

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE
CHAPTER 34 SANITATION AND SAFETY RELATING TO NAIL TECHNOLOGY SERVICES

TABLE OF CONTENTS

SUBJECT	<u>CODE SECTION</u>	<u>PAGE</u>
Scope and Authority	34-001	1
Definitions	34-002	1
Documents Posted	34-003	2
Personal Cleanliness	34-004	2
Physical Structure	34-005	2
Ventilation	34-006	3
Water	34-007	3
Safety	34-008	3
Restroom Facilities	34-009	4
Hand Washing Facilities	34-010	4
Laundry Facilities	34-011	4
Nail Technology Tables and Chairs	34-012	4
Storage	34-013	4
Material Safety Data Sheet (MSDS)	34-014	5
Towels	34-015	5
Products	34-016	6
Supplies and Materials	34-017	6
Implements and Nail Drill Bits	34-018	7
Methods of Disinfection	34-019	7
Disinfectant Solution Storage and Cleanliness	34-020	8
Disinfecting Electrical Appliances	34-021	8
Infectious Disease	34-022	9
Blood Spill Procedures	34-023	9
Home Services Kits	34-024	10
Student Kits	34-025	10
Implements, Supplies, Products, or Activities That Are Not Allowed	34-026	10
Compliance	34-027	11

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 34 SANITATION AND SAFETY RELATING TO NAIL TECHNOLOGY SERVICES

34-001 Scope and Authority: These regulations apply to the safe practice of nail technology by cosmetologists, nail technicians, and students within cosmetology and nail technology establishments as defined in Neb. Rev. Stat. §§ 71-340 through 71-3,238. In order to be properly credentialed with the Department of Health and Human Services Regulation and Licensure, the owners of establishments, cosmetologists, nail technicians, and students must comply with these regulations.

34-002 Definitions

Closed/covered receptacle, container, bottles, and/or drawer means fitting tightly with a lid, door, or shutting of a drawer and may have vents.

Conspicuous place means reception area, clinical area or any area where visible and accessible to the public.

Disinfectant means an EPA-registered hospital grade disinfectant that is proven effective against HIV-1, Hepatitis B, or Tuberculocidal, used in accordance with the manufacturer's instructions for mixing and immersion.

Disinfection means cleansing to remove agents of infection, disease or infestation by insects or vermin and soil, dust, or foreign material.

Dry-use implements means a tool that melts when wet, for example wood or cardboard.

Enclosed container, drawer, and/or cabinet means fitting tightly with a lid, door, or shutting of a drawer and does not have vents.

Equipment means those items needed to operate an establishment which are usually considered stationary, for example, waiting chairs, nail technology client chairs, cabinets, sinks, nail technology tables and stools.

Establishment means a cosmetology establishment that includes a cosmetology salon, apprentice salon, or school of cosmetology and any nail technology establishment that includes a nail technology salon or nail technology school.

EPA means the United States Environmental Protection Agency.

Implement means nail file, nail nipper, cuticle pusher, nail clipper, artificial nail tip cutter, nail drill bit, or other similar items.

MMA means methyl methacrylate monomers.

Nail technology student means a person engaged in the study of the practices of nail technology under the supervision of a nail technology instructor in a nail technology school.

Station means a nail table, client chair, and licensee chair.

Student means a person registered under the Nebraska Cosmetology Act to engage in the study of any or all of the practices of cosmetology or esthetics under the supervision of an instructor or esthetics instructor in a school of cosmetology or school of esthetics.

Supplies/materials means cotton balls/cotton pads, manicure brushes, product application brushes, orangewood sticks, or other similar items.

Washable implement means a tool that is sanitizable or disinfectable, such as one made of mylar, plastic, metal, or cloth.

Wet-sanitizer means a closed receptacle which holds the disinfectant solution.

34-003 Documents Posted: The owner must ensure that the following documents are posted in each establishment, in a conspicuous place:

1. A copy of the regulations governing sanitation and safety, for the information and guidance of all persons employed or studying therein and for the general public;
2. The most recent rating sheet, for the information of the general public, students, and employees; and
3. The most current licensure renewal card for each person practicing within the establishment, for public viewing (photocopies are not acceptable).

