

## Title 30: Professions and Occupations

### Part 1801 Chapter 1: Rules and Regulations Governing Schools of Barbering

#### Purpose

The purpose of these rules shall be to provide interpretation and application guidelines regarding state law and to communicate established procedures and requirements for the following:

- A. The establishment of a Mississippi Board of Barber Examiners;
- B. The selection of Board members;
- C. The establishment of rules and procedures for Board meetings;
- D. Standards and qualifications requisite in the issuance of barber licenses;
- E. Evaluation of qualifications of individuals applying for licensures;
- F. Issuance and renewal of licenses to qualified persons;
- G. Setting fees necessary for administration of the licensing program;
- H. Establishing criteria for disciplinary actions against licensees;
- I. Establishing criteria for barbering establishments; and
- J. Establish criteria for schools of barbering, sanitary conditions necessary for facilities, operators, and staff and students.

Source: Miss Code Ann. § 43-33-723, as amended; § 25-9-103, as amended

#### Rule 1.1 Definitions

- A. Board- The “Board” is the State Board of Barbers as established by Mississippi Code of 1972, Section 5-73-5-1, as amended.
- B. School- A “school” is any establishment licensed by the Board where students are engaged in learning and acquiring a knowledge of the practice of barbering.
- C. Student- A “student” is any person registered with the Board of Barbers to pursue a course of study in barbering.
- D. Instructor- An “instructor” is one who is licensed by the Board of Barbers to teach students barbering.

Source: Mississippi Code of 1972, 73-5-1

#### Rule 1.2 Application for Licensure of a School

All schools of barbering or school owners shall have a school license and shall make application to the Board and shall pay the required license fee. The board is hereby authorized and empowered to promulgate necessary and reasonable rules and regulations for the issuance of school licenses.

- A. Any school making application for a license under this Act shall not be transferable for any cause and shall include a surety bond in the penal sum of twenty-five thousand dollars (\$25,000) in favor of the Mississippi Board of Barber Examiners on a bond form completed by the insurance company or

agency. The applicant may file in lieu of the bond, cash, or a certificate of deposit or government bonds in the amount of twenty-five thousand dollars (\$25,000). Each school of barbering shall operate in accordance with any or all federal requirements and laws of the State of Mississippi, and provide a current and active surety bond in the amount of Twenty-five Thousand Dollars (\$25,000.00) to ensure that in the event the school ceases operation, that all unused tuition fees will be refunded to the students concerned. The bond shall remain in effect for the duration of the school's operation.

- B. The school applicant shall maintain a professional liability insurance policy covering any aspect of the facility, personnel and/or students.
- C. The school shall meet all applicable health and safety standards that may be required by local, state and federal agencies.
- D. Private business and vocational schools that have obtained national accreditation from an accrediting agency designated by the United States Department of Education must submit evidence of current accreditation.
- E. The course content and length of instruction shall be of such nature and quality as to assure that the students will adequately develop the job skills and knowledge necessary for passing any and all examinations required for licensure.
- F. Schools shall provide favorable conditions for effective classroom instruction. A total pattern of successful instruction includes:
  - 1. well defined instructional objectives,
  - 2. systematic planning,
  - 3. selection and use of varied types of learning materials and experiences,
  - 4. adaptation of organization and instructional procedures to student needs,
  - 5. use of varied evaluation instruments and procedures, and good student and teacher morale.
- G. Each Board approved school of barbering must provide proof to the Board of an annual pass rate that meets or exceeds the current minimum standard as established by the Board.
- H. The Board will evaluate school curriculum for conformance with educational requirements set forth by the Mississippi Board of Barber Examiners.
- I. The licensee shall notify the board at least thirty (30) days in advance of closure and provide a teach-out plan for existing students which must be approved by the board.
- J. In the event that a school closes a facility, the licensee must notify the board within sixty (60) days prior to closing and provide proof of the reason for the closure; proof of method developed to assist students with the completion of their program of study and courses; proof of notice sent to all currently enrolled students, notifying them of the closure; proof of notice given to students indicating where they may obtain any of their records; proof of disposition of student records, with a contact person, complete address, and telephone number and how students' information may be obtained; proof of notice sent to all students who have paid for any tuition and/or fees for future enrollment in a program of study or individual course informing them of the closure, and refund information; proof of certified transcripts for each currently-enrolled student who has paid for and completed coursework in lieu of receiving a full or partial

refund. In the event a school files a bankruptcy petition, a certified copy must be filed with the Board.

- K. School Licenses may be issued, as follows:
1. Temporary licenses are issued for a one (1) year period. These licenses are issued to new schools with less than two (2) graduating classes. Annual reports are required and are due by July 16<sup>th</sup> of each year unless otherwise specified. Prospective students prior to enrolling and enrolled students must be notified in writing of the school's temporary status.
  2. Probationary licenses indicate warning status and are issued for a one (1) year period. These licenses are issued to new schools with less than two (2) graduating classes and with any significant violation(s) in the most recent year. Annual reports are required and are due by July 16<sup>th</sup> of each year unless otherwise specified. Prospective students prior to enrolling and enrolled students must be notified in writing of the school's probationary status.
  3. Conditional licenses are issued to schools for a 1-year period. These licenses are issued to schools with two (2) or more graduating classes and with any of the following:
    - a. Any significant violation(s) in the most recent year.
    - b. Either the school's annual pass rate or the school's comprehensive pass rate does not meet or exceed the Board's current minimum standard.
    - c. Conditional license status for schools that previously held a non-conditional license shall not exceed 2 years.
    - d. Annual reports are required and are due by July 16<sup>th</sup> of each year unless otherwise specified. Prospective students prior to enrolling and enrolled students must be notified in writing of the school's conditional status.
  4. Non-conditional licenses are issued for a 2-year period. These licenses are issued to schools with two or more graduating classes and with all of the following:
    - a. No significant violation(s) in the most recent year.
    - b. Either the school's annual pass rate or the school's comprehensive pass rate meets or exceeds the Board's current minimum standard. Annual reports are required and are due July 16<sup>th</sup> of each year.
  5. The combined temporary, probationary, and/or conditional license status for schools shall not exceed a 5-year consecutive period before moving to a non-conditional license status.
  6. Barber school owners, instructors, and/or employees or contractors of the school shall adhere to the Board's statute and relative rules and regulations and shall regard students with the same care and consideration as clients.
- L. There shall be no automatic renewal of school licenses and each shall be audited for conformity. Prior to the issuance of any such license, the board shall inspect the premises to determine if same qualifies with the law prior to renewal.

