

**State of California
Office of Administrative Law**

In re:
Board of Barbering and Cosmetology

Regulatory Action:

Title 16, California Code of Regulations

Amend sections: 910, 918, 919, 926, 941,
965.2, 971, 974.1, 974.2,
983, 984

**NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT**

**California Code of Regulations, Title 1,
Section 100**

OAL Matter Number: 2025-0404-01

OAL Matter Type: Nonsubstantive (N)

In this action without regulatory effect, the Board of Barbering and Cosmetology proposes to adopt gender neutral language and to update cross references.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: May 15, 2025



**Ashita Mohandas
Attorney**

For: Kenneth J. Pogue
Director

Original: Kristy Underwood, Executive
Officer

Copy: Noel Cassens

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

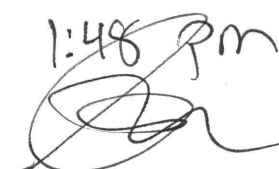
NONSUBSTANTIVE

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2025-0404-01N	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

MAY 15 2025

1:48 PM


AGENCY WITH RULEMAKING AUTHORITY
Board of Barbering and Cosmetology

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Technical Clean-Up		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT		
	AMEND		
	910, 918, 919, 926, 941, 965.2, 971, 974.1, 974.2, 983 and 984		
TITLE(S) 16	REPEAL		
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))			
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____			
<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) N/A			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Noel Cassens	TELEPHONE NUMBER (279) 236-2834	FAX NUMBER (Optional) (916) 928-6810	E-MAIL ADDRESS (Optional) noel.cassens@dca.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

4/3/25

TYPED NAME AND TITLE OF SIGNATORY

Kristy Underwood, Executive Officer

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 15 2025

Office of Administrative Law

**DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16, BOARD OF BARBERING AND COSMETOLOGY**

**PROPOSED REGULATORY LANGUAGE
Technical Clean-Up**

Legend: Deleted text is indicated by strikeout . Added text is indicated by <u>underline</u>

Amend sections 910, 918, 919, 926, 941, 965.2, 971, 974.1, 974.2, 983 and 984 of Division 9 of Title 16 of the California Code of Regulations to read as follows:

Article 2. Qualifications for Examination

§ 910. Out-of-State or Armed Services Applicants.

(a) An applicant who desires to establish eligibility for examination for a license in this state upon the basis of practice, study or training outside this state, or supplementary training in a licensed school in this state, or any combination thereof, shall furnish proof of their~~his or her~~ qualifications to the board as follows:

(1) An applicant who desires credit for practices in another state or country shall file with the board, on the form prescribed by it (Form #03E-145, Affidavit of Experience-Form C, Rev1/91), an affidavit from a disinterested person verifying such practice, together with an authenticated statement from the licensing agency in the state or country where such practice took place showing that the applicant was licensed to engage in such practice, if a license was required therefor.

(2) An applicant who has completed any number of hours of study and training in a school in another state or country, and who desires credit for such hours toward study and training in this state, shall file with the board, on the form prescribed by it (Form #03B-144, Out-of-State Beauty School Training Record-Form B, Rev. 8/94), an authenticated statement from the school or the training took place showing the number of hours of study and training completed in each subject and when such study and training occurred.

(3) An applicant who desires credit for supplementary training completed in a licensed school in this State shall file with the board an authenticated statement from such school showing the number of hours of such training successfully completed in each subject.

(b) An applicant for examination who is employed on a military reservation to practice any profession licensed under Chapter 10 of Division 3 of the Business and Professions Code must present an authenticated statement from the military reservation verifying the employment and may use the practice obtained to qualify for examination.

(c) An applicant for examination who has applicable education, training, or experience obtained in the United States armed services may submit ~~their~~^{his or her} Verification of Military Experience and Training (V-Met) records to the Board for evaluation, and the Board may use those records to qualify the applicant for examination.