34-004 Personal Cleanliness: The owner must ensure that the following procedures for personal cleanliness are observed in the establishment.

34-004.01 Attire: Every cosmetologist, nail technician, and student, while engaged in serving students or the public must be clean in person and in attire, and free from any communicable disease, which may be communicated in the usual course of practice.

34-004.02 Licensee Hand Cleanliness: Every cosmetologist, nail technician, and student must:

1. Wash his/her hands thoroughly with liquid soap and water or an instant hand sanitizer, before serving each client;
2. Change gloves upon contamination; and
3. Use gloves that are free of tears or holes.

34-004.03 Client Hand Cleanliness: Every client must thoroughly wash his/her hands with liquid soap and water or an instant hand sanitizer at the establishment, before receiving nail technology services.

34-005 Physical Structure: The owner must ensure that the establishment is well lighted, well

ventilated and kept in a clean, orderly, sanitary condition at all times.

34-006 Ventilation: The owner must ensure that a consistent fresh air supply is provided to the establishment. S/he may do so by using one or more of the following:

1. A ventilation system which is in good, working condition; or
2. A furnace or air conditioner in which:
 - a. The air distribution system filters are cleaned or replaced annually or more often if needed to avoid restriction of airflow; and
 - b. The furnace fan setting is placed on "continuous" or "on" setting at all times the salon is occupied to ensure fresh air is coming into the salon;
3. Open windows/doors and a fan to provide and circulate fresh outside air; or
4. Portable fans and ceiling fans, which are clean and have no worn or bare wiring and are operated in a safe manner.

34-007 Water

34.007.01 The owner must ensure that the establishment has a supply of hot and cold running water in sufficient quantities to conduct the establishment in a sanitary manner, specifically that:

1. In cities or villages in which an authorized public water supply is available, the establishment must be connected to the public water supply; and
2. Hot water tanks and receptacles must have a capacity of ten gallons or more.

34-007.02 The owner must ensure that wastewater is disposed of through a system that carries it away from buildings and is either:

1. A public sewer connection; or
2. A private disposal system that complies with state law, city or village ordinances, and local health authority requirements.

34-008 Safety: The owner must maintain the establishment in a safe condition. S/he must ensure that:

1. Floors, floor coverings, walls, woodwork, ceilings, furniture, fixtures and equipment are clean and in good repair;
2. Floors are free of unsafe objects and slippery or uneven surfaces;
3. Doors, stairways, passageways, aisles or other means of exit provide safe and adequate access;
4. Electrical appliances or apparatus are clean and have no worn or bare wiring to avoid fires, shocks, and electrocution; and
5. Water or product spills on the floor are removed immediately and floor dried to avoid falls.

34-009 Restroom Facilities: The owner must keep restrooms clean, orderly, and sanitary at all times.

34-009.01 The owner must ensure that:

1. Chemicals are not stored in the restroom, except in a locked cabinet;
2. The following are available at all times:
 - a. Suitable holders for toilet paper;
 - b. An adequate supply of toilet paper;
 - c. A clean waste receptacle;
 - d. Hot and cold running water;
 - e. Liquid soap;
 - f. Single-use disposable towels; and
 - g. Appropriate, clean towel holders.

34-010 Hand Washing Facilities: The owner must ensure that hand washing facilities are located within the establishment (except those licensed on or before January 31, 2000). Hand washing facilities must be clean and safe and have:

1. Hot and cold running water;
2. Clean cloth or disposable towels;
3. Suitable, clean towel holders;
4. Liquid soap; and
5. A clean waste receptacle.

34-011 Laundry Facilities: If the establishment has a laundry facility, the owner must ensure that:

1. It is clean, including the washer and dryer;
2. It has a closed receptacle in which to store soiled towels; and
3. The equipment is used for the establishment laundry only, not personal items.

34-012 Nail Technology Tables and Chairs

34-012.01 The owner must ensure that all tables and chairs are in good repair and in a sanitary condition at all times.

34-012.02 Cosmetologists, nail technicians, and students must disinfect table tops immediately following each client.

34-013 Storage: The owner must ensure that storage within the establishment meets the following requirements. Cosmetologists, nail technicians, and students must comply with the following requirements.

