

This is an amendment to 16.34.8 NMAC, Sections 2, 8, and short-form amendment to Sections 13 and 15, effective 07/14/2018. In Section 13, Subsections B through D were not included as there were no changes in these subsections. In Section 15, Subsections A through H were not included as there were no changes in these subsections.

16.34.8.2 SCOPE: All barber, cosmetology, hairstylist, esthetician, manicurist/pedicurist, manicurist/esthetician, instructor, electrology schools and all students of barbering, cosmetology, hairstylist, esthetician, manicurist/pedicurist, manicurist/esthetician, instructor and electrology.
[16.34.8.2 NMAC - Rp 16 NMAC 34.8.2, 06/16/2001; A, 07/14/2018]

16.34.8.8 APPLICATION FOR OPENING, RELOCATING, CHANGING NAME OF A SCHOOL:

- A.** A school license is nontransferable.
- B.** A change of ownership or control is any action by which a person or corporation obtains authority to control the actions of an institution. These actions may include, but are not limited to:
- (1) the transfer of the controlling interest of stock of an institution to its parent corporation.
 - (2) the merger of two or more institutions;
 - (3) the division of an institution into two or more enterprises or establishments;
 - (4) the transfer of the assets or liabilities of an institution to its parent corporation;
 - (5) the acquisition by an individual of the controlling interest of an institution, whether a proprietorship, partnership or corporation;
 - (6) the sale of an institution; or
 - (7) the lease of or right to do business as an institution.
- C.** If ownership or legal control of a licensed school changes, the new owner, lessee or other legally responsible party must submit a new application and secure a new license from the board.
- D.** If legal control of a school does not change, but the organization of ownership does change (e.g. a sole proprietor becomes the sole stockholder of a corporation which owns the school), the board must receive notarized proof of such change within 30 days of such change.
- E.** A completed application to open, change ownership or relocate a school authorized under this act must be filed with the board. An application to open a school, change ownership or relocate or change the name of a school filed by a currently licensed school owner must be filed at least 15 days in advance of the expected date of change.
- (1) Applications must be on official forms approved by the board and must include the appropriate fee.
 - (2) Applicants to open, change ownership or relocate a school must demonstrate that the school is financially responsible and the school has sufficient resources to ensure against precipitous closure. Applicants shall provide at least the following information: evidence of ownership; corporate or business status; identity and address of owners, partners, shareholders, and directors; copies of articles of incorporation and by-laws, if applicable; evidence of financial responsibility, including compiled financial statement and balance sheet indicating assets and liabilities; a corporate surety bond or ~~bank letter of credit in the amount of five thousand dollars (\$5,000) to indemnify students for fees and tuition paid to a school if the school ceases operation~~ or terminates a program prior to the completion of a student's contract with the school; disclosure of the filing within the last seven years of bankruptcy of owner(s), partner(s), or director(s); and the identity of two business or financial references.
 - (3) An owner(s), partner(s), or director(s) of a school applicant must sign a release directed to financial institutions authorizing the disclosure of financial information and shall disclose loan history.
 - (4) An owner(s), partner(s), or director(s) of a school applicant will be required to disclose civil actions brought within 10 years of the date of the application against an owner(s), partner(s), or director(s) for or involving nonpayment of debt, fraud, or misrepresentation and the disposition of such action(s).
 - (5) An owner(s), partner(s), or director(s) of a school applicant will be required to disclose any arrest or conviction within the ten years of the date of the application for fraud, larceny, embezzlement, or any crime involving stealing, taking, theft, robbery, or unlawful appropriation of money or anything of value that belongs to another and the disposition of such action(s).

(6) A school is not financially responsible if an owner(s), partner(s), or director(s) is not making payments in accordance with an agreement, judgment, or debt obligation, or if an owner(s), partner(s), or director(s) has been convicted of felony involving a crime described in Paragraph 5 of Subsection E of 16.34.8.8 NMAC and that owner(s), partner(s), or director(s) is not sufficiently rehabilitated as provided in the Criminal Offender Employment Act, Section 28-2-1 through 28-2-6 NMSA 1978.

(7) In the case of a change of ownership of a school, the school establishment license of the prior owner does not expire for 30 days after the date of sale providing it is a current and valid license. In order to ensure continued training for students, the new owner may operate under the prior license until the earlier of the 30-day expiration date of the prior license or obtaining the new school establishment license.

(8) In case of a change of ownership of a school, the new school shall submit a student roster of all students enrolled at the time of the change which lists for each student the name, the date of birth, the social security number, course enrolled, the course beginning date and the student permit. The school shall submit the student roster to the board within 30 days of the change of ownership.

F. The application, if complete, may be administratively approved. A formal inspection of the establishment shall occur within 90 days of opening. Incomplete applications without proper and complete supporting documents will be returned.