- M. Each application made under this section shall include the social security number of the applicant, owners or agents in accordance with Section 93-11-64.
- N. A school may be licensed as:
  - 1. School of Barbering
    - a. Is a School who admits as a regular student only an individual who has a recognized high school diploma or has earned their high school equivalency through a recognized GED testing facility, and/or shall have satisfactorily passed the ability-to-benefit examination approved by the U.S. Department of Education. Students must also be able to read, write and speak English.
  - 2. Postsecondary School of Barbering
    - a. Is a School who admits as a regular student only an individual who has earned a recognized high school diploma or has earned their high school equivalency through a recognized GED testing facility. Students must also be beyond the age of compulsory high school attendance and be able to read, write and speak English.
    - b. Schools will show its compliance with an affidavit upon licensing or renewal. Schools previously licensed as a School of Barbering may request postsecondary recognition during their renewal by providing an affidavit certifying its compliance.
    - c. Licenses of a School will clearly state whether or not the School has Postsecondary recognition.
- O. Any barber school licensed by the Board where ten (10) or more students can be accommodated while engaging in learning and acquiring a knowledge of the practice of barbering may be considered a school of barbering.

Source: Mississippi Code of 1972, 73-5-7 (2)

### Rule 1.3 School Requirements

Each school of barbering shall:

- A. at all times be under the direct supervision of a licensed instructor;
- B. have at least one instructor for every twenty-five (25) students based on average daily attendance or any portion thereof;
- C. have more than one (1) student per barber chair at one shift;
- D. be in a building separate from any other barbering establishment owned or operated by the same management;
- E. advertise as a school but not as a barber shop;
- F. display, in a conspicuous place, a sign in display lettering, not less than one (1) inch of height as follows: "ALL WORK IN THIS SCHOOL IS DONE BY STUDENTS". The Board will recognize guest artists for demonstration purposes with no charge;
- G. clearly designate as a school of barbering at the entrance;
- H. ensure that no service price sign shall be posted in or on the front window, or any outside door, nor on the exterior of the premises. The school shall

- not advertise the prices for services to the public by any media off the premises of the school;
- I. ensure accessibility to a medical dictionary, an English dictionary, and two books on barbering and relevant trade magazine pertaining to barbering at all times on a current basis;
  - J. keep a record of the amount of instruction each student received in each subject;
  - K. ensure that all records kept by a school shall be available for inspection by the board or its representative.
  - L. keep the essential records of the students in individual folders alphabetically in a file cabinet;
  - M. maintain a classroom roll registry shall be maintained showing the presence, absence, and tardiness of students at the convening of each class.
  - N. The school shall keep a permanent record of each student's attendance as reflected on the clock punch card or classroom roll registry and maintained on a current basis. This record will also show the student's grades, progress, and conduct, periodically; based on the instructor's evaluation;
  - O. have adequate facilities for filing and storing business records;
  - P. have a general ledger or recording of all income and expenditures as it relates to barber students;
  - Q. maintain school attendance and scholarship records of individual students for five (5) years from the date a student is a licensed barber;
  - R. be given a definite schedule of attendance;
  - S. receive, upon enrollment, a copy of the school's rules and regulations governing students;
  - T. ensure that contracts or receipts between the school and students relating to tuition and implements are in writing with students receiving a copy of contract;
  - U. ensure that not less than 10% of the required hours for completion of the course of study shall be devoted to classroom study, demonstrations, and lectures;
  - V. ensure that examinations are given on at least ten (10) subjects, and the grades be permanently recorded; .
  - W. ensure a final examination is given for completion of the course of study;
  - X. ensure that the during the course of study, students are required to have performed the following minimum hours of study: Haircut (tapered and long) 500; Hair coloring (10); Shaving (25); Facial treatment (35); Razor cutting, styling and permanent waving, chemical hair relaxing (200); Scalp treatment, shampoo (75); Hair pieces and fitting (5);
  - Y. ensure that a copy of the rules and regulations relating to the sanitation of barber shops will be given to every student, and the instructor validate that they are observed.
  - Z. forward to the board an official transcript detailing the instruction and training of all students at the completion of the course or withdrawal of a

student. This transcript must be signed by someone authorized to sign for the school;

- AA. ensure that all receptacles containing face or talcum powder have tops;
  - AB. provide a clean cupboard or cabinet in which to keep all linen or paper towels;
  - AC. offer advanced training courses for registered barbers on the following subjects and ensure that these courses are taught by instructors qualified to teach each course:
    - 1. 40 hour course-Teaching the latest haircut on male and female plus styling;
    - 2. 600 hour course-teaching the latest haircut on male and female with the help of video film, all phases of hair styling, hair coloring, and hair piece fitting;
  - AD. ensure that each student is to be dressed in a clean smock daily, clean pants or skirts, well-kept shoes and maintain a high standard of personal hygiene and personal appearance; and
  - AE. ensure that male instructors may wear shirts and ties or smocks; female instructors may wear smocks and skirts or slacks, and shall maintain a high standard of personal appearance;
  - AF. shall maintain a website for public information that contains the license number and license status;
  - AG. shall provide up-to-date technology in the classroom for use by students;
  - AH. must report change of lead instructor, change of instructors, change of manager and change in operational calendar at least ten (10) days prior to initiating the change on a form prescribed by the Board.
  - AI. ensure that the most up-to-date textbook and the companion workbook is provided each student.
- AI. Schools shall not give correspondence courses.

Source: Mississippi Code of 1972, 73-5-7 (2); (4); (9)

#### Rule 1.4 Physical Facilities

- A. A school shall consist of not less than two (2) rooms, one for the clinic or service department, and one (1) for the classroom with adequate space for students. A single room divided by partitions in such a manner that one part is used for study, examination and lectures, and one part for clinic or service department may be used.
- B. A barber school or college shall consist of a minimum of 1200 square feet.
- C. There shall be not less than 720 square inches of mirror behind each barber chair.
- D. There shall be one (1) laboratory with hot and cold running water behind each barber chair that is used to teach shaves and facials and at least one (1) shampoo bowl for every three (3) students.

- E. The classroom or study hall shall be equipped with at least one individual chair with adequate desk space for the maximum number of pupils occupying the classroom at one time or, if desks are not provided, each chair shall be provided with a table arm rest.
- F. The lighting in the barber chair area shall be not less than 60 watts.
- G. The floor of the service or clinic room shall be covered with linoleum, asphalt tile or its non-porous equivalent.

Source: Mississippi Code of 1972, 73-5-7 (4)

#### Rule 1.5 Temporary Permit for Work Student/Instructor

- A. Any student or student instructor who has completed the total number of prescribed hours in a course of training may be issued a permit to work, which would be valid until the next testing, upon request, as long as the following has been met:
  - 1. Student has met all graduation requirements as set forth by the licensed Barber school.
  - 2. An application from approval for examination has been made and approved by the Board.
  - 3. A completed Board approved application for a permit to work has been submitted the Board.

