

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days. For questions, you may contact the Office of Administrative Hearings at 919.431.3000 or email oah.postmaster@oah.nc.gov.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 06 – BOARD OF BARBER EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.1 that the North Carolina Board of Barber Examiners intends to adopt the rule cited as 21 NCAC 06F .0128 and amend the rule cited as 21 NCAC 06N .0111.

Codifier of Rules approved this rule as an emergency rule effective March 27, 2020 and received for publication the following notice and proposed temporary rule on March 19, 2020.

Public Hearing:

Date: April 2, 2020

Time: 10:00 a.m.

Location: 5809 Departure Drive, Ste 102, Raleigh, NC 28616

Reason for Proposed Temporary Action: A serious and unforeseen threat to the public health, safety or welfare has arisen with the coronavirus outbreak in North Carolina. The governor declared a state of emergency on March 10, 2020. Several barber schools have given the board notice that they have closed or will be closing their facilities due to the outbreak. To allow students to continue to receive education, the board proposes to eliminate rules that would prevent schools from being able to offer online classes. In addition, the board proposed to extend the timeframes for reporting requirements so that schools with absent staff members can still fulfill their obligations. Without this approach, some schools may go out of business because they cannot offer classes and receive income. This approach will also discourage schools from remaining open simply to avoid the financial consequences of closure, even when remaining open might pose a public-health risk. Additionally, since some schools have indicated that they may need to reduce staff temporarily in order to remain financially solvent, the proposed rules would reduce administrative requirements that these schools would have trouble fulfilling during a state of emergency.

Comment Procedures: Comments from the public shall be directed to: Dennis Seavers, 7001 Mail Service Center, Raleigh, NC 27699-7000; phone (919) 814-0641; fax (919) 981-5068; email dennis.seavers@nc.gov. The comment period begins March 27, 2020 and ends May 8, 2020.

SUBCHAPTER 06F – BARBER SCHOOL

SECTION .0100 – BARBER SCHOOL

21 NCAC 06F .0128 WAIVER OF REQUIREMENTS DURING DISASTER OR EMERGENCY

(a) If the governor declares a state of emergency, the following exceptions shall apply to barber schools and students, the requirements in this Subchapter notwithstanding:

- (1) Schools shall maintain a monthly record of the subject matter taught to the student in theory classes, despite the requirement in Rule .0110(4) of this Subchapter for a weekly record.
- (2) Schools shall provide to the Board the list of students required by G.S. 86A-22(5) by the last day of each month, despite the requirement in Rule .0110(6) of this Subchapter for schools to submit the list by the 15th of each month.
- (3) Within 60 days of the date on which any student completes his or her course of study, drops out of school, or transfers to another school, the barber school shall return the student permit to the Board, despite the requirement in Rule .0113(d) of this Subchapter to return the student permit within five business days.
- (4) Students shall not be required to meet the requirements in Rule .0122 of this Subchapter if the students are attending online classes.
- (5) No student shall be given credit for more than 10 total hours during any instruction day, despite the restriction to eight hours in Rule .0124(a) of this Subchapter.
- (6) The restrictions on off-campus hours in Rule .0124(c) of this Subchapter shall not apply to hours that students receive during a state of emergency.
- (7) Schools shall not be required to revise the handbooks required by Rule .0125 of this Subchapter to reflect the exceptions listed in this Rule.

(b) The exceptions in this Rule shall only apply during the effective period of the state of emergency.

Authority G.S. 86A-22.

SUBCHAPTER 06N – FEES AND FORMS

21 NCAC 06N .0111 FORM BAR-10

(a) The Form BAR-10 is a report that shall be filed monthly by the manager of the school for each student enrolled in barber school. It requires the following:

- (1) the name of the school submitting the report;
- (2) the name and date of enrollment of the student;
- (3) the month and year for which the report is filed;
- (4) the dates and hours of the student's absences;
- (5) the dates and hours of the student's attendance;
- (6) the number of patrons served for clinical services; and
- (7) the subject matter covered in practical and theory courses.

(b) The Form BAR-10 shall be submitted to the Board over the signature of the manager of the school and co-signed by the student.

(c) ~~The Form BAR-10 shall be returned to the Board within five business days of the date on which~~ If a student completes his or her course of study, drops out of school, or transfers to another ~~school.~~ school, the barber school shall return the Form BAR-10 to the Board:

- (1) within five business days; or
- (2) within 30 days if the student's enrollment ends during the effective period of a state of emergency declared by the governor.

Authority G.S. 86A-22.