NOTE: Authority cited: Section 7312, Business and Professions Code.
Reference: Sections 35, 7321, 7321.5, 7324, 7326, 7330, 7331 and 7337, Business and Professions Code.

Article 3. Apprenticeship

§ 918. Apprentice Trainers.

(a) No licensee shall train an apprentice unless ~~their~~^{his or her} license includes the scope of practice of the apprentice's license.

(b) A licensee is allowed to have under ~~their~~^{his or her} supervision a maximum of two apprentices at any given time.

NOTE: Authority cited: Section 7312, Business and Professions Code.
Reference: Sections 7332 and 7336, Business and Professions Code.

§ 919. Board Approved Trainers and Establishments.

(a) A licensee who wishes to train an apprentice shall obtain board approval before employing or training an apprentice. An establishment wishing to train an apprentice in multiple location establishments which are under common ownership may request to participate in multiple location training. Common ownership includes corporate chains, individually owned multiple establishments, and franchise groups or partnerships. Application for approval of trainers and establishments shall be made on a form provided by the board (Form #35A-03, Application for Licensure as a Licensed Apprentice and for Approval of Trainers and Establishments, Rev. 5/94).

(1) Establishments participating in training an apprentice in multiple locations under common ownership shall provide as part of the application process, a

list of the establishment names, locations, board issued license numbers, names of officers and or owners.

(b) Qualifications for apprentice trainer approval:

- (1) Licensee shall possess a current, valid license issued by the board.
- (2) Licensee shall have no disciplinary actions pending against ~~them~~him/her nor be on probation resulting from a board disciplinary action nor have completed probation resulting from past disciplinary action within the two-year period immediately preceding ~~their~~his or her application to serve as an apprentice trainer.
- (3) Licensee is not subject to denial pursuant to Section 480.
- (4) The licensee has no unpaid fine issued pursuant to Article 12 of Chapter 10 of Division 3 of the Business and Professions Code.

(c) No apprentice shall work or train in an establishment until it has been approved by the board. Application for establishment approval shall be made on the same form specified in subdivision (a).

(d) Qualifications for establishment approval are:

- (1) Establishment shall possess a current, valid license issued by the board.
- (2) Establishment shall have no disciplinary actions pending against it nor be on probation resulting from a board disciplinary action nor have completed probation resulting from past disciplinary action within the two-year period immediately preceding its application for establishment approval.
- (3) Is not subject to denial pursuant to Section 480.
- (4) The licensee has no unpaid fine issued pursuant to Article 12 of Chapter 10 of Division 3 of the Business and Professions Code.
- (5) If the establishment is participating to train an apprentice in multiple locations under common ownership, there shall be an agreement between the establishments to employ the apprentice.

(e) The board shall inform every person applying for approval to act as an apprentice trainer or an apprentice establishment in writing, within ten (10) days of receipt of the application (Form #35A-03, Application for Licensure as a Licensed Apprentice and for Approval of Trainers and Establishments, Revised

5/94), whether the application is complete or deficient and what specific information is required.

(1) When the information for a deficient application is returned to the board, the board shall decide within five (5) days of receipt whether the application is complete.

(2) If the application remains deficient, the board shall inform the applicant in writing, within five (5) days of receipt, of what specific information is required.

(f) The board shall notify the applicant, in writing, within thirty-five (35) days after the completed application has been received, whether the applicant meets the requirements for approval.

(g) The minimum, median and maximum times for processing a request for approval, from the time of receipt of the application until the Board of Barbering and Cosmetology decided to issue the license based upon actual performance of the board during the two years preceding the proposal of this section, were as follows:

(1) Minimum: 1 day

(2) Median: 15 days

(3) Maximum: 48 days

NOTE: Authority cited: Section 7312, Business and Professions Code.
Reference: Sections 7332, 7333, 7334 and 7336, Business and Professions Code.

§ 926. Apprenticeship Credit for Prior Training.