G. When a school relocates within the state of New Mexico, the owner must complete a new application and obtain approval, including inspection from the board to operate the business at the new location, and pay the school relocation fee.

H. If any portion of the school is completely segregated from the primary area, a duplicate school license must be acquired and posted in the separate area. A duplicate license fee will be assessed. The school must also comply with 16.34.8.12 NMAC, expansion campus facility requirements.

I. All school licenses must be renewed on March 31 of each year. Any school that has not renewed by March 31 must reapply for licensure and meet all the current application requirements.

J. Each school licensed by the board shall post a current copy of the statutes and rules and regulations and the most recent inspection report in an area where clearly visible to the public.

K. Each school licensed by the board shall post an exterior sign which indicates the facility houses a school.

[16.34.8.8 NMAC - Rp 16 NMAC 34.8.8, 06/16/2001; A, 12/17/2015; A, 07/14/2018]

16.34.8.13 REGULATIONS CONCERNING STUDENTS:

A. Student registration

(1) When a school receives an application from a prospective student, it shall promptly notify the student of the registration requirements of the board.

(2) It shall constitute a violation of the rules, within the meaning of the act, for a school to engage in failure to transmit student registration documents and fees in a timely fashion to the board pursuant to Subsection G of 16.34.15.8 NMAC, wherein fines will be imposed.

(3) It shall be the responsibility of the prospective student to comply with the registration requirements by the first day he/she attends class for credit. Failure to do so may result in loss of hours earned prior to proper registration.

(4) No school shall allow a student to attend class for credit until the student has complied with the registration requirements:

(a) Applicants for the barber, cosmetology, hairstylist, manicure/pedicure, esthetician, electrologist, and manicure/esthetician courses must be at least sixteen years of age and have successfully completed two years of high school or the equivalent.

(b) Applicants for the instructor course must be at least 17 years of age and have successfully completed four years of high school or the equivalent.

(5) Acceptable proof of age and education requirements as follows:

(a) Proof of age includes a copy of a birth certificate, a driver's license or a state issued identification card, or a baptismal certificate.

(b) Proof of two years of secondary education includes a high school diploma, a G.E.D. certificate or transcript of G.E.D. test scores, a sealed letter from the high school attended, a copy of the high school transcript showing all required grades have been passed, a letter from the G.E.D. testing facility stating that the G.E.D. test has been passed, or any other test approved by the United States department of education for the purpose of determining an applicant's ability to benefit, providing that documentation of grade equivalency is established by the test publisher and the required grade level for the course of study has been achieved.

(c) The board, or its executive director, may accept as proof of secondary education the applicant's notarized statement that ~~he/she~~ the applicant has completed the required secondary education, but has been unable to obtain documentary proof of that from a foreign nation. A notarized statement will not be accepted for students who have completed the secondary education in the United States.

(6) Evidence of compliance with the foregoing requirements shall accompany the application for registration form provided by the board.

(7) Upon receipt of a complete student registration form and applicable fee, which shall be received in the board office within 15 days of the date of registration, the board office will then issue a student permit and a permit number. The student permit authorizes the holder to practice course related skills in an approved school on the public only after successful completion of fifteen percent of the program. In addition, the student permit also authorizes the student to participate in the student externship program pursuant to 16.34.8.17 NMAC of these rules. A photograph of the student (front view, head only, at least one and one-half inches by one and one-half inches) shall be attached to the permit. The permit shall be displayed in a binder in the school in which the student is enrolled and open to review by the state inspector or other board designee. Student permits are the property of the board and must be returned to the board by the school upon termination of the student's enrollment.

(8) If inspection of the student permits and school records determines that students are attending class without being properly registered with the board, the student may be denied the hours previously accrued and the school will be reported to the board for disciplinary action.

[16.34.8.13 NMAC - Rp 16 NMAC 34.8.13, 06/16/2001; A, 07/16/2004; A, 10/04/2007; A, 12/17/2015; A, 07/14/2018]

16.34.8.15 CURRICULUM:

I.	<u>Hairstylist curriculum - 1200-course hours or equivalent credit</u>
(1)	<u>THEORY: 75 hours or equivalent credit</u>
(a)	<u>limited to orientation;</u>
(b)	<u>state laws and regulations;</u>
(c)	<u>professional image;</u>
(d)	<u>first aid;</u>
(e)	<u>chemistry;</u>
(f)	<u>electricity;</u>
(g)	<u>job seeking; and</u>
(h)	<u>ethics</u>
(2)	<u>STERILIZATION, SANITATION, BACTERIOLOGY: 75 hours or equivalent credit</u>
(a)	<u>related theory and safety;</u>
(b)	<u>preparation, procedures and practice;</u>
(c)	<u>products, materials and implements;</u>
(d)	<u>public sanitation;</u>
(e)	<u>methods of sanitation and sterilization;</u>
(f)	<u>chemical agents;</u>
(g)	<u>types and classifications of bacteria;</u>
(h)	<u>bacterial growth;</u>
(i)	<u>infections; and</u>
(j)	<u>infection control and safety standards</u>
(3)	<u>SHAMPOO, RINSES, SCALP TREATMENTS: 75 hours or equivalent credit</u>
(a)	<u>related theory;</u>
(b)	<u>anatomy;</u>
(c)	<u>physiology;</u>
(d)	<u>preparation;</u>
(e)	<u>procedures and practice;</u>
(f)	<u>products, materials and implements;</u>