1. Flammable and combustible chemicals are stored away from potential sources of ignition such as an open flame or an electrical device;
2. All nail care chemicals are stored in closed bottles or containers;

3. No nail care chemicals are stored:
 - a. Where food is kept; or
 - b. In the restroom, unless in a locked cabinet;
4. Storage units:
 - a. Cabinets, drawers, containers used for storage of implements and towels are clean;
 - b. Clean linen is stored in an enclosed, dust-proof cabinet or container;
 - c. Implements which have been used on a client are not placed in a container with clean implements;
5. Supplies:
 - a. Unused supplies, except product application brushes, are stored in a clean, closed container or drawer;
 - b. Used/soiled disposable supplies are discarded immediately in a clean, closed waste receptacle;
6. Implement Storage:
 - a. Implements that have been used on a client or soiled in any manner are placed in a properly labeled covered receptacle until disinfected;
 - b. Sanitized implements are stored in a clean closed container or drawer until used;
7. Individual Client Containers: Individual containers made of paper, cardboard, or plastic may be used to store implements or supplies used only by one client.
 - a. The container must identify the client by name; and
 - b. The individual client's files and orangewood sticks must be sanitized using the method outlined in 172 NAC 34-019.02 before storage.

34-014 Material Safety Data Sheet (MSDS): The owner must ensure that an MSDS for every product pertaining to nail technology client services is accessible at all times, to all employees.

34-015 Towels: The owner must ensure that the use of towels in the establishment meets the following requirements. Cosmetologists, nail technicians, and students must comply with the following requirements.

34-015.01 Used/Soiled Towel Storage:

1. Cloth towels are deposited in a closed receptacle after use;
2. Used/soiled cloth towels are not used again until properly laundered and sanitized;
3. Disposable towels are discarded in a covered waste receptacle immediately following each nail technology service;

34-015.02 Laundry: Cloth towels are laundered either:

1. By regular commercial laundering; or
2. By a noncommercial laundering process which includes immersion in water at 140 degrees Fahrenheit for not less than fifteen minutes during the washing or rinsing operation;

34-015.03 Clean Towel Storage: All clean towels are stored in a clean, enclosed, dust-proof cabinet or container until used.

34-016 Products: The owner must ensure that the use of products in the establishment meets the following requirements. Cosmetologists, nail technicians, and students must comply with the following requirements.

1. No product containing MMA is used in the establishment;
2. All liquids, creams, and other products are kept in clean, closed containers;
3. Original product bottles and containers have an original manufacturer label that discloses their contents;
4. When only a portion of the product, except for nail polish, is to be used on a client, the product is removed from the container by a spatula, scoop, spoon, or dropper so that the remaining product is not contaminated;
5. If a product is poured into another container, such as a shaker, dispenser pump container, or spray container, the container is labeled to identify the product. Dappen dishes do not need labeling; and
6. Oils, lotions, liquids, creams, and similar products, are dispensed by pump, squirt bottle, or dropper.

34-017 Supplies and Materials: The owner must ensure that the use of supplies and materials in the establishment meets the following requirements. Cosmetologists, nail technicians, and students must comply with the following requirements.

1. Washable and disinfectable hand or nail dusters, such as plastic or nylon, may be used;
2. No non-washable or non-disinfectable hand or nail dusters, such as sable or fabric, are used;
3. No chamois buffers are used;
4. Manicure brushes must be disinfected after each use;
5. Client hand supports have plastic or vinyl coverings;
6. Supplies and implements which come in direct contact with a client and cannot be disinfected, such as cotton pads, cotton balls, orangewood sticks, "Q-tips", and other similar items, are disposed of in a covered waste receptacle, with a plastic liner, immediately after use;
7. A wet sanitizer(s) must be available for sanitizing implements;
8. A covered waste receptacle, with a plastic liner, is located at each station; and
9. Product application brushes are clean.

34-018 Implements and Nail Drill Bits: The owner must ensure that the use of implements and nail drill bits in the establishment meets the following requirements. Cosmetologists, nail technicians, and students must comply with the following requirements.

34-018.01 Dry-Use Implements

34-018.01A Dry use implements and nail drill disposable bands are discarded in a closed waste receptacle immediately after use.