(a) An apprentice who desires to establish eligibility for examination pursuant to Sections 7321 through 7330 of the Business and Professions Code for a license in this state based in part on training received in a prior California apprenticeship program shall furnish proof of their~~his or her~~ qualifications as follows:

(1) The prior training must have taken place in an apprenticeship program approved by the board.

(2) The prior training must have taken place within three years immediately preceding re-enrollment in an apprenticeship program approved by the board.

(3) A valid Certificate of Completion or Discontinuance signed by the apprentice, trainer, school representative and program sponsor must be presented to the enrolling program sponsor before prior credit can be granted.

(4) Upon completion of the thirty-two hundred (3,200) hour apprenticeship training course, a valid Certificate of Completion or Discontinuance for each enrollment period must accompany the application for examination.

(b) An apprentice must leave the approved program in good standing to obtain credit for the training received. Good standing is defined as:

(1) Has not been terminated from employment for inappropriate activity.

(2) Has returned the apprentice license to the program sponsor for forwarding to the board.

(3) Has attended related and supplemental training classes pursuant to section 915 CCR.

NOTE: Authority cited: Section 7312, Business and Professions Code.

Reference: Sections 7333, 7334 and 7345, Business and Professions Code.

Article 6. Schools

§ 941. Approval of Schools.

(a) To obtain board approval, a private postsecondary school shall submit to the board a request for approval that shall consist of the following:

(1) A document, signed by the owner or owners of the school and certified under penalty of perjury, stating that the school will provide a course of instruction approved by the board and, for cosmetology schools, that all requirements of section 7362.1 of the Business and Professions Code relative to school approval have been met.

(2) A copy of the valid, current Institutional Approval to Operate Certificate issued to the school by the Bureau for Private Postsecondary and Vocational Education.

(b) Within ten working days after receipt of the request for approval as specified in subdivision (a), the board shall notify the school in writing that either the approval is granted or that the request for approval is deficient and what information is required to make the request for approval complete.

(c) The provisions of subdivision (a) must be met for all new schools and schools that have changed ownership or location.

(d) If an approved school no longer meets the requirements of sections 7362 or 7362.1 of the Business and Professions Code, it must notify the board in writing within seven calendar days of what provisions it does not meet.

NOTE: Authority cited: Section 7312, Business and Professions Code.
Reference: Sections 7362 and 7362.1, Business and Professions Code.

Article 9. Licenses

§ 965.2. Personal Service Permit.

(a) The Board shall issue a personal service permit (PSP) authorizing the holder of the permit to perform certain barbering and cosmetology services outside of a licensed establishment if the following conditions are met:

(1) The applicant is licensed by the Board and has held a valid license for a minimum of two consecutive years, or has been licensed in another state and is eligible for licensure pursuant to section 7331 of the Business and Professions Code, as a barber, cosmetologist, esthetician, or manicurist, and is not subject to denial pursuant to Business and Professions Code section 480.

(2) The applicant submits via Live Scan a full and complete set of ~~their~~^{his or her} fingerprints for use in conducting a criminal background check through the California Department of Justice. Applicants may be denied a PSP on any applicable ground(s) set forth in Business and Professions Code section 475.

(3) The applicant pays an application fee to the Board as provided in Section 998 of these regulations.

(4) The applicant provides proof of current liability insurance in a minimum amount of \$1,000,000.

(b) A PSP holder shall maintain liability insurance in a minimum amount of \$1,000,000, and present proof of liability insurance to the Board or its representatives upon demand with reasonable notice.

(c) The services that may be performed outside of a licensed establishment by a licensed barber who holds a PSP are as follows:

(1) Shampooing;

(2) Cutting, styling, dressing, arranging, curling and waving hair. These authorized services do not include singeing, relaxing, chemically waving, or dyeing the hair.

(3) Applying hair tonics;

(4) Applying powders, clays, antiseptics, and oils to the scalp, face or neck;

(5) Trimming the beard.

