

Adopt Bar 400 to read as follows:

CHAPTER BAR 400 APPRENTICE REGISTRATION

Bar 301.01 Definitions.

(a) “Reflexology” means the study and interpretation of reflex component of the function of a body part, system, or of a particular kind of activity.

Bar 301.01 Apprentice Initial Registration Application.

[(a) Upon the board's receipt of a request for an application for registration as an apprentice, the board shall send the applicant an application for registration as an apprentice.]

(a) All applications for registration as an apprentice shall be processed in accordance with Plc 304.06 through Plc 304.10.

(b) Registration forms shall be:

(1) [Each applicant for an apprentice registration shall complete and submit to the board an application for registration as an apprentice including:] The “Universal Application for Initial Licensure” as required by Plc 304.01(a)(1); and

(2) The “Apprentice Addendum to the Universal Application for Initial Licensure requiring the following information:

~~(1) The applicant's name, address, and telephone number;~~

~~(2) The appropriate type of apprenticeship:~~

~~a. Cosmetology;~~

~~b. Barbering;~~

~~c. Master Barber;~~

~~d. Manicuring; or~~

~~e. Esthetics;~~

~~(3) A check, money order, electronic payment, or cash in the amount of \$25.00;~~

~~(4) A copy of a birth certificate or driver's license providing proof of age as required by RSA 313-A:24, II (a); a copy of the applicant's high school diploma or equivalent if the applicant is under 21 years of age, or a letter from the applicant's high school indicating that he or she is currently enrolled and on track for graduation; and~~

~~(5) Whether the applicant:~~

~~a. Has been convicted of a felony or misdemeanor, other than a traffic violation, which has not been annulled by a court, and, if yes, the applicant shall submit:~~

Commented [TK1]: Is there additional information the Board wants in addition to what is required on the Universal App.

~~(i) A Court provided copy of the charge(s), conviction(s), penalties imposed, and a statement created by the applicant relative to the charges;~~

~~(ii) If the applicant is currently on probation, the probation officer's name, mailing address, and telephone number, a letter from the probation officer stating that the applicant is in compliance, and;~~

~~(iii) If the applicant has completed probation or parole, a letter indicating that the applicant met all the requirements and is no longer on parole or probation;~~

~~b. Is addicted to the use of alcohol or other habit-forming drugs to a degree rendering him or her unfit to practice under RSA 313-A;~~

~~e. Has had any past disciplinary action against him or her in any jurisdiction in which registration is similar to the one requested to have issued under this application; and~~

~~d. Has been determined by a court to be mentally incompetent, or has been told by health practitioner or mental health practitioner that he or she has a mental condition that would impair his or her ability to practice the profession for which they are seeking registration under RSA 313-A;~~

~~(6) The applicant's social security number; and~~

~~(7) A date and signature or electronic signature affirming the following pledge: "I, hereby certify that the statements made on this application and in any other documents submitted in connection with this application are true and accurate. I have not withheld information that is requested. I am aware that a false, dishonest, or misleading answer may be grounds for: 1) denial of this application; 2) disciplinary action against my license; and further that false statements are punishable by law"; and]~~

Doc 301.02 Application Supporting Documents and Fees.

(a) The applicant for licensure shall provide the following documents in support of their application for apprentice registration:

(1) A copy of a birth certificate or official state issued ID providing proof of age as required by RSA 313-A:24, II(a)

(2) A copy of the applicant's high school diploma or equivalent if the applicant is under 21 years of age, or a letter from the applicant's high school indicating that they are currently enrolled and on track for graduation;

~~[(e) The applicant may provide to the board any information explaining or providing background to the affirmative answer(s) in (5) above.]~~ **(3) A detailed explanation of any answers to the question on the "Universal Application for Initial Licensure" that are in the affirmative;**

~~[(d)]~~**(4) If the apprenticeship [with] is to take place in a school licensed in accordance with RSA 313-A:9, IV, the school's owner, or [his or her] their designee, shall provide directly to the OPLC:**

~~[(1) Provide t]~~ **a. The name, address, and telephone number of the school where the instruction [will] is to take place;**

~~[(2) Include t]~~ **b. The date of enrollment [date]; and**

~~[(3) [Sign or electronically sign, and date the application.]]~~ **c. The signature and date of signing of the school owner or their designee;**

