

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 36 PRACTICE OF COSMETOLOGY, ELECTROLOGY, ESTHETICS, AND NAIL TECHNOLOGY

36-001 SCOPE AND AUTHORITY: These regulations govern the practice of cosmetology as defined by Neb. Rev. Stat. §§ 71-340 to 71-3,235 and the Uniform Licensing Law.

36-002 DEFINITIONS

Apprentice means a person registered under the Nebraska Cosmetology Act to engage in the study of any or all of the practices of cosmetology under the supervision of an instructor in an apprentice salon.

Apprentice Salon means a cosmetology salon licensed under the Nebraska Cosmetology Act to serve as the site for the teaching of any or all of the practices of cosmetology to apprentices.

Attest/Attestation means that the individual declares that all statements on the application/petition are true and complete.

Board means the Board of Cosmetology Examiners.

Completed Application means an application with all information requested on the application supplied, the signature of the applicant(s), fees, and all required documentation submitted.

Continuing Competency means to ensure:

1. The maintenance by a credentialed person of knowledge and skills necessary to competently practice cosmetology, electrology, esthetics, or nail technology,
2. The utilization of new techniques based on scientific and clinical advances, and
3. The promotion of research to assure expansive and comprehensive services to the public.

It is the competency required as a condition of licensure renewal, pursuant to Neb. Rev. Stat. § 71-161.09. Competency may be earned through one or more of the following activities:

1. Continuing Education Program;
2. Homestudy;
3. CPR/First Aid;
4. Equipment Use;
5. Product Knowledge;
6. Marketing;
7. Academic Credit (college/university/technical school);
8. Licensure Examination;
9. People Skills/Special Needs (other similar titles);
10. Schools of Barbering, Cosmetology, Electrology, Esthetics, Nail Technology; and
11. Safety/Sanitation.

Cosmetic Establishment means a fixed structure or part thereof licensed under the Nebraska Cosmetology Act to serve as the site for the retail sale of cosmetics or other esthetics products when such activity includes any application of the products to customers other than self-application.

Cosmetician means a person registered under the Nebraska Cosmetology Act to apply cosmetics.

Cosmetologist means a person licensed under the Nebraska Cosmetology Act to perform all of the practices of cosmetology.

Cosmetology means the practice of performing for compensation:

1. Any or all of the acts of arranging, dressing, curling, waving, cleansing, cutting, bleaching, coloring, styling, or similar work upon the hair, wig, wiglet, or hairpiece of any person, by any means, with hands or a mechanical or electrical apparatus or appliance;
2. Esthetics;
3. Nail technology; and
4. Other similar practices upon the hair, scalp, face, neck, arms, hands, feet, or nails of any person when performed for the purpose of beautifying or enhancing physical appearance or the teaching of any practice specified in this section for occupational purposes.

Cosmetology Establishment means a cosmetology salon, esthetics salon, school of cosmetology, school of esthetics, apprentice salon, cosmetic establishment, or any other place in which any or all of the practices of cosmetology are performed on members of the general public for compensation or in which instruction or training in any or all of the practices of cosmetology is given, except when such practices constitute nonvocational training.

Cosmetology Salon means a fixed structure or part thereof licensed under the Nebraska Cosmetology Act to serve as the site for the performance of any or all of the practices of cosmetology by persons licensed or registered under such act.

Department means the Department of Health and Human Services Regulation and Licensure.

Director means the Director of Regulation and Licensure or the Chief Medical Officer if one has been appointed pursuant to Neb. Rev. Stat. § 81-3201, for performance of the duties set out in that statute.

Division means the Credentialing Division of the Department of Health and Human Services Regulation and Licensure, of the State of Nebraska.

Domestic Administration means the performance of any or all of the practices of cosmetology or nail technology upon members of a person's immediate family.

Electrologist means a person who engages in the practice of electrolysis for permanent hair removal.

Electrology means the art and practice relating to the removal of hair from normal skin of the human body by electrolysis.

Electrology Establishment means a fixed structure or part thereof or any other place in which any or all of the practices of electrology are performed on members of the general public for compensation or where instruction or training in electrology is performed except when such training is nonvocational training.

Electrology Instructor means a person licensed under the Nebraska Cosmetology Act to teach any or all of the practices of electrology.

Electrolysis means the permanent removal of hair by the application of an electrical current to the dermal papilla by a filament to cause decomposition, coagulation, or dehydration within the hair follicle by means of short wave or galvanic current or the blend, as approved by the federal Food and Drug Administration.

Esthetician means a person licensed under the Nebraska Cosmetology Act to perform all of the practices of esthetics.

Esthetics means the practice for compensation of using an electrical or mechanical apparatus or appliance or applying and using cosmetic preparations, antiseptics, chemicals, tonics, lotions, creams, or other similar products upon the skin for personal beauty care.

Esthetics Instructor means a person licensed under the Nebraska Cosmetology Act to teach any or all of the practices of esthetics in a school of cosmetology or a school of esthetics.

Esthetics Salon means a fixed structure or part thereof licensed under the Nebraska Cosmetology Act to serve as the site for the performance of any or all of the practices of esthetics by persons licensed or registered under such act.

Guest Artist means a person registered under the Nebraska Cosmetology Act to demonstrate cosmetology products or procedures for the purpose of imparting professional knowledge and information to persons licensed or registered under the Nebraska Cosmetology Act or to persons owning or operating licensed cosmetology establishments under the sponsorship of a licensed cosmetology establishment or a cosmetologist licensed in Nebraska.

Inactive Status means the voluntary termination of the right or privilege to practice as a cosmetologist, cosmetology instructor, electrologist, electrology instructor, esthetician, esthetics instructor, nail technician, or nail technology instructor. The licensee retains the right or privilege to represent himself or herself as having an inactive license.

Instructor means a person licensed under the Nebraska Cosmetology Act to teach any or all of the practices of cosmetology in a school of cosmetology or an apprentice salon.

Jurisdiction means the District of Columbia and any state, territory, or possession of the United States of America.

Licensure Examination means a written and practical examination approved by the Board.

1. The written examination relates to the theory of the practice and may be administered by paper/pencil or electronically.
2. The practical examination relates to the practical skills of the practice, may be in a written or practical format, and may be administered by paper/pencil or electronically.

Manicuring means the practice of performing any or all of the acts of cutting, shaping, trimming, polishing, coloring, tinting, cleansing, reshaping, or other similar cosmetic or sanitary acts on the natural fingernails or toenails of a person but does not include the practice of nail technology.

NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 36.

Nail Technician means a person licensed under the Nebraska Cosmetology Act to perform the practices of nail technology.

Nail Technology means:

1. Attaching, applying, fitting, shaping, or adjusting artificial nails using acrylic, resin, fabric, or gel application systems,
2. Sanitizing of the nail bed by brushing on or spraying material in preparation for attaching, fitting, shaping, or adjusting artificial nails using acrylic, resin, fabric, or gel application systems,
3. Cutting, filing, buffing, shaping, trimming, polishing, coloring, tinting, cleansing, reshaping, or other cosmetic acts on the nails of a person when done in conjunction with the activities described in subdivisions (1) and (2) of this section,
4. The ability to detect infection, fungus, or nail disorders that contraindicate the application of artificial nails, and
5. Cleansing, stimulating, manipulating, exercising, or similar acts on the hands or feet of any person when done in conjunction with the activities described in subdivisions (1) and (2) of this section.

Nail technology does not include cutting nail beds, corns, or calluses or medical treatment involving the feet, hands, or nails.

Nail Technology Establishment means a nail technology salon, nail technology school, or any other place in which the practices of nail technology are performed on members of the general public for compensation or in which instruction or training in the practices of nail technology is given, except when such practices constitute nonvocational training.

Nail Technology Instructor means a person licensed under the Nebraska Cosmetology Act to teach the practices of nail technology in a nail technology school.

Nail Technology Salon means a fixed structure or part thereof licensed under the Nebraska Cosmetology Act to serve as the site for the performance of the practices of

nail technology by persons licensed or registered under the act.

Nail Technology School means a fixed structure or part thereof licensed under the Nebraska Cosmetology Act to serve as the site for teaching the practices of nail technology to nail technology students.

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.

Nail Technology Student Instructor means a person engaged in nail technology instructor's training in a nail technology school to teach nail technology students in a nail technology school under the supervision of a nail technology instructor.

Nail Technology Temporary Practitioner means a person registered under the Nebraska Cosmetology Act to perform the practices of nail technology for a limited time under the supervision of a licensed nail technician or nail technology instructor.

Nonvocational Training means the act of imparting knowledge of or skills in any or all of the practices of cosmetology, nail technology, esthetics, or electrology to persons not licensed or registered under the Nebraska Cosmetology Act for the purpose of noncommercial use by those receiving such training.

Person means any individual, firm, partnership, limited liability company, corporation, company, association, joint-stock association, or similar entity and includes any trustee, receiver, assignee, or personal representative thereof.

Practitioner means a person who performs any or all of the practices of cosmetology, nail technology, esthetics, or electrology for compensation.

Provider means an association, educational institution, group, or individual licensee who is responsible for organizing a continuing education or homestudy program and requesting and receiving approval from the Board for that program.

School of Cosmetology means a fixed structure or part thereof licensed under the Nebraska Cosmetology Act to serve as the site for the teaching of any or all of the practices of cosmetology to students.

School of Electrolysis means a school for the education and training of electrologists.

School of Esthetics means a fixed structure or part thereof licensed under the Nebraska Cosmetology Act to serve as the site for teaching the practices of esthetics to esthetics students.

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.

Student Instructor means a person registered under the Nebraska Cosmetology Act to engage in instructor's or esthetics instructor's training in a school of cosmetology or school of esthetics and to teach students in a school of cosmetology or school of esthetics under the supervision of an instructor.

Supervision means direct day-to-day knowledge of and control over the actions of one individual by another.

Teaching means the act of imparting and demonstrating knowledge of cosmetology, nail technology, esthetics, or electrology theory and practices to students, nail technology students, or apprentices in an apprentice salon, a school of cosmetology, a nail technology school or a school of esthetics by an instructor, an esthetics instructor, a nail technology instructor, a nail technology student instructor, or a student instructor for the purpose of preparing the students, nail technology students, nail technology student instructors, or apprentices to engage in the occupations of cosmetology, nail technology, esthetics, or electrology.

Temporary Practitioner means a person registered under the Nebraska Cosmetology Act to perform any or all of the practices of cosmetology for a limited time under the supervision of a person licensed under such act.

Verified means sworn to before a notary public or equivalent title.

**36-003 COSMETOLOGY LICENSURE:** Any person who engages in, or follows, or advertises, or holds oneself out as engaging in or following any of the practices of cosmetology or acts as a practitioner must be licensed. Licensure is required before any person may engage in the full, unsupervised practice of cosmetology, and no person may assume the title of cosmetologist without first being licensed by the Department pursuant to the Nebraska Cosmetology Act. The criteria for issuance of licensure and the documentation required by the Department and the Board are set forth below.

36-003.01 Licensure by Examination

36-003.01A Requirements: An applicant for licensure to practice as a cosmetologist by examination must:

1. Have attained the age of 17 years on or before the beginning date of the examination;
2. Have completed formal education equivalent to a United States high school education;
3. Possess the ability to identify and respond to emergency situations that could occur in the practice of cosmetology;
4. Graduate from a school of cosmetology or apprentice salon in Nebraska that has a program of cosmetology studies consisting of:
  - a. At least 2100 hours and 2000 credits;
    - (1) If a lapse in training of 2 years or longer occurs, all hours and credits earned will be forfeited. Hours

and credits must be earned exclusively in either a school of cosmetology or apprentice salon. No hours or credits earned in one type of establishment may be transferred to another establishment of another type; and

5. Have passed the licensure examination with an average score of 75%.

36-003.01B Application Process: The following must be submitted to the Department:

1. A photocopy of a birth certificate, baptismal certificate, or other equivalent document, which shows proof of attaining the age of 17 years on or before the beginning date of the examination;
2. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing evidence of graduation;
3. Verification of successful completion of a basic first aid course. A course approved by the Department may be offered by the school of cosmetology or apprentice salon free of charge, or may be gained at other sites;
4. A photocopy of the diploma or certificate from a school of cosmetology or apprentice salon verifying completion of cosmetology training;
5. A certification by the school of cosmetology or apprentice salon, verifying the student's cosmetology training and completion of at least 2100 hours and 2000 credits by the student;
6. A complete application, on Attachment A attached to these regulations and incorporated by this reference and the applicant's social security number. Only applications which are complete will be considered;
7. If the applicant has been convicted of a felony or misdemeanor:
  - a. Official Court Record, which includes charges and disposition;
  - b. Copies of arrest records;
  - c. A letter from the applicant explaining the nature of the conviction;
  - d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
  - e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
8. One current photograph for identification purposes and entry to

the examination;

9. Attestation by the applicant:
  - a. That s/he has not practiced in Nebraska prior to the application for a license; or
  - b. To the actual number of days practiced in Nebraska prior to the application for a license; and
10. The required licensure fee.

36-003.01C Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-003.01D Examination Notification: The Department will notify the applicant of examination eligibility and be forwarded a schedule of the date, time, and place of the examination, and any additional information necessary for taking the examination.

36-003.01E Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

36-003.01F Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-003.01G Department Review: The Department will act within 150 days on all completed applications for licensure.

36-003.02 Licensure by Waiver of Examination:

36-003.02A Requirements: An applicant who holds a current license in another jurisdiction and wishes to apply for licensure as a cosmetologist by waiver of examination must:

1. Have attained the age of 17 years on or before the beginning date of the examination administered in the other jurisdiction;
2. Have completed formal education equivalent to a United States high school education;
3. Possess the ability to identify and respond to emergency situations that could occur in the practice of cosmetology;
4. Hold a current license as a Cosmetologist in another jurisdiction

issued on the basis of a written and practical examination; and

5. Complete a course of cosmetology studies consisting of at least 2100 hours.
  - a. If the applicant does not meet these hour requirements, s/he may meet the requirement through any combination of hours earned as a student or apprentice in a cosmetology establishment licensed or approved by the jurisdiction in which it was located, and hour-equivalents granted for recent work experience. Hour equivalents may be granted in the following manner:
    - (1) 100 hours for each month of full-time practice as a cosmetologist or instructor within the 5 years immediately preceding application.

36-003.02B Application Process: The following must be submitted to the Department:

1. A photocopy of a birth certificate, baptismal certificate, or other equivalent document, which shows proof of attaining the age of 17 years on or before the beginning date of the examination;
2. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing evidence of graduation;
3. Verification of successful completion of a basic first aid course;
4. A certification by the school of cosmetology or apprentice salon, verifying the student's cosmetology training and completion of at least 2100 hours by the student;
5. A complete application on Attachment B attached to these regulations and incorporated by this reference and the applicant's social security number. Only applications which are complete will be considered;
6. If the applicant has been convicted of a felony or misdemeanor:
  - a. Official Court Record, which includes charges and disposition;
  - b. Copies of arrest records;
  - c. A letter from the applicant explaining the nature of the conviction;
  - d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
  - e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation;

7. Attestation by the applicant:
  - a. That s/he has not practiced in Nebraska prior to the application for a license; or
  - b. To the actual number of days practiced in Nebraska prior to the application for a license;
8. The required licensure fee; and
9. Information from the licensing or certifying agency submitted to the Department that includes:
  - a. A certification on Attachment B1 attached to these regulations and incorporated by this reference or an alternate form which contains the same information, completed, dated, and signed by the agency issuing the original license, that the applicant is duly licensed or certified, that his or her license or certification has never been disciplined or revoked, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement. The certification must include the following:
    - (1) The nature of disciplinary actions, if any, taken against the applicant's license;
    - (2) Verification that the applicant's license was based on a written and practical examination, the date of the written and practical examination, and the scores received on each examination;
    - (3) The date of the applicant's license and expiration of such license;
    - (4) The score(s) attained on the examination; and
    - (5) The name of the school of cosmetology attended by the applicant and date of graduation if applicable.

36-003.02C Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-003.02D Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

36-003.02E Administrative Penalty/Other Action: An individual who practices

prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-003.02F Department Review: The Department will act within 150 days upon all completed applications for licensure.

36-004 ELECTROLOGY LICENSURE: Licensure is required before any person may engage in the full, unsupervised practice of electrology and no person may assume the title of electrologist without first being licensed by the Department pursuant to the Nebraska Cosmetology Act. The criteria for issuance of licensure and the documentation required by the Department and the Board are set forth below.

36-004.01 Licensure by Examination

36-004.01A Requirements: An applicant for licensure to practice as an electrologist by examination must:

1. Have attained the age of 17 years on or before the beginning date of the examination;
2. Have completed formal education equivalent to a United States high school education;
3. Possess the ability to identify and respond to emergency situations that could occur in the practice of electrology;
4. Have graduated from a school of electrolysis in or outside of Nebraska that has a program of electrology studies consisting of:
  - a. At least 600 hours and 600 credits;
    - (1) If a lapse in training of 2 years or longer occurs, all hours and credits earned will be forfeited; and \_
5. Have passed the licensure examination with an average score of 75%.

36-004.01B Application Process: The following must be submitted to the Department:

1. A photocopy of a birth certificate, baptismal certificate, or other equivalent document, which shows proof of attaining the age of 17 years on or before the beginning date of the examination;
2. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing evidence of graduation;
3. Verification of successful completion of a basic first aid course;
4. A photocopy of the diploma or certificate from a school of electrolysis verifying completion;

5. A certification by the school of electrolysis, verifying the student's electrology training and completion of at least 600 hours and 600 credits by the student;
6. A complete application on Attachment C attached to these regulations and incorporated by this reference and the applicant's social security number. Only applications which are complete will be considered;
7. If the applicant has been convicted of a felony or misdemeanor:
  - a. Official Court Record, which includes charges and disposition;
  - b. Copies of arrest records;
  - c. A letter from the applicant explaining the nature of the conviction;
  - d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
  - e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation;
8. One current photograph for identification purposes and entry to the examination;
9. Attestation by the applicant:
  - a. That s/he has not practiced in Nebraska prior to the application for a license; or
  - b. To the actual number of days practiced in Nebraska prior to the application for a license; and
10. The required licensure fee.

