (212)966-6311, or by writing to WES, P.O. Box 5087, Bowling Green Station, New York, New York 10274-5087.

e. Examination requirements. Pass a national examination as prescribed by the board for the particular practice discipline with a score of 75 percent or greater.

(1) The applicant shall submit the test registration fee directly to the test service PSI at www.psiexams.com. NIC examinations are administered according to guidelines set forth by the National-Interstate Council of State Boards of Cosmetology.

(2) If applying for licensure by endorsement, the applicant shall complete the requirements set forth in rule 645—60.7(157).

60.2(2) Requirements for an instructor's license. An applicant for an instructor's license shall:

a. Submit a completed application for licensure and the appropriate fee to the board;

b. Be licensed in the state of Iowa in the specific practice discipline to be taught or be licensed as a cosmetologist who possesses the skill and knowledge required to instruct in that practice discipline;

c. Provide documentation of completion of 1,000 hours of instructor's training or two years' active practice in the field of cosmetology within six years prior to application;

d. Submit proof of completion of an instructor methods training course consisting of at least 16 hours;

e. Submit proof of 60 hours of practical experience, excluding school hours, in the area of electrolysis prior to application for an instructor of electrolysis license.

f. Pass an instructor's national examination, which, effective January 1, 2008, shall be the NIC instructor examination unless the applicant is applying for an instructor's license by endorsement as outlined in rule 645—60.7(157).

60.2(3) Conditions. The following conditions apply for all cosmetology arts and sciences licenses.

a. Incomplete applications that have been on file in the board office for more than two years shall be considered invalid and shall be destroyed.

b. The licensure fee is nonrefundable.

c. Licensees who were issued their initial licenses within six months prior to the license renewal beginning date shall not be required to renew their licenses until the renewal month two years later.

d. A new license granted by the board of cosmetology arts and sciences to an individual who holds multiple active licenses with the board shall have the same license expiration date as the licensee's existing license(s). If the licensee holds only one active license with the board, the license expiration date shall be in the current renewal period unless licensure is issued within six months of the end of the renewal cycle, in which case subrule 60.8(2) shall apply.

60.2(4) Licensure by work experience. An applicant who has relocated to Iowa from a state that did not require licensure to practice the profession may submit proof of work experience in lieu of educational and training requirements, if eligible, in accordance with rule 645—19.2(272C).

[ARC 3558C, IAB 1/3/18, effective 2/7/18; ARC 5755C, IAB 7/14/21, effective 8/18/21]

645—60.3(157) Criteria for licensure in specific practice disciplines.

60.3(1) A cosmetology license is not a requirement for an electrology, esthetics, nail technology or manicurist license.

60.3(2) Core life sciences curriculum hours shall be transferable in their entirety from one practice discipline to another practice discipline.

60.3(3) Theory hours earned in each practice discipline of cosmetology arts and sciences may be used in applying for a cosmetology license.

60.3(4) A cosmetologist licensed after July 1, 2005, is not eligible to be certified in chemical peels, microdermabrasion, laser or intense pulsed light (IPL) and shall not provide those services.

60.3(5) Pedicuring shall only be done by a cosmetologist or nail technologist.

60.3(6) Facial waxing shall only be done by a cosmetologist or esthetician.

60.3(7) An initial license to practice manicuring shall not be issued by the board after December 31, 2007. A manicurist license issued on or before December 31, 2007, may be renewed subject to licensure requirements identified by statute and administrative rule unless the license becomes inactive. A manicurist license that becomes inactive cannot be reactivated or renewed.

645—60.4(157) Practice-specific training requirements. The board shall approve a licensee to provide the appropriate services once a licensee has complied with training requirements and submitted a completed application, the required supporting evidence, and applicable fees as specified in these rules. The applicant shall receive a certification following board approval.

60.4(1) Microdermabrasion.

a. Microdermabrasion shall only be performed by a licensed, certified esthetician or a cosmetologist who was licensed prior to July 1, 2005, and is certified by the board.

b. To be eligible to perform microdermabrasion services, the licensee shall:

(1) Complete 14 contact hours of education specific to the material or apparatus used for microdermabrasion. Before an additional material or apparatus is utilized in the licensee's practice, the licensee shall provide official certification of training on the material or apparatus.

(2) Obtain from the program a certification of training that contains the following information:

1. Date, location, course title;
2. Number of contact hours; and
3. Specific identifying description of the microdermabrasion machine covered by the course.

(3) Complete a board-approved certification application form and submit to the board office the completed form, a copy of the certification of training, and the required fee pursuant to 645—subrule 5.5(14). The fee is nonrefundable.

60.4(2) Chemical exfoliation.

a. Chemical exfoliation shall only be performed by a cosmetologist who was licensed prior to July 1, 2005, and is certified by the board to perform those services. Additional certification is not required for licensed estheticians.

b. Chemical exfoliation procedures are limited to the removal of surface epidermal cells of the skin by using only non-medical-strength cosmetic preparations consistent with labeled instructions and as specified by these rules. This procedure is not intended to elicit viable epidermal or dermal wounding, injury, or destruction.

c. To be eligible to perform chemical peels, a cosmetologist who was licensed prior to July 1, 2005, shall:

(1) Complete 21 hours of training specific to the process and products to be used for chemical peels. Before an additional process or product is utilized in the licensee's practice, the licensee shall provide official certification of training on the new process or product.

(2) Obtain from the program a certification of training that contains the following information:

1. Date, location, course title;
2. Number of contact hours; and
3. Specific identifying description of the chemical peel process and products covered by the course.

(3) Complete a board-approved certification application form and submit to the board office the completed form, a copy of the certification of training, and the required fee pursuant to 645—subrule 5.5(15). The fee is nonrefundable.

60.4(3) Laser services.

a. A cosmetologist licensed after July 1, 2005, shall not use laser products.

b. An electrologist shall only provide hair removal services when using a laser.

c. Estheticians and cosmetologists shall use laser for cosmetic purposes only.

d. Cosmetologists licensed prior to July 1, 2005, electrologists and estheticians must be certified to perform laser services.

e. When a laser service is provided to a minor by a licensed cosmetologist, esthetician or electrologist who has been certified by the board, the licensee shall work under the general supervision of a physician. The parent or guardian shall sign a consent form prior to services being provided. Written permission shall remain in the client's permanent record for a period of five years.

f. To be eligible to perform laser services, a cosmetologist who was licensed on or before July 1, 2005, an electrologist, or an esthetician shall:

(1) Complete 40 hours of training specific to each laser machine, model or device to be used for laser services. Before an additional machine, model or device is utilized in the licensee's practice, the licensee shall submit official certification of training on the new machine, model or device.

(2) Obtain from the program a certification of training that contains the following information:

1. Date, location, course title;
2. Number of contact hours;
3. Specific identifying description of the laser equipment; and
4. Evidence that the training program includes a safety training component which provides a thorough understanding of the procedures to be performed. The training program shall address fundamentals of nonbeam hazards, management and employee responsibilities relating to control measures, and regulatory requirements.

(3) Complete a board-approved certification application form and submit to the board office the completed form, a copy of the certification of training, and the required fee pursuant to 645—subrule 5.5(14). The fee is nonrefundable.

60.4(4) IPL hair removal treatments.

- a. A cosmetologist licensed after July 1, 2005, shall not use IPL devices.
- b. An IPL device shall only be used for hair removal.
- c. Cosmetologists licensed prior to July 1, 2005, electrologists and estheticians must be certified to perform IPL services.

d. When IPL hair removal services are provided to a minor by a licensed cosmetologist, esthetician or electrologist who has been certified by the board, the licensee shall work under the general supervision of a physician. The parent or guardian shall sign a consent form prior to services being provided. Written permission shall remain in the client's permanent record for a period of five years.

e. To be eligible to perform IPL hair removal services, a cosmetologist who was licensed on or before July 1, 2005, an electrologist, or an esthetician shall:

(1) Complete 40 hours of training specific to each IPL machine, model or device to be used for IPL hair removal services. Before an additional machine, model or device is utilized in the licensee's practice, the licensee shall submit official certification of training on the new machine, model or device.

(2) Obtain from the program a certification of training that contains the following information:

1. Date, location, course title;
2. Number of contact hours;
3. Specific identifying description of the IPL hair removal equipment; and
4. Evidence that the training program includes a safety training component which provides a thorough understanding of the procedures to be performed. The training program shall address fundamentals of nonbeam hazards, management and employee responsibilities relating to control measures, and regulatory requirements.

(3) Complete a board-approved certification application form and submit to the board office the completed form, a copy of the certification of training, and the required fee pursuant to 645—subrule 5.5(14). The fee is nonrefundable.

60.4(5) Health history and incident reporting.

a. Prior to providing laser or IPL hair removal, microdermabrasion or chemical peel services, the cosmetologist, esthetician, and electrologist shall complete a client health history of conditions related to the application for services and include it with the client's records. The history shall include but is not limited to items listed in paragraph 60.4(5) "b."

b. A licensed cosmetologist, esthetician, or electrologist who provides services related to the use of a certified laser product, IPL device, chemical peel, or microdermabrasion shall submit a report to the board within 30 days of any incident in which provision of such services resulted in physical injury requiring medical attention. Failure to comply with this requirement shall result in disciplinary action by the board. The report shall include the following:

- (1) A description of procedures;
- (2) A description of the physical condition of the client;
- (3) A description of any adverse occurrence, including:

1. Symptoms of any complications including, but not limited to, onset and type of symptoms;
2. A description of the services provided that caused the adverse occurrence;
3. A description of the procedure that was followed by the licensee;
- (4) A description of the client's condition on termination of any procedures undertaken;
- (5) If a client is referred to a physician, a statement providing the physician's name and office location, if known;
- (6) A copy of the consent form.

60.4(6) Failure to report. Failure to comply with paragraph 60.4(5) "b" when the adverse occurrence is related to the use of any procedure or device noted in the attestation may result in the licensee's loss of authorization to administer the procedure or device noted in the attestation or may result in other sanctions provided by law.