~~[(e)]~~**(5)** If the apprenticeship [will] **is to** take place in a shop, licensed in accordance with RSA 313-A:19, the shop instructor shall be licensed in accordance with RSA 313-A:9, V[,] and submit the following :

~~[(f) The shop instructor shall:]~~

~~[(1) Provide t]~~ **a. The name, address, and telephone number of the shop where the instruction [will] is to take place;**

~~[(2) Include t]~~ **b. The date of enrollment[-date]; and**

~~[(3) Sign and date the application.]]~~ **c. The signature and date of signing of the instructor;**

~~[(g) An applicant for a shop instructor license shall:~~

~~(1) In accordance with RSA 313-A:10, I(e)(2) and RSA 313-A:11, I(e)(2), have been engaged in the practice within the state for at least 2 years;~~

~~(2) Submit to the board a check, money order, electronic payment, or cash in the amount of \$50.00; and~~

~~(3) Supply the following on the application for registration as an apprentice form:~~

~~a. His or her New Hampshire license number;~~

~~b. His or her initial New Hampshire licensure date; and~~

~~c. His or her signature and current date affirming the statement “I certify that the apprentice whose name is stated above is serving his or her apprenticeship training under my direction. I agree to notify the board office in writing when the apprenticeship is completed or has terminated. I understand by signing this application I agree to ensure the apprentice is in compliance with board’s administrative rules and governing statute and should the apprentice fail to comply, I will be subject to disciplinary action by the board”.~~

~~[Bar 301.02 Procedure for Approving and Denying an Application for Apprentices:~~

~~— (a) Upon the board’s receipt of an application, the board shall approve or deny the application within 30 days of receipt.~~

— (b) If the applicant answered in the negative to all the statements in Bar 301.01 (b) (5), the applicant shall be deemed by the board to be of good professional character.

— (c) If the applicant answered in the affirmative, the board shall determine if this person is of good professional character after reviewing factors surrounding the affirmative answer.

— (d) Factors the board shall take into consideration shall be as follows:

- (1) Whether the person has been found guilty of abuse, neglect, exploitation of any person or has been convicted of child endangerment, fraud or a felony against a person in this or any other state by a court of law;
- (2) Whether the person has a current mental condition affecting the ability to practice the profession;
- (3) The length of time that has passed since the crime or disciplinary action;
- (4) Information showing the positive answer is not indicative of the persons current character; and
- (5) Any relevant circumstances surrounding the affirmative answer.

— (e) The board shall approve an application and issue an apprentice registration with the shop instructor's name, when applicable, if:

- (1) Application for registration as an apprentice is completed in accordance with RSA 313-A:24 and Bar 301.01;
- (2) The shop instructor meets the requirements of Bar 301.01(e); and
- (3) The applicant is deemed to be of good professional character.

— (f) The board shall deny an application if:

- (1) The application is not completed in accordance with RSA 313-A:24 and Bar 301.01;
- (2) The shop instructor applicant does not meet the requirements of Bar 301.01(f); or
- (3) The applicant is not deemed to be of good professional character.

— (g) If the board denies an applicant pursuant to (f), above, the board shall return the application to the applicant with all attachments and a letter as follows:

- (1) Referencing the statute or rule the applicant has not complied with;
- (2) Explaining what the applicant shall do in order to become registered or licensed; and
- (3) Providing the secretary's name and telephone number for further assistance.

— (h) The board shall send a copy of the letter described in Bar 301.02(g), to the school or the proposed shop instructor.]

Bar 301.03 Apprenticeship Programs.

[(a) “Reflexology” means the study and interpretation of reflex component of the function of a body part, system, or of a particular kind of activity.]