36-004.01C Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-004.01D Examination Notification: The Department will notify the applicant of examination eligibility and be forwarded a schedule of the date, time, and place of the examination, and any additional information necessary for taking the examination.

36-004.01E Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

36-004.01F Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-004.01G Department Review: The Department will act within 150 days on all completed applications for licensure.

36-004.02 Licensure by Waiver of Examination

36-004.02A Requirements: An applicant who holds a current license in another jurisdiction and wishes to apply for licensure as an electrologist by waiver of examination must:

1. Have attained the age of 17 years on or before the beginning date of the examination administered in the other jurisdiction;
2. Have completed formal education equivalent to a United States high school education;
3. Possess the ability to identify and respond to emergency situations that could occur in the practice of electrology;
4. Hold a current license as an electrologist in another jurisdiction issued on the basis of a written examination; and
5. Complete a course of electrology studies consisting of at least 600 hours.
  - a. If the applicant does not meet these hour requirements, hour-equivalents may be granted for recent work experience in the following manner:
    - (1) 50 hours for each month of full-time practice as an electrologist within the 5 years immediately preceding application.

36-004.02B Application Process: The following must be submitted to the Department:

1. A photocopy of a birth certificate, baptismal certificate, or other equivalent document, which shows proof of attaining the age of 17 years on or before the beginning date of the examination;
2. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing evidence of graduation;
3. Verification of successful completion of a basic first aid course;

4. A certification by the school of electrolysis, verifying the student's electrology training and completion of at least 600 hours by the student;
5. A complete application on Attachment D attached to these regulations and incorporated by this reference and the applicant's social security number. Only applications which are complete will be considered;
6. If the applicant has been convicted of a felony or misdemeanor:
  - a. Official Court Record, which includes charges and disposition;
  - b. Copies of arrest records;
  - c. A letter from the applicant explaining the nature of the conviction;
  - d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
  - e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation;
7. Attestation by the applicant:
  - a. That s/he has not practiced in Nebraska prior to the application for a license; or
  - b. To the actual number of days practiced in Nebraska prior to the application for a license;
8. The required licensure fee; and
9. Information from the licensing or certifying agency submitted to the Department that includes:
  - a. A certification on Attachment D1 attached to these regulations and incorporated by this reference or an alternate form which contains the same information, completed, dated, and signed by the agency issuing the original license, that the applicant is duly licensed or certified, that his or her license or certification has never been disciplined or revoked, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement. The certification must include the following;
    - (1) The nature of disciplinary actions, if any, taken against the applicant's license;
    - (2) Verification that the applicant's license was based on a written examination, the date of the written examination and the scores received on the examination;

- (3) The date of the applicant's license and expiration of such license; and
- (4) The name of the school of electrolysis attended by the applicant and date of graduation if applicable;

36-004.02C Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-004.02D Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

36-004.02E Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-004.02F Department Review: The Department will act within 150 days upon all completed applications for licensure.

36-005 ESTHETICIAN LICENSURE: Licensure is required before any person may engage in the full, unsupervised practice of esthetics and no person may assume the title of esthetician without first being licensed by the Department pursuant to the Nebraska Cosmetology Act. The criteria for issuance of licensure and the documentation required by the Department and the Board are set forth below.

36-005.01 Licensure by Examination:

36-005.01A Requirements: An applicant for licensure as an esthetician by examination must:

1. Have attained the age of 17 years on or before the beginning date of the examination;
2. Have completed formal education equivalent to a United States high school education;
3. Possess the ability to identify and respond to emergency situations that could occur in the practice of esthetics;
4. Have graduated from a school of cosmetology or apprentice salon in Nebraska or a school of esthetics in or outside of Nebraska. The program of esthetics study consists of:

- a. At least 600 hours and 600 credits;
  - (1) If a lapse in training of 2 years or longer occurs, all hours and credits earned will be forfeited. Hours and credits must be earned exclusively in either a school of cosmetology or apprentice salon. No hours or credits earned in one type of establishment may be transferred to another establishment of another type; and
5. Have passed the licensure examination with an average score of 75%.

36-005.01B Application Process: The following must be submitted to the Department:

1. A photocopy of a birth certificate, baptismal certificate, or other equivalent document, which shows proof of attaining the age of 17 years on or before the beginning date of the examination;
2. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing evidence of graduation;
3. Verification of successful completion of a basic first aid course. A course approved by the Department may be offered by the school of cosmetology or apprentice salon or a school of esthetics free of charge, or may be gained at other sites;
4. A photocopy of the diploma or certificate from a school of cosmetology or apprentice salon or school of esthetics verifying the completion of a program of esthetic studies;
5. A certification by the school of cosmetology or apprentice salon or school of esthetics, verifying the student's esthetician training and completion of 600 hours and 600 credits by the student;
6. A complete application on Attachment E attached to these regulations and incorporated by this reference and the applicant's social security number. Only applications which are complete will be considered;
7. If the applicant has been convicted of a felony or misdemeanor:
  - a. Official Court Record, which includes charges and disposition;
  - b. Copies of arrest records;
  - c. A letter from the applicant explaining the nature of the conviction;
  - d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
  - e. A letter from the probation officer addressing probationary

conditions and current status, if the applicant is currently on probation;

8. One current photograph for identification purposes and entry to the examination;
9. Attestation by the applicant:
  - a. That s/he has not practiced in Nebraska prior to the application for a license; or
  - b. To the actual number of days practiced in Nebraska prior to the application for a license; and
10. The required licensure fee.

36-005.01C Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-005.01D Examination Notification: The Department will notify the applicant of examination eligibility and forward a schedule of the date, time, and place of the examination, and any additional information necessary for taking the examination.-

36-005.01E Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

36-005.01F Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-005.01G Department Review: The Department will act 150 days on all completed applications for licensure.

### 36-005.02 Licensure by Waiver of Examination

36-005.02A Requirements: An applicant for licensure as an esthetician by waiver of examination must:

1. Have attained the age of 17 years on or before the beginning date of the examination;
2. Have completed formal education equivalent to a United States high school education;
3. Possess the ability to identify and respond to emergency

situations that could occur in the practice of esthetics;

4. Hold a current license as a cosmetologist, esthetician, or an equivalent title in another jurisdiction issued on the basis of a written and practical examination;
5. Have completed a course of esthetics study consisting of at least 600 hours.
  - a. If the applicant does not meet these hour requirements, these hours may be earned through any combination of hours earned as a student or apprentice in a cosmetology establishment or school of esthetics licensed or approved by the jurisdiction in which it was located, and hour-equivalents granted for recent work experience. Hour equivalents may be granted in the following manner:
    - (1) 50 hours for each month of full-time practice as an instructor, or cosmetologist, or esthetician within the 5 years immediately preceding application

36-005.02B Application Process: The following must be submitted to the Department:

1. A photocopy of a birth certificate, baptismal certificate, or other equivalent document, which shows proof of attaining the age of 17 years on or before the beginning date of the examination;
2. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing evidence of graduation;
3. Verification of successful completion of a basic first aid course;
4. A certification by the school of cosmetology or esthetic school, verifying the student's esthetic training and completion of at least 600 hours by the student;
5. A complete application on Attachment F attached to these regulations and incorporated by this reference and the applicant's social security number. Only applications which are complete will be considered;
6. If the applicant has been convicted of a felony or misdemeanor:
  - a. Official Court Record, which includes charges and disposition;
  - b. Copies of arrest records;
  - c. A letter from the applicant explaining the nature of the conviction;
  - d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and

- e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation;
7. Attestation by the applicant:
    - a. That s/he has not practiced in Nebraska prior to the application for a license; or
    - b. To the actual number of days practiced in Nebraska prior to the application for a license;
  8. The required licensure fee; and
  9. Information from the licensing or certifying agency submitted to the Department that includes:
    - a. A certification on Attachment F1 attached to these regulations and incorporated by this reference or an alternate form which contains the same information, completed, dated, and signed by the agency issuing the original license, that the applicant is duly licensed or certified, that his or her license or certification has never been disciplined or revoked, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement. The certification must include the following:
      - (1) The nature of disciplinary actions, if any, taken against the applicant's license;
      - (2) Verification that the applicant's license was based on a written and practical examination, the written and practical examination, and the scores received on each examination;
      - (3) The date of the applicant's license and expiration of such license; and
      - (4) The name of the school of cosmetology or esthetics school attended by the applicant and date of graduation if applicable;

36-005.02C Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-005.02D Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

36-005.02E Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-005.02F Department Review: The Department will act within 150 days upon all completed applications for license.

34-006 NAIL TECHNOLOGY LICENSURE: Licensure is required before any person may engage in the full, unsupervised practice of nail technology and no person may assume the title of nail technician without first being licensed by the Department pursuant to the Nebraska Cosmetology Act. The criteria for issuance of licensure and the documentation required by the Department and the Board are set forth below.

36-006.01 Licensure by Examination

36-006.01A Requirements: An applicant for licensure as a nail technician by examination must:

1. Have attained the age of 17 years on or before the beginning date of the examination;
2. Have completed formal education equivalent to a United States high school education;
3. Possess the ability to identify and respond to emergency situations that could occur in the practice of nail technology;
4. Graduate from a school of cosmetology or nail technology in Nebraska. The program of nail technology study consists of:
  - a. At least 300 hours which includes at least 16 hours of instruction on operating the nail drill; and
5. Have passed the licensure examination with an average score of 75%.

36-006.01B Application Process: The following must be submitted to the Department:

1. A photocopy of a birth certificate, baptismal certificate, or other equivalent document, which shows proof of attaining the age of 17 years on or before the beginning date of the examination;
2. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing evidence of graduation;
3. Verification of successful completion of a basic first aid course. A

course approved by the Department may be offered by the school of cosmetology or school of nail technology free of charge, or may be gained at other sites;

4. A photocopy of the diploma or certificate from a school of cosmetology or school of nail technology verifying the completion;
5. A certification by the school of cosmetology or school of nail technology, verifying:
  - a. The student's nail technology training
  - b. Completion of at least 300 hours of nail technology training; and
  - c. At least 16 hours of training operating the nail drill;
6. A complete application on Attachment G attached to these regulations and incorporated by this reference and the applicant's social security number. Only applications which are complete will be considered;
7. If the applicant has been convicted of a felony or misdemeanor:
  - a. Official Court Record, which includes charges and disposition;
  - b. Copies of arrest records;
  - c. A letter from the applicant explaining the nature of the conviction;
  - d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
  - e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation;
8. One current photograph for identification purposes and entry to the examination;
9. Attestation by the applicant:
  - a. That s/he has not practiced in Nebraska prior to the application for a license; or
  - b. To the actual number of days practiced in Nebraska prior to the application for a license; and
10. The required licensure fee.

36-006.01C Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-006.01D Examination Notification: The Department will notify the applicant of examination eligibility and be forwarded a schedule of the date, time, and place of the examination, and any additional information necessary for taking the examination.

36-006.01E Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

36-006.01F Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-006.01G Department Review: The Department will act within 150 days upon all completed applications for license.

36-006.02 Licensure Based on a License in Another State or Jurisdiction (Reciprocity)

36-006.02A Requirements: An applicant for licensure as a nail technician by reciprocity must:

1. Have attained the age of 17 years on or before the beginning date of the examination;
2. Have completed formal education equivalent to a United States high school education;
3. Hold a current license as nail technician or an equivalent title in another jurisdiction; and
4. Have completed a program of nail technician studies consisting of at least 300 hours, including 16 hours of instruction on operating a nail drill and passage of a written examination. If a written examination was not required for licensure in another jurisdiction, the applicant must take the Nebraska written examination; or
5. Have practiced as a nail technician for at least 12 months following issuance of a license in another jurisdiction.

36-006.02B Application Process: The following must be submitted to the Department:

1. A photocopy of a birth certificate, baptismal certificate, or other equivalent document, which shows proof of attaining the age of 17 years on or before the beginning date of the examination;
2. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing evidence of graduation; and

3. A certification by the school of cosmetology or school of nail technology, verifying the student's nail technology training and completion of at least 300 hours, including 16 hours of instruction on operating a nail drill by the student; or
4. Evidence of practice as a nail technician for at least 12 months following issuance of a license in another jurisdiction; and
5. A complete application on Attachment H attached to these regulations and incorporated by this reference or an alternate form which contains the same information and the applicant's social security number. Only applications which are complete will be considered;
6. If the applicant has been convicted of a felony or misdemeanor:
  - a. Official Court Record, which includes charges and disposition;
  - b. Copies of arrest records;
  - c. A letter from the applicant explaining the nature of the conviction;
  - d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
  - e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation;
7. Attestation by the applicant:
  - a. That s/he has not practiced in Nebraska prior to the application for a license; or
  - b. To the actual number of days practiced in Nebraska prior to the application for a license;
8. The required licensure fee; and
9. Information from the licensing or certifying agency submitted to the Department that includes:
  - a. A certification on Attachment H1 attached to these regulations and incorporated by this reference or an alternate form which contains the same information, completed, dated, and signed by the agency issuing the original license, that the applicant is duly licensed or certified, that his or her license or certification has never been disciplined or revoked, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement. The certification must include the following:
    - (1) The nature of disciplinary actions, if any, taken against the applicant's license;

- (2) Verification that the applicant's license was based on a written examination, the date of the written examination, and the scores received on such examination (if applicable);
- (3) The date of the applicant's license and expiration of such license; and
- (4) The name of the school of cosmetology or school of nail technology attended by the applicant and date of graduation if applicable;

36-006.02C Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-006.02D Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

36-006.02E Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-006.02F Department Review: The Department will act within 150 days upon all completed applications for license.

36-007 INSTRUCTOR LICENSURE: Any person who engages in, follows, advertises, or holds oneself out as engaging in or following any of the practices of teaching cosmetology or acts as an instructor must be licensed. No person may assume the title of instructor without first being licensed by the Department pursuant to the Nebraska Cosmetology Act. The criteria for issuance of licensure and the documentation required by the Department and the Board are set forth below.

36-007.01 Cosmetology Instructor by Examination

36-007.01A Requirements: An applicant for licensure as a cosmetology instructor by examination must:

1. Hold a current cosmetology license in Nebraska;
2. Have attained the age of 17 years on or before the beginning date of the examination;

3. Have completed formal education equivalent to a United States high school education;\_
4. Possess the ability to identify and respond to emergency situations that could occur in the practice of cosmetology;
5. Complete an instructor's program of studies in a school of cosmetology in Nebraska consisting of:
  - a, 925 hours in a period of not less than 6 months;
    - (1) If a lapse in training of 2 years or longer occurs, all hours earned will be forfeited; and\_
6. Have passed the licensure examination with an average score of 75%.

36-007.01B Application Process: The following must be submitted to the Department:

1. Documentation of current licensure in Nebraska as a cosmetologist;
2. A photocopy of a birth certificate, baptismal certificate, or other equivalent document, which shows proof of attaining the age of 17 years on or before the beginning date of the examination;
3. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing evidence of graduation;
4. Verification of successful completion of a basic first aid course. A course approved by the Department may be offered by the school of cosmetology free of charge, or may be gained at other sites;
5. A photocopy of the diploma or certificate from a school of cosmetology verifying the completion of a program of studies for licensure as an instructor ;
6. Verification by the school of cosmetology verifying the student's instructor training and completion of 925 hours by the student;
7. A complete application on Attachment A attached to these regulations and incorporated by this reference and the applicant's social security number. Only applications which are complete will be considered.
8. If the applicant has been convicted of a felony or misdemeanor:
  - a. Official Court Record, which includes charges and disposition;
  - b. Copies of arrest records;
  - c. A letter from the applicant explaining the nature of the conviction;

- d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
  - e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
9. One current photograph for identification purposes and entry to the examination;
  10. Attestation by the applicant:
    - a. That s/he has not practiced in Nebraska prior to the application for a license; or
    - b. To the actual number of days practiced in Nebraska prior to the application for a license; and
  11. The required licensure fee.

36-007.01C Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-007.01D Examination Notification: The Department will notify the applicant of examination eligibility and be forwarded a schedule of the date, time, and place of the examination, and any additional information necessary for taking the examination.

36-007.01E Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

36-007.01F Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-007.01G Department Review: The Department will act within 150 days on all completed applications for licensure.

#### 36-007.02 Cosmetology Instructor by Waiver of Examination

36-007.02A Requirements: An applicant for licensure as a cosmetology instructor by waiver of examination must:

1. Hold a current license as a cosmetologist in Nebraska;
2. Hold a current license as a Cosmetology Instructor in another

- jurisdiction issued on the basis of a written and practical examination;
3. Have attained the age of 17 years on or before the beginning date of the examination;
  4. Have completed formal education equivalent to a United States high school education;
  5. Possess the ability to identify and respond to emergency situations that could occur in the practice of cosmetology;
  6. Complete a course of instructor's studies consisting of at least 925 hours, in a period of not less than 6 months; and
  7. If the applicant does not meet these hour requirements, these hours may be earned through any combination of hours earned as a student instructor in a cosmetology school licensed or approved by the jurisdiction in which it was located, and hour-equivalents granted for recent work experience. Hour equivalents may be granted in the following manner:
    - a. Each month of full-time practice as an instructor within the 5 years immediately preceding application will be valued as 100 hour-equivalents towards a cosmetology instructor license.

36-007.02B Application Process: The following must be submitted to the Department:

1. Documentation of current licensure as a cosmetologist in Nebraska;
2. A photocopy of a birth certificate, baptismal certificate, or other equivalent document, which shows proof of attaining the age of 17 years on or before the beginning date of the examination;
3. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing evidence of graduation;
4. Verification of successful completion of a basic first aid course;
5. A photocopy of the diploma or certificate from a school of cosmetology verifying the completion of a program of studies;
6. A complete application on Attachment B attached to these regulations and incorporated by this reference and the applicant's social security number. Only applications which are complete will be considered;

7. If the applicant has been convicted of a felony or misdemeanor:
  - a. Official Court Record, which includes charges and disposition;
  - b. Copies of arrest records;
  - c. A letter from the applicant explaining the nature of the conviction;
  - d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
  - e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation;
8. Attestation by the applicant:
  - a. That s/he has not practiced in Nebraska prior to the application for a license; or
  - b. To the actual number of days practiced in Nebraska prior to the application for a license;
9. The licensure fee; and
10. Information from the licensing or certifying agency submitted to the Department that includes:
  - a. A certification on Attachment B1 attached to these regulations and incorporated by this reference or an alternate form which contains the same information, that the applicant is duly licensed or certified, that his or her license or certification has never been disciplined or revoked, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement;
  - b. The nature of disciplinary actions, if any, taken against the applicant's license;
  - c. Verification that the applicant's license was based on a written and practical examination;
  - d. The date of the applicant's license and expiration date of such license; and
  - e. The score(s) attained on the examination.