60.4(7) A licensee shall not provide any services that constitute the practice of medicine.
[ARC 5755C, IAB 7/14/21, effective 8/18/21]

645—60.5(157) Licensure restrictions relating to practice.

60.5(1) A certified laser product or an intense pulsed light device shall only be used on surface epidermal layers of the skin except for hair removal.

60.5(2) A laser hair removal product or an intense pulsed light device shall not be used on a minor unless the minor is accompanied by a parent or guardian and then shall be used only under general supervision of a physician.

60.5(3) Persons licensed under Iowa Code chapter 157 shall not administer any practice of removing skin by means of a razor-edged instrument.

60.5(4) Persons licensed under this chapter who provide hair removal, manicuring and nail technology services shall not administer any procedure in which human tissue is cut, shaped, vaporized, or otherwise structurally altered, except for the use of a cuticle nipper.

60.5(5) Board-certified licensees providing microdermabrasion, chemical peels, laser or IPL hair removal treatments in a salon or barbershop setting shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, chiropractic or acupuncture.

60.5(6) Cosmetologists licensed prior to July 1, 2005, and licensed estheticians shall only perform medical aesthetic services in a medical spa under the delegation and supervision of a medical director as set forth by the Iowa board of medicine in rule 653—13.8(148,272C). The Iowa board of cosmetology arts and sciences does not license medical aestheticians.

[ARC 2599C, IAB 6/22/16, effective 8/15/16]

645—60.6(157) Consent form requirements. A licensed esthetician, cosmetologist, or electrologist, prior to providing services relating to a certified laser product, intense pulsed light device, chemical peel, or microdermabrasion, shall obtain from a client a consent form that:

1. Specifies in general terms the nature and purpose of the procedure(s);
2. Lists known risks associated with the procedure(s) if reasonably determinable;
3. States an acknowledgment that disclosure of information has been made and that questions asked about the procedure(s) have been satisfactorily answered;
4. Includes a signature of either the client for whom the procedure is performed or, if that client for any reason lacks legal capacity to consent, includes the signature of a person who has legal authority to consent on behalf of that client in those circumstances.

645—60.7(157) Licensure by endorsement. The board may issue a license by endorsement to any applicant from the District of Columbia or another state, territory, province or foreign country who has held an active license under the laws of another jurisdiction for at least 12 months during the past 24 months.

60.7(1) Applicants shall submit to the board a completed application and pay the licensure fee specified in 645—subrule 5.5(1).

60.7(2) Applicants shall provide verification of license(s) in a cosmetology practice discipline from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

- a.* Licensee's name;
- b.* Date of initial licensure;
- c.* Current licensure status; and
- d.* Any disciplinary action taken against the license.

60.7(3) Applicants who graduated from a cosmetology school prior to January 1, 2000, shall have passed the state written and practical examination required by the state in which the applicants were originally licensed.

60.7(4) Applicants who graduated from a cosmetology school after January 1, 2000, shall have passed a national theory examination.

60.7(5) Licensure by verification. A person who is licensed in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 645—19.1(272C).

[ARC 8515B, IAB 2/10/10, effective 3/17/10; ARC 5755C, IAB 7/14/21, effective 8/18/21]

645—60.8(157) License renewal.

60.8(1) Biennial license renewal period for a license to practice cosmetology arts and sciences.

a. The renewal period shall begin on April 1 of one year and end on March 31 two years later. All licensees shall renew on a biennial basis.

b. The board may send a renewal notice by regular mail to each licensee at the address on record prior to the expiration of the license.

c. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive the notice does not relieve the licensee of the responsibility for renewing the license.

d. A new or reactivated license granted by the board to a licensee who holds a current license in another practice discipline in cosmetology shall have the same license expiration date as the licensee's other license(s). If the licensee does not have another active license with the board, the license expiration date shall be in the current renewal period unless the license is issued within six months of the end of the renewal cycle and subrule 60.8(2) applies.

60.8(2) An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal two years later.

60.8(3) License renewal. A licensee seeking renewal shall:

a. Meet the continuing education requirements of rule 645—64.2(157). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

b. Submit the completed renewal application and renewal fee before the license expiration date.

c. Licensees currently licensed in Iowa but practicing exclusively in another state or serving honorably as active duty military or the spouse of active duty military service personnel may comply with Iowa continuing education requirements for license renewal by meeting the continuing education requirements of the state where the licensee practices. Those licensees living and practicing exclusively in a state which has no continuing education requirement for renewal of a license shall not be required to meet Iowa's continuing education requirement but shall pay all renewal fees when due.

60.8(4) Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

60.8(5) Late renewal. The license shall become late when the license has not been renewed by the expiration date on the renewal. The licensee shall be assessed a late fee as specified in 645—subrule 5.5(3). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

60.8(6) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice cosmetology arts and sciences in Iowa until the license is reactivated. A licensee who practices cosmetology arts and sciences in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

60.8(7) Those persons licensed for the first time shall not be required to complete continuing education as a prerequisite for the first renewal of their licenses. Continuing education hours acquired anytime from the initial licensing until the second license renewal may be used.

[ARC 3558C, IAB 1/3/18, effective 2/7/18; ARC 5755C, IAB 7/14/21, effective 8/18/21]

645—60.17(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee shall:

60.17(1) Submit a reactivation application on a form provided by the board.

60.17(2) Pay the reactivation fee that is due as specified in rule 645—5.5(147,157).

60.17(3) Provide verification of current competence to practice cosmetology arts and sciences by satisfying one of the following criteria:

a. If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 6 hours of continuing education that meet the continuing education standards defined in rule 645—64.3(157,272C) within two years of application for reactivation.

b. If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 12 hours of continuing education that meet the continuing education standards defined in rule 645—64.3(157,272C) within two years of application for reactivation.

(3) Rescinded IAB 11/21/07, effective 1/1/08.

60.17(4) Licensees who are instructors of cosmetology arts and sciences shall obtain an additional 6 hours of continuing education in teaching methodology as prescribed in 645—Chapter 64.

[ARC 3558C, IAB 1/3/18, effective 2/7/18; ARC 5755C, IAB 7/14/21, effective 8/18/21]

645—60.18(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 645—60.17(17A,147,272C) prior to practicing cosmetology arts and sciences in this state.

645—61.1(157) Definitions.

“*Clinic area*” means the area of the school where the paying customers will receive services.

“*Dispensary*” means a separate area to be used for storing and dispensing of supplies and sanitizing of all implements.

“*Inactive license*” means a salon license or a school license that has not been renewed as required or the license of a salon or school that has failed to meet stated obligations for renewal within a stated time.

“*Mentor*” means a licensee providing guidance in a mentoring program.

“*Mentoring*” means a program allowing students to experience cosmetology arts and sciences in a licensed salon under the guidance of a mentor.

“*Salon license*” means a license issued to an Iowa establishment to provide cosmetology arts and sciences services to paying customers.

“*School*” means a school of cosmetology arts and sciences.

“*School license*” means a license issued to an establishment to instruct students in cosmetology arts and sciences.

[ARC 3558C, IAB 1/3/18, effective 2/7/18]

645—61.2(157) Salon licensing. No person shall operate a salon unless the owner has obtained a license issued by the board. A separate enclosed area inside a salon that is operated as an independent business for the purpose of providing cosmetology services shall be considered its own salon and shall not operate unless a salon license is obtained. To determine what defines an independent contractor versus an employee, persons should contact the Iowa division of labor services.

61.2(1) The owner shall complete a board-approved application form. Application forms may be obtained from the board's website (www.idph.iowa.gov/licensure), or directly from the board office. All applications shall be submitted to the Board of Cosmetology Arts and Sciences, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

a. The application shall be completed according to the instructions contained in the application and submitted 30 days prior to the anticipated opening day. If the application is not completed according to the instructions, the application will not be reviewed by the board.

b. Each application shall be accompanied by the appropriate fees payable by check or money order to the Board of Cosmetology Arts and Sciences. The fees are nonrefundable.

61.2(2) Each salon shall meet the requirements for sanitary conditions established in 645—Chapter 63 to be eligible for licensing. The salon may be inspected for compliance with sanitation rules within 12 months following the issuance of the salon license.

61.2(3) Business may commence at the salon following activation of the license.

61.2(4) Incomplete applications that have been on file in the board office for more than two years shall be considered invalid and shall be destroyed. The records will be maintained after two years only if the applicant submits a written request to the board.

61.2(5) A salon license shall be issued for a specific location. A change in location or site of a salon shall require submission of an application for a new license and payment of the fee required by 645—subrule 5.5(11). A change of address without change of actual location shall not be construed as a new site.

61.2(6) A salon license is not transferable.

a. A change in ownership of a salon shall require the issuance of a new license. “Change in ownership” means any change of controlling interest in any corporation or any change of name of sole proprietorship or partnership.

b. A salon cannot be sold if disciplinary actions are pending.

c. If a salon owner sells the salon, that owner must send the license certificate and a report of the sale to the board within 10 days of the date on which the sale is final. The owner of the salon on record shall retain responsibility for the salon until the notice of sale is received in the board office.

d. The board may request legal proof of the ownership transfer.

e. The owner shall notify the board in writing of a change of name or address within 30 days after the occurrence and, in addition, shall return the current certificate and pay the reissued certificate fee as specified in rule 645—5.5(147,157).

[ARC 8515B, IAB 2/10/10, effective 3/17/10; ARC 3558C, IAB 1/3/18, effective 2/7/18; ARC 5755C, IAB 7/14/21, effective 8/18/21]

645—61.3(157) Salon license renewal.

61.3(1) The biennial license renewal period for a salon license shall begin on January 1 of every odd-numbered year and end on December 31 two years later.

61.3(2) A renewal of license notice shall be electronically mailed to the owner of the salon prior to the expiration of the license. Failure to receive the renewal notice shall not relieve the owner of the obligation to pay the biennial renewal fee on or before the renewal date.

61.3(3) A salon that is issued a license within six months of the license renewal date will not be required to renew the license until the next renewal two years later.