[(b)](a) The number of hours of instruction to complete an apprenticeship shall be [in accordance with]:

(1) For barbers[~~, RSA 313-A:10, I(e)(1) or (2);~~]:

a. A minimum of 800 hours of training in a school of barbering approved by the board; or

b. A minimum of 1,600 hours distributed over a period of at least 12 months under a licensed barber who has engaged in the practice of barbering within the state for at least 2 years;

(2) For cosmetologists[~~, RSA 313-A:11, I(e)(1) or (2);~~]:

a. A minimum of 1,500 hours of training in a school of cosmetology approved by the board; or

b. A minimum of 3,000 hours distributed over a period of at least 18 months under a licensed cosmetologist who has engaged in the practice of cosmetology within the state for at least 2 years;

(3) For manicurists[~~, RSA 313-A:12, I, or, pursuant to RSA 313-A:12, II;~~]:

a. At least 300 hours in a course of professional training in manicuring, in a school approved by the board; or

b. At least 600 hours in a shop apprenticeship program;

(4) For estheticians[~~, RSA 313-A:13 or, pursuant to RSA 313-A:13;~~]:

a. At least 600 hours of training in a school approved by the board; or

b. At least 1200 hours in a shop apprenticeship program; and

(5) For a master barber[~~, RSA 313-A:10 III, (e) (1) or (2);~~]:

a. A minimum of 1,500 hours of training in a school of master barbering approved by the board; or

b. A minimum of 3,000 hours distributed over a period of at least 18 months under a licensed barber who has engaged in the practice of barbering within the state for at least 2 years;

[(e)](b) The apprentice shall receive the following types of instruction:

(1) For barber apprentices:

- a. Shampooing;
- b. Haircutting;
- c. Hairstyling, for men and women;
- d. Razor cutting;
- e. Shaves and beard trim;
- f. Scalp massaging;
- g. Hair analysis;
- h. Hairpieces;
- i. Business management and salesmanship;
- j. Textbook theory, which shall consist of reading textbooks in regard to barbering;
- k. State laws and rules; and
- l. Bacteriology safety and sanitation;

(2) For cosmetology apprentices:

- a. Shampooing;
- b. Hairstyling;
- c. Hair shaping;
- d. Hair coloring, including temporary, semi-permanent, and permanent;
- e. Permanent waving and straightening;
- f. Hair analysis and scalp treatments;
- g. Facials and waxing, including contraindications;
- h. Manicuring and pedicuring;
- i. Bacteriology, safety, and sanitation;
- j. Personal development;
- k. Business management and salesmanship;
- l. State laws and rules;

- m. Textbook theory, which shall consist of reading textbooks, no more than 5 years old, in regard to cosmetology;
- n. Sculptured nail, nail tip, nail wrap, and gel application; and
- o. Reflexology and massage as it relates to cosmetology, manicuring, and pedicuring services;

(3) For esthetic apprentices:

- a. Textbook theory, which shall consist of reading textbooks no more than 5 years old, in regard to esthetics;
- b. Anatomy and physiology;
- c. Bacteriology, safety, and sanitation;
- d. Basic chemistry of ingredients;
- e. Professional practices;
- f. Facial and body treatments;
- g. Treatments for facial and body hair;
- h. Reflexology and massage as it relates to esthetic services;
- i. Pedicuring;
- j. Makeup services; and
- k. State laws and rules;

(4) For a manicuring apprentice:

- a. Bacteriology, safety and sanitation;
- b. Professional practice;
- c. Basic manicuring;
- d. Sculptured nail, nail tip, nail wrap and gel application;
- e. Pedicuring;
- f. Proper drill use;
- g. Textbook theory, which shall consist of reading textbooks, no more than 5 years old, in regard to manicuring;

- h. State laws and rules; and
- i. Reflexology and massage as it relates to manicuring and pedicuring; and

(5) For master barber apprentices:

- a. Shampooing;
- b. Haircutting;
- c. Hairstyling, for men and women;
- d. Razor cutting;
- e. Shaves and beard trim;
- f. Scalp massaging;
- g. Permanent waving and straightening;
- h. Coloring
- i. Hair analysis;
- j. Hairpieces;
- k. Business management and salesmanship;
- l. Textbook theory, which shall consist of reading textbooks in regard to barbering;
- m. State laws and rules; and
- n. Bacteriology safety and sanitation.

~~[(e)]~~(c) Each student, at the beginning of the course, shall receive a course outline, including:

- (1) The name of the course;
- (2) A course description;
- (3) The course goals;
- (4) The contents of the units of instruction and, as applicable, hours;
- (5) The course format; and
- (6) The grading procedures.