(d) The services that may be performed outside of a licensed establishment by a licensed cosmetologist who holds a PSP are as follows:

(1) Shampooing;

(2) Cutting, styling, dressing, arranging, curling and waving hair. These authorized services do not include singeing, relaxing, chemically waving, or dyeing the hair.

(3) Applying hair tonics;

(4) Applying powders, clays and oils to the scalp, face or neck;

(5) Cleaning, massaging, or stimulating the face and neck by means of the hands with the use of cleansing agents. Antiseptics, tonics, lotions, or creams. This does not include chemical exfoliation or exfoliation with the use of a tool, machine or device;

(6) Removing hair from the body of any person with tweezers;

(7) Applying make-up or strip lashes;

(8) Buffing and filing nails with non-electrical tools;

(9) Applying and removing nail polish.

(e) The services that may be performed outside of a licensed establishment by a licensed esthetician who holds a PSP are as follows:

(1) Cleaning, massaging, or stimulating the face and neck by means of the hands with the use of cleansing agents, antiseptics, tonics, lotions, or creams.

This does not include chemical exfoliation or exfoliation with the use of a tool, machine or device;

(2) Applying make-up or strip lashes;

(3) Removing hair from the body of any person with tweezers.

(f) The services that may be performed outside of a licensed establishment by a licensed manicurist who holds a PSP are as follows:

(1) Filing and buffing of nails by non-electrical tools;

(2) Applying and removing nail polish.

(g) A PSP holder should use disposable tools whenever possible.

(h) A PSP holder shall follow all laws, rules and regulations applicable to the services rendered, including but not limited to local laws and regulations.

(i) Upon completion of services outside of a licensed establishment, the holder of a PSP shall:

(1) Provide the consumer with a Personal Service Permit Consumer Notice (BBC-PSP (2020)), which is hereby incorporated by reference.

(2) Obtain a signed and dated receipt from the consumer that contains the following information:

A. The consumer's acknowledgement of receipt of the Personal Service Permit Consumer Notice;

B. The consumer's name;

C. The consumer's phone number;

D. The consumer's email address, if available

E. A list of all services rendered to the consumer.

(3) Provide a copy of the receipt to the consumer.

(4) Present a copy of the receipt upon demand with reasonable notice to the Board or its representatives and keep the receipt on file for a period of five (5) years from the date of the service. Failure to present the receipt of Consumer

Notice to the Board or its representatives is grounds for discipline. The notice and receipt requirements in this section may be satisfied electronically.

NOTE: Authority cited: Sections 7312 and 7402.5, Business and Professions Code. Reference: Sections 7312 and 7402.5, Business and Professions Code.

Article 10. Disciplinary Proceedings

§ 971. Criteria for Rehabilitation

(a) Denial of a license.

(1) When considering the denial of a license pursuant to section 480, 7362, 7403, or 7405 of the Business and Professions Code or a section of the Barbering and Cosmetology Act (Chapter 10 (commencing with Section 7301) of Division 3 of the Business and Professions Code) citing Section 480 of the Business and Professions Code as providing grounds for denial of licensure on the ground that the applicant has been convicted of a crime, the board shall consider whether the applicant made a showing of rehabilitation, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria:

(A) The nature and gravity of the crime(s).

(B) The length(s) of the applicable parole or probation period(s).

(C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(D) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(2) If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the applicant did not make the showing of rehabilitation based on the criteria in paragraph (1), the denial is based on professional misconduct, or the denial is based on one or more of the grounds other than a criminal conviction that are specified in Section 7362~~(e)~~(b) or 7403 of the Business and Professions Code, the board shall apply the following criteria in evaluating an applicant's rehabilitation:

(A) The nature and the gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

(B) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

(C) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subparagraph (A) or (B).

(D) Whether the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.

(E) The criteria in subparagraph (1)(A)-(E), as applicable.

(F) Evidence, if any, or rehabilitation submitted by the applicant.

(b) Suspension or revocation of a license.