61.3(4) The salon owner shall submit the completed application with the renewal fee to the board office before the license expiration date.

61.3(5) A salon shall be in full compliance with this chapter and 645—Chapter 63 to be eligible for renewal. When all requirements for license renewal are met, the salon shall be issued a license renewal.

61.3(6) If the renewal fee and renewal application are received in the office after the license expiration date, but within 30 days following the expiration date, the late fee for failure to renew before expiration shall be charged.

[ARC 3558C, IAB 1/3/18, effective 2/7/18; ARC 5755C, IAB 7/14/21, effective 8/18/21]

645—61.4(272C) Inactive salon license.

61.4(1) A salon that has not renewed the salon license within the required time frame will have an inactive license and shall not provide cosmetology services until the license is reactivated.

61.4(2) To reactivate a salon license, the reactivation application and fee shall be submitted to the board office.

[ARC 5755C, IAB 7/14/21, effective 8/18/21]

645—61.5(157) Display requirements for salons.

61.5(1) Every salon shall have a sign visible outside the entrance designating the place of business.

61.5(2) The most current salon license proof of renewal shall be posted in the salon front entrance area to provide the public a full, unobstructed view of the license.

61.5(3) The most current license proof of renewal for each licensee working in the salon shall be posted in the salon front entrance area to provide the public a full, unobstructed view of the license.

61.5(4) If the licensee works in more than one salon, the current proof of renewal shall be posted in the primary place of practice, and the licensee shall be able to provide the renewal upon request.

61.5(5) Each licensee shall have a valid U.S. government-issued photo ID to provide to an agent of the board upon request as proof of identity.

[ARC 8515B, IAB 2/10/10, effective 3/17/10; ARC 2600C, IAB 6/22/16, effective 8/15/16; ARC 5755C, IAB 7/14/21, effective 8/18/21]

645—61.6(147) Duplicate certificate for salons.

61.6(1) A duplicate certificate shall be required if the current certificate is lost, stolen or destroyed. A duplicate certificate shall only be issued under such circumstances.

61.6(2) A duplicate salon certificate shall be issued upon receipt of a completed application and receipt of the fee as specified in 645—subrule 5.5(5).

61.6(3) If the board receives a completed application stating that the owner of the salon has not received the certificate within 60 days after the certificate is mailed by the board, no fee shall be required for issuing the duplicate certificate.

[ARC 5755C, IAB 7/14/21, effective 8/18/21]

645—61.7(157) Licensure for schools of cosmetology arts and sciences.

61.7(1) An application for a school license shall be submitted 90 days prior to the anticipated opening day of the school to the Board of Cosmetology Arts and Sciences, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. Prior to board review, the application shall include:

- a.* A complete plan of the physical facilities and an explanation detailing how the facilities will be utilized relative to classrooms, clinic space, and a mentoring program;
- b.* A list of the names of licensed instructors including the school director(s) for the proposed school if the instructors and school director(s) have been hired by the school at the time of application;
- c.* Copies of the catalog, brochure, enrollment contract, student policies, and cancellation and refund policies that will be used by the school or distributed by the school to students and the public; and
- d.* The school's course of study and curriculum, which shall meet the course of study requirements outlined in rule 645—61.14(157).

61.7(2) Prior to issuance of the school license, the school shall:

- a.* Submit a final list of licensed instructors and director(s) hired for the school. The number of instructors must meet the requirement outlined in Iowa Code section 157.8, with the exception of instructors for the mentoring program; and
- b.* Meet the requirements of this chapter and 645—Chapter 63 and pass the board's inspection of the facility.

61.7(3) The school owner shall be interviewed by the board during the review of the application.

61.7(4) After all criteria have been met, the school license shall be granted for the location(s) identified in the school's application.

61.7(5) Instruction of students shall not begin until the school license is activated.

61.7(6) The school must provide proof of registration with the Iowa college student aid commission.

61.7(7) Incomplete applications that have been on file in the board office for more than two years shall be considered invalid and shall be destroyed. The records shall be maintained after two years only if the applicant submits a written request to the board.

61.7(8) Existing school license, new location. A change of location shall require submission of an application for a new school license and payment of the license fee 90 days in advance of the anticipated date of opening. A change of address without a change of actual location shall not be construed as a new site.

61.7(9) Existing school license, new name. The owner shall notify the board in writing of a change of name within 30 days after the occurrence. In addition, the owner shall return the current certificate and pay the reissued certificate fee as specified in rule 645—5.5(147,157).

61.7(10) Existing school license, change of ownership. A school license is not transferable. A change in ownership of a school shall require the issuance of a new license. "Change in ownership" means any change of controlling interest in any corporation or any change of name of sole proprietorship or partnership.

a. A school cannot be sold if disciplinary actions are pending.

b. The board may request legal proof of the ownership transfer.

c. If a school owner sells the school, that owner must send the license certificate and a report of the sale to the board within ten days of the date on which the sale is final. The owner of the school on record shall retain responsibility for the school until the new school owner has been issued an active school license.

d. The new school owner shall follow all requirements as outlined in rule 645—61.7(157).

This rule is intended to implement Iowa Code sections 147.80, 157.6 and 157.8.

[ARC 8515B, IAB 2/10/10, effective 3/17/10; ARC 3558C, IAB 1/3/18, effective 2/7/18]

645—61.8(157) School license renewal.

61.8(1) The annual license renewal period for a school license shall begin on July 1 and end on June 30 one year later.

61.8(2) A renewal of license application shall be mailed to the school at least 60 days prior to the expiration of the license. Failure to receive the renewal application shall not relieve the school of the obligation to pay the annual renewal fee on or before the renewal date.

a. The renewal application and renewal fee shall be submitted to the board office before the license expiration date.

b. Schools shall be in full compliance with this chapter and 645—Chapter 63 to be eligible for renewal. When all requirements for license renewal are met, the school shall be issued a license renewal.

c. Schools shall successfully complete the annual inspection pursuant to Iowa Code sections 157.6 and 157.8.

61.8(3) A school that is issued a license within six months of the license renewal date will not be required to renew the license until the next renewal one year later.

61.8(4) If the renewal fee and renewal application are received in the office after the license expiration date, but within 30 days following the expiration date, the late fee for failure to renew before expiration shall be charged.

[ARC 8515B, IAB 2/10/10, effective 3/17/10; ARC 3558C, IAB 1/3/18, effective 2/7/18; ARC 5755C, IAB 7/14/21, effective 8/18/21]

645—61.9(272C) Inactive school license.

61.9(1) If the renewal application and fee are not received in the office within 30 days after the license expiration date, the school license is inactive. To reactivate the school license, the reactivation application and fee shall be submitted to the board.

61.9(2) A school that has not renewed the school license within the required time frame will have an inactive license and shall not provide schooling or services until the license is reactivated.

[ARC 3558C, IAB 1/3/18, effective 2/7/18]

645—61.10(157) Display requirements for schools.

61.10(1) Every school shall have a sign visible outside the entrance designating the place of business.

61.10(2) A school license and the current proof of renewal shall be posted in the school's front entrance area to provide the public a full unobstructed view of the license.

61.10(3) The current license proof of renewal for each instructor working at the school shall be posted in the school's front entrance area to provide the public a full unobstructed view of the license.

[ARC 3558C, IAB 1/3/18, effective 2/7/18; ARC 5755C, IAB 7/14/21, effective 8/18/21]

645—61.11(147) Duplicate certificate or wallet card for schools. Rescinded IAB 12/31/08, effective 2/4/09.

645—61.12(157) Physical requirements for schools of cosmetology arts and sciences. The school shall meet the following physical requirements:

61.12(1) The school premises shall have a minimum floor space of 3,000 square feet.

61.12(2) Each school shall provide a minimum of 100 square feet per student. When the enrollment in a school exceeds 30 students, additional floor space of 30 square feet shall be required for each additional student enrolled in the school.

61.12(3) Each licensed school offering a full cosmetology arts and sciences curriculum shall provide the following:

a. At least one clinic area where the paying public will receive services. The clinic area shall be confined to the premises occupied by the school.

b. A theory classroom(s) separate from the clinic area.

c. A library that is maintained for students and consists of textbooks, current trade publications and business management materials.

d. A separate area that shall be used as a dispensary. The dispensary shall be equipped with a lavatory, shelves or drawers for storing chemicals, cleansing agents and items, sterilization equipment and any other sanitation items required by 645—Chapter 63. Clean items and dirty items in the dispensary must be kept separated as required by 645—Chapter 63.

e. Two restrooms that are equipped with toilets, lavatories, soap and disposable paper towel dispensers.

f. A laundry room that is separated from the clinic area by a full wall or partition. Students may not lounge, eat, practice or study in the laundry room.

g. A separate room that is equipped for the practice of esthetics and electrology.

h. An administrative office.

61.12(4) Each licensed school offering a single discipline cosmetology arts and sciences curriculum shall provide the same physical space as outlined in 61.12(3). Single discipline schools are exempt from 61.12(3) “g” if the board did not originally approve an electrology or esthetics course of study in the curriculum.

This rule is intended to implement Iowa Code sections 157.6 and 157.8.

[ARC 3558C, IAB 1/3/18, effective 2/7/18]

645—61.13(157) Minimum equipment requirements. Each school of cosmetology arts and sciences shall have the following minimum equipment:

1. Workstations equipped with chair, workstation, closed drawer or container for sanitized articles, and mirror (maximum of two students per unit);
2. Treatment room(s) when electrolysis or esthetics or both are offered;
3. One set of textbooks for each student and instructor;
4. Shampoo bowls located in the clinic area and readily accessible for students and clients if the school offers a curriculum course in cosmetology;
5. Audiovisual equipment available for each classroom;
6. Chair and table area for each student in the classroom; and
7. Labeled bottles and containers showing intended use of the contents.

This rule is intended to implement Iowa Code sections 157.6 and 157.8.

[ARC 3558C, IAB 1/3/18, effective 2/7/18]

645—61.14(157) Course of study requirements. A school of cosmetology arts and sciences shall not be approved by the board of cosmetology arts and sciences unless it complies with the course of study requirements as provided below.