~~[(e)]~~(d) For a student enrolled in a cosmetology program not offering the 1500 hours in a career and technical program within a high school with an 83 minute a day block or less, the maximum apprenticeship hours shall be no more than 325 hours as follows:

- (1) Orientation, 6 hours;
- (2) Your professional image, 5 hours;
- (3) Infection control including principles and practice, 26 hours;
- (4) Shampooing, rinsing, conditioning, 18 hours;
- (5) Wet hairstyling, thermal styling, thermal pressing, 110 hours;
- (6) Principles of design, 10 hours;
- (7) Manicuring and pedicuring, 30 hours;
- (8) Facials, 25 hours;
- (9) Facial make-up, 15 hours;
- (10) Removal of unwanted hair, 10 hours;
- (11) Seeking employment, 5 hours;
- (12) Properties of hair and scalp, 20 hours;
- (13) Introduction to hair cutting, 40 hours; and
- (14) Orientation to clinic floor, 5 hours.

~~[(f)]~~**(e)** For a student enrolled in a cosmetology program not offering the 1500 hours in a career and technical program within a high school with 84 minutes a day block, or more, in addition to Bar 301.03(e), the maximum apprenticeship hours shall be no more than 35 hours as follows:

- (1) Perm wrapping, 20 hours; and
- (2) Color application, 15 hours.

Bar 301.04 Apprenticeship Examinations.

~~[(g)]~~**(f)** A career and technical high school student apprentice enrolled in a 360 hour maximum program shall be required to take an exam in order to obtain the hours in subjects described in Bar 301.03~~[(e) and (f)]~~ **(d) and (e)**. The passing grade shall be 75%.

~~[(h)]~~**(g)** If the student apprentice enrolled in a 360 hour maximum program passes the examination, he or she shall receive the hours described in Bar 301.03~~[(e) and (f)]~~ **(d) and (e)** for the subject portion of the written exam passed.

~~[(i)]~~**(h)** If the student apprentice enrolled in a 360 hour maximum program fails the examination, he or she shall not receive the hours described in Bar 301.03~~[(e) and (f)]~~ **(d) and (e)** for the subject portion of the written exam failed.

~~(j)~~(i) At the discretion of the receiving school a career and technical high school student apprentice may transfer hours, previously acquired at the career and technical high school program.

~~(k)~~(i) The written exam that was administered by the career and technical high school shall be forwarded to the applicant's post-secondary school of choice.

~~(h)~~(k) A career and technical high school student apprentice enrolled in a program offering at least a 3-year 1500 hour course shall receive the following types of instruction:

- (1) Shampooing;
- (2) Hairstyling and shaping;
- (3) Hair coloring, including, temporary, semi-permanent, and permanent;
- (4) Chemical waving and straightening;
- (5) Hair analysis and scalp treatments;
- (6) Basic skin care including facials, hair removal, and contraindications;
- (7) Wigs, extensions, and enhancements;
- (8) Manicuring and pedicuring;
- (9) Infection control;
- (10) Bacteriology, safety, and disinfection;
- (11) Professional development;
- (12) Business management and sales;
- (13) Artificial nails and enhancements;
- (14) Reflexology as it relates to cosmetology services;
- (15) Textbook theory; and
- (16) State laws.

~~(e)~~(l) A shop apprentice's hours shall not be transferable to a school. A student apprentice's hours shall not be transferable to a shop.

~~(p)~~(m) A shop apprentice may transfer to another shop apprenticeship. A student apprentice may transfer to another school.

~~(m)~~(n) If an apprentice wishes to transfer to, or re-enroll in another apprenticeship, the apprentice shall reapply in accordance with Bar 301.01, and attach a letter stating that he or she is a transfer or re-enroll apprentice. When transferring or re-enrolling in an apprenticeship, the apprentice shall reapply within 12 months of the termination date of the initial apprenticeship in order to maintain all of his or her

accumulated hours. If an apprentice reapplies after 12 months, but before 24 months, he or she shall maintain half of his or her accumulated hours. If an apprentice reapplies after 24 months he or she shall not maintain any of his or her accumulated hours.

(n) Apprentices shall sanitize and disinfect areas of the school or salon where there might be a threat to the health of the apprentice or the general public.

