



Secretary of State

Professional Licensing Boards Division
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Professional Licensing Division

THE GEORGIA STATE BOARD OF COSMETOLOGY

MARTHA HARRIS, CHAIRPERSON

JANUARY 24, 2006

TELECONFERENCE

2:00 P.M. MEETING CALLED TO ORDER

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT



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THE GEORGIA STATE BOARD OF COSMETOLOGY MARTHA HARRIS, CHAIRPERSON JANUARY 24, 2006

TELECONFERENCE SUMMARY

MARTHA HARRIS CALLED THE MEETING TO ORDER AT 2:10 PM.

OLD AND NEW BUSINESS WAS CONDUCTED.

THE MEETING ADJOURNED AT 3:45 PM.

A teleconference of the Georgia State Board of Cosmetology was conducted on Tuesday – January 24, 2006.

Those present participating:

From The Board

Martha Harris, Chairperson
Cynthia Stein
Wanda Brooks
Betty Carlisle
John Siggers
Don Westbrook

From The Administrative Staff

Eleanor Surrency, Executive Director
Don Munday, Deputy Division Director
Janet Jackson, Assistant Attorney General
Angela Price, Board Secretary

Martha Harris established a quorum and called the meeting to order at 2:10 pm.

Old Business

Eleanor Surrency reminded the Board that giving a zero (0) weight to the blow drying section of the examination would give the candidate an additional point toward passing the examination overall whereas candidate may have failed the examination in a more critical area such as chemical relaxing without the zero (0) weight given for the blow drying.

John Siggers moved, Betty Carlisle seconded, and the Board voted unanimously to give a zero (0) weight to the blow drying section of the master cosmetology examination.

Janet Jackson informed the Board of revisions that were necessary in order to proceed with plans for DL Roope Inc. to administer the cosmetology examinations.

John Siggers moved, Betty Carlisle seconded, and the Board voted unanimously, to post revisions to rules as follows:

130-2-.07 Application for Cosmetology License at the Master, Esthetician or Manicurist Nail Technician Level.

(1) Any person desiring to practice cosmetology at the master, esthetician or ~~manicurist~~ nail technician level in the State of Georgia, is required to make application for a license ~~by examination~~, using the form furnished by the Georgia State Board of Cosmetology and show by such application that applicant has met all the requirements of the law and the requirements of the Board. When such application is properly filled out and returned to the Board, it shall be accompanied by the following:

~~(a) an official certification showing the number of hours and courses completed as a student or apprentice;~~

1. If schooling or training was received out of the State of Georgia, certification from the state board of cosmetology, where schooling or training was received, is required.

~~2. Reading assistance will be furnished only to those applicants with reading disabilities. The disability must be confirmed by medical documentation or educational documentation by the appropriate educational counselor or advisor. The request for reading assistance must accompany the original application.~~

~~3. No foreign language translators will be allowed or furnished.~~

4. The student or apprentice taking the examination shall be required to pass the practical and written examination with a minimum score of 70% on each section. Failure to achieve a passing score requires the applicant to retake the section failed.

(b) required fee.

© any other information requested by the Board required for licensure by law or rule

Authority O.C.G.A. Sec. 43-10-9. **History.** Original Rule entitled “Application for Cosmetology License at the Master, Esthetician or Manicurist Level” adopted. F. Feb. 25, 1986; eff. Mar. 17, 1986.

130-6-.01 Applicants for Cosmetology License. Amended.

(1) An applicant for the cosmetology examination at the master, esthetician, or manicurist level will be issued a permit to practice the occupation of cosmetology at the appropriate level until the next examination which the applicant is eligible to take. Notice of eligibility will be sent by the Board **or the Board’s designated agent**, stating the date, time and place of examination. If the applicant fails the examination or fails to report to the examination upon notice, said permit will not be renewed, and no new permit issued; however, such person may qualify for examination again by submitting another examination fee.

(2) The Board may excuse an applicant from examination in an emergency situation. An emergency situation is defined as illness or death in applicant’s family. Only written excuses, with proof of emergency, will be considered by the Board; however, no permit to practice cosmetology will be renewed; and no new permit will be issued, should said excuse be approved. Any applicant receiving a notice of examination, who fails to report to the examination or submit a written excuse to the Board **or the Board’s designated agent**, within 10 days after date of examination, will be required to pay another examination fee before permitted to stand the examination.

