



NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: June 12, 2023

SUBJECT: Rulemaking—barber permanent rules

At its February 28, 2023 meeting, the board proposed two permanent rules for the barber industry. The public-comments period for the rules ended on June 2, and the board will decide whether to adopt these rules at its June 20, 2023 meeting.

BACKGROUND

The rules are attached to this memo. Below is a brief summary of the purpose of the rules.

Online student hours reporting—amendment to 21 NCAC 06N .0111

Within a few months, the board will have a system for barber schools to submit student hours online directly into our licensing database. This project will drastically reduce work for the board staff and reduce data entry for the schools. It also will help us more quickly identify errors (whether ours or the school's) in the hours recorded. Finally, the system will automatically notify schools that have missed their deadlines to improve school compliance with reporting requirements.

Given the benefits of online reporting, the board staff believes it's in the board's interest to require schools to enter data through the online system. The amendment would set that requirement. The board should keep in mind that there's a waiver rule that would allow schools with special circumstances to request authorization to submit hours in paper form. However, I believe the project has been designed in such a way that schools will find the online reporting to be much easier than paper forms.

The amendment makes a few additional changes:

- The amendment reduces the amount of data that schools must provide. Although schools still must maintain much of the data, the amendment focuses on essential data and thus helps reduce time that schools spend entering data.
- Schools will still submit paper forms for instances when students terminate enrollment. That way, the data can be entered into our system quickly, without waiting for the monthly report.

Online submission of temporary permits—adoption of 21 NCAC 06N .0116

Under G.S. § 86B-27, the board can issue temporary permits for barber-related application in various circumstances. In 2022, the board unveiled an online system for requesting and issuing temporary permits. Under this system:

- Individuals can use an easy-to-use online form, which is optimized for mobile devices, to submit a request.
- Individuals can decide whether they want to receive their temporary permits by mail or email.
- The staff has an online workflow for tracking requests and making determinations about whether to approve or deny them.
- An automated process notifies requestors that the requests have been received and, after the determination is made, what the outcome is. If an individual asks to receive the temporary permit by email, the automated approval email will attach a PDF copy of the temporary permit, which the individual can print out.
- There's a tracking system that allows staff members, including inspectors in the field, to determine whether temporary permits have been altered or counterfeited.

The system has worked well, and the staff recommended that the board require all requests for temporary permits to come through that system. There are several advantages to having all requests received online, including:

- Improved tracking by the office staff, allowing them to look up requests and permits more easily;
- Having all requests and permits in a single repository;
- More efficient handling of requests;
- Faster response time; and
- Easier access to information by field inspectors.

PUBLIC COMMENTS

The board received one public comment, and the attached email summarizes the comments. No one attended the board's public hearing. Under the Administrative Procedure Act, the board must fully consider the public comment before adopting or amending the rules.

BOARD ACTION AND FUTURE STEPS

1. After fully considering the public comment, the board should decide whether it still wishes to adopt and amend the rules.
2. The board may adopt and amend the rules at its June 20 meeting.
3. If the board takes that action, the Rules Review Commission will determine whether to approve them.
4. The rules will go into effect no sooner than August 1, 2023. For the barber-school reporting, there will be a delayed effective date to make sure the new system is working and any issues have been resolved. There will also be time for communication with and training for the schools so they have time to prepare.

1 21 NCAC 06N .0111 is proposed for amendment as follows:

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3 **21 NCAC 06N .0111 FORM BAR-10**

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

6 (1) the name of the school submitting the report;

7 (2) the ~~name and date of enrollment of the student;~~ student's name;

8 (3) the month and year for which the report is filed; and

9 ~~(4) the dates and hours of the student's absences;~~

10 ~~(5)~~(4) the ~~dates and~~ number of hours of the student's attendance; student attended during the month and
11 year for which the report is filed.