Source: Mississippi Code of 1972, 73-5-15 (9)

#### Rule 1.6 Application for Examination and Licensure – Barber and Barber Instructor

- A. All applications for the licensure with the State Board of Barber Examiners must complete the required Application of Intent – Examination and Licensure and filed with the office of the Board of Barber Examiners not later than fifteen (15) days prior to examination date along with an official transcript from the licensed barber school. If the applicant fails to comply with this regulation, or the applicant fails to pay the required fees, he or she will not be permitted to take that scheduled examination.
  - 1. Students attire for examination
    - a. Students testing for Barber examination are to be dressed in a clean, professional smock, clean pants or skirt, well kept clean, closed toe shoes and maintain a high standard of personal hygiene and personal appearance.
    - b. Students testing for Instructors examination may wear shirts and ties and/or professional smocks along with dress slacks or skirt well kept, clean, closed toe shoes and maintain a high standard of personal hygiene and personal appearance.

- B. At the time of application for examination, the applicant may complete the appropriate form to receive a permit to work in a licensed barber shop until the next regularly scheduled examination.

Source: Mississippi Code of 1972, 73-5-15

#### Rule 1.7 Equipment

- A. Every barber school and or college must be equipped with at least ten (10) hydraulic barber/styling chairs and at least 1 (one) chair designed to recline and with headrest to accommodate a patron for a shave or facial. This will permit each student to become familiar with the operation of the regular barber chair used for cutting and hair styling.
- B. There shall be at least one (1) barber chair for every (1) student per shift and in good repair or fully reconditioned.
- C. Barber chairs shall be spaced, laterally, not closer than 4 ½ feet on center.
- D. Each chair shall have an individual tool cabinet, work stand sterilizer for sterilizer equipment, and there shall be for each student, conveniently available, at least two (2) covered receptacles, one for soiled towels and one for shave paper or other paper products.
- E. There shall be a chalkboard not less than 12 square feet in the classroom.

Source: Mississippi Code of 1972, 73-5-7 (9)

#### Part 1801 Chapter 2: Regulations for Governing Sanitation of Barber Shops and Barber Schools

INTRODUCTION. It is hereby ordered that the Sanitary Regulations Governing Barbering, Barber shops, Barber Colleges and Beauty Shops, adopted by the Mississippi State Board of Health on July 15, 1930, amended May 13, 1931, and August 13, 1934 be repealed and the following regulations be adopted. (Chapter 5 of Part 14, Subpart 70 (page 10).

#### Rule 2.1 Enforcement:

The holder or holders of an establishment license, or the person in charge of an establishment shall be liable for the implementation and maintenance of the sanitary conditions of the establishment. Any licensed barber, instructor, or student shall be held individually responsible for the implementation and maintenance of the sanitary conditions of his/her station or equipment.

Source: Mississippi Code of 1972, 73-5-7 (4)

#### Rule 2.2 Posting Sanitary Rules:



A copy of the sanitation rules shall be posted in a place conspicuous to the public.

Source: Mississippi Code of 1972, 73-5-7 (7)

Rule 2.3 Interior:

- A. Each establishment shall be kept clean and in good repair. Floors in cutting and styling area as well as any area used for shampooing shall be covered with nonporous material that is easily cleanable.
- B. All solid waste and refuse shall be kept in containers with tight fitting lids and shall be removed from the premises as frequently as necessary to prevent any unhealthy conditions or unsightliness.
- C. Used towels shall be deposited in a closed container and shall not be used again until properly laundered and sanitized. Used towels shall be laundered either by commercial laundering or by noncommercial laundering which includes a treatment in water at 160 degrees for not less than 5 minutes during the washing process. All clean towels shall be stored in a closed cabinet.
- D. Instruments (except clippers and metal instruments) shall be immersed in an approved germicidal solution before being used again.
  - 1. Immersion in boiling water for at least 5 minutes.
  - 2. Immersion for 10 minutes in household bleach (1 to 10). This method is highly corrosive.
  - 3. All tools and implements, which are not likely to be in contact with blood or blood containing body fluids (e.g. combs and brushes), may be immersed in quaternary ammonium compounds (1 to 1000) for ten or more minutes. This is not a virucidal agent and it will not kill some bloodborne viruses such as Hepatitis B virus. Or (this is strongly recommended for compliance with current and future OSHA regulations) they may be disinfected by complete immersion in an EPA registered bactericidal, virucidal, fungicidal disinfectant, that is mixed and used according to the manufacturer's direction.
  - 4. All tools and implements, which are more likely to come in contact with blood or blood containing body fluids (e.g. razor blades), must be disinfected by complete immersion in an EPA registered bactericidal, fungicidal disinfectant that is mixed and used according to the manufacturer's directions.
  - 5. All tools, instruments, and supplies, which have become soiled in any manner, shall be removed from work stand, placed in a properly labeled receptacle, and shall not be on another patron until properly sanitized. All supplies that cannot be sanitized shall be immediately destroyed after use. The use of liquid or powdered styptic or astringents is permissible if such product is applied by sanitized gauze or cotton.

6. No barber, instructor or student shall remove or attempt to remove moles or other blemishes by radiation, electronic, or other means of tissue destruction.
7. All creams and lotions must be kept in clean and closed containers. These should be removed by use of a spatula, and applied by means of a sanitized material.

Source: Mississippi Code of 1972, 73-5-7 (4)

### Part 1801 Chapter 3: Instructors

#### Rule 3.1 Requirements for Barber Instructor

##### A.

Any person applying for an instructor's examination or certificate of registration as a barber instructor shall:

1. be eighteen (18) years of age or older
2. be of good moral and temperate habits
3. be able to read, write and speak English
4. Possess a high school education or its equivalent
5. Have successfully completed not less than fifteen hundred (1500) hours at a barbering school approved by the State Board of Barber Examiners and hold a valid certificate of registration to practice barbering
6. Have not less than two (2) years of active experience as a registered barber
7. Have successfully completed not less than six hundred (600) hours of barber instructor training at a school approved by the Board and
8. Have passed a satisfactory examination conducted by the Board to determine their fitness to practice as a barber instructor.

B. Instructors must be qualified to teach fundamentals of barbering and keep abreast of new trends and developments.

C. Faculty members must have personal characteristics conducive to effective teaching and exemplify desirable behavior (dress, habits, attitudes, and interpersonal relationships).

D. Instructor must file evidence every two years of having attended MBBE approved workshops, seminars, or formal classes relating to teaching or to new techniques in barbering. Continuing education of twelve (12) hours of approved credit per year is required.