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(o) Any post-secondary school that wishes to implement online education shall clearly state in the student apprentice contract that other schools or states might not recognize any online education hours obtained.

(p) The school shall determine if prospective student apprentices possess the skills and comprehension necessary to succeed in an online education environment and maintain in each student's record documentation of the method used to determine the student's skill and comprehension.

(q) The school shall track and record the student's progression in the online education course(s).

(r) The school shall ensure the student demonstrates participation in the online education course(s).

(s) The school shall administer a test at the mid-point and at the end of each online education course. The testing shall be done in person at the school.

(t) Online instruction shall be limited to the theory portion only and no more than 25% of the total course.

(u) No practical or clinical instruction shall be permitted through online education.

(v) The school shall make available to student apprentices and instructors access to technical support for the online educational course(s) or program(s).

(w) The school shall be responsible for the quality of the courses of study and programs offered through online education and traditional methods of study.

(x) After successfully completing 800 hours of barber training or 1500 hours of cosmetology training in a licensed school, the alternate program may grant an individual up to 500 advanced placement hours towards training in the alternate program.

(y) Advanced placement hours shall be granted in the following areas according to the school policy:

- (1) Microbiology and infection control;
- (2) Implements, tools, and equipment;
- (3) Anatomy and physiology;
- (4) Chemistry;
- (5) Electricity and light therapy;
- (6) Properties and disorders of the skin;

- (7) Properties and disorders of the scalp and hair;
- (8) Treatments of the hair and scalp;
- (9) Facial massage;
- (10) Haircutting;
- (11) Styling;
- (12) Chemical texturizing;
- (13) Hair coloring and lightening;
- (14) Business and job search; and
- (15) State law and regulations.

[Source.](#) #1879, eff 12-3-81; ss by #2539, eff 11-18-83; amd by #2778, eff 7-24-84; ss by #4814, eff 5-16-90; ss by #5308, eff 1-16-92; ss by #5772, eff 1-11-94; ss by #6046-b, eff 6-1-95; ss by #6577, eff 9-13-97; amd by #7436, eff 1-26-01; ss by #7555, eff 9-12-01; ss by #7828, eff 2-13-03; ss by #8097, eff 6-11-04; ss by #8655, eff 6-9-06; amd by #9047, eff 12-12-07; amd by #9652, eff 2-3-10; ss by #10144, eff 6-7-12; ss by #10412-B, eff 9-19-13; ss by #11055, eff 3-18-16; ss by #13018, EMERGENCY RULE, eff 4-7-20, EXPIRED: 10-4-20

Bar 301.04 Instructors of Apprentices.

(a) Each apprentice shall receive [~~his or her~~] **there** instruction from a cosmetologist, barber, esthetician, manicurist, or master barber who is a licensed instructor in accordance with Bar 301.08 or Bar 301.01 (f).

~~[(b) An instructor license shall expire in accordance with RSA 313-A:20.]~~

~~[(e)]~~**(b)** A shop instructor shall keep a monthly record of the apprentice's attendance on a sheet provided by the board, including:

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- (1) The name of the apprentice;
- (2) The name and address of the shop;
- (3) The apprentice licensure date;
- (4) The month and year for which the record is being submitted;
- (5) The total number of hours completed during the apprenticeship;

(6) The signature of the shop instructor; and

(7) The signature of the shop apprentice.

(d) The shop instructor shall submit the monthly record of attendance to the board no later than the 15th of the ~~[next following]~~ month **following the month being documented**.

(e) Instructors shall administer written, oral, or practical tests pertaining to Bar 301.03(c). The tests shall be graded and reviewed with the students promptly. Each apprentice shall be tested at least once a month. Shop instructors shall send a copy of each completed and corrected test to the board along with the monthly record of attendance in accordance with Bar 301.04(e).

(f) Shop instructors shall prohibit a shop apprentice being instructed in master barbering or cosmetology from practicing on a paying customer until the apprentice has completed at least 3 months and 400 hours of the apprenticeship. A licensed barber apprenticing to obtain a cosmetology license, or a cosmetologist apprenticing to obtain a barber license, may practice on a client immediately.

(g) Shop instructors shall prohibit a shop apprentice being instructed in barbering or esthetics, unless the apprentice is a licensed cosmetologist, from practicing barbering or esthetics on a paying customer until the apprentice has completed at least 150 hours of the apprenticeship.

