

**Proposed**

**State of Kansas**  
**Kansas Board of Cosmetology**

**Notice of Public Hearing on Proposed Administrative Regulations**

October 11<sup>th</sup>, 2018

A public hearing will be conducted on December 11<sup>th</sup>, 2018 at 9:30 a.m. in the Board conference room located at 714 SW Jackson Street, Suite 100, Topeka, Kansas, to consider the adoption of regulation of the Kansas Board of Cosmetology, on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments prior to the hearing to the Kansas Board of Cosmetology, 714 SW Jackson, Jayhawk Walk Building, Suite 100, Topeka, Kansas, 66603-3714 or by email to [aubrie.pryer@ks.gov](mailto:aubrie.pryer@ks.gov). All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulation during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Aubrie Pryer at (785) 296-4414 (or TYY 1-800-766-3777). The public entrance to Jayhawk Walk is accessible. Handicapped parking is located directly outside the building, and the building is accessible.

Summaries of the proposed regulation and their economic impact follow. (Note: Statements indicating that a regulation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the Kansas Board of Cosmetology, other state agencies, state employees, or the general public has been identified.)

Copies of the proposed regulation and the Economic Impact Statement for the proposed regulation can be viewed at the following website: [www.kansas.gov/kboc](http://www.kansas.gov/kboc).

**K.A.R. 69-1-10 – Potentially disqualifying civil and criminal records; advisory opinion; fee.** This new regulation identifies and defines any potentially disqualifying civil and criminal records that may disqualify an applicant from receiving a license in the professions regulated by the Kansas Board of Cosmetology. The regulation provides for an advisory opinion prior to application for licensure for an amount of \$50 to state if there is a disqualifying civil or criminal record that would disqualify such applicant from licensure.

**Economic Impact.** The Board anticipates that there should be little, if any, economic impact to State and local governments due to this regulation.

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**69-1-10. Potentially disqualifying civil and criminal records; advisory opinion; fee. (a)**

Conviction of any felony may disqualify an applicant from receiving a license.

(b) Civil records that may disqualify an applicant from receiving a license shall be any records of any court judgment or settlement in which the applicant admitted or was found to have engaged in conduct that would constitute a violation of any practice act under the jurisdiction of the board or any of the board's regulations. Those records shall not be used to disqualify an applicant for more than five years after the applicant satisfied any judgment or restitution ordered by the court or agreed to in the settlement.

(c) Any individual with a criminal or civil record described in this regulation may submit a petition to the board for an informal, advisory opinion concerning whether the individual's civil or criminal record may disqualify the individual from licensure. Each petition shall include the following:

- (1) The details of the individual's civil or criminal record, including a copy of court records or the settlement agreement;
- (2) an explanation of the circumstances that resulted in the civil or criminal record; and
- (3) a check or money order in the amount of \$50.00. (Authorized by K.S.A. 74-120 and 74-2702a; implementing K.S.A. 65-1908, 74-120, and 74-5806; effective P-\_\_\_\_\_.)

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**SEP 27 2018**

**DIVISION OF THE BUDGET**

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**DEPT. OF ADMINISTRATION**

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**Kansas Administrative Regulations  
Economic Impact Statement  
For the Kansas Division of the Budget**

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**296-4414**

**Contact Phone Number**

Board of Cosmetology

Agency

Aubrie Pryer

Agency Contact

69-1-10

K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget  
900 SW Jackson, Room 504-N  
Topeka, KS 66612

**I. Brief description of the proposed rule(s) and regulation(s).**

K.A.R. 69-1-10 identifies and defines any potentially disqualifying civil and criminal records that may disqualify an applicant from receiving a license in the professions regulated by the Kansas Board of Cosmetology. The regulation provides for an advisory opinion prior to application for licensure for an amount of \$50 to state if there is a disqualifying civil or criminal record that would disqualify such applicant from licensure.

**II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)**

The proposed regulation aligns with Federal regulation of public employment in Title VII of the Civil Rights Act, which has no general limitation on licensure.

Rules and regulations of contiguous states are similar in nature with little or no difference in the approach in this proposed regulation.

**III. Agency analysis specifically addressing following:**

**A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;**

N/A

**B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;**

Compliance cost for individuals requesting the pre-approval process would increase by \$50. The state economy would increase by \$5 per individual request based on the 10% of agency revenue that is submitted to the SGF. The average potential individuals requesting this review is projected to be approximately 10 per year, generating \$50 per year toward the state economy as a whole.

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**Proposed****C. Businesses that would be directly affected by the proposed rule and regulation;**

N/A

**D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;**

Benefit to the applicant affected by the proposed rule(s) and regulation(s) include a preliminary review by the KBOC staff to determine if the applicant would be licensed immediately upon application or would have to submit additional felon-related information and possibly come before the disciplinary review panel prior to approval for licensure.

The KBOC would benefit by the receipt of an additional fee of \$50 per applicant to conduct the review process. There would be no additional cost to the agency; the agency currently conducts the same felony review process as part of the application process that would be conducted on request of the preview.

**E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;**

Impact for individuals requesting pre-approval is the avoidance of application denial and obfuscation of their consideration for licensure.

**F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

\$500 – The KBOC would not incur any additional implementation and compliance costs because the agency already processes felony applications in the same manner described in the proposed rule(s) and regulation(s). No costs would be passed along to business or local governments. Members of the public requesting pre-approval for this licensure process would incur \$50 per individual with an annual projection of approximately \$500.

**An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

\$0

**Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?**

YES ☐ NO ☒

**Give a detailed statement of the data and methodology used in estimating the above cost estimate.**

N/A

**Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0**

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million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES ☐ NO ☒

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

N/A

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

The agency conducted an online search of consideration of criminal records on licensing and employment through this site (<https://ccresourcecenter.org/state-restoration-profiles/50-state-comparisoncomparison-of-criminal-records-in-licensing-and-employment/>)

The agency does not believe that businesses, associations, local governments, state agencies, or institutions and members of the public may be affected by the proposed rule(s) and regulation(s). Only individuals would be affected as to whether or not they would be approved for licensure immediately upon application submission.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

N/A

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