Source: Mississippi Code of 1972, 73-5-7 (4); 73-5-8

#### Rule 3.2 Instructor's Course of Study:

All classes of barbering, including haircutting, must be conducted by a registered instructor. If an individual applying for an instructor's license has not less than two (2) years of active

experience as a registered barber, the educational requirement is not less than six hundred (600) hours of barber instructor training at a school approved by the board. If an individual applying for an instructor's license has less than two (2) years of active experience as a registered barber, the educational requirement is not less than one thousand (1,000) hours of barber instructor training at a school approved by the board.

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Barber Instruction	600 hour requirement	1,000 hour requirement
Theory	70	200
Facial	25	25
Scalp Treatment	25	25
Hair Styling	25	25
Hair Drying	25	25
Shampooing	10	10
Permanent/Waxing	50	50
Hair Pieces	10	10
Desk Receptionist, Purchasing, Supplies, Composing Questions and Grading Student Papers	10	20
Salesmanship	50	50
Chemical	80	80
School Procedures	20	30
Lectures and Demonstrations	75	200
Floor Supervision	100	200
School Records, Student Enrollment, Collections, Office Work	25	50
Total Hours for Instructor Course	600	1,000

The applicant will provide the board with written evidence in the form of a transcript before the instructor examination is given.

Source: Mississippi Code of 1972, 73-5-8

Part 1801 Chapter 4: Student Requirements

Rule 4.1 Equipment

- A. Each student shall be required to have the following equipment:
1. 1 clipper
  2. 1 brush comb
  3. 1 razor
  4. 1 T-edger
  5. 1 (gun type) hair dryer

6. 1 dozen combs
  7. 1 pair thinning shears
  8. 1 pair regular shears
  9. 1 regular hair brush
  10. 1 round hair brush
  11. 1 clipper brush
  12. 1 hair cloth
  13. 1 tool case
  14. 1 curling iron
  15. 1 shampoo cape
- B. No student shall work on a member of the public until they have completed at least 10% of the total time required, which in no case shall be less than 150 hours.

Source: Mississippi Code of 1972, Section 4-73-5-7

Rule 4.2 Curriculum:

- A. The 1500-hour course shall include practical demonstration, written and oral testing, theoretical and practical instruction in all the common phrases of barbering.
- B. The minimum hours for theory are:

Instruction	Hours
History fundamentals of barbering	5
Elementary chemistry relating to sterilization (sanitation, bacteriology, and hygiene)	25
Barber implements, shaving, beard, haircutting and styling	5
Male hairpiece sales and service	5
Hair coloring / tinting, bleaching, and straightening	5
Hair structure and chemicals	75
Theory of massage and facial treatment	5
Disorders of the skin, scalp, and hair	10
Barber laws, rules and regulations	5
Business management and salesmanship	10
General review	20

- C. The minimum hours for the practical are::

Instruction	Male	Female
Hair cutting, tapered and long	900	800
Shaving beard and mustaches	25	10
Hair coloring	70	50

Scalp and hair treatment, shampoo, etc.	50	20
Facial treatments	20	5
Permanent waxing, razor cutting and styling	50	120
Hairpiece-fitting (sales and service)	20	10
Miscellaneous	195	315
Total	1500	1500

Source: Mississippi Code of 1972, 73-5-7 (4)

Rule 4.3 Break in attendance/failure to apply for examination

- A. Where there is a break in attendance in a barber school:
  1. At least twelve (12) months and less than thirty-six (36) months a student shall lose 25 % of hours.
  2. At least thirty-six (36) months and less than sixty (60) months a student shall lose 50% of hours.
  3. At least sixty (60) or more a student shall lose 100% of hours.
- B. Where a portion of the hours for the completion of a course of training was acquired out-of-state but the student did not complete the course in that state, the break in attendance rule will apply to the student who enrolls in a school in Mississippi for the completion of his/her training.
- C. Where an individual has completed a course of training in this state, or any other state, and has not applied for and taken the State Barber Examination within twelve (12) months of completion of such training, such individual shall be required to complete an additional 360 hours of approved course before becoming eligible to take the State Barber Examination.
- D. This provision shall not apply to a person whose break in attendance, or failure to acquire licensure is due to a service in armed forces during period of war.

Source: Mississippi Code of 1972, 73-5-7 (4)

Rule 4.4 Failure to Qualify

Any applicant failing to pass the required examination on a first attempt must retake the portion(s) failed on a second attempt. Any applicant failing to pass the required examination on the second attempt, must retake the portion(s) failed on a third attempt. Any applicant failing to pass the required examination on the third attempt, must take 60 hours of approved training in each subject failed before retaking the examination. Any applicant taking the examination for the fourth time will be required to take the entire examination. Any applicant failing the examination on a fourth attempt must appear before the Board before being allowed to apply for reexamination.

Source: Mississippi Code of 1972, 73-5-7 (4)

## Part 1804 Chapter 5: Barber Shops

### Rule 5.1 Minimum Requirements for Establishment of a New Barber Shop

An application is required prior to opening a new barber shop or a current barber shop changes location and / or owner(s)

- A. Must have adequate supply of hot and cold running water under pressure.
- B. Public sewer or septic tank connections must be available.
- C. Must have adequate lighting for each working chair.
- D. Each working area must have proper mirrors, not less than 24 x 30, (720) inches, and cabinets for clean and soiled linen.
- E. Floor must be of such surface, so they can be kept clean and maintained at all times. There shall be no carpet within four feet of a barber chair.
- F. Adequate ventilation.
- G. Lavatory located within reasonable distance from work chair in work area.
- H. There shall be no direct connection between sleeping room and barber shop.
- I. Any one of the following methods of disinfecting must be available at all times:
  - 1. Immersion for five minutes in 70% alcohol
  - 2. Barbicide solution
  - 3. Immersion for one minute in Metaphen(1-100)
- J. No food will be allowed when work is being done.
- K. No pets, except seeing-eye dogs for the blind.
- L. Display a recognizable sign indicating that it is a barber shop or barber style shop.
- M. A fee of \$25.00 is set for new shops in addition to the \$15.00 for a chair being used for barbering purpose.
- N. Barber shops must report change of manager, and deletion or additional of the number of operating chairs to the Board prior to initiating the change on the form as prescribed by the Board.

### Rule 5.2 Mobile Barber Shops

A specialty barber shop that is operated in a self-contained, self-supporting enclosed mobile unit may be provided which serves as a mobile extension of a brick-and-mortar barber shop licensed by the Board.