36-007.02C Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-007.02D Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

36-007.02E Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-007.02F Department Review: The Department will act within 150 days upon all completed applications for licensure.

### 36-007.03 Electrology Instructor by Examination

36-007.03A Requirements: An applicant for licensure as an electrology instructor by examination must:

1. Hold a current electrology license in Nebraska;
2. Have practiced electrology actively for at least 5 years immediately before application;
3. Have attained the age of 17 years on or before the beginning date of the examination;
4. Have completed formal education equivalent to a United States high school education;
5. Possess the ability to identify and respond to emergency situations that could occur in the practice of electrology; and
6. Have passed the licensure examination with an average score of 75%.

36-007.03B Application Process: The following must be submitted to the Department:

1. Documentation of current licensure in Nebraska as an electrologist;
2. Evidence of active practice as an electrologist for 5 years immediately before application;
3. A photocopy of a birth certificate, baptismal certificate, or other equivalent document, which shows proof of attaining the age of 17 years on or before the beginning date of the examination;\_
4. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing

- evidence of graduation;
5. Verification of successful completion of a basic first aid course. A course approved by the Department may be offered by the school of electrolysis or may be gained at other sites;
  6. A complete application on Attachment C attached to these regulations and incorporated by this reference and the applicant's social security number. Only applications which are complete will be considered;
  7. If the applicant has been convicted of a felony or misdemeanor:
    - a. Official Court Record, which includes charges and disposition;
    - b. Copies of arrest records;
    - c. A letter from the applicant explaining the nature of the conviction;
    - d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
    - e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation;
  8. One current photograph for identification purposes and entry to the examination;
  9. Attestation by the applicant:
    - a. That s/he has not practiced in Nebraska prior to the application for a license; or
    - b. To the actual number of days practiced in Nebraska prior to the application for a license; and
  10. The required licensure fee.

36-007.03C Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-007.03D Examination Notification: The Department will notify the applicant of examination eligibility and be forwarded a schedule of the date, time, and place of the examination, and any additional information necessary for taking the examination.

36-007.03E Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

36-007.03F Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-007.03G Department Review: The Department will act within 150 days upon all completed applications for license.

36-007.04 Electrology Instructor by Waiver of Examination

36-007.04A Requirements: An applicant for licensure as an electrology instructor by waiver of examination must:

1. Hold a current license as an electrologist in Nebraska;
2. Hold a current license as an Electrologist Instructor in another jurisdiction issued on the basis of a written examination;
3. Have attained the age of 17 years on or before the beginning date of the examination;
4. Have completed formal education equivalent to a United States high school education;
5. Possess the ability to identify and respond to emergency situations that could occur in the practice of electrology; and
6. Have practiced electrology actively for at least 5 years immediately before application.

36-007.04B Application Process: The following must be submitted to the Department:

1. Documentation of current licensure as an electrologist in Nebraska;
2. Verification of 5 years of actively practicing electrology immediately before application;
3. A photocopy of a birth certificate, baptismal certificate, or other equivalent document, which shows proof of attaining the age of 17 years on or before the beginning date of the examination;
4. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing evidence of graduation;
5. Verification of successful completion of a basic first aid course;
6. A complete application on Attachment D attached to these

regulations and incorporated by this reference and the applicant's social security number. Only applications which are complete will be considered;

7. If the applicant has been convicted of a felony or misdemeanor:
  - a. Official Court Record, which includes charges and disposition;
  - b. Copies of arrest records;
  - c. A letter from the applicant explaining the nature of the conviction;
  - d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
  - e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation;
8. Attestation by the applicant:
  - a. That s/he has not practiced in Nebraska prior to the application for a license; or
  - b. To the actual number of days practiced in Nebraska prior to the application for a license;
9. The licensure fee; and
10. Information from the licensing or certifying agency submitted to the Department that includes:
  - a. A certification on Attachment D1 attached to these regulations and incorporated by this reference or alternate form which contains the same information, that the applicant is duly licensed or certified, that his or her license or certification has never been disciplined or revoked, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement;
  - b. The nature of disciplinary actions, if any, taken against the applicant's license;
  - c. Verification that the applicant's license was based on a written examination:
  - d. The date of the applicant's license and expiration date of such license; and
  - e. The score(s) attained on the examination.

36-007.04C Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-007.04D Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

36-007.04E Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-007.04F Department Review: The Department will act within 150 days upon all completed applications for license.

36-007.05 Esthetics Instructor by Examination

37-006.05A Requirements: An applicant for licensure as an esthetics instructor by examination must:

1. Hold a current esthetician license in Nebraska;
2. Have attained the age of 17 years on or before the beginning date of the examination;
3. Have completed formal education equivalent to a United States high school education;
4. Possess the ability to identify and respond to emergency situations that could occur in the practice of esthetics;
5. Complete an instructor's program of studies in a school of cosmetology in Nebraska or a school esthetics in or outside of Nebraska consisting of 300 hours of esthetics instructor training;
  - a. If a lapse in training of 2 years or longer occurs, all hours earned will be forfeited. Hours must be earned exclusively in either a school of cosmetology or school of esthetics. No hours earned in one type of establishment may be transferred to another type of establishment; and
6. Have passed the licensure examination with an average score of 75%.

36-007.05B Application Process: The following must be submitted to the Department:

1. Documentation of current licensure in Nebraska as an esthetician;
2. A photocopy of the diploma or certificate from a school of

- cosmetology or esthetics verifying the completion of a program of studies for licensure;
3. A photocopy of a birth certificate, baptismal certificate, or other equivalent document, which shows proof of attaining the age of 17 years on or before the beginning date of the examination;
  4. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing evidence of graduation;
  5. Verification of successful completion of a basic first aid course. A course approved by the Department may be offered by the school of cosmetology or school of esthetics free of charge, or may be gained at other sites;
  6. Verification by the school of cosmetology or school of esthetics verifying the student's instructor training and completion of 300 hours by the student;
  7. A complete application on Attachment E attached to these regulations and incorporated by this reference and the applicant's social security number. Only applications which are complete will be considered;
  8. If the applicant has been convicted of a felony or misdemeanor:
    - a. Official Court Record, which includes charges and disposition;
    - b. Copies of arrest records;
    - c. A letter from the applicant explaining the nature of the conviction;
    - d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
    - e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation;
  9. One current photograph for identification purposes and entry to the examination;
  10. Attestation by the applicant:
    - a. That s/he has not practiced in Nebraska prior to the application for a license; or
    - b. To the actual number of days practiced in Nebraska prior to the application for a license; and
  11. The required licensure fee.

36-007.05C Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the

English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-007.05D Examination Notification: The Department will notify the applicant of examination eligibility and be forwarded a schedule of the date, time, and place of the examination, and any additional information necessary for taking the examination.

36-007.05E Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

36-007.05F Administrative Penalty/Other Action. An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-007.05G Department Review: The Department will act within 150 days upon all completed applications for license.

36-007.06 Esthetics Instructor by Waiver of Examination

36-007.06A Requirements: An applicant for licensure as an esthetics instructor by waiver of examination must:

1. Hold a current license as an esthetician in Nebraska;
2. Hold a current license as an Esthetic Instructor in another jurisdiction issued on the basis of a written and practical examination;
3. Have attained the age of 17 years on or before the beginning date of the examination;
4. Have completed formal education equivalent to a United States high school education;
5. Possess the ability to identify and respond to emergency situations that could occur in the practice of esthetics; and
6. Complete a course of esthetics instructor's studies consisting of at least 300 hours.
  - a. If the applicant does not meet these hour requirements, these hours may be earned through any combination of hours earned as a student instructor in a cosmetology school or esthetic school licensed or approved by the

jurisdiction in which it was located, and hour-equivalents granted for recent work experience. Hour equivalents may be granted in the following manner:

- (1) Each month of full-time practice as an esthetics instructor within the 5 years immediately preceding application will be valued as 100 hour-equivalents towards an esthetic instructor license.

36-007.06B Application Process: The following must be submitted to the Department:

1. Documentation of current licensure as an esthetician in Nebraska;
2. A photocopy of the diploma or certificate from a school of cosmetology or esthetics verifying the completion of a program of studies;
3. A photocopy of a birth certificate, baptismal certificate, or other equivalent document, which shows proof of attaining the age of 17 years on or before the beginning date of the examination;
4. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing evidence of graduation;
5. Verification of successful completion of a basic first aid course;
6. A complete application on Attachment F attached to these regulations and incorporated by this reference and the applicant's social security number. Only applications which are complete will be considered;
7. If the applicant has been convicted of a felony or misdemeanor:
  - a. Official Court Record, which includes charges and disposition;
  - b. Copies of arrest records;
  - c. A letter from the applicant explaining the nature of the conviction;
  - d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
  - e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation;
8. Attestation by the applicant:
  - a. That s/he has not practiced in Nebraska prior to the application for a license; or
  - b. To the actual number of days practiced in Nebraska prior to

the application for a license;

9. The licensure fee; and
10. Information from the licensing or certifying agency submitted to the Department that includes:
  - a. A certification on Attachment F1 attached to these regulations and incorporated by this reference or an alternate form which contains the same information, that the applicant is duly licensed or certified, that his or her license or certification has never been disciplined or revoked, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement;
  - b. The nature of disciplinary actions, if any, taken against the applicant's license;
  - c. Verification that the applicant's license was based on a written and practical examination;
  - d. The date of the applicant's license and expiration date of such license; and
  - e. The score(s) attained on the examination.

36-007.06C Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-007.06D Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

36-007.06E Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-007.06F Department Review: The Department will act within 150 days upon all completed applications for license.

#### 36-007.07 Nail Technology Instructor by Examination

36-007.07A Requirements: An applicant for licensure as a nail technology instructor by examination must:

1. Hold a current nail technology license in Nebraska;

2. Have attained the age of 17 years on or before the beginning date of the examination;
3. Have completed formal education equivalent to a United States high school education;
4. Possess the ability to identify and respond to emergency situations that could occur in the practice of nail technology;
5. Complete a nail technology instructor's program of studies in a school of cosmetology or school of nail technology in Nebraska consisting of 300 hours; and
6. Have passed the licensure examination with an average score of 75%.

36-007.07B Application Process: The following must be submitted to the Department:

1. Documentation of current licensure in Nebraska as a nail technician;
2. A photocopy of a birth certificate, baptismal certificate, or other equivalent document, which shows proof of attaining the age of 17 years on or before the beginning date of the examination;
3. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing evidence of graduation;
4. Verification of successful completion of a basic first aid course. A course approved by the Department may be offered by the school of cosmetology or school of nail technology free of charge, or may be gained at other sites;
5. A certification by the school of cosmetology or school of nail technology, verifying the student's nail technology instructor training and completion of 300 hours by the student;
6. A photocopy of the diploma or certificate from a school of cosmetology or school of nail technology verifying the completion of a program of nail technology instructor studies for licensure;
7. A complete application on Attachment G attached to these regulations and incorporated by this reference and the applicant's social security number. Only applications which are complete will be considered;
8. If the applicant has been convicted of a felony or misdemeanor:

- a. Official Court Record, which includes charges and disposition;
  - b. Copies of arrest records;
  - c. A letter from the applicant explaining the nature of the conviction;
  - d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
  - e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation;
9. One current photograph for identification purposes and entry to the examination;\_
10. Attestation by the applicant:
- a. That s/he has not practiced in Nebraska prior to the application for a license; or
  - b. To the actual number of days practiced in Nebraska prior to the application for a license; and\_
11. The required licensure fee;

36-007.07C Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-007.07D Examination Notification: The Department will notify the applicant of examination eligibility and be forwarded a schedule of the date, time, and place of the examination, and any additional information necessary for taking the examination.

36-007.07E Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

36-007.07F Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-007.07G Department Review: The Department will act within 150 days upon all completed applications for license.

36-007.08 Nail Technology Instructor Based on a License in another State or Jurisdiction (Reciprocity)

36-007.08A Requirements: An applicant for licensure as a nail technology

instructor by Reciprocity must:

1. Hold a current license as a nail technician in Nebraska;
2. Hold a current license as a nail technology instructor in another jurisdiction;
3. Have attained the age of 17 years on or before the beginning date of the examination;
4. Have completed formal education equivalent to a United States high school education; and
5. Have completed a program of nail technology instructor studies consisting of at least 300 hours. If a written examination was not required for licensure in another jurisdiction, the applicant must take the Nebraska written examination; or
6. Have practiced as a nail technology instructor for at least 12 months following issuance of a license in another jurisdiction.

36-007.08B Application Process: The following must be submitted to the Department:

1. Documentation of current licensure as a nail technician in Nebraska;
2. A photocopy of a birth certificate, baptismal certificate, or other equivalent document, which shows proof of attaining the age of 17 years on or before the beginning date of the examination;
3. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing evidence of graduation;
4. A photocopy of the diploma or certificate from a school of cosmetology or school of nail technology verifying the completion of a program of studies;
5. A complete application on Attachment H attached to these regulations and incorporated by this reference and the applicant's social security number. Only applications which are complete will be considered;
6. If the applicant has been convicted of a felony or misdemeanor:
  - a. Official Court Record, which includes charges and disposition;
  - b. Copies of arrest records;
  - c. A letter from the applicant explaining the nature of the conviction;
  - d. All addiction/mental health evaluations and proof of treatment,

- if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
- e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation;
7. Attestation by the applicant:
    - a. That s/he has not practiced in Nebraska prior to the application for a license; or
    - b. To the actual number of days practiced in Nebraska prior to the application for a license;
  8. The licensure fee; and
  9. A certification by the school of cosmetology or school of nail technology, verifying the student's nail technology instructor training and completion of at least 300 hours by the student; or evidence of practice as an instructor for at least 12 months following licensure; and
  10. A certification on Attachment H1 attached to these regulations and incorporated by this reference or an alternate form which contains the same information, completed, dated, and signed by the agency issuing the original license, that the applicant is duly licensed or certified, that his or her license or certification has never been disciplined or revoked, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement. The certification must include the following:
    - (1) The nature of disciplinary actions, if any, taken against the applicant's license;
    - (2) Verification that the applicant's license was based on a written examination; date of the written examination and the scores received on each examination (if applicable);
    - (3) The date of the applicant's license and expiration of such license; and
    - (4) The name of the school of cosmetology or school of nail technology attended by the applicant and date of graduation if applicable;

36-007.08C Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-007.08D Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

36-007.08E Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-007.08F Department Review: The Department will act within 150 days upon all completed applications for license.

36-008 APPLICANTS RECEIVING TRAINING IN A FOREIGN COUNTRY: An applicant for licensure to practice as a cosmetologist, electrologist, esthetician or instructor based on receiving training in a foreign country is required to take the Nebraska licensure examination.

36-008.01 Requirements: An applicant must:

1. Have attained the age of 17 years on or before the beginning date of the examination;
2. Have completed formal education equivalent to a United States high school education;
3. Have completed a basic first aid course which will provide the ability to identify and respond to emergency situations that could occur in the practice;
4. Hold a current license or equivalent official recognition of the right to practice in a foreign country or have practiced at least 5 years within the 8 years immediately preceding application as a cosmetologist, electrologist, esthetician or instructor; and
5. Have passed the Nebraska licensure examination with an average score of 75%.

36-008.02 Application Process: The following must be submitted to the Department:

1. Evidence of attaining the age of 17 years on or before the beginning date of the examination, as evidenced by a photocopy of a birth certificate, baptismal certificate, or other equivalent document;
2. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing evidence of graduation;
3. Evidence of successful completion of a basic first aid course;
4. A photocopy of current licensure or documentation that the applicant has

been in the active practice as a cosmetologist, electrologist, esthetician, or instructor for at least 5 years within the 8 years immediately preceding application;

5. A complete application on Attachment I attached to these regulations and incorporated by this reference and the applicant's social security number. Only applications which are complete will be considered;
6. If the applicant has been convicted of a felony or misdemeanor:
  - a. Official Court Record, which includes charges and disposition;
  - b. Copies of arrest records;
  - c. A letter from the applicant explaining the nature of the conviction;
  - d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
  - e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation;
7. One current photograph for identification purposes and entry to the examination;
8. Attestation by the applicant:
  - a. That s/he has not practiced in Nebraska prior to the application for a license; or
  - b. To the actual number of days practiced in Nebraska prior to the application for a license; and
9. The licensure fee.-

36-008.03 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-008.04 Examination Notification: The Department will notify the applicant of examination eligibility and be forwarded a schedule of the date, time, and place of the examination, and any additional information necessary for taking the examination.

36-008.05 Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

36-008.06 Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-008.07 Department Review: The Department will act within 150 days upon all

completed applications.

36-009 REGISTRATION: Registration is required before any person may act as a guest artist, cosmetician, cosmetology student, esthetician student, apprentice, student instructor, or temporary practitioner, and no person must assume any title indicative of any of such areas of activity without first being registered. The criteria for issuance of registration and the documentation required by the Department and the Board are set forth below.

36-009.01 Cosmetician

36-009.01A Requirements: An applicant for registration as a cosmetician must:

1. Have received instruction in the chemical properties of, and potential reactions to, the cosmetics s/he intends to apply from his/her employers or from the manufacturers or distributors of the cosmetic products;
2. Have received instruction of actions to take in the event of chemical reaction; and
3. Be currently employed as a cosmetician or intending to become employed.

36-009.01B Application Process: The following must be submitted to the Department:

1. Verification of employment as a cosmetician or statement of intent to become employed as a cosmetician;
2. A complete application on Attachment J attached to these regulations and incorporated by this reference. Only applications which are complete will be considered;
3. Attestation by the applicant:
  - a. That s/he has not practiced in Nebraska prior to the application for a registration; or
  - b. To the actual number of days practiced in Nebraska prior to the application for a registration; and
4. The registration fee.

36-009.01C Department Review: The Department will act within 150 days upon all completed applications.