(h) Shop instructors shall ensure that a shop apprentice being instructed in manicuring does not practice manicuring on a paying customer until the apprentice has completed at least 50 hours.

(i) All shops with an apprentice practicing on paying customers shall have the apprentice wear a name tag. The name tag shall state "Apprentice".

(j) Except as prohibited by RSA 313-A and these rules, the instructor shall assign paying customer services to the apprentice.

(k) The instructor shall provide each apprentice with at least 2 written progress reports during each course. The reports shall evaluate the apprentice's theory, ~~[and]~~ practical work, and attendance. Instructors shall be available to discuss the reports and the apprentice's progress in the course.

(l) Related theory and practice shall precede clinic activities, and apprentices shall have demonstrated competence in both theory and practice before being allowed to participate in such activities. Instruction in theory and practice shall not be replaced by the clinic or working on paying customers, and apprentices shall not be excused from scheduled classes to work in the clinic or on paying customers.

(m) A shop instructor shall be readily accessible, in the shop, to the shop apprentice at all times during professional services on a client within the first 50% of hours required by Bar 301.03 (b).

(n) Once the shop apprentice has completed over 50% of the hours required by Bar 301.03 (b) and is in compliance with Bar 301.04(m), the shop apprentice shall have direct access to a licensee when providing professional services on a client.

(o) An esthetician apprentice shall have completed at least 400 hours prior to the application of any cosmetic exfoliation chemical.

(p) The shop instructor shall be with the esthetician apprentice at all times during the application of any cosmetic exfoliation chemical.

Source. #1879, eff 12-3-81; ss by #2539, eff 11-18-83; ss by #4814, eff 5-16-90; ss by #5308, eff 1-16-92; ss by #5772, eff 1-11-94; ss by #6046-b, eff 6-1-95; ss by #6577, eff 9-13-97; ss by #7555, eff 9-12-01; ss by #7828, eff 2-13-03; ss by #8097, eff 6-11-04; ss by #8655, eff 6-9-06; amd by #9047, eff 12-12-07; ss by #11055, eff 3-18-16

Bar 301.05 Apprentice Termination.

(a) An instructor or an apprentice may terminate an apprenticeship at any time upon written notification to the board. The instructor and the apprentice shall notify the board within 5 business days of the termination date.

(b) The written notification of termination required by (a), above, shall include, if it is from the:

(1) Instructor:

- a. The apprentice's name;
- b. The shop or school name, address, and telephone number;
- c. The date of termination; and
- d. The monthly record of attendance up to the termination date; and

(2) Apprentice, all items in (b)(1) a. through c, above.

(c) When a shop apprenticeship is terminated by the apprentice, in accordance with Bar 301.05(a), the board shall write to the shop instructor informing the instructor of the termination and requiring the instructor to forward all outstanding monthly records of attendance. Upon receipt of the board's letter, the shop instructor shall forward the information immediately to the board.

(d) When the apprenticeship is terminated by the instructor, in accordance with Bar 301.05(a), the board shall write to the apprentice informing the apprentice of the termination.

(e) An apprentice who does not complete an apprenticeship may apply again, at any time, for registration as an apprentice in accordance with RSA 313-A:24 and Bar 301.01. Previously accumulated hours shall be maintained in accordance with Bar 301.03(o) or (p).

Source. #2613, eff 2-3-84; ss by #4393, eff 3-31-88; ss by #4814, eff 5-16-90; ss by #5308, eff 1-16-92; ss by #6046-b, eff 6-1-95; ss by #6577, eff 9-13-97; ss by #7555, eff 9-12-01; ss by #8655, eff 6-9-06, EXPIRED: 6-9-14

New. #10808, eff 4-2-15

Bar 301.06 Completion of Apprenticeship. The apprentice shall complete and file an application for licensure in accordance with Bar 301.07(b) upon completion of the apprenticeship.

Source. #5308, eff 1-16-92; ss by #6046-b, eff 6-1-95; ss by #6577, eff 9-13-97; ss by #7555, eff 9-12-01; ss by #8655, eff 6-9-06, EXPIRED: 6-9-14

New. #10808, eff 4-2-15