- A. A license for a mobile barber business may be issued provided the unit meets the following requirements:
  - 1. is an enclosed mobile unit that is self-supporting and self-contained with the ability to operate without having to connect to any outside utilities;
  - 2. establishment does not provide chemical services;
  - 3. furniture is anchored to the mobile unit;
  - 4. no part of the mobile unit can be used for living or sleeping quarters at any time;
  - 5. establishment has hot and cold running water and if the fresh water holding tank is depleted, establishment shall not operate;
  - 6. establishment shall not operate while unit is in motion or moving;
  - 7. signage must be displayed on the exterior of both sides of the unit;

8. records shall be maintained at the brick-and-mortar shop and within the mobile unit regarding appointments, itineraries, and schedules. Schedules shall be available for viewing by the public and filed with the office at least six (6) months in advance so they can be readily available at time of unannounced inspections;
9. board licensees shall post individual licenses as required in the Board rules;
10. board establishes disinfection and safety standards shall be followed at all times the establishment is providing services;
11. cannot be located within 1500 feet of another licensed barber shop;
12. must have bathroom facilities;
13. must meet all required permit and privilege license requirements at an any location servicing barber clients; and
14. all barber business application requirements and fees must be met.

Source: Mississippi Code of 1972, 73-5-33 (17)

#### Part 1801 Chapter 6: Barber Shops/Schools Regulations

##### Rule 6.1 The Following Rules and Regulations Must Be Displayed In Barber Shops and Barber Schools

- A. The Barber Board shall adopt and enforce sanitary regulations.
- B. Any change of ownership and/or management will be reported to the Barber Board at once. In the event of a change of ownership, a new application for a shop license and the required fees will accompany such information.
- B. Any shop in the State of Mississippi must be under the active management and control of a duly registered Barber.
- C. All applications for shop license shall be submitted on the forms provided by the Barber Board and shall be accompanied by a fee of \$15.00 for each chair manned by a registered barber as well as the fee of \$25.00 for the new shop license. This latter fee is non-transferable and is required by law at any time a shop changes ownership or a new shop begins operation.
- D. All rules and regulations of the State Board of Health of the State of Mississippi as well as of the Federal Government will pertain to barber shops and barber schools and are hereby adopted by this Barber Board and shall be adhered to by those persons practicing barbering in the State of Mississippi.
- E. All barber schools shall be subject to the same inspections as barber shops and followed by Board approved procedures. All instructors in licensed barber schools must apply for and be examined as to their qualifications for the privilege of being licensed as an instructor.
- F. Every registered barber and barber instructor who continues in active practice or service shall annually on or before the anniversary date of the issuance of his certificate of registration renew the certificate by paying the required fee and meeting all applicable requirements of the State Board of Health. Every

certificate of registration, which has not been renewed within thirty (30) days of its anniversary date, shall expire. A registered barber or barber instructor, whose certificate of registration has expired, may have his certificate restored immediately upon payment of the renewal fee plus the required restoration fee. After five (5) years an appropriate examination is required.

- G. The Mississippi Board of Barber Examiners shall periodically inspect and grade individual shops and practitioners. Any person, partnership or corporation found to be in violation of these regulations upon a hearing as provided by law shall suffer the suspension of certificate and /or license for such period of time as the Barber Board may decide commensurate with the violation. In no event shall a suspension be less than fifteen (15) days nor more than two (2) years; however, a revocation shall be permanent, or until such time as the Barber Board may be satisfactorily shown that reinstatement would be in order.
- H. Shop owners or managers must display a recognizable sign indicating that it is a barber shop or barber style shop with such sign being clearly visible at the main entrance of the shop.
- I. Barbers in barber shops must be clean and neatly dressed.
- J. Before the opening of any new barber college in the State of Mississippi, the said owners must comply with specifications of the State Board of Barber Examiners. Upon request, they will be issued such specifications and required materials of compliance. The State Board of Barber Examiners must be notified thirty (30) days prior to the opening date.
- K. Students shall not have less than (1500) hours of barbering in an approved school of barbering by the State Board of Barber Examiners of Mississippi before applying for the registered barber examination. However, a licensed cosmetologist must have six hundred (600) hours of barbering in such school before so applying.
- L. The grades used for inspecting all barber shops and barber schools are as follows: A-Excellent B-Fair C-Bad, must be improved
- M. No alcoholic beverages permitted in barber shops or schools at any time.
- N. There shall be no direct connection between a sleeping room and a barber shop.
- O. It shall be the duty of the head barber or manager of each barber shop or barber school to make certain that all employees know and observe these regulations.

Source: Mississippi Code of 1972, 73-5-7 (4); 73-5-8 (5); 73-5-11 (7); 73-5-25 (13); 73-5-29 (15); 73-5-33 (17); 73-5-35 (18).

## Part 1801 Chapter 7: Hearings and Declaratory Opinions

### Rule 7.1 Hearings

. A board hearing may be granted under certain provisions which must be met in order to hear such charge or charges the board may issue against a registered barber, barber instructor, barber school or college.



Source: Mississippi Code of 1972, 73-5-27

### Rule 7.2 Declaratory Opinions

These rules set forth the Mississippi Board of Barber Examiners hereinafter “Board”, governing the form and content of requests for declaratory opinions, and the Board’s procedures regarding the requests as required by Mississippi Code 25-43-2.103. These rules are intended to supplement and to be read in conjunction with the provisions of the Mississippi Administrative Procedure Law, which contain additional information regarding the issuance of declaratory opinions. In the event of any conflict between these rules and the Mississippi Administrative Procedure Law, the latter shall govern:

- A. Any person with a substantial interest in the matter may request a declaratory opinion from the Board by following the specified procedures. “Substantial interest in the subject matter” means: an individual, business, group, or other entity that is directly affected by the Board’s administration of the law within its primary jurisdiction. “Primary jurisdiction of the Board” means the Board has a constitutional or statutory grant of authority in the subject matter at issue.
- B. The Board will issue a declaratory opinion regarding the applicability to specified facts of:
  - 1. a statute administered or enforceable by the Board, or
  - 2. a rule promulgated by the Board.The Board will not issue a declaratory opinion regarding a statute or rule which is outside the primary jurisdiction of the agency.
- C. The Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:
  - 1. lack of clarity;
  - 2. there is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make and answer unnecessary;
  - 3. the statute or rule on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;
  - 4. the facts presented in the request are not sufficient to answer the question presented;
  - 5. the request fails to contain information by these rules or the requestor failed to follow the procedure set forth in these rules;
  - 6. the request seeks to resolve issues which have become moot, or abstract or hypothetical such that the requestor is not substantially affected by the statutes or rule on which a declaratory opinion is sought;
  - 7. no controversy exists concerning the issue as the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute or rule;