61.14(1) Requirements for hours.

COSMETOLOGY CURRICULUM

Core life sciences	150 hours	
Cosmetology theory (Including business and management related to the practice of cosmetology.)	615 hours	
Total core life sciences and cosmetology theory is 765 hours.		
Applied practical instruction	1335 hours	
Total course of study		2100 hours (70 semester credit hours)

ELECTROLOGY CURRICULUM

Core life sciences	150 hours	
Electrology theory	50 hours	
Applied practical instruction	225 hours	
Total course of study		425 hours (14 semester credit hours)

ESTHETICS CURRICULUM

Core life sciences	150 hours	
Esthetics theory	115 hours	
Applied practical instruction	335 hours	
Total course of study		600 hours (20 semester credit hours)

NAIL TECHNOLOGY CURRICULUM

Core life sciences	150 hours	
Nail technology theory	50 hours	
Applied practical instruction	125 hours	
Total course of study		325 hours (11 semester credit hours)

Proof of curriculum requirements may be submitted to the board by either the clock hour or semester credit hour standard. Semester credit hours or the equivalent thereof shall be determined pursuant to administrative rules and regulations promulgated by the U.S. Department of Education.

61.14(2) Curriculum requirements.

a. Theory instruction shall be taught from a standard approved textbook but may be supplemented by other related textbooks. Online coursework is allowed for theory instruction.

b. Course subjects taught in the school curriculum, including skills and business management, shall relate to the specific practice discipline.

c. Required hours for theory and applied practical hours do not have to be obtained from one school.

d. Core life sciences curriculum hours shall be transferable in their entirety from one practice discipline to another practice discipline. Online coursework is allowed for core life sciences instruction.

e. Only hours from accredited or board-approved school programs will be accepted.

61.14(3) Core life sciences curriculum. The core life sciences curriculum shall contain the following instruction:

- a.* Human anatomy and physiology:
Cell, metabolism and body systems,
Human anatomy;

- b.* Bacteriology;
- c.* Infection control practices:
 - Universal precautions,
 - Sanitation,
 - Sterilization,
 - Disinfection;
- d.* Basic chemistry;
- e.* Matter;
- f.* Elements:
 - Compounds and mixtures;
- g.* Basic electricity;
- h.* Electrical measurements:
 - Reproduction of light rays,
 - Infrared rays,
 - Ultraviolet rays,
 - Visible rays/spectrum;
- i.* Safety;
- j.* Hygiene and grooming:
 - Personal and professional health;
- k.* Professional ethics;
- l.* Public relations; and
- m.* State and federal law, administrative rules and standards.

Clock hours may be converted to credit hours using a standard, recognized method of conversion.

61.14(4) The school shall maintain a copy of the curriculum plan for two years after the curriculum plan was taught by the school.

[ARC 3558C, IAB 1/3/18, effective 2/7/18]

645—61.15(157) Instructors. All instructors in a school of cosmetology arts and sciences shall be licensed by the department.

61.15(1) An instructor teaching a course in electrology, esthetics or nail technology shall also hold a license in that practice or hold a cosmetology license that shows proof of having completed training in those practices equivalent to that of a license holder in that practice.

61.15(2) An instructor teaching a course in microdermabrasion, chemical peels, intense pulsed lights (IPLs) and lasers shall be certified by the state of Iowa to provide each of the services, as set forth in rule 645—60.4(157).

61.15(3) A minimum of two instructors shall be employed on a full-time basis for up to 30 students and an additional instructor for each additional 15 students.

a. The number of instructors for each school of cosmetology arts and sciences shall be based upon total enrollment.

b. A student instructor shall not be used to meet licensed instructor-to-student ratios.

c. A school with less than 30 students enrolled may have one licensed instructor on site in the school if offering only clinic services or only theory instruction in a single classroom and less than 15 students are present.

d. If a school is offering clinic services and theory instruction simultaneously to less than 15 students, at least two licensed instructors must be on site.

e. Area community colleges operating a school prior to September 1, 1982, with only one instructor per 15 students are not subject to this subrule and may continue to operate with the ratio of one instructor to 15 students. A student instructor shall not be used to meet licensed instructor-to-student ratios.

61.15(4) An instructor shall:

a. Be responsible for and in direct charge of all physical and virtual core and theory classrooms and practical classrooms and clinics at all times;

b. Familiarize students with the different standard supplies and equipment used in salons; and

c. Not perform cosmetology services, with or without compensation, on the school premises except for demonstration purposes.

This rule is intended to implement Iowa Code chapter 157.

[ARC 8515B, IAB 2/10/10, effective 3/17/10 (See Delay note at the end of chapter); ARC 3558C, IAB 1/3/18, effective 2/7/18]

645—61.16(157) Student instructors. A student instructor shall be a graduate of an approved school of cosmetology arts and sciences. Each student instructor shall be under the direct supervision of a licensed instructor at all times.

645—61.17(157) Students.

61.17(1) A school of cosmetology arts and sciences shall, prior to the time a student is obligated for payment, inform the student of all provisions set forth in Iowa Code section 714.25. The school shall retain a copy of the signed statement for two years following the student's graduating or leaving the program.

61.17(2) Students shall:

- a.* Wear clean and neat uniforms at all times during school hours and during the mentoring program;
- b.* Be supervised by a licensed instructor at all times except in a mentoring program when the students shall be under the guidance of a mentor;
- c.* Be provided regularly scheduled breaks and a minimum of 30 minutes for lunch;
- d.* Attend school no more than eight hours a day. Schools may offer additional hours to students who submit a written request for additional hours;
- e.* Receive no compensation from the school for services performed on clients;
- f.* Provide services to the public only after completion of a minimum of 10 percent of the course of study;
- g.* Not be called from theory class to provide services to the public;
- h.* Not be required to perform janitorial services or be allowed to volunteer for such services. Sanitation of the bathroom area shall be limited to replacing products and disinfecting the vanity and mirror surfaces. Sanitation of the toilet and bathroom floor areas is not to be performed by the student and is excluded from student sanitation duty; and
- i.* Receive no credit or hours for decorating for marketing or merchandising events or for participating in demonstrations of cosmetology arts and sciences when the sole purpose of the event is to recruit students and the event is outside the curriculum course.

645—61.18(157) Attendance requirements.

61.18(1) A school of cosmetology arts and sciences shall have a written, published attendance policy.

61.18(2) Schools shall ensure:

- a.* Students complete the hours required for each course of study set forth in rule 645—61.14(157).
- b.* Student attendance policies are applied uniformly and fairly for all physical and virtual classes.
- c.* Appropriate credit is given for all hours earned.
- d.* All retake tests and projects to be redone are completed without benefit of additional hours earned. Time scheduled for such work will be scheduled at the school's discretion.
- e.* Hours or credit is not added to the accumulative student record as an award or deducted from the accumulative student record as a penalty.
- f.* Work that must be done for missed hours must be allowed. The student must be given full credit for hours earned.

61.18(3) Pursuant to the federal Department of Education and accrediting standards agency, the school may adopt an absence policy not to exceed 10 percent of required coursework for doctor's excuses and life events. In no way shall this policy create a penalty for the student nor excuse the student from the remaining 10 percent of required coursework.

This rule is intended to implement Iowa Code chapter 157.

[ARC 8515B, IAB 2/10/10, effective 3/17/10; ARC 3558C, IAB 1/3/18, effective 2/7/18]

645—61.19(157) Accelerated learning.

61.19(1) A school may adopt an accelerated learning policy which includes the acceptance of life experience, prior knowledge learned and test-out procedures.

61.19(2) If the school has an accelerated learning policy, the policy shall be a written, published policy that clearly outlines the criteria for acceptance and hours or credit granted or for test-out procedures. The hours or credit granted for accelerated learning shall not exceed 15 percent of the student's entire course of study and shall be documented in the participating student's file.

a. After completion of all entrance requirements, a student may elect to sit for one or more academic written tests to evaluate the knowledge about subject matter gained from life experience or prior learning experience.

b. A student in a cosmetology arts and sciences course of study may be allowed to test out of a subject by sitting for final examinations covering the basic knowledge gained by a student who attends class sessions, or the school may accept and grant hours for prior or concurrent education and life experience.

c. A student who wishes to receive test-out credit or be granted hours for prior or concurrent education or life experience shall have maintained the academic grades and attendance policy standards set by the school.

d. The school may limit the number of times a student is allowed to sit for a test-out examination of a subject.

645—61.20(157) Mentoring program. Each cosmetology school must have a contract between the student, the school and the salon mentor that includes scheduling, liability insurance and purpose of the mentoring program.

61.20(1) Students shall not begin the mentoring program until they have completed a minimum of 50 percent of the total contact or credit hours and other requirements of the mentoring program established by the school.

61.20(2) Students may participate in a mentoring program for no more than 5 percent of the total contact or credit hours.

61.20(3) Students shall be under supervision of the mentor at all times. Students may perform the following: drape, shampoo, remove color and perm chemicals, remove perm rods, remove rollers, apply temporary rinses, apply reconditioners and rebuilders with the recommendation of the mentor, remove nail polish, file nails, perform hand and arm massage, remove cosmetic preparations, act as receptionist, handle retail sales, sanitize salon, consult with client (chairside manners), perform inventory, order supplies, prepare payroll and pay monthly bills, and hand equipment to the stylist.

61.20(4) The salon mentor's responsibilities include the following: introduce the student to the salon and the client, record the time of the student's attendance in salon, prepare evaluation, discuss performance, and allow the student to shadow.

61.20(5) A salon or school shall not compensate students when the students are participating in the mentoring program.

645—61.21(157) Graduate of a school of cosmetology arts and sciences.

61.21(1) A student shall be considered a graduate when the student has completed the required course of study and met the minimum attendance standard.

61.21(2) Students shall be given a final examination upon completion of the course of study but before graduation.

61.21(3) After passage of the final examination and completion of the entire course of study including all project sheets, students shall be issued a certificate of completion of hours required for the course of study.