	<u>(g) hair analysis;</u>
	<u>(h) disorders of the hair and scalp;</u>
	<u>(i) hair and scalp treatments;</u>
	<u>(j) related chemistry; and</u>
	<u>(k) client record keeping and safety</u>
(4)	CHEMICAL REARRANGING - PERMS AND RELAXERS: 250 hours or equivalent credit
	<u>(a) related theory;</u>
	<u>(b) anatomy;</u>
	<u>(c) physiology;</u>
	<u>(d) preparation, procedures and practice;</u>
	<u>(e) products, materials and implements;</u>
	<u>(f) hair analysis and client consultation;</u>
	<u>(g) related chemistry; and</u>
	<u>(h) client record keeping and safety</u>
(5)	HAIRSTYLING: 150 hours or equivalent credit
	<u>(a) related theory;</u>
	<u>(b) anatomy;</u>
	<u>(c) physiology;</u>
	<u>(d) preparation, procedures and practice;</u>
	<u>(e) products, materials and implements;</u>
	<u>(f) hair analysis and client consultation;</u>
	<u>(g) related chemistry;</u>
	<u>(h) wet styling;</u>
	<u>(i) blow drying;</u>
	<u>(j) finger waving;</u>
	<u>(k) air waving;</u>
	<u>(l) hair pressing;</u>
	<u>(m) hair extensions;</u>
	<u>(n) hair weaving;</u>
	<u>(o) braiding;</u>
	<u>(p) corn rowing;</u>
	<u>(q) client consultation and recommendations;</u>
	<u>(r) client record keeping and safety; and</u>
	<u>(s) care of wigs and hair pieces</u>
(6)	HAIR COLORING - BLEACHING: 225 hours or equivalent credit
	<u>(a) related theory;</u>
	<u>(b) anatomy;</u>
	<u>(c) physiology;</u>
	<u>(d) preparation, procedures and practice;</u>
	<u>(e) products, materials and implements;</u>
	<u>(f) hair analysis and client consultation;</u>
	<u>(g) related chemistry;</u>
	<u>(h) temporary, semi-permanent, and permanent applications;</u>
	<u>(i) bleaching, tinting, toning, frosting, special effects and problems;</u>
	<u>(j) client consultation and recommendations; and</u>
	<u>(k) client record keeping and safety</u>
(7)	HAIR CUTTING: 225 hours or equivalent credit
	<u>(a) related theory;</u>
	<u>(b) anatomy;</u>
	<u>(c) physiology;</u>
	<u>(d) preparation, procedures, and practice;</u>
	<u>(e) use of scissors, shears, razor and clippers;</u>
	<u>(f) products, materials and implements;</u>
	<u>(g) client consultation and recommendations; and</u>
	<u>(h) client recordkeeping and safety</u>

- (8) REQUIRED HANDS-ON TRAINING: instructor approved procedures:**
- (a)** 75 ladies haircuts;
 - (b)** 25 mens haircuts;
 - (c)** 25 hairstylings;
 - (d)** 30 coloring;
 - (e)** chemical texturing;
 - (i)** seven permanent waving; and
 - (ii)** seven permanent relaxing
- (9) SALON BUSINESS, RETAIL SALES: 50 hours or equivalent credit**
- (a)** related theory;
 - (b)** opening a salon and business plan;
 - (c)** written agreements;
 - (d)** regulations and laws;
 - (e)** salon operation, policies, practices, personnel, compensation, payroll deductions;
 - (f)** use of telephone, advertising, retail and salesmanship, client communications, public relations, insurance; and
 - (g)** salon safety
- (10) MISCELLANEOUS: 75 hours or equivalent credit**
- (a)** to be applied by the Instructor to strengthen student performance in curriculum related areas; or
 - (b)** for supervised field trips and other course related training

[F.] J. Field trips: Students enrolled in an approved course of study are allowed to supplement their training through supervised field trips. Such trips and hours or equivalent credit accrued must be supervised and verified by a school official. Field trips, which include curriculum activities such as providing services to residents of nursing homes, must be supervised by a licensed instructor. Hours or equivalent credit accrued through field trips are recorded in the miscellaneous category. If a student is actually participating in a technical skills competition, the hours may be recorded in the applicable curriculum category.

[16.34.8.15 NMAC - Rp 16 NMAC 34.8.15, 06/16/2001; A, 12/17/2015; A, 07/14/2018]