36-009.02 Guest Artist

36-009.02A Requirements: An applicant for registration as a guest artist must:

1. Hold current licensure as a cosmetologist in another jurisdiction or

have the education or experience relating to the applicable category of continuing competency; and

2. Be under the sponsorship of a licensed Nebraska cosmetology establishment or licensed cosmetologist.

36-009.02B Application Process: The following must be submitted to the Department:

1. Verification of sponsorship of a licensed cosmetology establishment or licensed cosmetologist;
2. A complete application on Attachment K attached to these regulations and incorporated by this reference. Only applications which are complete will be considered;
3. The registration fee; and
4. For applicants licensed in another jurisdiction a certification that the applicant is currently licensed on Attachment K1 attached to these regulations and incorporated by this reference or an alternate form which contains the same information. This may be submitted to the Department by the applicant or the certifying or licensing agency; or
5. For applicants not licensed in another jurisdiction documentation of education and experience relating to the applicable category of continuing competency. This may be submitted to the Department by the applicant or the certifying or licensing agency.

36-009.02D Department Review: The Department will act within 150 days upon all completed applications.

36-009.03 Special Study Student or Special Study Apprentice

36-009.03A Requirements: An applicant for registration as a cosmetology or esthetician special study student or special study apprentice must:

1. Have attained the age of 17 years on or before the date of enrollment in a school of cosmetology/esthetics or an apprentice salon;
2. Have completed the 10<sup>th</sup> grade;
3. Have been accepted for enrollment at a school of cosmetology/esthetics or an apprentice salon;
4. Be actively continuing his/her formal high school education on a full-time basis as determined by the Department; and
5. Have not undertaken any training in cosmetology or esthetics

without being registered as a student or apprentice.

36-009.03B Application Process: The school of cosmetology, school of esthetics or an apprentice salon must submit to the Department:

1. Evidence that the student has attained the age of 17 years on or before the beginning date of the enrollment, as evidenced by a photocopy of a birth certificate, baptismal certificate, or other equivalent document;
2. A photocopy of the student's high school record indicating completion of 10<sup>th</sup> grade or equivalent document and evidence of continuing high school on a full time basis; and
3. A complete application for registration on Attachment L attached to these regulations and incorporated by this reference . The completed application must be submitted within 5 days following the first day of courses. Only applications which are complete will be considered.

36-009.03C Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate their own documents.

36-009.03D A school of cosmetology/esthetics or an apprentice salon must not accept an individual for enrollment who does not provide evidence of meeting the age and education requirements.

36-009.03E A school of cosmetology/esthetics or an apprentice salon must not continue training an individual for whom the establishment has not submitted a complete registration application within such 5 day period.

36-009.03F Department Time Frame: The Department will act within 30 days on all completed applications for registration and forward an acknowledgement of the student's registration to the student and school of cosmetology/esthetics or an apprentice salon.

36-009.03G A school of cosmetology/esthetics or an apprentice salon must not continue to train or enroll a person who has not received his or her acknowledgement of registration within 30 days of submission.

36-009.03H Special study students or special study apprentices are limited to attending a school of cosmetology, a school of esthetics or an apprentice salon for 8 hours per week during the high school year but may attend a school of cosmetology/esthetics or an apprentice salon for more than 8 hours per week during the time designated by the high school as summer break.

36-009.03I If a lapse in training of 2 years or longer occurs, all hours and credits earned will be forfeited. Hours and credits must be earned exclusively in either a school of cosmetology, a school of esthetics or an apprentice salon. No hours or

credits earned in one type of establishment may be transferred to another type of establishment.

36-009.04 Standard Student or Standard Apprentice

36-009.04A Requirements: An applicant for registration as a cosmetology or esthetician standard student or standard apprentice must:

1. Have attained the age of 17 years on or before enrollment in a school of cosmetology/esthetics or an apprentice salon;
2. Have completed formal education equivalent to a United States high school education;
3. Have been accepted for enrollment at a school of cosmetology/esthetics or an apprentice salon; and
4. Have not undertaken any training in cosmetology or esthetics without being registered as a student or apprentice.

36-009.04B Application Process: The school of cosmetology, a school of esthetics or an apprentice salon must submit to the Department:

1. Evidence that the student has attained the age of 17 years on or before the beginning date of the enrollment, as evidenced by a photocopy of a birth certificate, baptismal certificate, or other equivalent document;
2. A photocopy of the student's high school diploma, general educational development certificate, or equivalent document as determined by the Department, showing evidence of graduation; and
3. A complete application for registration on Attachment L attached to these regulations and incorporated by this reference. The completed application must be submitted within 5 days following the first day of courses. Only applications which are complete will be considered.

36-009.04C Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-009.04D A school of cosmetology, school of esthetics or an apprentice salon must not accept an individual for enrollment who does not provide evidence of meeting the age and education requirements.

36-009.04E A school of cosmetology, a school of esthetics or an apprentice salon must not continue training an individual for whom the establishment has not submitted a complete registration application within such 5 day period.

36-009.04F Department Time Frame: The Department will act within 30 days on all completed applications for registration and forward an acknowledgement of the student's registration to the student and school of cosmetology/esthetics or an apprentice salon;

36-009.04G A school of cosmetology, a school of esthetics or an apprentice salon must not continue to train or enroll a person who has not received his or her acknowledgement of registration within 30 days of submission.

36-009.04H If a lapse in training of 2 years or longer occurs, all hours and credits earned will be forfeited. Hours and credits must be earned exclusively in either a school of cosmetology, a school of esthetics or an apprentice salon. No hours or credits earned in one type of establishment may be transferred to another type of establishment.

#### 36-009.05 Intrastate Transfer Student

36-009.05A Requirements: The following rules pertain to intrastate transfers:

1. An applicant for registration as an intrastate transfer cosmetology or esthetician student may transfer from one school of cosmetology in Nebraska to another school in Nebraska at any time without penalty if the applicant:
  - a. Secures a letter from the school of cosmetology, a school of esthetics or an apprentice salon from which s/he is transferring stating:
    - (1) The number of hours and credits earned by the student of such school, including any hours and credits the student transferred into that school; and
    - (2) The dates of attendance of the student at that school.

36-009.05B School Responsibilities: The school of cosmetology or a school of esthetics, to which the student is transferring must submit to the Department:

1. A copy of the letter specified in 172 NAC 36-009.05A; and
2. A completed application on Attachment L attached to these regulations and incorporated by this reference. The completed application must be submitted within 5 days following the first day of courses. Only applications which are complete will be considered. Supporting documents already on file with the Department submitted with the original application need not be resubmitted.

36-009.05C A student may not begin training at the new school until the requirements specified in 172 NAC 36-009.05A and 36-009.05B have been met.

36-009.05D A school of cosmetology or a school of esthetics must not continue training an individual for whom the school has not submitted a complete registration application within such 5 day period.

36-009.05E Department Time Frame: The Department will act within 30 days on all completed applications for registration and forward an acknowledgement of the student's registration to the student and school of cosmetology/esthetics;

36-009.05F A school of cosmetology or a school of esthetics must not continue to train or enroll a person who has not received his/her acknowledgement of registration within 30 days of submission.

36-009.05G If a lapse in training of 2 years or longer occurs, all hours and credits earned will be forfeited. Hours and credits must be earned exclusively in either a school of cosmetology, a school of esthetics or an apprentice salon. No hours or credits earned in one type of establishment may be transferred to another type of establishment.

#### 36-009.06 Interstate Transfer Student

36-009.06A Requirements: An applicant for registration as an interstate transfer cosmetology or esthetician student may transfer into a school of cosmetology or school of esthetics in Nebraska from a school in another state if the school in the other state meets all requirements as specified in Neb. Rev. Stat. §71-3,141. The applicant must:

1. Have attained the age of 17 years on or before enrollment in a school of cosmetology;
2. Have completed formal education equivalent to a United States high school education; and
3. Have been accepted for enrollment at a school of cosmetology or a school of esthetics in Nebraska.

36-009.06B Application Requirements: The student must submit to the Department:

1. Documentation that the school from which s/he is transferring was fully accredited by the appropriate body in that state at the time the student attended; and
2. Documentation that a portion of the student's hours had been earned within the 2 years immediately prior to the transfer.

36-009.06C School Responsibilities: The of cosmetology or a school of esthetics must submit to the Department:

1. Evidence that the student attained the age of 17 years of age on or before the beginning date of the enrollment, as evidenced by a

photocopy of a birth certificate, or equivalent document;

2. A photocopy of the student's high school diploma, general education development certificate, or equivalent document showing evidence of graduation;
3. A complete application for registration on Attachment L attached to these regulations and incorporated by this reference. The completed application must be submitted within 5 days following the first day of courses. Only applications which are complete will be considered.

36-009.06D Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-009.06E A school of cosmetology or a school of esthetics must not continue training an individual for whom the school of cosmetology or a school of esthetics has not submitted a complete registration application within such 5 day period.

36-009.06F Department Time Frame: The Department will act within 30 days on all completed applications for registration and forward an acknowledgement of the student's registration to the student and school of cosmetology or a school of esthetics;

36-009.06G A school of cosmetology or a school of esthetics must not continue to train or enroll a person who has not received his or her acknowledgement of registration within 30 days of submission.

36-009.06H If a lapse in training of 2 years or longer occurs, all hours and credits earned will be forfeited. Hours and credits must be earned exclusively in either a school of cosmetology or a school of esthetics. No hours or credits earned in one type of establishment may be transferred to another establishment of another type.

#### 36-009.07 Cosmetology Student by a Licensed Barber

36-009.07A Requirements. Any applicant for registration as a cosmetology student who is currently licensed as a barber issued by the appropriate authority in Nebraska is entitled to waive 1000 hours upon enrolling in a complete course of cosmetology training in a school of cosmetology. The applicant must:

1. Have attained the age of 17 years on or before enrollment in a school of cosmetology or an apprentice salon;
2. Have completed formal education equivalent to a United States high school education;
3. Hold a current license as a barber in the State of Nebraska;

4. Have been accepted for enrollment at a school of cosmetology or an apprentice salon; and
5. Have not undertaken any training in cosmetology without being registered as a student or apprentice.

36-009.07B School Responsibilities: The school of cosmetology must submit to the Department:

1. Evidence that the student attained the age of 17 years on or before the beginning date of the enrollment, as evidenced by a photocopy of a birth certificate, baptismal certificate, or other equivalent document;
2. A photocopy of the student's high school diploma, general educational development certificate, or equivalent document as determined by the Department, showing evidence of graduation;
3. A photocopy of the current license as a barber in the State of Nebraska; and
4. A complete application for registration on Attachment L attached to these regulations and incorporated by this reference. The completed application must be submitted within 5 days following the first day of courses. Only applications which are complete will be considered.

36-009.07C Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

36-009.07D A school of cosmetology or apprentice salon must not accept an individual for enrollment who does not provide evidence of meeting the age, education and barber licensure requirements;

36-009.07E The school of cosmetology will determine, based upon the knowledge and experience of the student, which 1000 hours of training will be waived and how many credits to waive and which credits are to be waived for the student, except that no fewer than 500 credits and no more than 1000 credits may be waived for any student. No hours will be waived for a student enrolling in an esthetician program of study;

36-009.07F A school of cosmetology must not continue training an individual for whom the establishment has not submitted a complete registration application within such 5 day period.

36-009.07G Department Time Frame: The Department will act within 30 days on all completed applications for registration and forward an acknowledgement of the student's registration to the student and school of cosmetology or apprentice salon;

36-009.07H A school of cosmetology must not continue to train or enroll a person who has not received his/her acknowledgement of registration within 30 days of submission.

36-009.07I If a lapse in cosmetology training of 2 years or longer occurs, all hours and credits earned will be forfeited. Hours and credits must be earned exclusively in either a school of cosmetology or apprentice salon. No hours or credits earned in one type of establishment may be transferred to another type of establishment.

36-009.08 Student Instructor

36-009.08A Requirements: An applicant for registration as a student instructor must:

1. Hold a current license as a cosmetologist or esthetician in Nebraska;
2. Have completed formal education equivalent to a United States high school education or its equivalent; and
3. Have been accepted for instructor training by a school of cosmetology or school of esthetics.

36-009.08B School Responsibilities: The school of cosmetology or school of esthetics must submit to the Department:

1. The student's cosmetology or esthetic license number issued by the State of Nebraska;
2. A photocopy of the student's high school diploma, a general education document, or other equivalent documentation; and
3. A complete application on Attachment M attached to these regulations and incorporated by this reference. The completed application must be submitted within 5 days following the first day of courses. Only applications which are complete will be considered.

36-009.08C A school of cosmetology or school of esthetics must not accept an individual for enrollment who does not provide evidence of meeting the age and education requirements.

36-009.08D A school of cosmetology or school of esthetics must not continue training an individual for whom the establishment has not submitted a complete registration application within such 5 day period.

36-009.08E Department Review Time: The Department will act within 30 days on all completed applications for registration and forward an acknowledgement of the student's registration to the student and school of cosmetology or school of esthetics.

36-009.08F A school of cosmetology or school of esthetics must not continue to train or enroll a person who has not received his or her acknowledgement of registration within 30 days of submission.

36-009.09 Re-entrance as a Student

36-009.09A Requirements: An applicant who re-enters a school of cosmetology, a school of esthetics, or an apprentice salon within 2 years of the last date of training must meet all registration requirements as specified in these regulations.

36-009.09B School Responsibilities: The school of cosmetology, a school of esthetics or an apprentice salon must submit to the Department:

1. A complete application for registration on Attachment L attached to these regulations and incorporated by this reference. The completed application must be submitted within 5 days following the first day of courses following re-entrance. Supporting documents already on file with the Department submitted with the original application need not be resubmitted; and
2. Documentation of the hours and credits earned by the student before the date of re-entrance.

36-009.09C If any lapse in training of 2 years or longer occurs, all hours and credits earned will be forfeited.

36-009.09D The student may not begin training until the requirements specified in these regulations have been met.

36-009.09E The school of cosmetology/esthetics or an apprentice salon will not continue training an individual for whom the school has not submitted a complete registration application within such 5 day period.

36-009.09F Department Time Frame: The Department will act within 30 days on all completed applications and forward an acknowledgement of the student's registration to the student and school of cosmetology/esthetics or an apprentice salon.

36-009.09G A school of cosmetology, a school of esthetics, or apprentice salon must not continue to train or enroll a person who has not received his or her acknowledgement of registration within 30 days of submission.

36-010 TEMPORARY PRACTITIONER REGISTRATION: Registration is required before any person may act as a temporary practitioner, and no person may assume any title indicative of any such areas of activity without first being registered. The criteria for issuance of registration and the documentation required by the Department and the Board are set forth below.

36-010.01 Registration as a Temporary Practitioner

36-010.01A Requirements: An applicant for registration as a temporary practitioner must:

1. Have submitted a complete application for licensure by examination as specified in these regulations for licensure as a cosmetologist or esthetician. Such application must be approved by the Department prior to issuance of registration as a temporary practitioner;
2. Have not failed any portion of the licensure examination or have

failed to take any portion of the licensure examination; and

3. Have been accepted for work in a licensed cosmetology establishment under the supervision of a licensed practitioner in the category of licensure.

36-010.01B Application Process: The following must be submitted to the Department:

1. Verification of acceptance for work in a licensed cosmetology establishment under the supervision of a licensed practitioner;
2. A complete application on Attachment N attached to these regulations and incorporated by this reference. Only applications which are complete will be considered;
3. Attestation by the applicant:
  - a. That s/he has not practiced in Nebraska prior to the application for a registration; or
  - b. To the actual number of days practiced in Nebraska prior to the application for a registration; and
4. The registration fee.

36-010.01C Change in Temporary Registration: If any condition of the original application for registration changes, the individual must submit to the Department a new complete application along with the registration fee and original temporary registration. The Department will not issue a new temporary registration until the original temporary registration is surrendered.

36-010.02 Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential, is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

36-010.03 Department Review: The Department will act within 30 days upon all completed applications.

36-011 EXPIRATION OF REGISTRATION: Registration is granted for a set period of time and cannot be renewed.

36-011.01A Expiration: The following specifies the expiration requirements:

1. Guest Artist: 2 years following the initial date of issuance.
2. Cosmetician: 2 years following the initial date of issuance.
3. Student, apprentice, or student instructor: Upon successful completion of the licensing examination or termination of enrollment in the school or

apprentice salon. Termination of enrollment means:

- a. Failure to attend for a period of 3 months or more;
- b. The student informs the school of cosmetology or apprentice salon in writing that he or she will no longer be attending; and
- c. Notification to the student by the school of cosmetology or apprentice salon of termination.

4. Temporary Practitioner: Registration as a temporary practitioner expires as follows:

- a. 6 weeks following the written examination date or upon receipt of examination results, which ever occurs first; or
- b. If the temporary practitioner fails to take the first regularly scheduled examination, the registration will expire immediately after the beginning of the examination unless the Board finds that the temporary practitioner was unable to attend the examination due to an emergency or other valid circumstance. In this case the Board may extend the registration until 6 weeks after the date of the next regularly scheduled written examination or upon receipt of the examination results, which ever occurs first. No registration may be extended in this manner more than once.

36-012 PROGRAM OF STUDIES: All Nebraska licensed Schools of Cosmetology, Apprentice Salons, Schools of Esthetics, and Schools of Nail Technology must provide the applicable approved program of studies. To meet one of the conditions of licensure by examination, a student must complete the required curriculum. The following specifies each program of study.

36-012A Cosmetology Licensure: The program of studies consists of at least 2100 hours and 2000 credits. The program must include:

1. A Freshman Class which includes at least 300 hours and 300 credits. Every hour spent in theory or related theory class equals one credit.
  - a. Lecture Theory and Related Theory must include material directly related to the subjects listed in the Freshman Class Curriculum. Related theory experience may occur on mannequins, classroom models, or students. It does not include class laboratory (practice on the public) experience.
2. An Advanced Class which includes at least 1,800 hours and 1,700 credits. Every hour spent in theory or related theory class equals one credit.
3. A final practical and written examination that covers all the subject areas listed in this curriculum as a condition of graduation.