645—61.22(157) Records requirements.

61.22(1) Each school of cosmetology arts and sciences shall maintain a complete set of student records. Individual student hours shall be kept on file at the school for two years following graduation.

61.22(2) Each school shall maintain daily teaching logs for all instructors, which shall be kept on file at the school for two years.

61.22(3) Prior to closure, the controlling school shall establish agreements with another school to maintain student and graduate transcripts and records. Prior to closure, the controlling school shall also notify the board in writing of the location of student records as established by the maintenance agreements and shall submit a copy of the maintenance agreements to the board. Provisions in the agreement must include maintenance of student transcript records for a period of no less than two years.

[ARC 8515B, IAB 2/10/10, effective 3/17/10]

645—61.23(157) Classrooms used for other educational purposes.

61.23(1) The licensed school of cosmetology arts and sciences shall not be used during scheduled instruction time or work experience time for any use other than for student instruction.

61.23(2) Persons attending other educational classes may not (en masse) pass through a classroom or clinic area while it is in use.

61.23(3) Noise level must not be disruptive to other classes.

61.23(4) Use of classrooms shall not usurp the space available for cosmetology instruction.

645—61.24(157) Public notice.

61.24(1) Advertisements shall indicate that all services are performed by students under the supervision of instructors.

61.24(2) A sign shall be clearly displayed in the entrance of the school that indicates in prominent lettering that students perform all services under the supervision of instructors.

645—63.1 (157) Definitions. For purposes of these rules, the following definitions shall apply:

“Cleaning” refers to removing visible debris and disposable parts, washing the surface or item with water and soap or detergent, rinsing the surface or item thoroughly and drying the surface or item. Cleaning must occur before disinfection can begin.

“Disinfectant” means an EPA-registered bactericidal, virucidal, fungicidal, pseudomonacidal chemical solution, spray or wipe that is effective against HIV-1 and human hepatitis B virus and is intended to destroy or irreversibly inactivate specific viruses, bacteria, or pathogenic fungi, but not necessarily their spores, on nonporous items and surfaces.

“Disinfection” means the procedure that kills pathogenic microorganisms, but not necessarily their spores.

“Dispensary” means a separate physical location or area in a salon or school to be used for the storing and dispensing of supplies and cleaning and disinfecting of all implements. The dispensary is where products, chemicals and disinfectants are prepared, measured, mixed, portioned, and disposed of.

“FDA” means the federal Food and Drug Administration.

“Germicide” means an agent that destroys germs.

“Nonporous” means an item that lacks minute openings or crevices that keep air, water and bacteria from entering the item.

“Porous” means an item that contains minute openings or crevices that allow air, water and bacteria to enter the item, such as untreated wood, paper and cardboard.

“School” means a school of cosmetology arts and sciences.

“Sterilization” means the procedure that kills all microorganisms, including their spores.

“Universal precautions” means practices consistently used to prevent exposure to blood-borne pathogens and the transmission of disease.

“Wash hands” means the process of thoroughly washing hands and the exposed portions of the arms up to the elbow with soap or detergent and water and drying with a single-use towel or air dryer. Bar soap shall not be set out for common use.

645—63.2(157) Infection control rules and inspection report. Upon request, the licensee shall make Chapter 63, Infection Control for Salons and Schools of Cosmetology Arts and Sciences, and the most recent inspection report available to the board, agents of the board, all persons employed or studying in a salon or school, and the general public.

[**ARC 8515B**, IAB 2/10/10, effective 3/17/10; **ARC 2600C**, IAB 6/22/16, effective 8/15/16]

645—63.3(157) Responsibilities of salon owners. Each salon owner shall ensure the following:

1. Individuals employed for cosmetology arts and sciences services or other licensees working in the salon hold a current and active license issued by either the board of cosmetology arts and sciences or the board of barbering;
2. Licensees employed by the salon or other licensees working in the salon do not exceed their scope of practice; and
3. License renewal cards are properly displayed in the front entrance area at eye level. No license which has expired or become invalid for any reason shall be displayed in connection with the practices of the salon.

[ARC 8515B, IAB 2/10/10, effective 3/17/10]

645—63.4(157) Responsibilities of licensees. Licensees are responsible for:

1. Their own permanently assigned station areas;
2. Holding a current and active license issued by the board of cosmetology arts and sciences or the board of barbering; and
3. Ensuring that they do not exceed their scope of practice.

[ARC 8515B, IAB 2/10/10, effective 3/17/10]

645—63.5(157) Joint responsibility. Salon owners and licensees are jointly responsible for all common areas and employee areas.
[ARC 8515B, IAB 2/10/10, effective 3/17/10]

645—63.6 (157) Building standards. Salons and schools shall have and maintain:

1. A service area that is equipped with exhaust fans or air filtration equipment that is of sufficient capacity to be capable of removing chemical fumes from the air;
2. A dispensary;
3. A reception area;
4. Hot and cold running water and clean lavatory facilities;
5. Safe drinking water;
6. Hand-washing facilities;
7. Adequate lighting;
8. Work surfaces that are easily cleaned; and
9. A complete first-aid kit in a readily accessible location on the premises. At a minimum, the first-aid kit must include adhesive dressings, gauze and antiseptic, tape, triple antibiotics, eyewash, and gloves.

[ARC 8515B, IAB 2/10/10, effective 3/17/10; ARC 2600C, IAB 6/22/16, effective 8/15/16]

645—63.7(157) Salons in residential buildings.

63.7(1) A salon located in a residential building shall comply with all requirements in rule 645—63.5(157).

63.7(2) A separate entrance shall be maintained for salon rooms in a residential building. An exception is that an entrance may allow passage through a nonliving area of the residence, i.e., hall, garage or stairway. Any door leading directly from the licensed salon to any portion of the living area of the residence shall be closed at all times during business hours.

[ARC 8515B, IAB 2/10/10, effective 3/17/10]

645—63.8(157) Salons adjacent to other businesses. A salon operated adjacent to any other business shall be separated by at least a partial partition. When the salon is operated immediately adjacent to a business where food is handled, the business shall be entirely separated, and any doors between the salon and the business shall be rendered unusable except in an emergency.

[ARC 8515B, IAB 2/10/10, effective 3/17/10]

645—63.9(157) Smoking. All salons licensed by the board shall comply with the smokefree air Act found in Iowa Code chapter 142D.
[ARC 8515B, IAB 2/10/10, effective 3/17/10]

645—63.10(157) Personal cleanliness. All licensees and students who engage in serving the public shall be neat and clean in person and attire.
[ARC 8515B, IAB 2/10/10, effective 3/17/10]

645—63.11 (157) Universal precautions. All licensees and students shall practice universal precautions consistently by observing the following.

63.11(1) Students and licensees shall thoroughly wash hands after smoking, eating, or using the restroom and before providing services to each client. Hand sanitizers or gloves are not an acceptable substitute for hand washing.

63.11(2) Every salon shall have a biohazard sharps container for disposing of used needles, razor blades and other sharp instruments. These containers shall be located as close to the use area as is practical. These containers shall not be filled above designated “fill line” and shall be disposed of in accordance with guidelines issued by the Centers for Disease Control and Prevention, U.S. Department of Health and Human Services.

63.11(3) Rescinded IAB 6/22/16, effective 8/15/16.

63.11(4) Licensees and students shall wear disposable gloves or may refuse to provide the service when encountering clients with open sores. Gloves shall only be used on a single client and shall be disposed of after the client’s service. Anytime gloves are used during a service, licensees and students shall wash hands both before gloves are worn and after they are removed.

63.11(5) Licensees and students shall refrain from all direct client care and from handling client-care equipment if the licensee or student has open sores that cannot be effectively covered.

63.11(6) Instruments and implements shall be disinfected pursuant to rule 645—63.13(157).

63.11(7) Instruments and supplies that have been used on a client or soiled in any manner shall be placed in the proper receptacles clearly labeled “used.” All used items shall be kept separate from items that are disinfected and ready for use.

63.11(8) Disinfectant solution shall be stored in the dispensary.

[ARC 8515B, IAB 2/10/10, effective 3/17/10; ARC 2600C, IAB 6/22/16, effective 8/15/16]

645—63.12 (157) Blood exposure procedures.

63.12(1) If a student or licensee injures oneself, the following steps shall be taken before the student or licensee returns to service:

- a.* Stop service.
- b.* Clean the injured area by washing the area with soap and water. Use antiseptic or ointment as appropriate.
- c.* In the case of mucous membrane exposure, wash or rinse the affected area with plenty of water.
- d.* Cover the injury with the appropriate dressing.
- e.* Clean the client and station as necessary. First, remove all visible debris and then clean the client with an antiseptic that is appropriate for the skin and clean the station with disinfectant.
- f.* Bag any blood-soiled porous articles and dispose of articles in the trash.
- g.* Wash and disinfect all nonporous items.
- h.* Wash hands before returning to service.

63.12(2) If a client injury occurs, the following steps shall be taken:

- a.* Stop service.
- b.* Glove hands of students or licensees.
- c.* Clean injured area and use antiseptic or ointment as appropriate.
- d.* Cover the injury with the appropriate dressing to prevent further blood exposure.
- e.* Clean station by removing all visible debris and using disinfectant that is appropriate for the soiled surface.
- f.* Bag any blood-soiled porous articles and dispose of articles in the trash.
- g.* Wash and disinfect all nonporous items.
- h.* Wash hands before returning to service.

645—63.13 (157) Disinfecting and sterilizing instruments and equipment. All nonporous tools and implements must be either disinfected or sterilized according to the requirements of this rule before use upon a client in schools and salons.

63.13(1) Disinfection.

a. Nonporous tools and implements.

(1) Immersion method. After each use, all immersible nonporous tools and implements shall be disinfected by cleaning the tools and implements followed by complete immersion in a disinfectant. Disinfectant solutions shall be mixed according to manufacturer label instructions. The manufacturer's listed contact time for effectively eliminating all pathogens listed shall be adhered to at all times.