(1) When considering the suspension or revocation of a license under Section 490, 7362, 7403, 7404, or 7405 of the Business and Professions Code on the ground that the licensee has been convicted of a crime, the board shall consider whether the licensee made a showing of rehabilitation, if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria:

(A) The nature and gravity of the crime(s).

(B) The length(s) of the applicable parole or probation period(s).

(C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(D) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.

(E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(2) If the licensee has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the licensee did not make the showing of rehabilitation based on the criteria in paragraph (1), the suspension or revocation is based on acts underlying a disciplinary action as described in Section 141 of the Business and Professions Code, or the suspension or revocation is based on one or more of the grounds other than a

criminal conviction that are specified in Section 7362(e)(b), 7403, or 7404 of the Business and Professions Code, the board shall apply the following criteria in evaluating the licensee's rehabilitation:

(A) The nature and gravity of the act(s), disciplinary action(s), or crime(s) under consideration as grounds for suspension or revocation.

(B) Evidence of any act(s), disciplinary action(s), or crime(s) committed subsequent to the act(s), disciplinary action(s), or crime(s) under consideration as grounds for suspension or revocation.

(C) The time that has elapsed since commission of the act(s), disciplinary action(s), or crime(s) referred to in subparagraphs (A) or (B).

(D) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(E) The criteria in paragraph (1)(A)-(E), as applicable.

(F) Evidence, if any, or rehabilitation submitted by the licensee.

(c) When considering a petition for reinstatement of a license, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subdivision (b).

Note: Authority cited: Sections 481, 482 and 7312, Business and Professions Code. Reference: Sections 141, 475, 480, 481, 482, 488, 490, 493, 7347, 7355, 7362, 7403, 7404 and 7405, Business and Professions Code.

Article 11. Administrative Fines and Citations

§ 974.1. Disciplinary Review Committee.

(a) The disciplinary review committee of the Board shall be composed of three (3) members of the board.

(b) The board president, in the board president's~~his or her~~ discretion, may appoint multiple disciplinary review committees.

(c) The board president shall annually appoint members of the disciplinary review committee; the appointment will be made concurrently with the annual election of the Board President.

(d) The board president shall select the dates and locations of the informal citation review hearings held before the disciplinary review committee.

NOTE: Authority cited: Sections 7312 and 7410, Business and Professions Code. Reference: Section 7410, Business and Professions Code.

§ 974.2. Appeal to Disciplinary Review Committee.

(a) In addition to requesting a hearing provided for in Section 7411 of the Business and Professions Code, the cited person may within thirty (30) days of the date the notice of violation or citation was issued, notify the Board in writing of ~~their~~his or her request for an informal citation review hearing before the disciplinary review committee.

(b) Upon receipt of a timely written request, the board staff shall schedule the cited person for the next hearing to be held in the general vicinity of the cited person's address of record and which is at least forty-five (45) days after the board's receipt of the request for the hearing. The board staff shall, at least thirty (30) days before the date of the hearing, mail written notice to the cited person of the date, time, and location of the hearing.

(c) The cited person shall appear and may bring legal counsel or an authorized representative to the hearing and may present written information and/or oral testimony to the disciplinary review committee.

(d) The cited person may contest or appeal any of the following aspects of the citation or notice of violation:

- (1) The occurrence of a violation of the Barbering and Cosmetology Act or the regulations adopted by the board;
- (2) The period of time for correction, if any; and/or
- (3) The amount of the fine.

(e) At the conclusion of the informal citation review hearing, the disciplinary review committee may elect to continue the hearing or to hold the record open for the cited person to present additional information to the committee. If the disciplinary review committee elects to continue the hearing, it will be continued until the next scheduled hearing to be held in the general vicinity of the cited person's address of record. Board staff shall give notice to the cited person of the date, time, and location of the continued hearing in accordance with subsection (b). If the disciplinary review committee elects to hold the record open for submission of additional written information, the cited person must provide the additional written information to the same disciplinary review committee prior to

its next scheduled meeting, and the committee shall close the record and consider the matter at its next scheduled meeting.