4. The following Freshman and Advanced Class Curriculum:

| FRESHMAN COSMETOLOGY THEORY and RELATED THEORY CLASS CURRICULUM (300 hours/300 credits) |                                                                                                            |                      |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|----------------------|
| MINIMUM HOURS                                                                           | SUBJECT                                                                                                    | CREDITS              |
| 40                                                                                      | Permanent waving / Chemical relaxing                                                                       | 40                   |
| 18                                                                                      | Facials (Eyebrow Arching, Body Waxing, Lash and Eyebrow Tint, Make-up, and Massage)                        | 18                   |
| 35                                                                                      | Haircutting                                                                                                | 35                   |
| 60                                                                                      | Hairstyling (Pin Curl Formations, Rollers Fingerwaving, Thermal Curling, Braiding, and Combout)            | 60                   |
| 23                                                                                      | Manicuring / Pedicuring / Artificial Nails / Massage                                                       | 23                   |
| 20                                                                                      | Shampoos, Conditioners and Scalp Treatments                                                                | 20                   |
| 40                                                                                      | Hair Coloring (Darkening, Permanent, Semi/Demi-permanent and Lightening)                                   | 40                   |
| 11                                                                                      | Nebraska Cosmetology Law / Rules and Regulations Sanitary Measures Safety Measures                         | 11                   |
| 2                                                                                       | Rules and Policies                                                                                         | 2                    |
| 5                                                                                       | Ethics / Grooming                                                                                          | 5                    |
| 15                                                                                      | Dispensary                                                                                                 | 15                   |
| 5                                                                                       | Reception Desk                                                                                             | 5                    |
| 26                                                                                      | Unassigned subjects - School may expand subjects listed above or select other cosmetology related subjects | 26                   |
| Total Hours<br>300                                                                      | TOTAL HOURS AND CREDITS IN THE<br>FRESHMAN COSMETOLOGY CURRICULUM                                          | Total Credits<br>300 |

| ADVANCED COSMETOLOGY THEORY CLASS CURRICULUM (300 hours/200 credits)                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                       |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| MINIMUM HOURS                                                                                                                              | SUBJECT                                                                                                                                                                                                                                                                                                                                                                                                                                                     | CREDITS               |
| 300                                                                                                                                        | Lecture theory must include, but is not limited to the following: Ethics, Hygiene, Poise-Personality, Bacteriology, Sterilization, Applied Electricity, Nebraska Cosmetology Law, State Rules and Regulations, Salon Management and Safety Measures, and as defined in <u>Neb. Rev. Stat. §71-351</u> . Advanced theory class must include the subjects listed in advanced practice on students, clients, mannequins, or class laboratory experience below. | 200                   |
| ADVANCED COSMETOLOGY RELATED THEORY (1500 hours/1500 credits)<br>Practice on Students, Clients, Mannequins or Class Lab (Floor) Experience |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                       |
| MINIMUM HOURS                                                                                                                              | SUBJECT                                                                                                                                                                                                                                                                                                                                                                                                                                                     | CREDITS               |
| 30                                                                                                                                         | Shampoos, Conditioners and Scalp Treatments                                                                                                                                                                                                                                                                                                                                                                                                                 | 30                    |
| 300                                                                                                                                        | Haircutting                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 300                   |
| 300                                                                                                                                        | Hairstyling (Pin Curl Formations, Rollers, Fingerwaving, Thermal Curling, Combout, Braiding and Wiggery)                                                                                                                                                                                                                                                                                                                                                    | 300                   |
| 300                                                                                                                                        | Permanent Waving / Chemical Relaxing                                                                                                                                                                                                                                                                                                                                                                                                                        | 300                   |
| 300                                                                                                                                        | Haircoloring (Darkening, Permanent, Semi/Demi-permanent and Lightening)                                                                                                                                                                                                                                                                                                                                                                                     | 300                   |
| 50                                                                                                                                         | Facials (Eyebrow Arching, Lash and Eyebrow Tint, Make-up, and Massage)                                                                                                                                                                                                                                                                                                                                                                                      | 50                    |
| 10                                                                                                                                         | Body waxing                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 10                    |
| 50                                                                                                                                         | Manicuring / Pedicuring / Artificial Nails / Massage                                                                                                                                                                                                                                                                                                                                                                                                        | 50                    |
| 130                                                                                                                                        | Salesmanship / Reception desk / Dispensary                                                                                                                                                                                                                                                                                                                                                                                                                  | 130                   |
| 30                                                                                                                                         | Unassigned (If a school determines a freshman curriculum longer than 300 hours, a portion of these unassigned hours may be allotted to the freshman course, expand the above subjects, or select other cosmetology related subjects)                                                                                                                                                                                                                        | 30                    |
| Total Hours<br>1500                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Total Credits<br>1500 |
| Total Hours<br>1800                                                                                                                        | TOTAL HOURS AND CREDITS<br>IN THE ADVANCED CURRICULUM                                                                                                                                                                                                                                                                                                                                                                                                       | Total Credits<br>1700 |

36-012.02 Cosmetology Instructor Licensure: The program of studies consists of at least 925 hours of teachers' training in an accredited school of cosmetology for a period of at least 6 months.

1. A student instructor may not be trained in an apprentice salon.
2. A final practical and written examination that covers all the subject areas listed in this curriculum is required for graduation.
3. Students must complete the following Cosmetology Student Instructor Class Curriculum:

| COSMETOLOGY STUDENT INSTRUCTOR<br>CLASS CURRICULUM (925 hours) |                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MINIMUM HOURS                                                  | SUBJECT                                                                                             | SUBJECT CONTENT                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 240                                                            | 1. Student Instructor Orientation                                                                   | A. Introduction to Faculty, Staff, Student body<br>B. School Policy<br>C. Overview of the Student Instructor Training Program<br>D. Statutes and Regulations<br>E. Sanitation and Sterilization Regulations<br>F. Teaching Techniques and Educational Tools<br>Student and Instructor Relations/Counseling                                                                                                                                                             |
| 240                                                            | 2. Preparation of a Cosmetology Program                                                             | A. Overview of Student Cosmetology Curriculum as required by State and School (Units)<br>B. Detailed Course Outline (Chapters)<br>C. Detailed Subject Layout (Daily Lessons)                                                                                                                                                                                                                                                                                           |
| 240                                                            | 3. Theory and Clinical Techniques (Must include Freshman and Advanced Student training Experiences) | A. Classroom Observations<br>1. Assist with<br>a. Presentations/ Lectures<br>b. Teaching basic skills<br>c. Clinical Activities<br>B. Clinical Observations<br>1. Supervision of Services<br>2. Student/Client Relationships<br>C. Clinical Activities<br>1. Supervision of Procedures/Demonstrations<br>2. Practice Teaching/Basic Skills                                                                                                                             |
| 50                                                             | 4. The Student Instructor Learns to Evaluate Student Progress                                       | A. Basic Evaluation Techniques<br>1. Written, Observation, Oral                                                                                                                                                                                                                                                                                                                                                                                                        |
| 155                                                            | 5. Administrative Techniques                                                                        | A. Office Management<br>1. Student Folder<br>2. Entrance Notification<br>3. Recording Student Hours<br>4. Graduate Records<br>B. Office Records<br>1. State Rules and Regulations Governing Cosmetology Schools<br>2. Enrollment Procedures<br>3. Maintaining Student Records<br>C. Salon Management Operations<br>1. Client and Student Scheduling<br>2. Record Keeping Procedures<br>3. Receptionist Responsibilities<br>4. Inventory Control, Purchasing, Retailing |
| Total Hours<br>925                                             | TOTAL HOURS FOR THE<br>COSMETOLOGY STUDENT INSTRUCTOR CURRICULUM                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

36-012.03 Electrology Licensure: The program of studies consists of at least 600 hours and 600 credits.

36-012.04 Esthetician Licensure: The program of studies consists of at least 600 hours and 600 credits. The program must include the following:

1. A Freshman Class which includes at least 76 hours and 76 credits. Every hour spent in theory or related theory class equals one credit.
  - a. Lecture Theory and Related Theory must include material directly related to the subjects listed in the Freshman Class Curriculum. Related theory experience may occur on mannequins, classroom models, or students. It does not include class laboratory (practice on the public) experience.
2. An Advanced Class which includes at least 524 hours and 524 credits. Every hour spent in theory, related theory, or clinical practice class equals one credit.
3. A final practical and written examination that covers all the subject areas listed in this curriculum as a condition of graduation.
4. The following Freshman and Advanced Class Curriculum:

| FRESHMAN ESTHETICIAN<br>THEORY CLASS CURRICULUM (15 hours) |                                                                           |                     |
|------------------------------------------------------------|---------------------------------------------------------------------------|---------------------|
| MINIMUM HOURS                                              | SUBJECT                                                                   | CREDITS             |
| 3                                                          | Anatomy - Cells                                                           | 3                   |
| 5                                                          | Physiology/Histology                                                      | 5                   |
| 2                                                          | Skin Analysis                                                             | 2                   |
| 5                                                          | Disease and Disorders of the Skin                                         | 5                   |
| Total Hours<br>15                                          | TOTAL HOURS AND CREDITS FOR THE<br>FRESHMAN ESTHETICIAN THEORY CURRICULUM | Total Credits<br>15 |

| FRESHMAN ESTHETICIAN<br>RELATED THEORY CLASS CURRICULUM (61 hours) |                                                                                   |                     |
|--------------------------------------------------------------------|-----------------------------------------------------------------------------------|---------------------|
| MINIMUM HOURS                                                      | SUBJECT                                                                           | CREDITS             |
| 1                                                                  | Orientation                                                                       | 1                   |
| 3                                                                  | Sanitation                                                                        | 3                   |
| 6                                                                  | Product Introduction                                                              | 6                   |
| 15                                                                 | Basic Facials with Skin Analysis                                                  | 15                  |
| 3                                                                  | Facial Massages                                                                   | 3                   |
| 18                                                                 | Hair Removal / Tweezing / Waxing                                                  | 18                  |
| 10                                                                 | Body Treatments                                                                   | 10                  |
| 5                                                                  | Chemical / Manual /Machine Aided Exfoliation                                      | 5                   |
| Total Hours<br>61                                                  | TOTAL HOURS AND CREDITS FOR THE<br>FRESHMAN ESTHETICIAN RELATED THEORY CURRICULUM | Total Credits<br>61 |

| ADVANCED (JUNIOR/SENIOR) ESTHETICIAN<br>THEORY CLASS CURRICULUM (70 hours) |                                                                           |                     |
|----------------------------------------------------------------------------|---------------------------------------------------------------------------|---------------------|
| MINIMUM HOURS                                                              | SUBJECTS                                                                  | CREDITS             |
| 3                                                                          | Nebraska State Law and Rules and Regulations                              | 3                   |
| 12                                                                         | Anatomy                                                                   | 12                  |
| 5                                                                          | Business                                                                  | 5                   |
| 7                                                                          | Disease and Disorders of the Skin                                         | 7                   |
| 7                                                                          | Product Ingredients & Chemistry                                           | 7                   |
| 9                                                                          | Bacteriology                                                              | 9                   |
| 6                                                                          | Basic Makeup & Color Psychology                                           | 6                   |
| 5                                                                          | Electricity/Machines                                                      | 5                   |
| 3                                                                          | Hair Removal / Tweezing / Waxing                                          | 3                   |
| 2                                                                          | Aromatherapy                                                              | 2                   |
| 7                                                                          | Physiology/Histology                                                      | 7                   |
| 4                                                                          | Nutrition                                                                 | 4                   |
| Total Hours<br>70                                                          | TOTAL HOURS AND CREDITS FOR THE<br>ADVANCED ESTHETICIAN THEORY CURRICULUM | Total Credits<br>70 |

| ADVANCED (JUNIOR/SENIOR) ESTHETICIAN<br>RELATED THEORY CLASS CURRICULUM (68 hours) |                                                                                   |                     |
|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|---------------------|
| MINIMUM HOURS                                                                      | SUBJECT                                                                           | CREDITS             |
| 1                                                                                  | Sanitation                                                                        | 1                   |
| 4                                                                                  | Back Treatments                                                                   | 4                   |
| 12                                                                                 | Skin Diseases and Disorders                                                       | 12                  |
| 3                                                                                  | Advanced Waxing                                                                   | 3                   |
| 4                                                                                  | Chemical and Manual Exfoliation                                                   | 4                   |
| 4                                                                                  | Electricity/Machines                                                              | 4                   |
| 2                                                                                  | Facial Massage                                                                    | 2                   |
| 16                                                                                 | Makeup                                                                            | 16                  |
| 4                                                                                  | Para-Medical Makeup                                                               | 4                   |
| 2                                                                                  | Cosmetic Surgery Information                                                      | 2                   |
| 4                                                                                  | Custom Blended Cosmetics                                                          | 4                   |
| 12                                                                                 | Unassigned Hours                                                                  | 12                  |
| Total Hours<br>68                                                                  | TOTAL HOURS AND CREDITS FOR THE<br>ADVANCED ESTHETICIAN RELATED THEORY CURRICULUM | Total Credits<br>68 |

| ADVANCED ESTHETICIAN<br>CLINICAL PRACTICE CURRICULUM (386 hours/386 credits) |                                                                                      |                      |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|----------------------|
| MINIMUM HOURS                                                                | SUBJECT                                                                              | CREDITS              |
| 200                                                                          | Facial Treatments                                                                    | 200                  |
| 40                                                                           | Chemical / Manual Aided Exfoliation                                                  | 40                   |
| 40                                                                           | Machine Aided Exfoliation                                                            | 40                   |
| 30                                                                           | Body Treatments with Skin Analysis                                                   | 30                   |
| 50                                                                           | Hair Removal / Tweezing / Waxing                                                     | 50                   |
| 26                                                                           | Makeup Application                                                                   | 26                   |
| Total Hours<br>386                                                           | TOTAL HOURS AND CREDITS FOR THE<br>ADVANCED ESTHETICIAN CLINICAL PRACTICE CURRICULUM | Total Credits<br>386 |

36-012.05 Esthetics Instructor Licensure: The program of studies consists of at least 300 hours of teachers' training in an accredited school of cosmetology or school of esthetics.

1. A student instructor may not be trained in an apprentice salon.
2. A final practical and written examination that covers all the subject areas listed in this curriculum is required for graduation.
3. Students must complete the following Esthetics Student Instructor Class Curriculum:

| ESTHETICS STUDENT INSTRUCTOR<br>CLASS CURRICULUM (300 hours) |                                                                                                        |                 |                                                                                                                                                                                                 |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MINIMUM<br>HOURS                                             | SUBJECT                                                                                                | SUBJECT CONTENT |                                                                                                                                                                                                 |
| 16                                                           | 1. Student Instructor Orientation                                                                      | A.              | Introduction to Faculty, Staff, Student body                                                                                                                                                    |
|                                                              |                                                                                                        | B.              | School Policy                                                                                                                                                                                   |
|                                                              |                                                                                                        | C.              | Overview of the Student Instructor Training Program<br>Statutes and Regulations                                                                                                                 |
|                                                              |                                                                                                        | D.              | Sanitation and Sterilization Regulations                                                                                                                                                        |
|                                                              |                                                                                                        | E.              | Teaching Techniques and Educational Tools                                                                                                                                                       |
|                                                              |                                                                                                        | F.              | Student and Instructor Relations/Counseling                                                                                                                                                     |
| 50                                                           | 2. Preparation of an Esthetics Program                                                                 | A.              | Overview of Student Esthetics Curriculum as required by State and School (Units)                                                                                                                |
|                                                              |                                                                                                        | B.              | Detailed Course Outline (Chapters)                                                                                                                                                              |
|                                                              |                                                                                                        | C.              | Detailed Subject Layout (Daily Lessons)                                                                                                                                                         |
| 150                                                          | 3. Theory and Clinical Techniques<br>(Must include Freshman and Advanced Student training experiences) | A.              | Classroom Observations<br>1. Assist with<br>a. Presentations/ Lectures<br>b. Teaching basic skills<br>c. Clinical Activities                                                                    |
|                                                              |                                                                                                        | B.              | Clinical Observations<br>1. Supervision of Services<br>2. Student/Client Relationships                                                                                                          |
|                                                              |                                                                                                        | C.              | Clinical Activities<br>1. Supervision of Procedures/Demonstrations<br>2. Practice Teaching/Basic Skills                                                                                         |
| 40                                                           | 4. The Student Instructor Learns to Evaluate Student Progress                                          | A.              | Basic Evaluation Techniques<br>1. Written, Observation, Oral                                                                                                                                    |
| 44                                                           | 5. Administrative Techniques                                                                           | A.              | Office Management<br>1. Student folder<br>2. Entrance notification<br>3. Recording student hours<br>4. Graduate records                                                                         |
|                                                              |                                                                                                        | B.              | Office Records<br>1. State Rules and Regulations Governing Esthetics Schools or Cosmetology Schools providing an Esthetic Program<br>2. Enrollment Procedures<br>3. Maintaining Student Records |
|                                                              |                                                                                                        | C.              | Salon Management Operations<br>1. Client and Student Scheduling<br>2. Record Keeping Procedures<br>3. Receptionist Responsibilities<br>4. Inventory Control, Purchasing, Retailing              |
| Total Hours<br>300                                           | TOTAL HOURS FOR THE ESTHETICS STUDENT INSTRUCTOR CURRICULUM                                            |                 |                                                                                                                                                                                                 |

36-012.06 Nail Technology Licensure: The program of studies consists of at least 300 hours. The program must include the following:

1. A Theory Class which includes at least 75 hours.
  - a. Theory must include material directly related to the subjects listed in the Theory Class Curriculum; theory experience may occur on mannequin fingers, classroom models, or students. It does not include practical experience.
2. A final practical and written examination that covers all the subject areas listed in this curriculum as a condition of graduation.
3. The following Theory and Practical Class Curriculum:

| NAIL TECHNOLOGY THEORY<br>CLASS CURRICULUM (75 hours)                                                                                          |                                                                  |                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MINIMUM HOURS                                                                                                                                  | SUBJECT                                                          | SUBJECT CONTENT (including but not limited to the following)                                                                                                                                                                                                                                                                          |
| 75 Hours                                                                                                                                       | Client Consultation                                              |                                                                                                                                                                                                                                                                                                                                       |
| Up to ¼ (18 hours and 45 minutes) of the total theory hours may be presented using video tapes or similar devices, or equipment, or self study | Sanitation and Disinfection                                      | <ol style="list-style-type: none"> <li>1. Methods</li> <li>2. Sterilization</li> <li>3. Sanitation (Nebraska laws)</li> <li>4. Disinfection</li> <li>5. Supplies/Implements</li> </ol>                                                                                                                                                |
|                                                                                                                                                | Safety in Salon (Chemicals)                                      | <ol style="list-style-type: none"> <li>1. MSDS Sheets</li> <li>2. Nail Product Chemistry</li> <li>3. Chemical Hazards</li> <li>4. Personal &amp; Client Safety</li> </ol>                                                                                                                                                             |
|                                                                                                                                                | Basic First Aid                                                  |                                                                                                                                                                                                                                                                                                                                       |
|                                                                                                                                                | Bacteria and Other Infectious Agents                             | <ol style="list-style-type: none"> <li>1. Bacteria</li> <li>2. Parasites</li> <li>3. Viruses &amp; Fungus</li> <li>4. Infections Immunity &amp; Communicable Diseases</li> </ol>                                                                                                                                                      |
|                                                                                                                                                | Anatomy and Physiology                                           | <ol style="list-style-type: none"> <li>1. Nail Composition</li> <li>2. Skin of the Hands and Feet</li> <li>3. Structure of the Hands and Feet</li> </ol>                                                                                                                                                                              |
|                                                                                                                                                | Nail Salon Business and Nebraska Statutes, Rules And Regulations | <ol style="list-style-type: none"> <li>1. Management</li> <li>2. Professional Image / Ethics</li> <li>3. Laws and Regulations</li> </ol>                                                                                                                                                                                              |
|                                                                                                                                                | Nail and Skin Disorders and Diseases                             |                                                                                                                                                                                                                                                                                                                                       |
|                                                                                                                                                | Manicures / Pedicures / Hand & Foot Massage                      |                                                                                                                                                                                                                                                                                                                                       |
|                                                                                                                                                | Application, Repair, Maintenance and Removal of Artificial Nails | <ol style="list-style-type: none"> <li>1. Wraps                             <ol style="list-style-type: none"> <li>a. Fabric</li> </ol> </li> <li>2. Acrylic                             <ol style="list-style-type: none"> <li>a. Tip overlay</li> <li>b. Natural overlay</li> <li>c. Sculpt</li> </ol> </li> <li>3. Gels</li> </ol> |
|                                                                                                                                                | Filing Techniques                                                | <ol style="list-style-type: none"> <li>1. Nail drill – At least 1 hour</li> <li>2. Natural nails</li> </ol>                                                                                                                                                                                                                           |
| Total Hours<br>75                                                                                                                              | TOTAL HOURS FOR THE<br>NAIL TECHNOLOGY THEORY CURRICULUM         |                                                                                                                                                                                                                                                                                                                                       |

| NAIL TECHNOLOGY PRACTICAL<br>CLASS CURRICULUM (225 hours)                                                                                                                                                                                      |                                                                      |                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| 1. 100 hours of practice on an artificial hand/nail; and<br>2. 125 hours of practical training must include the minimum hours listed below for each type of service.<br>Such service must be on a live person; not on an artificial hand/nail: |                                                                      |                                                                                                                                      |
| MINIMUM HOURS                                                                                                                                                                                                                                  | SUBJECT                                                              | SUBJECT CONTENT (including but not limited to the following)                                                                         |
| 55                                                                                                                                                                                                                                             | Artificial Nail Application                                          | A. Wraps – 15 Hours<br>1. Fabric<br>B. Acrylic – 25 Hours<br>1. Tip Overlay<br>2. Natural Overlay<br>3. Sculpt<br>C. Gels – 15 Hours |
| 15                                                                                                                                                                                                                                             | Filing Techniques                                                    | a. Manual Filing – 1 Hour<br>B. Nail Drill – 14 Hours                                                                                |
| 45                                                                                                                                                                                                                                             | Repair & Maintenance                                                 | a. Wrap Fill – 15 Hours<br>b. Acrylic Fill – 15 Hours<br>1. Two Tone<br>b. Gel Fill – 15 Hours                                       |
| 10                                                                                                                                                                                                                                             | Manicure/Pedicure                                                    | a. Manicure – 5 Hours<br>b. Pedicure – 5 Hours                                                                                       |
| Total Hours<br>125                                                                                                                                                                                                                             | TOTAL HOURS FOR THE NAIL TECHNOLOGY<br>PRACTICAL TRAINING CURRICULUM |                                                                                                                                      |
| Total Hours<br>225                                                                                                                                                                                                                             | TOTAL HOURS FOR THE NAIL TECHNOLOGY<br>PRACTICAL CURRICULUM          |                                                                                                                                      |

36-012.07 Nail Technology Instructor Licensure: The program of studies consists of at least 300 hours of teachers' training in an accredited school of cosmetology or school of nail technology.

1. A final practical and written examination that covers all the subject areas listed in this curriculum is required for graduation.
2. Students must complete the following Nail Technology Student Instructor Class Curriculum:

| NAIL TECHNOLOGY STUDENT INSTRUCTOR<br>CLASS CURRICULUM (300 hours) |                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MINIMUM HOURS                                                      | SUBJECT                                                                                                | SUBJECT CONTENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 16                                                                 | 1. Student Instructor Orientation                                                                      | A. Introduction to Faculty, Staff, Student body<br>B. School Policy<br>C. Overview of the Student Instructor Training Program Statutes and Regulations<br>D. Sanitation and Sterilization Regulations<br>E. Teaching Techniques and Educational Tools<br>F. Student and Instructor Relations/Counseling                                                                                                                                                                                                                                 |
| 50                                                                 | 2. Preparation of a Nail Technology Program                                                            | A. Overview of Student Nail Technology Curriculum as required by State and School (Units)<br>B. Detailed Course Outline (Chapters)<br>C. Detailed Subject Layout (Daily Lessons)                                                                                                                                                                                                                                                                                                                                                        |
| 150                                                                | 3. Theory and Clinical Techniques<br>(Must include Freshman and Advanced Student training experiences) | A. Classroom Observations<br>1. Assist with<br>a. Presentations/ Lectures<br>b. Teaching basic skills<br>c. Clinical Activities<br>B. Clinical Observations<br>1. Supervision of Services<br>2. Student/Client Relationships<br>C. Clinical Activities<br>1. Supervision of Procedures/Demonstrations<br>2. Practice Teaching/Basic Skills                                                                                                                                                                                              |
| 40                                                                 | 4. The Student Instructor Learns to Evaluate Student Progress                                          | A. Basic Evaluation Techniques<br>1. Written, Observation, Oral                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 44                                                                 | 5. Administrative Techniques                                                                           | A. Office Management<br>1. Student Folder<br>2. Entrance Notification<br>3. Recording Student Hours<br>4. Graduate Records<br>B. Office Records<br>1. State Rules and Regulations Governing Cosmetology Schools providing a nail technology program or School of Nail Technology<br>2. Enrollment Procedures<br>4. Maintaining Student Records<br>Salon Management Operations<br>C. 1. Client and Student Scheduling<br>2. Record Keeping Procedures<br>3. Receptionist Responsibilities<br>4. Inventory Control, Purchasing, Retailing |
| Total Hours<br>300                                                 | TOTAL HOURS FOR THE NAIL TECHNOLOGY<br>STUDENT INSTRUCTOR CURRICULUM                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

### 36-013 EXAMINATION ELIGIBILITY

36-013.01 Eligibility: To be eligible to take the licensure examination, an applicant must have met all the requirements for licensure that are specified in:

1. 172 NAC 36-003.01 for cosmetologists,
2. 172 NAC 36-004.01 for electrologists,
3. 172 NAC 36-005.01 for estheticians,
4. 172 NAC 36-006.01 for nail technologists, and
5. 172 NAC 36-007.01, 36-007.03, 36-007.05, and 36-007.07 for instructors, except the requirement of passing the examination.

Applicants who receive training in a foreign country and applying for licensure must meet the requirements specified in 172 NAC 36-008.01 except the requirement of passing the examination.

36-013.02 Examination Time-frame: Except for applicants applying for licensure by 172 NAC 36-008.01, no person may take his or her initial examination for licensure more than 2 years after the date upon which s/he graduated from the program of studies preparing him/her for such examination.

36-013.03 Examination Application: To take the licensure examination, an applicant must submit a complete licensure application.

### 36-014 EXAMINATION

36-014.01 Examination Procedures: Examinations must relate to the knowledge and skills necessary to perform the practices being examined and relate to the curricula required to be taught in schools of cosmetology or apprentice salons. The licensure examination must be administered at least 2 times annually and may be administered electronically at sites approved by the Department.

1. An applicant will be informed in writing or electronically of the licensure results within 60 days after the administration of the examination.

36-014.01A Re-examination of the Licensure Examination: An individual failing the examination may retake the examination by submitting a written request to the Department.

36-015 PROCEDURES FOR RENEWAL OF A LICENSE: All licenses issued by the Department pursuant to the Act and these regulations expire as follows:

1. Cosmetologists on December 31 of each even-numbered year.
2. Cosmetology Instructors on December 31 of each even-numbered year.
3. Electrologists on July 31 of each odd-numbered year.
4. Electrology Instructors on July 31 of each odd-numbered year.
5. Estheticians on September 30 of each even-numbered year.
6. Esthetic Instructors on September 30 of each even-numbered year.
7. Nail Technicians on December 31 of each odd-numbered year.
8. Nail Technology Instructors on December 31 of each odd-numbered year.

36-015.01 Renewal Process: Any licensee who wishes to renew his/her license must:

1. Meet the continuing competency requirements as specified in 172 NAC 36-019;
2. Pay the renewal fee as prescribed in 172 NAC 37; and
3. Respond to the following questions:
  - a. Has your license in any health care profession in another state been revoked, suspended, limited or disciplined in any manner?
  - b. Have you been convicted of a misdemeanor or felony?

These questions relate to the time period since the last renewal of the license or during the time period since initial licensure in Nebraska if such occurred within the two years prior to the license expiration date.
4. Cause to be submitted to the Department:
  - a. The renewal notice;
  - b. The renewal fee;
  - c. Attestation of completing the required hours of continuing competency earned within 24 months of the date of expiration or application for waiver of continuing competency. Attestation to meeting continuing competency requirements satisfies the submission of the documentation requirement of Neb. Rev. Stat. §71-110;
  - d. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;
  - e. If the licensee has been convicted of a felony or misdemeanor:
    - (1) Official Court Record, which includes charges and disposition;
    - (2) Copies of arrest records;
    - (3) A letter from the licensee explaining the nature of the conviction;
    - (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
    - (5) A letter from the probation officer addressing probationary conditions and current status, if the licensee is currently on probation.

36-015.01 First Notice: At least 30 days before the expiration date, the Department will send a renewal notice by means of regular mail to each licensee at the licensee's last place of residence as noted in the records of the Department. It is the responsibility of the licensee prior to the renewal period to notify the Department of any name and/or address changes.

36-015.01A The renewal notice must specify:

1. The name of the licensee;
2. The licensee's last known address of record;
3. The license number;
4. The expiration date of the license;
5. The renewal fee as prescribed in 172 NAC 37;
6. The number and type of continued competency hours required for renewal; and
7. The option to place the license on inactive status.

36-015.01B The licensee must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee;
3. The licensee's social security number;
4. Attestation of completing the required hours of continuing competency earned within 24 months of the date of expiration or application for waiver of continuing competency; and
5. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

36-015.01C If the licensee wishes to place his/her license on inactive status s/he must request that his/her license be placed on inactive status by submitting to the Department:

1. The renewal notice with a check in the box marked inactive; and
2. The fee of \$25.

36-015.01D The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on inactive status.

36-015.02 Second Notice: The Department will send to each licensee who fails to renew his/her license or place the license on inactive or lapsed status in response to the first notice, a second notice of renewal in accordance with the requirements of 172 NAC 36-015.01 that specifies:

1. That the licensee failed to pay the renewal fee;
2. That the license has expired;
3. That the licensee is subject to an administrative penalty pursuant to 172 NAC 36-022 if s/he practices after the expiration date;
4. That upon receipt of the renewal fee, together with an additional late fee of \$25, and documentation of continuing competency hours within that time, no order of revocation will be entered; and
5. That upon failure to receive \$25 in addition to the regular renewal fee, and documentation of continuing competency hours, the license will be revoked as specified in 172 NAC 36-018.

36-015.02A The licensee must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee and the additional late fee of \$25;
3. The licensee's social security number;
4. Attestation by the licensee:
  - (1) That s/he has not practiced in Nebraska since the expiration of his/her license; or
  - (2) To the actual number of days practiced in Nebraska since the expiration of his/her license;
5. Attestation of completing the required hours of continuing competency earned within 24 months of the date of expiration or application for waiver of continuing competency; and

6. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

36-015.02B If the licensee wishes to place his/her license on inactive status s/he must request that his/her license be placed on inactive status by submitting to the Department:

1. The renewal notice with a check in the box marked inactive; and
2. The fee of \$25.

36-015.02C The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on inactive status.

36-015.03 When any licensee fails, within 30 days of expiration of a license, to pay the renewal fee, to submit documentation of continuing competency, and/or to pay an additional late fee of \$25, the Department will automatically revoke the license without further notice or hearing and make proper record of the revocation.

36-015.04 Failure to meet the continuing competency requirement for renewal within 30 days of expiration of his/her license will constitute non-renewal of a license, unless a waiver of continuing competency is granted or the license is placed on inactive or lapsed status. When any licensee fails, within 30 days of expiration of a license, to meet the continuing competency requirements for renewal and pay an additional late fee of \$25, the Department revokes the license after notice and opportunity for hearing. Hearings held before the Department will be conducted in accordance with Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act and 184 NAC 1, Rules of Practice and Procedure of the Department.

36-015.05 When the licensee has given notification to the Department that s/he desires to have the license lapse or be placed on inactive status upon expiration, 172 NAC 36-015.03 and 36-015.04 will not apply.

36-015.06 The Department may refuse to renew a license for falsification of any information submitted for renewal of a license. The refusal will be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and 184 NAC 1, Rules of Practice and Procedure of the Department.

36-015.07 An individual who practices after expiration of his/her credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 36-022, or such other action as provided in the statutes and regulations governing the credential.

### 36-016 EXEMPTION FROM CONTINUING COMPETENCY REQUIREMENTS

36-016.01 Grounds for Exemption: The Department, will exempt a licensee from the continuing competency requirements for any two-year licensing period when a licensee submits documentation that the licensee meets the requirements for exemption.

36-016.01A Circumstances and documentation will include:

1. Any licensee submitting proof that s/he was suffering from a serious or disabling illness or disability that prevented him or her from completing the continuing competency requirements is

exempt for the biennium (24 months) if, by the renewal date, s/he is able to practice effectively and to attend continuing competency seminars.

- a. The licensee must submit a statement from a physician stating that the licensee was injured or ill, the duration of the illness or injury, and the recovery period, and that the licensee was unable to attend continuing competency activities during that period.
2. Any licensee submitting proof of service in the regular armed forces of the United States during any part of the immediately preceding biennium (24 months) is exempt for that biennium.
  - a. The licensee must submit official documentation stating dates of service.
3. Any person receiving an initial license in Nebraska during the second year of the biennium (24 months) is exempt from the continuing competency requirement for that biennium only.
4. An instructor who meets the continuing competency requirements for the instructor's license is exempt from meeting the continuing competency requirements for his/her cosmetologist, electrologist, esthetic or nail technician license for that biennium (24 months).

36-016.01B Application: Any licensee who seeks an exemption from continuing competency must apply to the Department to be exempt from continuing competency. This application must be made on the renewal form and it must be received by Credentialing Division on or before:

1. Cosmetology and Cosmetology Instructor - December 31 of each year the license is subject to renewal,
2. Electrologist and Electrology Instructor – July 31 of each year the license is subject to renewal,
3. Esthetician and Esthetic Instructor - September 30 of each year the license is subject to renewal,
4. Nail Technician and Nail Technology Instructor - December 31 of each year the license is subject to renewal.

36-016.01C The Department will grant or deny an application for exemption from completion of the continuing competency requirements.

1. When the Department determines to deny an application for exemption of completion of continuing competency requirements, it will send to the applicant's last name and address of record in the Department, a notice setting forth the reasons for the denial determination.
  - a. The applicant has 15 days from the date of the denial notice to make a written request to the Department for an

appeal. The appeal will be conducted in accordance with 184 NAC 1, Rules of Practice and Procedure for the Department.

2. When the Department determines to grant an exemption from completion of continuing competency, the applicant is issued a renewed license if all other requirements are met.

36-016.01D Failure to submit required documentation of approved continuing competency will constitute grounds for non-renewal of licensure, unless an exemption from continuing competency is granted. Such non-renewal will result in revocation of licensure.

36-016.01E Falsification of any information submitted for renewal of licensure may require the Department to refuse to renew a license. Such refusal will be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and in accordance with 184 NAC 1 Rules of Practice and Procedure of the Department.

36-017 AUDIT OF CONTINUING COMPETENCY: The Board may select, in a random manner, a sample of the license renewal applications for audit of continuing competency hours or credits. Notice of the random audit will be sent to the selected licensees. Each licensee is responsible for maintaining in his/her personal files the certificates or records of hours or credits from continuing competency activities. Licensees selected for audit must produce documentation of his/her attendance at those continuing competency activities s/he attested to on the renewal application.

1. When selected for audit, the licensee must provide satisfactory documentation of attendance at or participation in approved continuing competency activities attested to on the licensee's renewal form. Documentation may include, but is not limited to, certificates of attendance, certified attendance rosters, and letters from providers of the continuing competency program verifying attendance.
2. Documentation must be submitted to the Department within 30 days of the date of the request for documentation.
3. Failure to comply with the audit may result in a revocation of the license.
4. Continuing competency hours for which no documentation of attendance is submitted will not be included in the final calculation of the total number of continuing competency hours earned.

36-018 CREDENTIAL REVOCATION FOR FAILURE TO MEET RENEWAL REQUIREMENTS: The Department may revoke a credential when the credential holder fails to meet the renewal requirements.