Authority O.C.G.A. §§ **43-10-2 and 43-10-9.**

130-6-.02 Applicants for Teacher’s License. Amended.

(1) An applicant approved for the teacher’s examination and otherwise deemed qualified, will be excused in an emergency situation, from standing that examination only one time without payment of additional examination fee. In the event an applicant does not report to examination when first notified, after having been excused one time, the applicant’s application will be closed until submission of another examination fee. An emergency situation is defined as illness or death in applicant’s family.

(2) Only written excuses, with proof of emergency for failing to report to the teacher’s examination, will be accepted by the Board. Any applicant receiving a notice of teacher’s examination who fails to report to the examination or submit a written excuse to the Board **or the Board’s designated agent**, within 10 days after date of examination, will be required to pay another examination fee before being permitted to stand the examination.

| Authority O.C.G.A. §§ **43-10-2, 43-10-9, and 43-10-12.**

130-6-.03 Examinations.

(1) The board may designate an agent or agents for the purpose of administering examinations to applicants for licensure in accordance with the authority and powers granted to the board by statute. The designated agent may perform tasks pertaining to the examination of applicants including, but not limited to, receiving applications for examination, scheduling examinations, notifying applicants, and conducting examinations. All such tasks shall be identified in writing and performed only with the written approval of the board.

(2) The board, through its designated agent, will provide reasonable accommodations to a qualified applicant with a disability in accordance with the Americans with Disabilities Act. The request for such an accommodation must be in writing and received by the designated agent of the board by the application deadline accompanied with appropriate documentation as indicated in the Request for Disability Accommodation Guidelines.

- (3) The applicant taking the examination shall be required to pass the practical and written examination with a minimum score of 70% on each section. Failure to achieve a passing score requires the applicant to retake the section failed.
- (4) The examination will be in English. No foreign language translators will be allowed or furnished.
- (5) Authority O.C.G.A. §§43-10-2 and 43-10-9.

Wanda Brooks moved, Don Westbrook seconded, and the Board voted unanimously that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objective of **O.C.G.A. §43-10-1(4)(D), 43-10-2(2) and 43-20-9(a)** and that it is not legal or feasible to meet the objectives of **O.C.G.A. §43-10-1(4)(D), 43-10-2(2) and 43-20-9(a)** to adopt or implement differing actions for business as listed at **O.C.G.A. §50-13-4(3)(A), (B), (C), & (D)** and that the formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned, and operated in the field of Cosmetology, Nail Care, and Esthetics.

Janet Jackson informed the Board that language in the statute O.C.G.A. §43-10-9, paragraphs (a), (e) and (f) poses problems about the administration of the examinations. Additionally, Ms. Jackson recommended to the Board that language in the statute O.C.G.A. §43-10-2(c) may pose problems about administration of the examinations. Ms. Jackson informed the Board that after reviewing O.C.G.A. §43-10-7, 43-10-8, and 43-10-9(c), she concluded that DL Roope cannot issue a work permit for examination applicants that allow the applicants to perform cosmetology services. Only the Board may issue such a permit because the permit is a form of the certificate of registration that is required by law before practicing cosmetology.

Martha Harris was charged with writing a revision to the above statutes so that the Board can obtain support from Legislators to offer a bill immediately to repair the obstacles to the outsourcing process.

Martha Harris requested that Mr. Munday inform the Division Director that the assistance and support of the Secretary of State's resources to get the bill passed expeditiously is needed.

Martha Harris requested that Mr. Munday research emergency appropriations to facilitate the scheduled outsourcing of the cosmetology examinations.

The Board instructed Ms. Surrency to research the need to schedule more examinations at the Professional Licensing Boards exam facilities through March 2006.

The Board conceded that setting a date for the Professional Licensing Board to stop taking cosmetology examination applications, and approving a date for DL Roope Inc. to send letters to school owners for a scheduled meeting must be deferred until matters concerning the revision of statutes and rules is resolved.

No further business was conducted. The meeting was adjourned.

Martha Harris, Chairperson – The Georgia State Board of Cosmetology Date

Mollie Fleeman, Division Director – The Professional Licensing Boards Date