(2) Nonimmersion method. After each use, any nonporous item that cannot be immersed in a disinfectant shall be cleaned with soap or detergent and water to remove all organic material and then sprayed or wiped with disinfectant. Minimum disinfectant contact time as listed on the manufacturer's label shall be followed. Nonimmersible tools and implements include but are not limited to scissors, trimmers, clippers, handles of hair dryers and curling/flat irons.

b. Disinfected implements shall be stored in a disinfected, dry, covered container and shall be isolated from contaminants. Such container shall be disinfected at least once each week and whenever visibly dirty.

c. Disinfectant solutions shall be changed as instructed on the solution's manufacturer label or whenever visibly dirty.

d. Electric file bits.

(1) After each use, all visible debris shall be removed from diamond, carbide, natural and metal bits by cleaning with either an ultrasonic cleaner or immersion of each bit in acetone for 5 to 10 minutes.

(2) After they are cleaned, diamond, carbide, natural and metal bits shall be disinfected by complete immersion in an appropriate disinfectant. Minimum disinfectant contact time as listed on the manufacturer's label shall be followed.

63.13(2) Sterilization. UV light boxes are prohibited and are not an acceptable method of sterilization.

a. Tools and implements may be sterilized by one of the following methods:

(1) Steam sterilizer, registered and listed with the FDA and used according to the manufacturer's instructions. If steam sterilization, moist heat, is utilized, heat exposure shall be at a minimum of 121°C/250°F, for at least 30 minutes;

(2) Dry heat sterilizer, registered and listed with the FDA and used according to the manufacturer's instructions. If dry heat sterilization is utilized, heat exposure shall be at a minimum of 171°C/340°F, for at least 60 minutes;

(3) Autoclave sterilization equipment, calibrated to ensure that it reaches the temperature required by the manufacturer's instructions. If autoclave sterilization equipment is utilized, spore testing by a contracted independent laboratory shall be performed at least every 30 days. If a positive spore test is received, the autoclave may not be used until a negative spore test is received. The salon must maintain a log of each autoclave use, all testing samples and results, and a maintenance log of all maintenance performed on the device. Maintenance shall be performed according to the manufacturer's instructions. The salon must have available for inspection the autoclave maintenance log for the most recent 12 months; or

(4) Chemical sterilization with a hospital grade liquid which, if used, shall be used according to the directions on the label. When chemical sterilization is used, items shall be fully submerged for at least 10 minutes.

b. Sterilization equipment shall be maintained in working order. The equipment shall be checked at least monthly and calibrated to ensure that it reaches the temperature required by the manufacturer's instructions.

This rule is intended to implement Iowa Code section 157.6.

[ARC 2600C, IAB 6/22/16, effective 8/15/16]

645—63.14(157) Porous instruments and supplies that cannot be disinfected. Porous instruments and supplies that come into direct contact with a client cannot be disinfected. These instruments and supplies include but are not limited to cotton pads, sponges, wooden applicators, emery boards, pumice stones, nail buffers, buffing bits, arbor or sanding bands, sleeves, toe separators and neck strips. These are single-use items and shall be disposed of in a waste receptacle immediately after use.
[ARC 8515B, IAB 2/10/10, effective 3/17/10; ARC 2600C, IAB 6/22/16, effective 8/15/16]

645—63.15(157) Sterilizing instruments. Rescinded **ARC 2600C**, IAB 6/22/16, effective 8/15/16.

645—63.16 (157) Infection control methods for creams, cosmetics and applicators.

63.16(1) Liquids, creams, waxes, powders and cosmetics used for clients must be kept in closed, labeled containers.

63.16(2) All fluids, semifluids and powders must be dispensed with an applicator or from a shaker, dispenser pump, or spray-type container.

a. Applicators made of a washable, nonabsorbent material shall be cleaned and disinfected before being used on a client and shall only be dipped into the container one time before being cleaned and disinfected again.

b. Applicators made of wood shall be discarded after a single dip, which would be one use.

c. Roll-on wax products are prohibited.

[ARC 8515B, IAB 2/10/10, effective 3/17/10; ARC 2600C, IAB 6/22/16, effective 8/15/16]

645—63.18 (157) Prohibited hazardous substances and use of products and equipment.

63.18(1) No salon or school shall have on the premises cosmetic products containing substances which have been banned or otherwise deemed hazardous or deleterious by the FDA for use in cosmetic products. Prohibited products include, but are not limited to, any product containing liquid methyl methacrylate monomer and methylene chloride. No product shall be used in a manner that is not approved by the FDA. Presence of a prohibited product in a salon or school is prima facie evidence of that product's use in the salon or school.

63.18(2) All razor-edged, grating or rasp microplaner pedicure instruments designed to remove skin from the bottoms and sides of feet are prohibited. The presence of such equipment shall be prima facie evidence of the equipment's use.

63.18(3) Procedures involving any animal (e.g., fish, leeches, snails) are prohibited in salons and schools.

63.18(4) No salon or school shall have chamois buffers. If chamois buffers are observed in the workplace, their presence shall be prima facie evidence of their use.

63.18(5) No salon or school shall use plastic sleeves or envelopes to store cleaned and disinfected implements unless the implements stored in the plastic sleeves or envelopes have actually been sterilized pursuant to paragraph 63.13(2) "a."

[ARC 8515B, IAB 2/10/10, effective 3/17/10; ARC 2600C, IAB 6/22/16, effective 8/15/16]

645—63.19(157) Proper protection of neck. A shampoo apron, haircloth, or similar article shall not be placed directly against the neck of a client but shall be kept from direct contact with the client by means of a paper neckband or clean towel. A neckband of paper shall not be used more than once. Towels or cloth neckbands shall not be used more than once without proper laundering.

[**ARC 8515B**, IAB 2/10/10, effective 3/17/10; **ARC 2600C**, IAB 6/22/16, effective 8/15/16]

645—63.20(157) Proper laundering and storage. All cloth towels, robes and similar items shall be laundered in a washing machine with laundry detergent used according to the manufacturer's directions. All linens shall be dried until hot to the touch. No moisture shall be left in laundered items. A clean storage area shall be provided for clean towels and linen, and a covered hamper or receptacle marked "used" shall be provided for all soiled towels, robes and linens.
[ARC 8515B, IAB 2/10/10, effective 3/17/10; ARC 2600C, IAB 6/22/16, effective 8/15/16]

645—63.21(157) Pets. Dogs (except dogs providing assistance to individuals with physical disabilities), cats, birds, or other animals shall not be permitted in a salon. This rule does not apply to fish in an aquarium provided the aquarium is maintained in a sanitary condition.
[ARC 8515B, IAB 2/10/10, effective 3/17/10]

645—63.22(157) General maintenance. All areas of the salon and school shall be clean and in good repair.

63.22(1) Walls, floors, and fixtures must be kept clean and in good repair at all times.

63.22(2) After January 1, 2010, carpeting is not permitted in the working area of the establishment unless the carpeting was installed prior to January 1, 2010. Carpeting shall only be allowed in the reception and hooded dryer areas.

[ARC 8515B, IAB 2/10/10, effective 3/17/10]

645—63.23(157) Records. Client records and appointment records shall be maintained for a period of no less than three years following the last date of entry. Proper safeguards shall be provided to ensure the safety of these records from destructive elements.

[ARC 8515B, IAB 2/10/10, effective 3/17/10]

645—63.24 (157) Salons and schools providing electrology or esthetics. A salon or school in which electrology or esthetics is practiced shall follow the infection control rules and requirements pertaining to all salons and schools and shall also meet the following requirements:

1. The electrology or esthetics room shall have adequate space, lighting and ventilation.
2. The floors in the immediate area where the electrology or esthetics is performed shall have an impervious, smooth, washable surface.
3. All service table surfaces shall be constructed of impervious, easily disinfected material.
4. Needles, probes and lancets shall be single-client use and disposable.
5. Licensees providing electrology services shall wear gloves.

[ARC 8515B, IAB 2/10/10, effective 3/17/10; ARC 2600C, IAB 6/22/16, effective 8/15/16]

645—63.25 (157) Cleaning and disinfecting circulating and noncirculating tubs, bowls, and spas.**63.25(1)** After use for each client:

- a.* Drain the water and remove any visible debris;
- b.* Clean the surfaces according to the manufacturer's instructions, use a brush to remove all film, and rinse the tub, bowl, or spa basin;
- c.* Fill the tub, bowl, or spa basin with water and add disinfectant;
- d.* Allow the disinfectant to stand for noncirculating tubs, bowls, or basins or to circulate for circulating tubs, bowls, or basins for the time specified according to the manufacturer's instructions; and
- e.* After disinfection, drain and rinse with clean water.

63.25(2) At the end of the day, remove all removable parts from circulating tubs, such as filters, screens, drains, and jets, and clean and disinfect the removable parts as follows:

- a.* Scrub with a brush and soap or detergent until free from debris, and then rinse.
- b.* Completely immerse in disinfectant.
- c.* Rinse and air dry.
- d.* Replace the disinfected parts into the tubs, bowl, or basin or store the parts in a disinfected, dry, covered container that is isolated from contaminants.

63.25(3) For each pedicure station, a record shall be made of the date and time of the daily cleaning and disinfecting. This record shall be made at or near the time of cleaning and disinfecting. Records of cleaning and disinfecting shall be made available upon request by a client, inspector or investigator. The record must be signed by a licensee and include the licensee's license number beside each recorded cleaning event. Foot spa records shall be maintained for two years from the date of the cleaning.

[ARC 8515B, IAB 2/10/10, effective 3/17/10; ARC 2600C, IAB 6/22/16, effective 8/15/16]

645—63.26 (157) Paraffin wax. Paraffin wax shall be used according to the manufacturer's instructions and shall be used in such a manner so as not to contaminate the remaining wax in the paraffin bath. The following procedures apply:

1. The client shall be free of broken skin or any skin disorder;
2. Hands or feet of a client shall be cleaned before being dipped into paraffin wax. The client's hands and feet shall not be dipped into the original wax container. The wax shall be removed from the original container and placed in a single-use bag before dipping. Any unused wax remaining in the single-use bag shall be discarded after dipping;
3. Paraffin wax that has been removed from a client's hands or feet shall be discarded after each use; and
4. Paraffin wax shall be kept free of any debris and kept covered when not in use.