36-018.01 Revocation for Nonpayment of Renewal Fee or Late Fee, or Failure to Submit Documentation of Continuing Competency within Thirty Days of Expiration of the Credential

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36-018.01A When a credential holder fails to pay the required renewal fee, to submit documentation of continuing competency, and/or to pay a late fee of \$25 and fails to request that his/her credential be placed on inactive status within 30 days of its expiration, the Department automatically revokes the credential without further notice or hearing.

36-018.01A1 A post revocation notice will be sent which specifies that:

1. The credential holder was given a first and final notice of renewal requirements and the respective dates for these notices;
2. The credential holder failed to renew the credential or to request that his/her credential be placed on inactive status;
3. The Department has revoked the credential; and
4. The credential holder has a right to request reinstatement of the credential.

### 36-018.02 Revocation for Failure to Meet Continuing Competency Requirements

36-018.02B When a credential holder fails within 30 days of the expiration of his/her credential to meet the continuing competency requirement, the Department revokes his/her credential after notice and opportunity for a hearing.

36-018.02B1 The revocation notice for failure to meet continuing competency requirements specifies that:

1. The credential holder was given a first and second notice of failure to meet the continuing competency requirement and the respective dates of each notice;
2. The credential holder failed to meet continuing competency renewal requirements or to have his/her credential timely placed on inactive status;
3. The credential has been revoked for failure to meet continuing competency requirements within thirty days after expiration of the credential and that the revocation will become final unless a request for hearing is filed by the credential holder with the Department within 30 days of date of receipt of the notice; and
4. The credential holder has a right to request reinstatement of the credential after revocation.-

## 36-019 CONTINUING COMPETENCY REQUIREMENTS FOR LICENSEES

36-019.01 General Requirements: Licensees are required to complete the following continuing competency hours. No licensee will be required to complete more hours than are available at approved/acceptable programs within the State of Nebraska.

36-019.01A Cosmetologists and Cosmetology instructors are required on or before December 31 of each even-numbered year to complete at least 8 hours of continuing competency during the preceding 24 month period;

36-019.01B Electrologists and Electrology Instructors are required on or before July 31 of each odd-numbered year to complete at least 8 hours of continuing competency during the preceding 24 month period.

36-019.01C Estheticians and Esthetics Instructors are required on or before September 30 of each even numbered year to complete at least 8 hours of continuing competency the preceding 24 month period.

36-019.01D Nail Technicians and Nail Technology Instructors are required on or before December 31 of each odd-numbered year to complete at least 8 hours of continuing competency during the preceding 24 month period.

36-019.02 Continuing Competency Areas and Hours Cosmetologists, Electrologists, Estheticians, and/or Nail Technicians: Each licensee must obtain at least 8 hours of continuing competency each biennial renewal period.

36-019.02A Mandatory Hours per each Biennial Renewal Period:

1. A licensee is required to complete at least 4 hours of continuing competency in the defined licensure category; all 8 may be obtained through these hours.
2. These hours must be approved by the Board pursuant to 172 NAC 36-019.07.
3. The following table sets out the required continuing competency areas:

| Cosmetology                                                                                                                                                  | Electrology                                                                                                                                                  | Esthetics                                                                                                                                                  | Nail Technology                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. <b>A licensee must complete at least 4 hours</b> directly related to cosmetology as defined in 172 NAC 36-002. The program must be approved by the Board. | 1. <b>A licensee must complete at least 4 hours</b> directly related to electrology as defined in 172 NAC 36-002. The program must be approved by the Board. | 1. <b>A licensee must complete at least 4 hours</b> directly related to esthetics as defined in 172 NAC 36-002. The program must be approved by the Board. | 1. <b>A licensee must complete at least 4 hours</b> directly related to nail technology as defined in 172 NAC 36-002. The program must be approved by the Board. |
| 2. These 4 hours can not be homestudy.                                                                                                                       | 2. These 4 hours can not be homestudy.                                                                                                                       | 2. These 4 hours can not be homestudy.                                                                                                                     | 2. These 4 hours can not be homestudy.                                                                                                                           |
| 3. Completion of a Cosmetology, Esthetician, Nail Technology or Barbering course is accepted as meeting these 4 hours.                                       | 3. Completion of a Cosmetology, Esthetician, Nail Technology or Barbering course is accepted as meeting these 4 hours.                                       | 3. Completion of a Cosmetology, Esthetician, Nail Technology or Barbering course is accepted as meeting these 4 hours.                                     | 3. Completion of a Cosmetology, Esthetician, Nail Technology or Barbering course is accepted as meeting these 4 hours.                                           |

36-019.02B Additional Topic Areas for Continuing Competency:

1. In addition to the mandatory 4 hours in 172 NAC 36-019.02A, a licensee may obtain continuing competency through one or a combination of the following topic areas for cosmetology, electrology, esthetics, and/or nail technology; hours apply to each biennial renewal:
  - a. Homestudy programs (relating to the profession or any of the following topic areas) – Up to 2 hours;
  - b. CPR/First Aid – Up to 4 hours;
  - c. Equipment use (used within the profession) - Up to 4 hours;
  - d. People skills/special needs (other similar titles) - Up to 2 hours;
  - e. Product knowledge (used within the profession) - Up to 4 hours;
  - f. Marketing - Up to 4 hours;
  - g. Technical School/University/College - Up to 4 hours – only the following types of courses are considered acceptable:
    - (1) Practice Related;
    - (2) Communications;
    - (3) Humanities;
    - (4) Sciences;
    - (5) Business, i.e. Finance, Marketing, Computer, or other similar courses; and
    - (6) Well-Being, i.e. Psychology, Sociology, or other similar courses;
  - h. Applicable Licensing Examination- 2 hours;
  - i. Barbering School classes - Up to 4 hours; and
  - j. Sanitation/Safety – up to 4 hours.
2. These hours are not required to be approved by the Board.
3. Licensees must obtain evidence of completion or attendance.

36-019.03 Instructor Continuing Competency Areas and Hours: Each instructor must obtain at least 8 hours of continuing competency each biennial renewal period.

36-019.03A Mandatory Hours per each Biennial Renewal Period:

1. Effective January 1, 2005, all Instructors must complete at least 4 hours of teaching methodology classes (example: teaching styles, presentation methods, lesson planning, test development, teaching difficult students); all 8 hours may be obtained through these hours.
2. These hours must be approved by the Board pursuant to 172 NAC 36-019.07.

36-019.03B Additional Topic Areas for Continuing Competency:

1. In addition to the mandatory hours in 172 NAC 36-019.03A, an Instructor licensee may obtain continuing competency through one or a combination of the following topic areas; hours apply to each biennial renewal:
  - a. Homestudy programs (relating to the profession or any of the following topic areas) – Up to 2 hours;
  - b. CPR/First Aid – Up to 2 hours;
  - c. Equipment use (used within the profession) - Up to 4 hours;
  - d. People skills/special needs (other similar titles) - Up to 2 hours;
  - e. Product knowledge (used within the profession)- Up to 4;
  - f. Marketing - Up to 4 hours;
  - g. Technical School/University/College - Up to 4 hours - only the following types of courses are considered acceptable:
    - (1) Practice Related;
    - (2) Communications;
    - (3) Humanities;
    - (4) Sciences;
    - (5) Business, i.e. Finance, Marketing, Computer, or other similar courses; and
    - (6) Well-Being, i.e. Psychology, Sociology, or other similar courses;
  - h. Licensing Examination- 2 hours;
  - i. Barbering School classes - Up to 4 hours;
  - j. National Educators Conference – Up to 8 hours;
  - k. Instructor licensing test – 2 hours;
  - l. Completion of Cosmetology, Esthetics, or Nail Technology Course – 4 hours; and
  - m. Sanitation/Safety – up to 4 hours.
2. These hours are not required to be approved by the Board.
3. Licensees must receive evidence of completion or attendance.

36-019.04 At the time of renewal, on the renewal form, attest to completing the required continuing competency hours.

36-019.05 Licensee Responsibilities: The licensee is responsible for:

1. Maintaining a record of attendance and documentation of attendance at continuing competency programs for 3 years.
2. The licensee may verify with the Department if a program is approved/acceptable. The Department will maintain a list of all approved and denied programs.

36-019.06 Credit for Presentation of Programs: A licensee may include in his/her required continuing competency hours any approved/accepted program in which the

licensee participates as a presenter. Licensees may receive credit only for the initial presentation during a single renewal period, regardless of the number of times a program is presented.

36-019.07 Approval of the Mandatory 4 Hours of Continuing Competency: The Board will evaluate applications from licensees or providers for approval of the required 4 hours of continuing competency programs. Approval may be granted for a specific number of hours designated by the licensee or provider. Only those programs which directly relate to the applicable profession pursuant to 172 NAC 36-002 will be approved.

1. Program Approval: To be approved, the continuing competency program must meet the following requirements:
  - a. All programs must be at least 2 hours, but not more than 8 hours per day in duration;
  - b. Objectives for all programs must relate directly to the applicable profession pursuant to 172 NAC 002;
  - c. All education must be generic in nature and not product sales oriented. Promotion or sale of products is prohibited during the mandatory 4 hours of continuing competency programs. Product knowledge is defined as the information required for safe and proper use to achieve the desired results. Product names may be used when required to identify procedures specifically unique for that product;
  - d. Presenters of programs must be qualified by education, experience, or training and must be licensed or registered in Nebraska if physically present at the program;
  - e. Programs must be open to all cosmetologists, electrologists, estheticians, nail technicians, and/or instructors licensed in Nebraska. Publicity must state that the program is open to all licensees;
  - f. The programs must identify the category of licensure for which it seeks approval: cosmetologist, electrology, esthetics, instructor or nail technology; and
  - g. An amended application must be submitted for the program if any change in the presenter occurs, but the agenda remains the same.
2. Program Application: To obtain approval of a continuing competency program, a provider or licensee must submit an application on Attachment O, which must include the following information:
  - a. An agenda of the program indicating actual presentation times. This agenda must specify designated break times and time for the promotion or sale of products, if applicable;

- (1) Continuing competency credit will not be given for designated break times and time for promotion or sale of products.
  - b. The title of the program;
  - c. A detailed description of program content. This description must specify the information to be presented and methods by which the information is to be presented. These methods may include, but are not limited to: hands on demonstration, video/slides or picture demonstration. Video/slide presentations must be identified as to content and producer information;
  - d. A statement of the skills which the participants are expected to gain from the program content. A separate statement is required for each licensure category for which continuing competency credit is being requested;
  - e. A Nebraska Guest Artist Registration or a description of the qualifications of each presenter which includes the individual's license number, profession, state of licensure, education, experience, and training that qualifies the individual to present the program. All presenters must be identified;
  - f. The number of hours for which approval is requested;
  - g. The date, location, city and state of each program;
  - h. The name, address, and telephone number of the individual submitting the application;
  - i. A description of the process the provider uses to verify attendance by the licensee and method of monitoring attendance;
  - j. A sample copy of the documentation the provider issues to the licensee as proof of attendance at the program and a sample of the attendee sign-in sheet;
  - k. An amended application must be submitted if any change in presenter occurs but the agenda remains the same; and
  - l. A separate continuing competency program fee, which is non-refundable, must be paid for each application or amended application for program approval.
3. Additional Program Information: An applicant may submit additional documents or information as the applicant may consider relevant to the application and compliance with 172 NAC 36-019.07.

36-019.08. Approval by Another Accrediting Body: Any program offered outside the State is approved by the appropriate accrediting body within the state which it is held or by Nebraska in accordance with 172 NAC 36-019 if the jurisdiction does not require approval by an accrediting body. Documentation of approval by another accrediting body must be submitted on Attachment P which must include the following information:

1. The name of the program, date, and location;
2. The number of hours for which approval is granted by the other accrediting body; and
3. Documentation of approval by the other accrediting body.

36-019.09 Approval of Programs Submitted By Providers: The Board will act within 30 days upon all completed applications for continuing competency approval and will notify the applicant. If the application is approved, the Board will issue a program number to the provider.

36-019.10 Approval of Programs Submitted by Licensees: The Board approves programs which are submitted by licensees, who are not providers, for their professional education as follows:

1. Programs approved or sponsored by the following organizations:
  - a. Accrediting Council for Continuing Competency and Training in Affiliation with the National Cosmetology Association;
  - b. American Association of Cosmetology Schools;
  - c. Beauty and Barber Supply Institute;
  - d. International Hair Color Exchange;
  - e. National Association of Cosmetology Schools;
  - f. State cosmetology associations outside Nebraska; or
  - g. Other similar nationally recognized organizations.
2. Submission of proof of attendance, dates of attendance, an outline of program content, and a statement of the skills which the participant gained from the program content.
3. A program application fee is not required.
4. A program number will not be assigned.

36-019.11 Individuals initially licensed during the second half of the biennium may identify training earned during the first half of the biennium as meeting the renewal requirement.

36-019.12 Incomplete Applications: Only applications which are complete will be considered. In order to be considered complete, an application must:

1. Contain all of the information requested in "Attachment O" or "Attachment P" attached to these regulations and incorporated by this reference;
2. Contain the signature of the individual submitting the application.

3. In the event that an application is determined to be incomplete, the Division will notify the applicant of the information necessary to complete the application and retain the application submitted pending receipt of such additional information. The applicant will have 30 days in which to provide the information necessary to complete the application. Should an applicant fail to complete the application within such 30 day period, all materials will be returned and a new application is required.

36-019.13 Advertisement of Approval: After the Board has granted its written approval of the application, the provider is entitled to state upon its publications: "This program is approved for \_\_\_\_\_ (number of hours approved) Nebraska continuing competency hours". Advertisements must identify the title of the program identical to the title approved by the Board.

36-019.14 Prior Approval: To obtain prior approval of continuing competency programs, a complete application must be submitted to the Department at least 60 days prior to the date on which the program is to be announced as approved.

36-019.15 Post-Program Approval: Licensees may request approval of continuing competency programs held in states which do not require continued education as a condition of license renewal or in foreign countries of residence where attended. Applications for approval of continuing competency programs may be made after the program has occurred, except that applications for approval submitted 30 days before December 31 the renewal date will not be considered for approval for the renewal period.

36-019.16 Applications Not Approved: Applications for a continuing competency program, if not approved, will be returned and a written explanation of the program's efficiencies will be given to the applicant. Fee is nonrefundable.

36-019.17 Continuing Competency Certificate of Completion:

1. Certificate of Completion: Each provider of an approved continuing competency program must furnish to each person completing the program a certificate of completion. Each certificate must include the following;
  - a. Program name and number;
  - b. Name of the participant and his/her license number;
  - c. Provider's name;
  - d. Date the program began and ended;
  - e. Location, (City and State) of program;
  - f. Number of hours for which the program was approved; and
  - g. Category in which the program was classified.
2. Evidence of Program Completion: Presentation of the Certificate constitutes evidence that the person complied with all requirements of the program and did complete the program.

36-019.18 Program Monitoring: The provider must employ a reliable system to monitor the physical presence of participants throughout the entire program. If a participant chooses not to participate in the entire program, the certificate of attendance must reflect the participant's actual hours of attendance.

36-019.19 Program Attendance: The provider of an approved program must maintain documentation of attendance for a period of 3 years.

### 36-020 SANCTIONS RELATING TO CONTINUING COMPETENCY

36-020.01 Continuing Competency Programs: The Board may deny an application for approval of a continuing competency program or will suspend or revoke approval of a continuing competency program on any of the following grounds:

1. Failure to meet the requirements of 172 NAC 36-019.07;
2. Fraud or misrepresentation in an application; or
3. Failure to reflect participant's actual hours of attendance upon the certificate issued.

36-020.02 Exemptions: The Department may deny an application for exemption from continuing competency requirements or revoke an exemption on any of the following grounds:

1. Failure to meet the requirements of 172 NAC 36-016; or
2. Fraud or misrepresentation on an application.

36-020.03 False Information: Licensees who submit affidavits of continuing competency or applications for exemption of continuing competency which contain false information violate Neb. Rev. Stat. §§ 71-147 and 71-148, and are subject to disciplinary action.

36-020.04 Failure to Meet Continuing Competency Requirements: The Department will revoke the license of any licensee who has failed to satisfy the continuing competency requirements of Neb. Rev. Stat. §§71-382, 71-3,107 through 71-3,117 or these regulations, unless such licensee has been granted a waiver. The Department will provide notices to the licensee of failure to meet continuing competency requirements in accordance with the procedures set forth in Neb. Rev. Stat. §71-110.01. Upon the failure of the licensee to respond to such notices, the Department will issue an order of revocation. Revocation is final, unless within 30 days after the mailing of the order, the licensee provides written notice to the Department of a desire for hearing. Hearings will be conducted in accordance with Neb. Rev. Stat. § 84-901 to 84-920, and 184 NAC 1, the Rules of Practice and Procedure of the Department.

36-021 RE-CREDENTIALING: This section applies to individuals previously issued a Nebraska credential who have lost the legal authority to practice in total or in part and who seek the authority to return to practice in Nebraska with a valid Nebraska credential.

36-021.01 Eligibility

36-021.01A An individual whose credential has been previously:

1. Placed on inactive status;
2. Revoked for failure to meet the renewal requirements;
3. Suspended or limited for disciplinary reasons; or
4. Voluntarily surrendered or voluntarily limited for an indefinite period of time;

may request, at any time, to be re-credentialed and re-authorized to practice under the credential, in accord with these regulations.

36-021.01B An individual whose credential has been revoked for disciplinary reasons may apply for reinstatement only after a period of two years has elapsed from the date of revocation.

36-021.01C An individual who practices prior to re-credentialing is subject to:

1. Assessment of an Administrative Penalty pursuant to 172 NAC 36-022, and
2. Limitation or other sanction on the credential, or denial of the request to be re-credentialed and re-authorized to practice under the credential, and referral for prosecution for uncredentialed practice, as provided in the statutes and regulations governing the credential.

