

MARYLAND REGISTER

Emergency Action on Regulations

TO BE COMPLETED BY AELR COMMITTEE	EMERGENCY Transmittal Sheet	TO BE COMPLETED BY DSD
Date Received by AELR Committee		Date Filed with Division of State Documents
11/21/2014		
Emergency Status Approved		Document Number
_ -Yes _ -No		Date of Publication in MD Register
Emergency Status Begins On		
Emergency Status Ends On		
Name of AELR Committee Counsel		

1. COMAR Codification

Title Subtitle Chapter Regulation

09 22 01 13

2. Name of Promulgating Authority

Department of Labor, Licensing, and Regulation

3. Name of Regulations Coordinator

Donnice M Turner

Telephone Number

410-230-6008

Mailing Address

500 N. Calvert Street, 4th Floor

City State Zip Code
Baltimore MD 21202

Email

donniturner@dllr.state.md.us

4. Name of Person to Call About this Document

Shirley A. Leach

Telephone No.

410-230-6195

Email Address

shirley.leach2@maryland.gov

5. Check applicable items:

- New Regulations

- Amendments to Existing Regulations

- Repeal of Existing Regulations

- Incorporation by Reference of Documents Requiring DSD Approval

6. Date Requested for Emergency Status to Begin: 12/1/2014

Date Requested for Emergency Status to Expire: 5/30/2015

7. Agency Will Take the Following Action on These Regulations

- Promulgate them in accordance with State Government Article, §§ 10-101 -- 10-126

- Allow them to expire

8. Is there proposed text which is identical to emergency text:

- Yes - No

9. Check the following item if it is included in the attached document:

- Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

10. Reason for Request for Emergency Status

The Cosmetology Board must increase fees charged to candidates qualified to take the Senior cosmetologist; Cosmetologist; Esthetician; and Nail technician practical and theory licensing exams to cover the cost of the exams on a temporary basis. The fee increase is supported by the November 12, 2014 BPW Action Agenda item 4-S-MOD, which approved the contract modification to extend the current contract for administration of the examinations by six months, effective December 1, 2014. The incumbent vendor will continue to offer the examinations while the agency completes the new procurement for testing services, but will charge a higher amount for the examinations. The cost of the examinations will be reduced when the new contractor is in place. The new contract is scheduled to be presented to the Board of Public Works on January 7, 2015. This action will provide the Board sufficient time to complete the procurement, and to approve new examination questions as well as a transition period for the new contractor. The anticipated date for the new testing company to begin offering examinations is April 2015.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Eric London, Assistant Attorney General, (telephone #410-230-6117) on November 20, 2014. A signed copy of the approval is on file at this agency.

Name of Authorized Officer

Shirley A. Leach

Title

Executive Director

Telephone No.

410-230-5195

Date

November 20, 2014

**Title 09
DEPARTMENT OF LABOR, LICENSING, AND
REGULATION**

Subtitle 22 BOARD OF COSMETOLOGISTS

09.22.01 General Regulations

Authority: Business Occupations and Professions Article, §5-205(b), Annotated Code of Maryland

Notice of Emergency Action

□

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to the amendments to Regulation .13 under COMAR 09.22.01 General Regulations.

Emergency status began:

Emergency status expires:

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The temporary proposed fee will increase the cost of examinations for candidates as follows:

All cosmetology categories initial examination from \$50-\$80 to \$100 each. All cosmetology categories for retake examination from \$50-\$80 to \$100 for full exam; \$70 practical only; and \$50 theory only.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-) Magnitude	
A. On issuing agency:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) Sr Cosmetologist Temporary Testing Fee Increase	(-)	\$50 per applicant
(2) Cosmetologist Temporary Testing Fee Increase	(-)	\$20 per applicant
(3) Esthetician Temporary Fee Increase	(-)	\$20 per applicant
(4) Nail Technician Temporary Fee Increase	(-)	\$20 per applicant
(5) Retake Practical Temporary Fee Increase	(-)	\$20 per applicant

- III. Assumptions.** (Identified by Impact Letter and Number from Section II.)
- D(1). Temporary increase from \$50 to \$100
 - D(2). Temporary increase from \$80 to \$100
 - D(3). Temporary increase from \$80 to \$100
 - D(4). Temporary increase from \$80 to \$100
 - D(5). Retake practical portion of exam for all categories, temporary increase from \$50 to \$70, retake of full examination costs are the same as taking the examination for the first time

Economic Impact on Small Businesses

The emergency action has minimal or no economic impact on small businesses.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

Examination fees are paid directly by candidates to the vendor.

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

This regulation pertains exclusively to individuals who seek to become licensed senior cosmetologists, cosmetologists, nail technicians, and estheticians.

G. Response to small business worksheet:

Attached Document:

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 22 BOARD OF COSMETOLOGISTS

Chapter 01 General Regulations

Authority: Business Occupations and Professions Article, §5-205(b), Annotated Code of Maryland

.13 Fees.

A. Examination Fees.

(1) The following examination fees shall be paid at the time a person files an application to take an examination:

(a) Senior cosmetologist ... \$[50]100;

(b) Cosmetologist ... \$[80]100;

- (c) Esthetician ... \$[80]100;
- (d) Nail technician ... \$[80]100.

(2) The following examination fees shall be paid at the time a person files an application to retake a portion of an examination:

- (a) Senior cosmetologist ... \$[50]100;
- (b) Cosmetologist, nail technician, or esthetician:
 - (i) Full exam ... \$[80]100;
 - (ii) Practical only ... \$[50]70;
 - (iii) Theory only ... \$50[;].

B.-I. (text unchanged)

CLAIREE BRITT-COCKRUM
Chair, Board of Cosmetologists