34-018.01B Exception: Reuse of a File on the Same Client: If the file is to be reused on the same client, the cosmetologist, nail technician, or student:

1. May keep the file in a container labeled with the client's name; and
2. If the file is kept, must disinfect the file as described in 172 NAC 34-019.02.

34-018.02 Washable files and nail drill bits are disinfected as described in 172 NAC 34-019.01.

34-018.03 No coarse nail drill bands are used.

34-019 Methods of Disinfection: The owner must ensure that all implements are disinfected before use on a client, by using the following procedures. Cosmetologists, nail technicians, and students must comply with the following requirements.

34-019.01 Immersion or Spray Implement Disinfection

1. Remove foreign matter;
2. Wash hands with liquid soap and water or an instant hand sanitizer;
3. Select and use either immersion or spray method:
 - a. Immersion method: Place the implement in an EPA-registered hospital grade disinfectant:
 - (1) The disinfectant must be proven effective against HIV-1, Hepatitis B, or Tuberculocidal;
 - (2) The disinfectant solution must be deep enough to cover implements totally; and
 - (3) The implements must stay in the disinfectant solution for ten minutes or more;
 - b. Spray method: Spray the implement until it is totally saturated with an EPA-registered disinfectant that is proven effective against HIV-1, Hepatitis B, or Tuberculocidal;
4. Before removing the sanitized implement(s), wash hands with liquid soap and water or an instant hand sanitizer;
5. Air-dry on a sanitary surface, dry with a clean sanitized towel, or dry with an electric air sanitizer; and
6. Store in a clean enclosed cabinet or covered container reserved for clean implements.

34-019.02 Disinfection of Files Used Repeatedly on the Same Client:

1. Remove foreign matter;
2. Spray with disinfectant solution;
3. Air dry on a sanitary surface or dry with a clean sanitized towel;
4. Store in individual clean client containers; and
5. Re-use files no more than five times.

34-019.03 Disinfection of Metal Implements: All metal implements must be immersed in a disinfectant following the procedures in 172 NAC 34-019.01 except that artificial nail tip cutters may be sprayed with disinfectant.

34-020 Disinfectant Solution Storage and Cleanliness: The owner must ensure that the use of disinfectant solution in the establishment meets the following requirements. Cosmetologists, nail technicians, and students must comply with the following requirements.

1. The disinfectant solution remains covered at all times;
2. The disinfectant solution is changed whenever visibly cloudy or dirty but no less often than once a week; and
3. Follow manufacturer's directions for mixing.

34-021 Disinfecting Electrical Implements: The owner must ensure that the use and sanitation of electrical implements such as, drills, airbrush machines, polish dryers, gel lights, footbaths/footspas, paraffin wax machines meets the following specifications. Cosmetologist, nail technicians, and students must comply with the following requirements.

34-021.01 Electrical implements have no bare or worn wires.

34-021.02 Electrical implements generally are disinfected by the following method:

1. Remove all foreign matter;
2. Spray with an EPA-registered disinfectant that is proven effective against HIV-1, Hepatitis B, or Tuberculocidal; and
3. Wipe dry with a clean towel.

34-021.03 Footbaths/footspas are disinfected by the following procedures:

1. Between each customer:
 - a. Drain all water;
 - b. Remove all foreign matter;
 - c. Spray with an EPA-registered disinfectant, proven effective against HIV-1, Hepatitis B, or Tuberculocidal; and
 - d. Wipe dry with a clean towel.
2. At the end of the day:
 - a. Remove the screen;
 - b. Clean out all foreign matter trapped behind the screen of each footbath/footspa;

- c. Spray the screen and the area behind the screen with an EPA-registered disinfectant that is proven effective against HIV-1, Hepatitis B, or Tuberculocidal; and
- d. Wipe dry the screen and area behind the screen with a clean towel.

34-021.04 Paraffin wax used by one client can not be re-melted and used by another client.

34-022 Infectious Disease: The owner must observe the following requirements to prevent the transmission of infectious or communicable diseases:

1. No person afflicted with an infectious or communicable disease which may be transmitted during the performance of the acts of nail technology is permitted to work or train in an establishment.
2. No client known to have an any infectious or communicable disease which may be transmitted during the performance of the acts of nail technology is permitted to receive nail technology services.