8. the question presented by the request concerns the legal validity of a statute or rule;
  9. the request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct;
  10. clear answer is determinable;
  11. the question presented by the request involves the application of a criminal statute or a set of facts which may constitute a crime;
  12. the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;
  13. the question is currently the subject of an Attorney General's opinion request which has been answered by an Attorney General's opinion;
  14. a similar request is pending before this Board or any agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law;
  15. where issuance of a declaratory opinion may adversely affect the interest of the State, the Board or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise;
  16. the question involves eligibility for a license, permit, certificate, or other approval by the Board or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate, or other approval would be determined.
- D. Each request must be printed or typewritten, or legibly handwritten. Each request must be submitted on standard business letter-sized paper (8-1/2 inches by 11 inches). Request may be in the form of a letter addressed to the Board.
- E. All requests must be mailed, delivered, or transmitted via facsimile to the Board. The request shall clearly state that it is a request for a declaratory opinion. No oral telephone requests or e-mail requests will be accepted.
- F. Each request must include the full name, telephone number, and, mailing address of the requestor. All requests shall be signed by the person filing the request, who shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any other administrative or judicial tribunal.
- G. Each request shall contain the following:
1. a clear and concise statement of all facts on which the opinion is requested;
  2. a citation to the statute or rule at issue;
  3. the question(s) sought to be answered in the opinion, stated clearly;

4. a suggested proposed opinion from the requestor, stating the answers desired by petitioner and a summary of the reasons in support of those answers;
  5. the identity of all other known persons involved in or impacted by the described factual situation, including their relationship to the facts, name, mailing address, and telephone number; and
  6. a statement to show that the person seeking the opinion has a substantial interest in the subject matter.
- H. Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Board shall, in writing:
1. issue a declaratory opinion regarding the specific statute or rule as applied to the specific circumstances;
  2. decline to issue a declaratory opinion, stating the reason for its action; or
  3. agree to issue a declaratory opinion by a specific time but not later than ninety (90) days after receipt of the written request. The forty-five (45) day period shall begin on the first State of Mississippi business day on or after the request is received by the Board, whichever is sooner.
- I. A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the Board may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains a legal or factual error.
- J. The Board may give notice to any person, agency, or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments, and opinions from other persons, agencies or other entities other than the requestor.
- K. Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Public Records Act and the Board's public records request procedure. All declaratory opinions and request shall be indexed by name and subject. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from the requirements and shall remain confidential.
- L. The Board will not pursue any civil, criminal or administrative action against a person who is issued a declaratory opinion from the Board and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered

by the Board shall be binding only on the Board and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any transaction or occurrence beyond that set forth by the requesting person.

Source: Mississippi Code Ann. § 25-43-2

Part 1801. Chapter 8: Board Operations

All meetings of the Board are open to the public, and citizens are encouraged to attend meetings. The following regulation is enacted for the purpose of providing reasonable written procedures concerning the cost, time, place, and method of access, under the provisions of the Mississippi Public Record Act of 1983 (Open Records Act). It is not intended that these procedures shall apply to any public record or other document, which is exempt from the provisions of said Act or not covered by the provisions of the Open Records Act.

- A. Any individual seeking to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of the board should make a written request, signed by themselves to be mailed to the Executive Director, Mississippi Board of Barber Examiners, 510 George Street #400, Jackson, MS 39202.
  1. The written request must be typed or clearly hand printed on a letter size piece of paper and shall specify in detail the public record sought. The request should include, if possible, a description of the type of record, dates, title of a publication, and other information which may aid in locating the record.
  2. The written request must specify what the applicant proposes to do with the record, i.e., inspect, copy, etc. state the date and time for the proposed activity; state the number of persons scheduled to participate; and shall provide the name, address, and home and office telephone number of the applicant.
  3. The Executive Director, upon receipt of any such request, shall review same and determine whether the records sought are exempt under the Mississippi Public Records Act, and shall either produce records or access to records or deny access to or production of the records sought within seven (7) working days from the date of the receipt of the request for the production of the record. If the Board is unable to produce a public record by the seventh working day after the request is made, the Board will provide a written explanation to the person making the request stating that the record requested will be produced and specifying with particularity why the records cannot be produced within the seven-day period. Unless there is a mutual agreement of the parties, in no event shall the date for the Board's production of the request records be any later than fourteen (14) working days from the receipt of the original request.
  4. All inspection, copying or mechanical reproduction shall be done in the offices of the Board or such other reasonable place within the State of Mississippi as may be designated by the Board. It shall be the duty of the

applicant to contact the Executive Director by phone before noon of the first working day preceding the proposed date set out in the application to determine if same is acceptable and, if not, what date and/or time will be substituted.

5. Where possible, nonexempt material will be separated from exempt material and only the exempt material will be withheld.
  6. If the Executive Director determines that the records requested are exempt or privileged under the law, she shall deny the request and shall send the person making the request a statement of the specific exemption relied upon by the Board for the denial. Such denials shall be kept on file for inspection by any person for three (3) years. This file shall be made available for inspection or copying or both during regular office hours to any person upon written request.
  7. The Executive Director is authorized to calculate the estimated cost of searching, obtaining from storage, reviewing, shipping and/or duplicating records and to require payment in advance of such estimated charges prior to complying with the request. There shall be a charge of \$0.50 per page for each copy. Copies printed on both sides (front & back) shall be considered as two pages for copy charge purposes. Mailing cost shall be calculated at the applicable rate for each such mailing. If request involves notice to be given to a third party, the cost of mailing such notice via certified mail return receipt requested shall be charged to the person requesting such public records. In the event the actual cost of such activity exceeds the estimate, the Executive Director is authorized to withhold mailing or delivery of said documents or to delay the inspection until the difference is paid.
  8. There shall be no charge for inspection of the current Board's records maintained at the Board office. Cost of obtaining records from any state storage facilities and the search for it shall be charged to the applicant.
  9. The Executive Director may waive any or all of the foregoing requirements related to written notice, time, and method of access prepayment of expenses whenever the determination is made that such waiver would be in the public interest.
- B. Information regarding the Board's activities, submissions to the Board, and requests of the Board should be made in writing to the Board.
  - C. Individuals who wish to be included on the Board's agenda must submit a written request to the Board on the Agenda Request form provided by the Board. The Board must receive this request at least ten (10) working days prior to the regularly scheduled Board meeting.

Source: Mississippi Code Ann. §25-61-1; 29-61-19

Part 1801. Chapter 9: Military Family Freedom Act; Universal Recognition of Occupational Licensing Act and The Fresh Start Act

Rule 9.1 All requirements of 73-50-1, known as the Military Family Freedom Act, shall be met where applicable.