(f) The disciplinary review committee may affirm, modify or dismiss the citation, including any fine. In no event shall the violations recorded on the citation or notice of violation or the administrative fines be increased. The disciplinary review committee may consider the history of previous violations of the same or similar nature in determining its decision in the matter. A written decision based on findings of fact shall be mailed to the cited person and ~~their~~^{his or her} legal counsel, if any, within thirty (30) days from the date of the informal citation review hearing. The effective date of the decision shall be thirty (30) days after it is mailed to the cited person, and the effective date shall be written in the decision. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied.

(g) If the cited person fails to appear at the informal citation review hearing and fails to show good cause, as defined in Section 975 for the failure to appear, the administrative fine shall become final and there shall be no administrative appeal except as otherwise provided by law.

(h) If the disciplinary review committee affirms or modifies the citation or notice of violation, including any fine, the cited person may, prior to the effective date of the decision of the disciplinary review committee, request in writing a hearing before an administrative law judge pursuant to section 7411 of the Business and Professions Code. If the disciplinary review committee dismisses the citation or notice of violation in its entirety, any request for a hearing before an administrative law judge shall be deemed to be withdrawn.

Note: Authority cited: Section 7312, Business and Professions Code.

Reference: Sections 7410, ~~7412~~ and 7413, Business and Professions Code.

Article 12. Health and Safety

§ 983. Personal Cleanliness.

(a) The attire of a licensee or student serving a client shall at all times be clean.

(b) Every licensee or student performing services shall thoroughly wash ~~their~~^{his or her} hands with soap and water or any equally effective alcohol-based hand-cleaning product immediately before serving each client.

NOTE: Authority cited: Section 7312, Business and Professions Code.
Reference: Section 7312(e), Business and Professions Code.

§ 984. Disease and Infestation.

(a) No establishment or school shall knowingly permit a licensee or student afflicted with an infection or parasitic infestation capable of being transmitted to a client to serve clients or train in the establishment or school.

(b) No establishment or school shall knowingly require or permit a licensee or student to work upon a client with an infection or parasitic infestation capable of being transmitted to the licensee or student.

(c) Infections or parasitic infestation capable of being transmitted between licensee or student and client include, but are not limited to, the following:

- Cold, influenza or other respiratory illness accompanied by a fever, until 24 hours after resolution of the fever.
- Streptococcal pharyngitis ("Strep throat"), until 24 hours after treatment has been initiated, and 24 hours after resolution of fever.
- Purulent conjunctivitis ("pink eye"), until examined by a physician or other licensed clinician and approved for return to work.
- Pertussis ("whooping cough"), until five days of antibiotic therapy has been completed.
- Varicella ("chicken pox"), until the sixth day after onset of rash or sooner if all lesions have dried and crusted.
- Mumps, until nine days after onset of parotid gland swelling.
- Tuberculosis, until a local health department authority states that the individual is noninfectious.
- Impetigo (bacterial skin infection), until 24 hours after treatment has begun.
- Pediculosis (head lice), until the morning after first treatment.
- Scabies ("crabs"), until after treatment has been completed.

(d) Blood-borne diseases, such as HIV/AIDS and hepatitis B (HBV), shall not be considered infectious or communicable diseases for the purpose of this section.

(e) No person working or training in an establishment or school shall perform services upon a surface of the skin or scalp where such skin is inflamed, or broken (e.g., abraded, cut) or where a skin infection or eruption is present; nor shall a person working or training in an establishment or school perform services if the skin of ~~their~~^{his or her} hands is inflamed, or broken, or where a skin infection or eruption is present, without wearing gloves.

NOTE: Authority cited: Section 7312, Business and Professions Code.
Reference: Section 7312(e), Business and Professions Code; and Section 121365, Health and Safety Code.