34-023 Blood Spill Procedures: The owner must ensure that the following occurs when a client or the licensee/student is injured during a service and a blood spill occurs. Cosmetologists, nail technicians, and students must comply with the following requirements.

1. Procedure for client injury:
 - a. Stop service;
 - b. Scrub licensee/student hands with soap and water;
 - c. Glove hands of licensee/student;
 - d. Change gloves upon contamination, tearing, or penetration;
 - e. Clean client's injured area, as necessary;
 - f. Apply antiseptic and/or styptic, as necessary;
 - g. Do not use styptic pencils;
 - h. Cover with a band aid or liquid sealant;
 - i. Clean blood spill area;
 - j. Place all disposable contaminated objects and gloves in a plastic bag;
 - k. Dispose of plastic bag in covered waste receptacle;
 - l. Clean hands with liquid soap and water;
 - m. Clean non-disposable tools with a disinfectant; and
 - n. Return to service.
2. Procedure for cosmetologist, nail technician, or student injury:
 - a. Stop service;
 - b. Clean injured area with soap and water;
 - c. Apply antiseptic and/or styptic as necessary;
 - d. Do not use styptic pencils;
 - e. Cover with a band aid or liquid sealant;
 - f. Clean blood spill area, as necessary;
 - g. Place all disposable contaminated objects and gloves in a plastic bag;
 - h. Dispose of plastic bag in covered waste receptacle;
 - i. Clean hands with liquid soap and water;
 - j. Clean non-disposable tools with a disinfectant; and
 - k. Return to service.

34-024 Home Services Kits: The owner must ensure that the use of home service kits meets the following requirements. Cosmetologists and nail technicians must comply with the following requirements.

1. Home service kits are available for inspection at the salon or at the home of the client receiving services;
2. The kit and all products within the kit are maintained in a sanitary condition;
3. The kit contains items required for the service being provided;
4. Only clean linens are in the kit;
5. Towels stored in the kit are in a clean, dust-proof, and waterproof container;
6. Used/soiled linens are placed in a leak-proof container for transport to the laundering site;
7. Products transported in home services kits are not exposed to excessive cold or heat; and
8. The cosmetologist or nail technician uses the disinfectant methods described in 172 NAC 34-019 following the service.

34-025 Student Kits: The owner must ensure that student kit items which have been used by a student who has ceased training are not reissued to another student.

34-026 Implements, Supplies, Products, or Activities That Are Not Allowed

34-026.01 The owner must ensure that none of the following are present in the establishment. Cosmetologist, nail technicians, and students must not use or bring into the establishment any of the following:

1. Credo blades and other implements used for cutting nail beds, corns, or calluses;
2. Chamois buffer;
3. Products containing MMA;
4. Sable or fabric nail dusters;
5. Styptic pencils;
6. Coarse nail drill bands; and
7. Cabinet fumigants.

34-026.02 While in the establishment, the owner, cosmetologists, nail technicians, and students must not engage in or allow any other person, including clients, to engage in any of the following activities:

1. Smoking on the clinic floor;
2. Consuming food in any area where nail services are being taught or performed, except that clients may be allowed to consume food;
3. Storing food in the same area where chemical supplies are used or stored; or
4. Using, consuming, serving, or in any manner possessing or distributing intoxicating beverages or controlled substances upon its premises during the hours the establishment is open to the public or students and/or while any services are being performed.

34-026.03 The owner, cosmetologists, nail technicians, and students must not bring or permit animals, including pets, in the establishment except for the following:

1. Animals used as guides for visually impaired or hearing-impaired persons, or service dogs for physically disabled; or
2. Fish in covered aquariums.

34-027 Compliance: The owner must ensure that each manager, licensee, and student present in the establishment understands his/her personal responsibility to observe these rules of sanitation and safety at all times that the establishment is open for business to students or the public.

Approved by the Attorney General: January 11, 2005
Approved by the Governor: February 4, 2005
Filed with the Secretary of State: February 7, 2005

Effective Date: February 12, 2005