- A. For a military-trained applicant who has been awarded a military occupational specialty that is substantially within the scope of barbering in Mississippi, and who chooses not to apply for licensure under the reciprocity paragraphs 1 or 2 above, and has done all of the following at a level that is substantially equivalent to or exceeds the requirements for licensure:
  - 1. must provide evidence of the completion of a military program of training in the military occupational specialty,
  - 2. must show proof of passing scores from a board comprehensive examination,
  - 3. must take and pass the sanitation and Mississippi law examination offered by the Board, and
  - 4. must show proof of work experience in the military occupational specialty for at least two (2) of the five (5) years preceding the date of the application for licensure with the Board. All relevant experience of a military service member in the discharge of official duties shall be credited in the calculation of years of practice.
- B. For a military spouse who is licensed by and in good standing with another jurisdiction's regulatory board, and who chooses not to apply for licensure under the reciprocity paragraphs 1 or 2 above:
  - 1. must show evidence that the applicant is a legal spouse of an active member of the military,
  - 2. must show competency through proof of passing scores from a Board Comprehensive Examination;
  - 3. must show competency by taking and passing the Mississippi sanitation and law examination offered by the Board, and
  - 4. must show proof of work experience in barbering for at least two (2) of the five (5) years preceding the date of the application for licensure with the Board. All relevant experience of a military spouse, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity, shall be credited in the calculation of years of practice.

Source: Mississippi Code Ann. § 73-50-1

Rule 9.2 Universal Recognition of Occupational Licensing Act  
Universal Recognition of Occupational Licenses and Temporary Practice Permits or Persons Who Establish Residence in this State. All requirements of 73-50-2 shall be met where applicable.

- A. This Board shall make all reasonable efforts to issue a license to an applicant for licensure under this section upon completion of a completed application.

- B. An applicant will not be prohibited for applying for licensure under the existing licensure requirements established by the Board.
- C. A license issued under this section is valid only in Mississippi and it does not make the person eligible to work in another state under an interstate compact or reciprocal agreement unless otherwise provided by Mississippi law.

Source: Mississippi Code Ann. § 73-50-2

#### Rule 9.3 Fresh Start Act of 2019

Absent of applicable state law, no person shall be disqualified from pursuing, practicing, or engaging in any occupation for which a license is required solely or in part because of a prior conviction of a crime, unless the crime for which an applicant was convicted directly relates to the duties and responsibilities for a licensed barber or barber instructor. All provisions of 73-77-1 thru 73-77-11 shall be met. An applicant may request a Pre-Determination by the Board by contacting the Board office.

Source: Mississippi Code Ann. § 73-77-9 (1)

#### Part 1801. Chapter 10. Violations

- A. Any fine imposed by the board upon a licensee or holder of a license shall be in accordance with the following class designation of fines:
  - 1. Class C - Class C violations shall be set at no less than Five Hundred One (\$501.00) nor more than One Thousand Dollars (\$1,000.00).  
Class A violations are specific to the following:
    - a. Unlicensed practice or the use of fraudulent statements to obtain any benefits or privileges under this chapter or practicing one of the professions without a license. These violations will be handled in accordance with state law.
    - b. Extremely dangerous to the health and safety of the general public.
  - 2. Class B - Class B violations shall be set at no less than Two Hundred Fifty Dollars (\$250.00) nor more than Eight Hundred (\$800.00).  
Class B violations are major health and safety concerns that are detrimental to public safety and welfare.
  - 3. Class A - Class A violations shall be set at no more than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). Class A violations are minor health and safety violations that are detrimental to public safety and welfare. No violations will receive a Class A rating.

The power and authority of the board to impose such fines under this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations. Inspection reports shall be posted in a conspicuous place for public viewing.

In addition to the reasons specified in the prior subsection, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

Source: Mississippi Code Ann. § 73-5-9

#### Part 1801. Chapter 11. Complaint Procedures, Notice of Formal Complaint and Disciplinary Hearing, Disciplinary Proceedings, Disciplinary Appeal

##### Rule 11.1 Complaint Procedures

Any person who believes he has been aggrieved by a violation of § 73-67-1 et. seq. or any Board regulation shall have the right to file a written complaint within two (2) years of the alleged violation. The Board shall maintain a written record of each complaint that is made. The Board shall also send to the complainant a form acknowledging the complaint and requesting further information if necessary.

- A. All complaints concerning a barbering school, instructor, business or against an individual barber's professional service or activities shall be received by the Board. Complaints must be submitted in writing on an official complaint form provided by the Board. The Board will assign each complaint a case number.
- B. Each complaint shall be assigned to a Board member or an Investigator for investigation, notification, and determination of probable cause. Once the case is assigned, this individual becomes the case reviewer.
- C. The Board shall make available the forms to the complainant. The complainant is responsible for completing, notarizing, and returning all forms to the Board Office. All complaints may trigger an investigation to which the complainant will be a party.
- D. The accused is notified of the complaint and is either informed that he/she has ten (10) days to respond or may be offered an informal conference. The Board will send the accused a waiver which must be notarized and returned to the Board prior to the informal conference. Should this informal appearance or process not resolve the issues, the accused is entitled to a formal hearing before the Board to address the same. The accused may request an extension, of up to



thirty (30) days, to respond to the complaint. Extensions will be granted on a case by case basis. Justification for additional time is determined by the Board.

- E. The Board shall conduct a meeting, with quorum present to hear a complaint case(s) presented by a case reviewer. The Board may, at this time:
  - 1. Vote to take no action, if no action is merited; or
  - 2. Authorize a disciplinary hearing and initiate a formal complaint and notice of disciplinary hearing.
- F. Resolution of any formal complaint may be made between the Board and the accused.
- G. The Board, at its discretion, may assess and tax any part or all of the costs of any disciplinary proceedings conducted against the accused, the charging party, or both, as the Board may elect.

Source: Mississippi Code Ann. § 73-5-7 (3)

#### Rule 11.2 Notice of Formal Complaint and Disciplinary Hearing.

- A. The Board shall notify the accused that a complaint has been received and that a disciplinary hearing will be held. The accused shall be notified at least thirty (30) days prior to the date of the disciplinary hearing.
- B. Notice shall be considered to have been given if the notice was successfully mailed “certified” to the last known address as listed with the Board, or otherwise served.
- C. The notice shall inform the accused of the facts which are the basis of the complaint and which are specific enough to enable the accused to defend against the complainant. The notice of the complaint shall also inform the accused of the following:
  - 1. The date, time, and the location of the hearing;
  - 2. That the accused may appear personally at the disciplinary hearing and may be represented by Counsel; and,
  - 3. That the accused shall have the right to produce witnesses and evidence on the individual(s) behalf and shall have the right to cross-examine adverse witnesses and evidence.
- D. The disciplinary hearing shall be before the Mississippi Board of Barbers and shall be presided over by the Chair, senior member, or designee of the Board. Following the disciplinary hearing, the Board shall, in writing, notify the accused as to what sanction(s), if any, shall be imposed and the basis for the Board’s action. All disciplinary hearing proceedings are a matter of public record and shall be preserved pursuant to the state law.
- E. All final decisions issued by the Board shall be reflected in the Board minutes.
- F. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