36-021.02 Requirements to Move a Credential from Inactive to Active Status: A person whose credential has been placed on inactive status may have his/her credential moved from inactive to active status upon proof to the Department that s/he meets the following requirements:

1. Meet renewal requirements, including:
  - a. The continuing competency requirements;
  - b. Paying the renewal fee and any other applicable fees;
2. Attest:
  - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

36-021.03 Procedures for Moving from Inactive to Active Status: To move a credential from inactive status to active status, the applicant must submit the following to the Department:

1. A written application which contains the following information about the applicant:
  - a. Name;
  - b. Address;
  - c. Social security number; and
  - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
  - e. A statement describing all:

- (1) Felony or misdemeanor convictions during the time period since the credential was active;
  - (a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
    - [1] Official Court Record, which includes charges and disposition;
    - [2] Arrest records;
    - [3] A letter from the applicant explaining the nature of the conviction;
    - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
    - [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
  - (b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;
    - [1] If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
  - (c) Disciplinary charges pending against any professional credential held by the applicant.
- f. Verification that the continuing competency requirements for renewal have been met;
2. The renewal fee and any other applicable fees; and
3. Attestation by applicant:
  - a. That s/he has not practiced in Nebraska since s/he last held an active credential;
  - or
  - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

36-021.03A If an applicant has practiced while his/her credential was inactive, the Department may:

1. Assess an Administrative Penalty pursuant to 172 NAC 36-022;
2. Initiate disciplinary action against the credential;
3. Deny the request to move the credential from inactive to active status; or
4. Move the credential to active status and impose limitation(s) or other sanctions

on the credential.

36-021.03B If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

1. Initiate disciplinary action against the credential;
2. Deny the request to move the credential from inactive to active status; or
3. Move the credential to active status and impose limitation(s) or other sanctions on the credential.

36-021.03C In either event pursuant to 172 NAC 36-021.03A or 36-021.03B, a notice and the opportunity for hearing will be given to the applicant.

36-021.03D The Department will act within 150 days on all completed applications.

36-021.04 Requirements for Reinstatement Within One Year Following Revocation for Failure to Meet the Renewal Requirements: An applicant for reinstatement who applies not more than one year following revocation for failure to meet renewal requirements must:

1. Meet the renewal requirements, including:
  - a. The continuing competency requirements; and
  - b. Paying the renewal fee, the late fee of \$35 and any other applicable fees;
2. Attest:
  - a. That s/he has not practiced in Nebraska since s/he last held an active credential, or
  - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

36-021.05 Procedures for Reinstatement Within One Year Following Revocation for Failure to Meet the Renewal Requirements: To reinstate a credential not more than one year following revocation for failure to meet renewal requirements, the applicant must submit the following to the Department:

1. A written application which contains the following information about the applicant:
  - a. Name;
  - b. Address;
  - c. Social security number; and
  - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
  - e. A statement describing all:
    - (1) Felony or misdemeanor convictions during the time period since the credential was active;
      - [a] If the applicant has been convicted of a felony or misdemeanor, provide copies of:
        - [1] Official Court Record, which includes charges and disposition;
        - [2] Arrest records;
        - [3] A letter from the applicant explaining the nature of the conviction;
        - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
        - [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
      - (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was revoked;
        - [a] If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
      - (3) Disciplinary charges pending against any professional credential held by the applicant.

- (f) Verification that the continuing competency requirements for renewal have been met;
2. The renewal fee, the late fee of \$35 and any other applicable fees.
3. Attestation by the applicant:
  - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.
    - (1) If an applicant has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 36-022 in which case a notice and opportunity for hearing will be sent to the applicant.
    - (2) If an applicant has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken as provided in 172 NAC 36-021.05B below.

The Department will forward the application to the Board for its recommendation pursuant to Neb. Rev. Stat. § 71-110 (5).

36-021.05A The Board's recommendation to the Department may be to:

1. Reinstatement of the credential;
2. Reinstatement of the credential with terms, conditions, or restrictions; or
3. Denial of reinstatement.

36-021.05B Upon receipt of the Board's recommendation, the Department will, within 150 days, send to the applicant a written notice of the Department's response. The Department may:

1. Reinstatement of the credential. An Administrative Penalty may be assessed pursuant to 172 NAC 36-022 if warranted;
2. If the Department determines that the applicant has committed acts or offenses prohibited by Neb. Rev. Stat. §§ 71-147 or 71-148, the Department may:
  - a. Reinstatement of the credential with terms, conditions or restrictions. In such case the applicant will be provided notice and the opportunity for hearing before the Department pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920. An Administrative Penalty may be assessed pursuant to 172 NAC 36-022 if warranted; or
  - b. Denial of reinstatement. In such case the applicant will be provided notice and the opportunity for hearing before the Department pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920.

36-021.06 Requirements for Reinstatement More Than One Year Following Revocation for Failure to Meet the Renewal Requirements: An applicant for reinstatement who applies more

than one year after revocation for failure to meet the renewal requirements must:

1. Petition the Board for reinstatement pursuant to Neb. Rev. Stat. § 71-161.05. The petition for reinstatement must be accompanied by:
  - a. Verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was revoked; and
  - b. Verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was revoked.
2. Meet the renewal requirements, including:
  - a. The continuing competency requirements; and
  - b. Paying the renewal fee, the late fee of \$75 and any other applicable fees.
3. Attest:
  - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.

36-021.07 Procedures for Reinstatement More Than One Year Following Revocation for Failure to Meet Renewal Requirements: An applicant for reinstatement more than one year following revocation for failure to meet renewal requirements must submit to the Board:

1. A petition for reinstatement:
  - a. Stating the reason the petitioner believes his/her credential should be reinstated;
  - b. Accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was revoked.
  - c. Containing the following information about the petitioner:
    - (1) Name;
    - (2) Address;
    - (3) Social security number; and
    - (4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;
    - (5) A statement describing all:
      - (a) Felony or misdemeanor convictions during the time period since the credential was active;
        - [1] If the petitioner has been convicted of a felony or misdemeanor, provide copies of:
          - [a] Official Court Record, which includes charges and disposition;
          - [b] Arrest records;
          - [c] A letter from the petitioner explaining the nature of the conviction;
          - [d] All addiction/mental health evaluations and proof of treatment, if the conviction involved

- a drug and/or alcohol related offense and if treatment was obtained and/or required; and
  - [e] A letter from the probation officer addressing
    - probationary conditions and current status, if the petitioner is currently on probation.
  - (b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the petitioner during the time period since the credential was revoked;
    - [1] If any disciplinary action was taken against the petitioner's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
  - (c) Disciplinary charges pending against any professional credential held by the petitioner.
  - (6) Verification that the continuing competency requirements for renewal have been met.
2. The renewal fee, the late fee of \$75 and any other applicable fees; and
3. Attestation by the petitioner:
- a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.
    - (1) If a petitioner has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 36-022 in which case a notice and opportunity for hearing will be sent to the petitioner.
    - (2) If a petitioner has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken pursuant to 172 NAC 36-001.08E.

36-021.07A The petition to recommend reinstatement will be considered at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.

36-021.07B Any petition to recommend reinstatement of a credential will be conclusively acted upon by the Board within 180 days after the filing of a properly prepared petition and the necessary accompanying documents with the Board.

36-021.07C If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

36-021.07D Prior to any recommendation by the Board against reinstatement of the credential, an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.

36-021.07D1 The petitioner's request for a formal hearing must be submitted within 30 days of the Board's notification of an opportunity for a formal public hearing.

36-021.07E If the petitioner formally requests a formal public hearing or if the Board otherwise holds such a hearing, the petitioner will be given at least 30 days prior notice by sending to the petitioner a copy of the notice of hearing by certified or registered mail at his/her last known residence or business post office address as shown by the files or records of the Department or as otherwise known. Notice may be given to the petitioner by personal service. The hearing will be conducted pursuant to 172 NAC 1.

36-021.07F The Board will review the petition to recommend reinstatement and the record of any hearing held, and submits its recommendation regarding reinstatement and the record on which such recommendation is made to the Department within 180 days of receipt of the petition to recommend reinstatement.

36-021.07F1 If the Board recommends reinstatement of the credential, the Department may:

1. Accept the Board's recommendation and grant reinstatement of the credential.
2. If the Department determines that the Board's recommendation is: in excess of statutory authority; made upon unlawful procedure; unsupported by competent, material, and substantial evidence; or arbitrary or capricious, the Department may not accept the Board's recommendation and either:
  - a. Deny reinstatement of the credential, or
  - b. Grant reinstatement with terms, conditions, or restrictions.

36-021.07F2 If the Board recommends denial of reinstatement, the Board will send to the petitioner a written notice of the Board's recommendation. The petitioner may appeal the Board's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

36-021.07F3 If the Board recommends reinstatement with terms, conditions, or restrictions, the Department may:

1. Accept the Board's recommendation and grant reinstatement with terms, conditions, or restrictions; or
2. Not accept the Board's recommendation and either:
  - a. Deny reinstatement of the credential; or
  - b. Grant reinstatement of the credential.

36-021.07F4 The Department will, within 150 days of receipt of the Board's recommendation, send to the petitioner a written notice of the Department's reinstatement with or without terms, conditions, or restrictions or denial of reinstatement of the credential.

36-021.07F5 The petitioner may appeal the Department's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

36-021.08 Requirements to Reinstate a Credential Following Suspension, Limitation, or

Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must meet the following requirements:

1. Petition the Board for reinstatement;
  - a. The petition for reinstatement must be accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and
  - b. Verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked.
2. Pay the reinstatement fee of \$75, and other profession-specific requirements if expressly set by law;
3. If the credential was revoked or suspended, attest:
  - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.

36-021.09 Procedures for Reinstatement Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must submit to the Board:

1. A petition for reinstatement:
  - a. Stating the reason the petitioner believes his/her credential should be reinstated;
  - b. Accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked.
  - c. Containing the following information about the petitioner:
    - (1) Name;
    - (2) Address;
    - (3) Social security number; and
    - (4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;
    - (5) A statement describing all:
      - (a) Felony or misdemeanor convictions during the time period since the credential was suspended, limited, or revoked;
        - [1] If the petitioner has been convicted of a felony or misdemeanor, provide copies of:
          - [a] Official Court Record, which includes charges and disposition;

- [b] Arrest records;
  - [c] A letter from the petitioner explaining the nature of the conviction;
  - [d] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
  - [e] A letter from the probation officer addressing probationary conditions and current status, if the petitioner is currently on probation.
- (b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the petitioner during the time period since the credential was suspended, limited, or revoked;
    - [1] If any disciplinary action was taken against the petitioner's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
  - (c) Disciplinary charges pending against any professional credential held by the petitioner;
- (6) Any continuing competency activities.
2. The reinstatement fee of \$75.
  3. Attestation by the petitioner, if the credential was revoked or suspended:
    - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
    - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.
      - (1) If a petitioner has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 36-022 in which case a separate notice and opportunity for hearing will be sent to the petitioner.
      - (2) If a petitioner has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken pursuant to 172 NAC 36-021.09F below.

36-021.09A The Board will make a recommendation to the Director regarding reinstatement following disciplinary action. In determining whether reinstatement should be recommended, the Board may:

1. Request the Department investigate all activities of the petitioner since the disciplinary action was taken against him/her, including activities prohibited by Neb. Rev. Stat. §§71-147 and 71-148.
2. Require the petitioner to submit to a complete diagnostic examination by one

or more physicians appointed by the Board, the petitioner being free also to consult a physician or physicians of his/her own choice for a complete diagnostic examination and make available a report or reports thereof to the Board;

3. Require the petitioner to pass a written, oral, or practical examination or any combination of such examinations; or
4. Require the petitioner to complete additional education.

36-021.09B The petition to recommend reinstatement will be considered at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.

36-021.09C Any petition to recommend reinstatement of a credential will be conclusively acted upon by the Board within 180 days after the filing of a properly prepared petition and the necessary accompanying documents with the Board.

36-021.09D If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

36-021.09E Prior to any recommendation by the Board against reinstatement of the credential, an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.

36-021.09E1 The petitioner's request for a formal hearing must be submitted within 30 days of the Board's notification of an opportunity for a formal public hearing.

36-021.09E2 If the petitioner had a hearing or an opportunity for a hearing on a prior petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04 within a period of two years immediately preceding the filing of such petition, the Board may grant or deny, without a hearing, any petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04.

36-021.09F If the petitioner formally requests a formal public hearing or if the Board otherwise holds such a hearing, the petitioner will be given at least 30 days prior notice by sending to the petitioner a copy of the notice of hearing by certified or registered mail at his/her last known residence or business post office address as shown by the files or records of the Department or as otherwise known. Notice may be given to the petitioner by personal service. The hearing will be conducted pursuant to 172 NAC 1.

36-021.09G The Board reviews the petition to recommend reinstatement, any examination or investigatory information and the record of hearing, if one was held. The Board will submit its recommendation to the Director within 180 days of receipt of the petition to recommend reinstatement.

36-021.09G1 If the Board recommends reinstatement of the credential:

1. The Board will send its recommendation to the petitioner by certified

mail along with notification that the petitioner must file an application for reinstatement with the Director.

2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation.
  - a. The application must include:
    - (1) Name of the petitioner; and
    - (2) Signed statement that the petitioner requests the Director to issue the credential in accordance with the Board's recommendation for reinstatement.
3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:
  - a. The application;
  - b. The written recommendation of the Board, including any finding of fact or order of the Board;
  - c. The petition submitted to the Board;
  - d. The record of hearing, if any;
  - e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.
4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that the Board's recommendation is: in excess of statutory authority, made upon unlawful procedure, unsupported by competent, material, and substantial evidence in view of the entire record, or arbitrary or capricious.
  - a. When the Director affirms, modifies, or reverses the Board's recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of the petitioner's credential. The order will be sent by certified mail to the petitioner;
  - b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

36-021.09G2 If the Board recommends reinstatement of the credential with terms, conditions, or restrictions:

1. The Board will send its recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director.

2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation.
  - a. The application must include:
    - (1) Name of the petitioner; and
    - (2) Signed statement that the petitioner requests the Director to issue the credential in accordance with the Board's recommendation for reinstatement.
3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:
  - a. The application;
  - b. The written recommendation of the Board, including any finding of fact or order of the Board;
  - c. The petition submitted to the Board;
  - d. The record of hearing, if any;
  - e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.
4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that the Board's recommendation is: in excess of statutory authority, made upon unlawful procedure, unsupported by competent, material, and substantial evidence in view of the entire record, or arbitrary or capricious.
  - a. When the Director affirms, modifies, or reverses the Board's recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of the petitioner's credential. The order will be sent by certified mail to the petitioner;
  - b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

36-021.09G3 If the Board denies reinstatement, the Board will send to the petitioner a written notice of the Board's recommendation to deny reinstatement. The petitioner may appeal the Board's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

36-021.10 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for an Indefinite Period of Time

36-021.10A Credentials voluntarily surrendered or limited for an indefinite period of time pursuant to Neb. Rev. Stat. §71-161.11 may be restored at the discretion of the Department.

36-021.10A1 An applicant for restoration of a credential that was voluntarily surrendered or limited for an indefinite period of time must submit to the Department:

1. A written application which contains the following information about the applicant:
  - a. Name;
  - b. Address;
  - c. Social security number; and
  - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
  - e. A statement describing all:
    - (1) Felony or misdemeanor convictions during the time period since the credential was active;
      - (a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
        - [1] Official Court Record, which includes charges and disposition;
        - [2] Arrest records;
        - [3] A letter from the applicant explaining the nature of the conviction;
        - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
        - [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
    - (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;
      - (a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
    - (3) Disciplinary charges pending against any professional credential held by the applicant.
  - f. Any continuing competency activities; and
  - g. Attestation:
    - (1) That s/he has not practiced in Nebraska prior to the voluntary surrender of his/her credential; or
    - (2) To the actual number of days practiced if the applicant has practiced in Nebraska prior to the voluntary surrender of

his/her credential.

36-021.10A2 If an applicant has practiced while his/her credential was voluntarily surrendered, the Department may:

1. Assess an Administrative Penalty pursuant to 172 NAC 36-022;
2. Initiate disciplinary action against the credential;
3. Deny the request to restore the credential; or
4. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

36-021.10A3 If an applicant has committed any other violation of the statutes and regulations governing the credential while his/her credential was voluntarily surrendered or limited, the Department may:

1. Initiate disciplinary action against the credential;
2. Deny the request for restoration of the credential; or
3. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

36-021.10A4 In either event pursuant to 172 NAC 36-021.10A2 or 36-021.10A3, a notice and the opportunity for hearing will be given to the applicant.

36-021.10A5 The Department will act within 150 days on all completed applications.

36-021.11 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for a Specific and Definite Period of Time

36-021.11A Credentials voluntarily surrendered or limited for a specific and definite period of time as agreed to between the holder and Department pursuant to Neb. Rev. Stat. § 71-161.11 will be automatically restored at the expiration of that period of time.

36-021.11B If an individual has practiced while his/her credential was voluntarily surrendered for a specific and definite period of time, the Department may assess an Administrative Penalty pursuant to 172 NAC 36-022.

36-021.12 Credentials Voluntarily Surrendered or Limited Permanently

36-021.12A Credentials that are voluntarily surrendered or limited permanently pursuant to Neb. Rev. Stat. § 71-161.11 will not be restored.

36-022 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists that a person or entity practices without a credential. Practice without a credential for the purpose of this regulation means practice:

1. Prior to the issuance of a credential;
2. Following the expiration of a credential; or
3. Prior to the reinstatement of a credential.

36-022.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without a credential:

1. The person admits to engaging in practice;
2. Staffing records or other reports from the employer of the person indicate that the person was engaged in practice;
3. Billing or payment records document the provision of service, care, or treatment by the person;
4. Service, care, or treatment records document the provision of service, care, or treatment by the person;
5. Appointment records indicate that the person was engaged in practice; or
6. The person opens a business or practice site and announces or advertises that the business or site is open to provide service, care, or treatment.

For purposes of this regulation prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.

36-022.02 Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a credential. To assess the penalty, the Department will:

1. Provide written notice of the assessment to the person. The notice must specify:
  - a. The total amount of the administrative penalty;
  - b. The evidence on which the administrative penalty is based;
  - c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;
  - d. That the Department will within 30 days following receipt of payment of the administrative penalty, transmit the penalty to the State Treasurer for credit to the Permanent School Fund; and
  - e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property; and
2. Send by certified mail, a written notice of the administrative penalty to the last known address of the person to whom the penalty is assessed.

36-022.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920 and the Department's rules and regulations adopted pursuant to these statutes.

Approved by Attorney General: August 2, 2004  
Approved by Governor: September 17, 2004  
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**EFFECTIVE DATE: September 22, 2004**