12 ~~(6) the number of patrons served for clinical services; and~~

13 ~~(7) the subject matter covered in practical and theory courses.~~

14 (b) The school shall submit Form BAR-10 ~~shall be submitted~~ to the Board ~~over the signature of the manager of the~~
15 ~~school and co-signed by the student.~~ online at the website address listed in 21 NCAC 06A .0102.

16 (c) ~~If~~ Notwithstanding the requirement in Paragraph (b) of this Rule to submit the Form BAR-10 online, if a student
17 completes his or her course of study, drops out of school, or transfers to another school, the barber school shall ~~return~~
18 submit a paper version of the Form BAR-10 to the Board:

19 (1) within five business days; or

20 (2) within 30 days if the student's enrollment ends during the effective period of a state of emergency
21 declared by the Governor.

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23 *Authority G.S. 86B-38*

1 21 NCAC 06N .0117 is proposed for adoption as follows:

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3 **21 NCAC 06N .0117 REQUEST FOR TEMPORARY PERMIT**

4 (a) An individual who wishes to request a temporary permit shall submit the following information using the form
5 available at the website listed in 21 NCAC 06A .0102:

6 (1) the requester’s name, mailing address, phone number, and email address;

7 (2) if the requester attended a North Carolina barber school, the name of the school;

8 (3) the type of license application the requester has submitted; and

9 (4) the name, permit number, and physical address of the barbershop where the requester would like to
10 work.

11 (b) Except as set forth in Paragraph (c) of this Rule, the Board shall not accept requests for temporary permits
12 submitted in paper form.

13 (c) If an individual wishes to submit a request for a temporary permit in paper form because he or she cannot submit
14 the request online, the individual shall submit a paper version of the form in Paragraph (a) to the address listed in 21
15 NCAC 06A .0102, along with an explanation for why the request cannot be submitted online. The Board shall
16 determine whether good cause exists for the individual not to submit a request online. For the purpose of this Rule,
17 “good cause” means that the applicant could not have submitted the request online as set forth in Paragraph (a) of this
18 Rule due to circumstances such as disability or lack of access to a computer or mobile device.

19

20 *Authority G.S. 86B-2; 86B-27*

Seavers, Dennis

From: Patsy A. McCoy
Sent: Wednesday, April 5, 2023 10:37 AM
To: Seavers, Dennis
Subject: [External] Re: Public comments for 37:19 NCR 1953

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Mr. Seavers,

What a great job you did in understanding my concerns. You have my permission to post it.

Thanks,

Patsy A McCoy
Barber School Coordinator/Instructor
Continuing Education Division



Join Our Family. Build Your Future.
133 James Sprunt Drive
Kenansville, NC 28349

From: Seavers, Dennis <dennis.seavers@nc.gov>
Sent: Wednesday, April 5, 2023 10:09 AM
To: Patsy A. McCoy
Subject: Public comments for 37:19 NCR 1953

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. McCoy,

Thank you for calling me with public comments for the rules published at 37:19 NCR 1953, particularly the amendment to 21 NCAC 06N .0111. Below is my understanding of your comments; please let me know if I got anything incorrect.

- You have concerns about responsibility if the phrase “manager of the” is removed from Paragraph (a). You were concerned that no one could be held responsible at the school if the hours are wrong, and you believe that there is a risk that no one will take responsibility.
- You don’t believe that the language in an existing rule, 21 NCAC 06F .0102(b) (“The barber school manager is responsible for the school’s compliance with ... the rules in [Subchapter F], whether present on the school premises or not”), is not adequate. You pointed out that by removing the reference to the manager in 21 NCAC 06N .0111, an argument could be made that the board was absolving the manager of responsibility.
- You believe that it is important for the rule to clearly identify responsibility because school hours are such a fundamental record.
- You suggested that the board restore the language or provide some method by which the school can designate the responsible person (e.g., file a letter on school letterhead if the manager is on extended leave).

If there are other schools that share this view or have other comments on the proposed rules, please encourage them to submit comments. They will be important for the board to consider.

Dennis

Dennis Seavers
Executive Director
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