[ARC 8515B, IAB 2/10/10, effective 3/17/10; ARC 2600C, IAB 6/22/16, effective 8/15/16]

645—64.1(157) Definitions. For the purpose of these rules, the following definitions shall apply:

“*Active license*” means a license that is current and has not expired.

“*Approved program/activity*” means a continuing education program/activity meeting the standards set forth in these rules.

“*Audit*” means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period.

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

“*Continuing education*” means planned, organized learning acts acquired during licensure designed to maintain, improve, or expand a licensee’s knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

“*Hour of continuing education*” means at least 50 minutes spent by a licensee completing an approved continuing education activity through live, virtual, online or prerecorded means where the instructor provides proof of completion by the licensee as set forth in these rules.

“*Inactive license*” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“*Independent study*” means a subject/program/activity that a person pursues autonomously that meets standards for approval criteria in the rules and includes a posttest.

“*License*” means license to practice.

“*Licensee*” means any person or entity licensed to practice pursuant to Iowa Code chapter 157 and 645—Chapters 60 to 65, Iowa Administrative Code.

“*Prescribed practice*” means an area of specialty within the scope of cosmetology arts and sciences.
[ARC 3558C, IAB 1/3/18, effective 2/7/18]

645—64.2(157) Continuing education requirements.

64.2(1) The biennial continuing education compliance period shall begin on April 1 of one year and end on March 31 two years later.

64.2(2) Each biennium:

a. A licensee in this state shall be required to complete a minimum of 6 hours of continuing education that meets the requirements of rule 645—64.3(157,272C). A minimum of 4 hours of the 6 hours shall be in the prescribed practice discipline and a minimum of 2 hours of the 6 hours shall be in the content areas of Iowa cosmetology law and rules and sanitation. Individuals holding more than one active license shall obtain 4 hours of continuing education in each prescribed practice discipline and an additional 2 hours in the content areas of Iowa cosmetology law and rules and sanitation.

b. A licensee who is an instructor of cosmetology arts and sciences shall obtain 6 hours in teaching methodology in addition to meeting all continuing education requirements for renewal of the instructor's practice license. A licensee must comply with all conditions of licensure including obtaining a minimum of 2 hours each biennium specific to Iowa cosmetology law and administrative rules as specified in subrule 64.3(2).

c. A licensee currently licensed in Iowa but practicing exclusively in another state may comply with Iowa continuing education requirements for license renewal by meeting the continuing education requirements of the state or states where the licensee practices. The licensee living and practicing in a state which has no continuing education requirement for renewal of a license shall not be required to meet Iowa's continuing education requirement but shall pay all renewal fees when due.

d. A licensee shall be deemed to have complied with the continuing education requirements of this state during periods that the licensee:

- (1) Serves honorably on active duty in the military services, or
- (2) Is the spouse of an active duty military service person, or
- (3) Is a government employee working in the person's licensed specialty and assigned to duty outside of the United States, or
- (4) Is engaged in active practice and absence from the state approved by the board.

64.2(3) Requirements of new licensees. Those persons licensed for the first time shall not be required to complete continuing education as a prerequisite for the first renewal of their licenses. Continuing education hours acquired anytime from the initial licensing until the second license renewal may be used.

64.2(4) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity. These hours must be in accordance with these rules.

64.2(5) No hours of continuing education shall be carried over into the next biennium. A licensee whose license was reactivated during the current renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation.

64.2(6) It is the responsibility of each licensee to finance the cost of continuing education.

[ARC 8515B, IAB 2/10/10, effective 3/17/10; ARC 3558C, IAB 1/3/18, effective 2/7/18]

645—64.3(157,272C) Standards.

64.3(1) General criteria. A continuing education activity which meets all of the following criteria is appropriate for continuing education credit if the continuing education activity:

- a. Constitutes an organized program of learning which contributes directly to the professional competency of the licensee;
- b. Pertains to subject matters which integrally relate to the practice of the profession;
- c. Is conducted by individuals who have specialized education, training and experience by reason of which said individuals should be considered qualified concerning the subject matter of the program.

At the time of audit, the board may request the qualifications of presenters;

- d. Fulfills stated program goals, objectives, or both; and
- e. Provides proof of attendance to licensees in attendance including:
 - (1) Date, location, course title, presenter(s), sponsor(s);
 - (2) Number of program contact hours; and
 - (3) Certificate of completion or evidence of successful completion of the course provided by the course sponsor.

64.3(2) Specific criteria. A licensee shall obtain a minimum of 6 hours of continuing education credit every two years. A minimum of 4 hours of the 6 hours of continuing education shall be in each prescribed practice discipline. Two hours of continuing education per biennium must be specific to Iowa cosmetology law and administrative rules including infection control.

- a. The licensee may obtain continuing education hours of credit by:
 - (1) Attending workshops, conferences or symposiums.
 - (2) Accessing online training, such as viewing interactive conferences, attending webinars, or completing online training courses.
 - (3) Attending programs on product knowledge, methods and systems. Continuing education shall be directly related to the technique and theory specific to the practice of cosmetology arts and sciences. No direct selling of products is allowed as part of a continuing education offering.
 - (4) Attending business classes specific to owning or managing a salon are acceptable.

b. In addition to fulfilling the requirements in rule 645—64.2(157), those persons holding an instructor's license must complete a minimum of 6 hours of continuing education approved by the board in the area of teaching methodology.

c. Two hours of continuing education per biennium must be specific to Iowa cosmetology law and administrative rules.

d. The licensee shall obtain at least 4 hours in each area of prescribed practice for each cosmetology arts and sciences license held.

64.3(3) Specific criteria for providers and sponsors of continuing education.

a. Continuing education shall be obtained by attending programs that meet the criteria in subrule 64.3(1). Individuals or groups may offer continuing education programs that meet the criteria in rule 645—64.3(157,272C) offered by or with express sponsorship in advance of delivery by the following organization(s).

- (1) National, state or local associations of cosmetology arts and sciences;
- (2) Schools and institutes of cosmetology arts and sciences;
- (3) Universities, colleges or community colleges;
- (4) National, state or local associations of barbers;
- (5) Barber schools or institutes;
- (6) Manufacturers of laser or microdermabrasion products;
- (7) Institutes of laser technology.

b. A licensee who is a presenter of a continuing education program that meets the criteria in rule 645—64.3(157,272C) may receive credit once per biennium for the initial presentation of the program. The presenter may receive the same number of hours granted the attendees.

[ARC 8515B, IAB 2/10/10, effective 3/17/10; ARC 3558C, IAB 1/3/18, effective 2/7/18]

645—64.4(157,272C) Audit of continuing education report. Rescinded IAB 12/31/08, effective 2/4/09.

645—64.5(157,272C) Automatic exemption. Rescinded IAB 12/31/08, effective 2/4/09.

645—64.6(157,272C) Grounds for disciplinary action. Rescinded IAB 12/31/08, effective 2/4/09.

645—64.7(157,272C) Continuing education waiver for active practitioners. Rescinded IAB 8/31/05, effective 10/5/05.

645—64.8(157,272C) Continuing education exemption for inactive practitioners. Rescinded IAB 8/31/05, effective 10/5/05.

645—64.9(157,272C) Continuing education exemption for disability or illness. Rescinded IAB 12/31/08, effective 2/4/09.

645—64.10(157,272C) Reinstatement of inactive practitioners. Rescinded IAB 8/31/05, effective 10/5/05.

645—64.11(272C) Hearings. Rescinded IAB 8/31/05, effective 10/5/05.

645—65.1(157,272C) Definitions.

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

“Discipline” means any sanction the board may impose upon cosmetology arts and sciences licensees, instructors, salons, 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, Iowa Administrative Code.

645—65.2(157,272C) Grounds for discipline. The board may impose any of the disciplinary sanctions provided in rule 645—65.3(157,272C) when the board determines that any of the following acts or offenses have occurred:

65.2(1) Fraud in procuring a license. Fraud in procuring a license includes, but is not limited to, the following:

- a.* An intentional perversion of the truth in making application for a license to practice in this state;
- b.* False representations of a material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a license in this state; or
- c.* Attempting to file or filing with the board or the department of public health any false or forged diploma or certificate or affidavit or identification or qualification in making an application for a license in this state.

65.2(2) Professional incompetency. Professional incompetency includes, but is not limited to:

- a.* A substantial lack of knowledge or ability to discharge professional obligations within the scope of practice;
- b.* A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other licensees in the state of Iowa acting in the same or similar circumstances;
- c.* A failure to exercise the degree of care which is ordinarily exercised by the average licensee acting in the same or similar circumstances;
- d.* Failure to conform to the minimal standard of acceptable and prevailing practice in this state.

65.2(3) Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

65.2(4) The use of untruthful or improbable statements in advertisements. Use of untruthful or improbable statements in advertisements includes, but is not limited to, acts which constitute making false, deceptive, misleading or fraudulent representations in the practice of the profession.

65.2(5) Practice outside the scope of the profession.

65.2(6) Habitual intoxication or addiction to the use of drugs.

- a.* The inability of a licensee to practice with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.
- b.* The excessive use of drugs which may impair a licensee's ability to practice with reasonable skill or safety.

65.2(7) Obtaining, possessing, attempting to obtain or possess, or administering controlled substances without lawful authority.

65.2(8) Falsification of client records.

65.2(9) Acceptance of any fee by fraud or misrepresentation.

65.2(10) Misappropriation of funds.

65.2(11) Negligence in the practice of the profession. Negligence in the practice of the profession includes a failure to exercise due care, including improper delegation of duties or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions which impair a practitioner's ability to safely and skillfully practice the profession.