Source: Mississippi Code Ann. § 73-5-7 (3)

### Rule 11.3 Disciplinary Proceedings

- A. General Statement. In any contested case, opportunity shall be afforded to all parties to respond and present evidence and argument of all issues involved. Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, default or dismissal.
- B. Informal Disposition of Contested Case. Prior to the imposition of disciplinary sanctions against a license, the licensee may be offered an opportunity to attend an informal conference and show compliance with all requirements of law.
  - 1. Informal conferences may be attended by an attorney employed by the Board, a Board member and/or other representatives of the Board as the Chairman and legal counsel may deem necessary for the proper conduct of the conference. The licensee and/or the licensee's authorized representative may attend the informal conference and shall be provided an opportunity to be heard.
    - a. In any case where charges are based upon information provided by a person who filed a complaint with the board (complainant), the complainant may attend the informal conference, and shall be provided with an opportunity to be heard with regard to charges based upon the information provided. Nothing herein requires a complainant to attend an informal conference.
    - b. Informal conferences are not deemed to be official meetings of the Board.

Any proposed order shall be presented to the Board for its review. At the conclusion of its review, the Board shall approve, amend, or disapprove the proposed order. Should the Board approve the proposed order, the appropriate notation shall be made in the minutes of the Board and the proposed order shall be entered as an official action of the Board. Should the Board amend the proposed order, the executive director shall contact the respondent to seek concurrence. If the respondent does not concur, or should the Board disapprove the proposed order, the case shall be rescheduled for purposes of reaching an agreed order, or in the alternative forwarded to the designated Board attorney for formal action.

- C. Formal Disposition of a Contested Case. All contested cases not resolved by informal conference shall be referred for hearing.
  - 1. Notice. The respondent shall be entitled to reasonable notice of not less than thirty (30) days. Notice shall include:
    - a. a statement of the time and place of the hearing;
    - b. a statement of the offense or offenses for which the licensee is charged;
    - c. a copy of the complaint.
  - 2. Service of notice. The notice of hearing and a copy of the formal complaint shall be served by mailing a copy thereof by certified mail, postage prepaid to the respondent's last known residence or business address at least thirty (30) days prior to the hearing.

- a. Filing of documents. All pleadings and motions relating to any contested case pending before the Board shall be filed at the Board office and shall be deemed filed only when actually received. Copies of all pleadings and motions shall be served on Board counsel.
- b. Motion for Continuance. Continuances may be granted by the Board.
- c. Transcription. All proceedings shall be transcribed by a court reporter. The agency may pay the cost of the transcript or assess the cost to one or more parties.

## Sanctions

### A. Civil:

The Board may impose any of the following sanctions, singularly or in combination, when it finds that a licensee is guilty of any of the offenses including but not limited to those referred to in Chapter 8:

1. Issuance of a letter of official reprimand to the licensee;
2. Refusal to renew license;
3. Restriction or limitation of the individual's scope of practice;
4. Suspension of the licensee for any period of time; and
5. Revocation of the license.
6. Reasonable and customary fines and penalties.

### B. Criminal Liabilities:

1. Any person(s) found guilty of prostitution using as any advertisement, claim or insignia of being an actual licensed barbers therapist or to be practicing barbering by using the word "barbers" or any other description indicating the same, whether or not such person(s) have one or more such license for person(s) or establishment(s), shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00), nor more than Five Thousand Dollars (\$5,000.00), or imprisonment of up to six (6) months, or both, per offense, per person.
2. Any person who knowingly participates in receiving illegal services of any person found guilty as described in paragraph (a) of this subsection, upon conviction, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), or imprisonment for up to one (1) month in jail, or both. Persons officially designated to investigate complaints are exempt.
3. Any person who violates any provision of this act, other than violation(s) of paragraph "B (1)" of this subsection, is guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) unless otherwise specified, or imprisonment for up to one (1) month in jail, or both, per offense.

Source: Mississippi Code Ann. § 73-5-7 (3)

#### Rule 11.4 Disciplinary Appeal

##### *Grounds for Disciplinary Action.*

- A. This Chapter applies to individual barbers, barber's establishment owners, instructors or schools licensed or registered by the Mississippi Board of Barber Examiners. The Board may refuse to issue or renew or may deny, suspend, or revoke any license or registration held or applied for under this act finding that the holder of a license or applicant:
  1. Is guilty of fraud, deceit, or misrepresentation in procuring or attempting to procure any license provided for in § 73-7-1, et. seq. Miss. Code Ann. 1972) as amended;
  2. Attempted to use as his/her own the license of another;
  3. Allowed the use of his/her license by another;
  4. Has been adjudicated as mentally incompetent by regularly constituted authorities;
  5. Has been convicted of a crime or have charges or disciplinary action pending that directly relates to the practice of barbering or to their ability to practice barbering or instruct barbering. Any plea of nolo contendere shall be considered a conviction for the purposes of this section;
  6. Is guilty of unprofessional or unethical conduct as defined by the code of ethics;
  7. Is guilty of false, misleading or deceptive advertising, or is guilty of aiding or assisting in the advertising or practice of any unlicensed or unpermitted person in the practice of barbering or barber instruction;
  8. Is grossly negligent or incompetent in the practice of barbering or instruction of barbering;
  9. Has had rights, credentials, or one or more license(s) to practice barbering or instruct in any barber program revoked, suspended, or denied in any jurisdiction, territory or possession of the United States or another country for acts of the licensee similar to acts described in this section. A certified copy of the record of the jurisdiction making such a revocation, suspension or denial shall be conclusive evidence thereof; or
  10. Has been convicted of any felony, other than a violation of federal or state tax laws.
- B. Investigative proceedings may be implemented by a complaint by any person, including members of the Board.
- C. An accused may appeal the decision of the Board to the Circuit Court of Hinds County.
- D. An applicant may appeal the decision of the Circuit Court to the Mississippi Supreme Court.
- E. Further appeal shall be pursuant to any remedies available by law.

Source: Mississippi Code Ann. § 73-5-7 (3)

Rule 11.5 Reinstatements Following Disciplinary Action

- A. Any person or school whose license or provisional permit has been suspended as a result of a disciplinary action may totally reapply for licensure, including payment of all fees, one (1) year after the revocation of the license unless otherwise provided in a Board order. All current requirements for licensure must be met.
- B. The Board may, at its discretion, grant reinstatement of the license following a disciplinary appeal.

Source: Mississippi Code Ann. § 73-5-7 (3)