

Dear Chairman Blair and Delegate Faircloth,

I am contacting you on behalf of Associated Skin Care Professionals (ASCP). ASCP is a professional association for aestheticians, benefits include: professional liability insurance coverage, marketing and client resources, and continuing education among other things. In order to become an ASCP member, the applicant's education and training is verified, and the aesthetician must be licensed in the state in which they are practicing. ASCP has more than 15,000 members nationwide, including more than 30 members in West Virginia.

I am contacted you because I was just alerted to the existence of HB 2777 (Faircloth) earlier today. I saw that the hearing was scheduled in the Senate Government Organization Committee this afternoon and was able to listen online. I heard Chairman Blair that the bill required additional work so the hearing would be delayed. I was relieved and wanted to take this opportunity to contact you with our concerns.

You may already be aware of how confusing the bill is. The bill summary states that one purpose of the bill is to change the requirement from licensure to registration for aestheticians and nail technicians - but the majority of the bill still uses the term licensing. I am wondering what the real intention is. I was also dismayed to see the elimination of the aesthetician member of the Board.

ASCP supports mandatory licensing for aestheticians and nail technicians. Since we provide professional liability insurance as a benefit to membership we have firsthand knowledge of the harm and potential harm an untrained person could provide to the public. A quick look at our claims database revealed 2 pending claims from members in West Virginia. These are educated and state licensed individuals who hurt clients. Both claims are related to burns, one from waxing and one from a chemical peel.

Aestheticians work with many different chemicals and products; the use of which requires formal education and training. The most common claims we see are waxing burns or tears, skin lifting/burns, product reactions, and accidental injury from the use of a device. We only accept trained and state licensed individuals for membership. I hate to contemplate the injuries that could occur if an untrained person were to perform some of the services offered by aestheticians.

***ASCP encourages you to clarify the bill and continue to require aestheticians to obtain a state license in order to practice. We also ask that you retain the aesthetician member of the Board in order to provide a comprehensive perspective from all licensure categories the Board oversees.***

Below is an outline of what we view as inconsistencies throughout the bill. I hope it is helpful. Thank you for your consideration. Please let me know if you have any questions.

Sincerely,

Jean Robinson, Government Relations Director

Associated Skin Care Professionals

**The Bill Summary: change the requirement for licensure of aestheticians and nail technicians to registration.**

This implies that an aesthetician would no longer be required to secure a license prior to practicing on the public.

However, 30-27-1(a) seems to require a license to practice.

30-27-1 (a) It is unlawful for any person to practice or offer to practice barbering, cosmetology, hair styling, aesthetics, or nail care in this state without a license issued under the provisions of this article, or advertise or use any title or description tending to convey the impression that the person is a licensed aesthetician, barber, cosmetologist, nail technician or hairstylist, unless the person has been licensed under the provisions of this article, and the license has not expired, been suspended or revoked.

### **The definitions are even more confusing.**

30-27-3(a) defines aesthetics and (b) "aesthetician".

(b) "Aesthetician" or "esthetician" means a person licensed under the provisions of this article who engages in the practice of aesthetics.

(g) "License" means a professional license, a salon license or a school license.

(u) "Nail technician" or "manicurist" means a person licensed under the provisions of this article who engages in the practice of nail care.

### **The definition of "professional license" now excludes aestheticians and nail technicians.**

(x) "Professional license" means a license to practice as a ~~aesthetician, barber, barber crossover, barber permanent wivist,~~ cosmetologist, ~~cosmetologist crossover~~ or nail technician hair stylist.

### **But the definition of "registration" does not include either and in fact relates to booth rental.**

~~(z)-(y)~~ "Registration" means a registration issued by the board to a person who rents or leases a booth or chair from a licensed salon owner and operator ~~, or both, or a registration issued by the board to a person who is a student in a school~~

30-27-4 removes the licensed aesthetician from the composition of the Board.

### **Aestheticians and nail technicians are included again under Professional license requirements.**

30-27-8 (a) 30-27-8. Professional license requirements.

(a) An applicant for a professional license to practice as a n aesthetician, barber, ~~barber crossover, barber permanent wivist,~~ cosmetologist, hair stylist, ~~cosmetologist crossover~~ or nail technician shall present satisfactory evidence that he or she:

It is very unclear what is meant by 30-27-8 (b). It seems as though the legislature is trying to change

(b) A license to practice issued by the board prior to July 1, ~~2009~~2015, shall for all purposes be considered a professional license issued under this article: Provided, That a person holding a license issued prior to July 1, ~~2009~~2015, must renew the license pursuant to the provisions of this article. After July 1, 2015, the Board shall issue both barber and cosmetologist renewal licenses in the case of a barber crossover or cosmetologist crossover and shall issue a barber license renewal in the case of barber permanent waviest.