65.2(12) Being convicted of an offense that directly relates to the duties and responsibilities of the profession. A conviction includes a guilty plea, including Alford and nolo contendere pleas, or a finding or verdict of guilt, even if the adjudication of guilt is deferred, withheld, or not entered. A copy of the guilty plea or order of conviction constitutes conclusive evidence of conviction. An offense directly relates to the duties and responsibilities of the profession if the actions taken in furtherance of the offense are actions customarily performed within the scope of practice of the profession or the circumstances under which the offense was committed are circumstances customary to the profession.

65.2(13) Violation of a regulation, rule, or law of this state, another state, or the United States, which relates to the practice of the profession.

65.2(14) Revocation, suspension, or other disciplinary action taken by a licensing authority of this state, another state, territory or country; or failure to report such action within 30 days of the final action

by such licensing authority. A stay by an appellate court shall not negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, such report shall be expunged from the records of the board.

65.2(15) Failure of a licensee or an applicant for licensure in this state to report any voluntary agreements restricting the individual's practice of the profession in another state, district, territory or country.

65.2(16) Failure to notify the board of a criminal conviction within 30 days of the action, regardless of the jurisdiction where it occurred.

65.2(17) Failure to notify the board within 30 days after occurrence of any judgment or settlement of a malpractice claim or action.

65.2(18) Engaging in any conduct that subverts or attempts to subvert a board investigation.

65.2(19) Failure to comply with a subpoena issued by the board or failure to cooperate with an investigation of the board.

65.2(20) Failure to respond within 30 days of receipt of communication from the board which was sent by registered or certified mail.

65.2(21) Failure to comply with the terms of a board order or the terms of a settlement agreement or consent order.

65.2(22) Failure to pay costs assessed in any disciplinary action.

65.2(23) Knowingly aiding, assisting, or advising a person to unlawfully practice the profession.

65.2(24) Failure to report a change of name or address within 30 days after the occurrence.

65.2(25) Failure to return the salon license to the board within 30 days of discontinuance of business under that license.

65.2(26) Representing oneself as a licensed individual or entity when one's license has been suspended or revoked, or when one's license is on inactive status.

65.2(27) Permitting another person to use one's license for any purpose.

65.2(28) Permitting an unlicensed employee or person under the licensee's or the licensed school's or salon's control to perform activities that require a license.

65.2(29) Permitting a licensed person under the licensee's or the licensed school's or salon's control to practice outside the scope of the person's license.

65.2(30) Submission of a false report of continuing education or failure to submit the biennial report of continuing education.

65.2(31) Failure to report another licensee to the board for any violations listed in these rules, pursuant to Iowa Code section 272C.9.

65.2(32) Unethical conduct. In accordance with Iowa Code section 147.55(3), behavior (i.e., acts, knowledge, and practices) which constitutes unethical conduct may include, but is not limited to, the following:

a. Verbally or physically abusing a client or coworker.

b. Improper sexual contact with or making suggestive, lewd, lascivious or improper remarks or advances to a client or coworker.

c. Betrayal of a professional confidence.

d. Engaging in a professional conflict of interest.

e. Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

f. Being adjudged mentally incompetent by a court of competent jurisdiction.

65.2(33) 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 salon, a licensed school of cosmetology arts and sciences, or a licensed barbershop as defined in Iowa Code section 158.1. EXCEPTION: A licensee may practice at a location that is not a licensed salon or school of cosmetology arts and sciences when extenuating circumstances related to the physical or mental disability or death of a customer prevent the customer from seeking services at the licensed salon or school.

65.2(34) Repeated failure to comply with standard precautions for preventing transmission of infectious diseases as issued by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

65.2(35) Violation of the terms of an initial agreement with the impaired practitioner review committee or violation of the terms of an impaired practitioner recovery contract with the impaired practitioner review committee.

65.2(36) A person is determined by the investigator to be providing 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.

[**ARC 8515B**, IAB 2/10/10, effective 3/17/10; **ARC 5755C**, IAB 7/14/21, effective 8/18/21]

645—65.3(157,272C) Method of discipline. The board has the authority to impose the following disciplinary sanctions:

1. Revocation of license.
2. Suspension of license until further order of the board or for a specific period.
3. Prohibit permanently, until further order of the board, or for a specific period the licensee's engaging in specified procedures, methods, or acts.
4. Probation.
5. Require additional education or training.
6. Require a reexamination.
7. Order a physical or mental evaluation, or order alcohol and drug screening within a time specified by the board.
8. Impose civil penalties not to exceed \$1000.
9. Issue a citation and warning.
10. Such other sanctions allowed by law as may be appropriate.

645—65.4(272C) Discretion of board. The following factors may be considered by the board in determining the nature and severity of the disciplinary sanction to be imposed:

1. The relative serious nature of the violation as it relates to ensuring a high standard of professional care for the citizens of this state;
2. The facts of the particular violation;
3. Any extenuating facts or other countervailing considerations;
4. The number of prior violations or complaints;
5. The seriousness of prior violations or complaints;
6. Whether remedial action has been taken; and
7. Such other factors as may reflect upon the competency, ethical standards, and professional conduct of the licensee.

645—65.5(157) Civil penalties against nonlicensees. The board may impose civil penalties by order against a person who is not licensed by the board based on the unlawful practices specified in Iowa Code section 157.13(1). In addition to the procedures set forth in Iowa Code chapter 157, this chapter shall apply.

65.5(1) *Unlawful practices.* Practices by an unlicensed person or establishment which are subject to civil penalties include, but are not limited to:

- a. Acts or practices by unlicensed persons which require licensure to practice cosmetology arts and sciences under Iowa Code chapter 157.
- b. Acts or practices by unlicensed establishments which require licensure as a salon or school of cosmetology arts and sciences under Iowa Code chapter 157.
- c. Use or attempted use of a licensee's certificate or use or attempted use of an expired, suspended, revoked, or nonexistent certificate.
- d. Falsely impersonating a person licensed under Iowa Code chapter 157.
- e. Providing false or forged evidence of any kind to the board in obtaining or attempting to obtain a license.
- f. Other violations of Iowa Code chapter 157.
- g. Knowingly aiding or abetting an unlicensed person or establishment in any activity identified in this rule.

65.5(2) *Investigations.* The board is authorized by Iowa Code subsection 17A.13(1) and Iowa Code chapter 157 to conduct such investigations as are needed to determine whether grounds exist to impose civil penalties against a nonlicensee. Complaint and investigatory files concerning nonlicensees are not confidential except as may be provided in Iowa Code chapter 22.

65.5(3) *Subpoenas.* Pursuant to Iowa Code section 17A.13(1) and Iowa Code chapter 157, the board is authorized in connection with an investigation of an unlicensed person or establishment to issue subpoenas to compel persons to testify and to compel persons to produce books, papers, records and any other real evidence, whether or not privileged or confidential under law, which the board deems necessary as evidence in connection with the civil penalty proceeding or relevant to the decision of whether to initiate a civil penalty proceeding. Board procedures concerning investigative subpoenas are set forth in 645—9.5(17A,272C).

65.5(4) *Notice of intent to impose civil penalties.* The notice of the board's intent to issue an order to require compliance with Iowa Code chapter 157 and to impose a civil penalty shall be served upon the nonlicensee by restricted certified mail, return receipt requested, or by personal service in accordance with Iowa Rule of Civil Procedure 1.305. Alternatively, the nonlicensee may accept service personally or through authorized counsel. The notice shall include the following:

- a. A statement of the legal authority and jurisdiction under which the proposed civil penalty would be imposed.
- b. Reference to the particular sections of the statutes and rules involved.
- c. A short, plain statement of the alleged unlawful practices.
- d. The dollar amount of the proposed civil penalty and the nature of the intended order to require compliance with Iowa Code chapter 157.
- e. Notice of the nonlicensee's right to a hearing and the time frame in which the hearing must be requested.
- f. The address to which written request for hearing must be made.

65.5(5) *Requests for hearings.*

a. Nonlicensees must request a hearing within 30 days of the date the notice is received if served through restricted certified mail, or within 30 days of the date of service if service is accepted or made in accordance with Iowa Rule of Civil Procedure 1.305. A request for hearing must be in writing and is deemed made on the date of the nonmetered United States Postal Service postmark or the date of personal service.

b. If a request for hearing is not timely made, the board chair or the chair's designee may issue an order imposing the civil penalty and requiring compliance with Iowa Code chapter 157, as described

in the notice. The order may be mailed by regular first-class mail or served in the same manner as the notice of intent to impose a civil penalty.

c. If a request for hearing is timely made, the board shall issue a notice of hearing and conduct a hearing in the same manner as applicable to disciplinary cases against licensees.

d. A nonlicensee may waive the right to hearing and all attendant rights and enter into a consent order imposing a civil penalty and requiring compliance with Iowa Code chapter 157 at any stage of the proceeding upon mutual consent of the board.

e. The notice of intent to issue an order and the order are public records available for inspection and copying in accordance with Iowa Code chapter 22. Copies may be published. Hearings shall be open to the public.

65.5(6) *Factors for board consideration.* The board may consider the following when determining the amount of civil penalty to impose, if any:

a. Whether the amount imposed will be a substantial economic deterrent to the violation.

b. The circumstances leading to or resulting in the violation.

c. The severity of the violation and the risk of harm to the public.

d. The economic benefits gained by the violator as a result of noncompliance.

e. The welfare or best interest of the public.

65.5(7) *Enforcement options.* In addition, or as an alternative, to the administrative process described in these rules, the board may seek an injunction in district court, refer the matter for criminal prosecution, or enter into a consent agreement as provided in Iowa Code chapter 157.

65.5(8) *Judicial review.*

a. A person aggrieved by the imposition of a civil penalty under this rule may seek a judicial review in accordance with Iowa Code section 17A.19.

b. The board shall notify the attorney general of the failure to pay a civil penalty within 30 days after entry of an order or within 10 days following final judgment in favor of the board if an order has been stayed pending appeal.

c. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs.

d. An action to enforce an order under this rule may be joined with an action for an injunction pursuant to Iowa Code section 147.83.