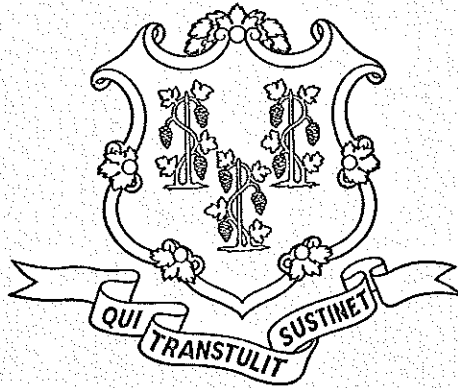


# Connecticut General Assembly



## Legislative Program Review and Investigations Committee

### SUNSET REVIEW

#### Board of Barber Examiners

#### Vol. I-3

January 1, 1980

CONNECTICUT GENERAL ASSEMBLY

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 as the Legislative Program Review Committee to evaluate the efficiency and effectiveness of selected state programs and to recommend improvements. In 1975 the General Assembly expanded the Committee's function to include investigations and changed its name to the Legislative Program Review and Investigations Committee. During the 1977 session, the Committee's mandate was again expanded by the Executive Reorganization Act to include "Sunset" performance reviews of nearly 100 agencies, boards, and commissions, commencing on January 1, 1979.

The Committee is composed of twelve members, three each appointed by the Senate President Pro Tempore and Minority Leader, and the Speaker of the House and Minority Leader.

This is the first of five annual reviews emerging from the first round of "Sunset" research.

1978-80 Committee Members

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SUNSET REVIEW 1980

BOARD OF BARBER EXAMINERS

Vol. 1-3



## BOARD OF BARBER EXAMINERS

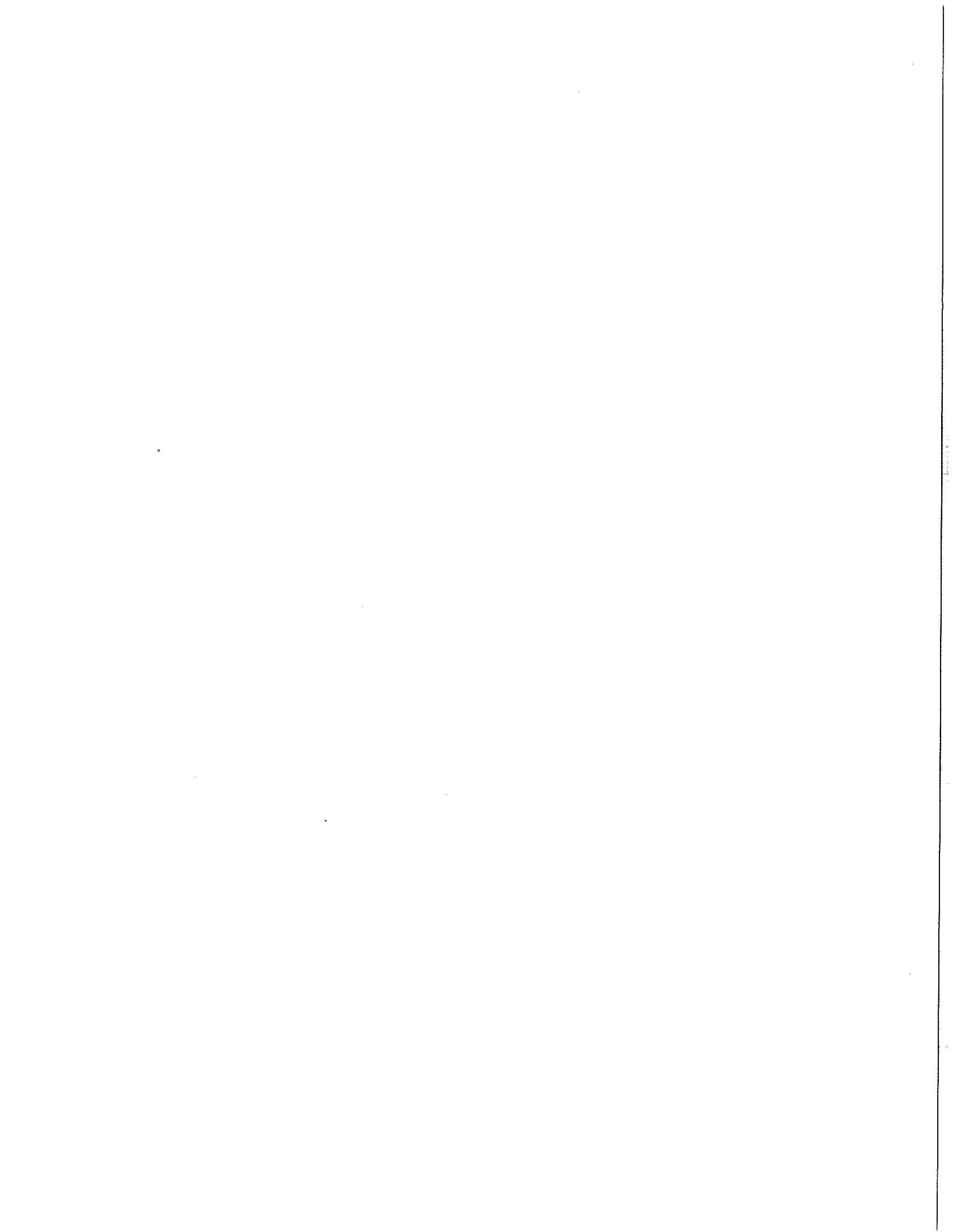
The Board of Barber Examiners was reviewed by the Legislative Program Review and Investigations Committee in compliance with the Sunset mandate of P.A. 77-614. The nine criteria outlined in that act (Title 2c, Chapter 28) provided the basis upon which committee decisions were made. These criteria required legislators to address three fundamental questions in evaluating the boards and commissions slated for 1980 Sunset review:

1. Is regulation of the occupation or profession necessary to protect the public from harm?
2. What is the appropriate level of regulation?
3. Who should regulate the occupation or profession and how should it be regulated?

This board-specific report is supplemental to the Sunset Review 1980 - General Report which contains the background, methods, and recommendations of Sunset Review 1980. To appreciate fully the contents of this board-specific report, it is necessary to review and refer to the General Report, particularly the section "Model Legislation" which provides a single statutory framework to be applied uniformly and consistently to all regulated entities under Sunset review.

This specific report contains the following sections:

- Description of entity reviewed;
- Recommendations and discussion for entity reviewed; and
- Entity survey and analysis.



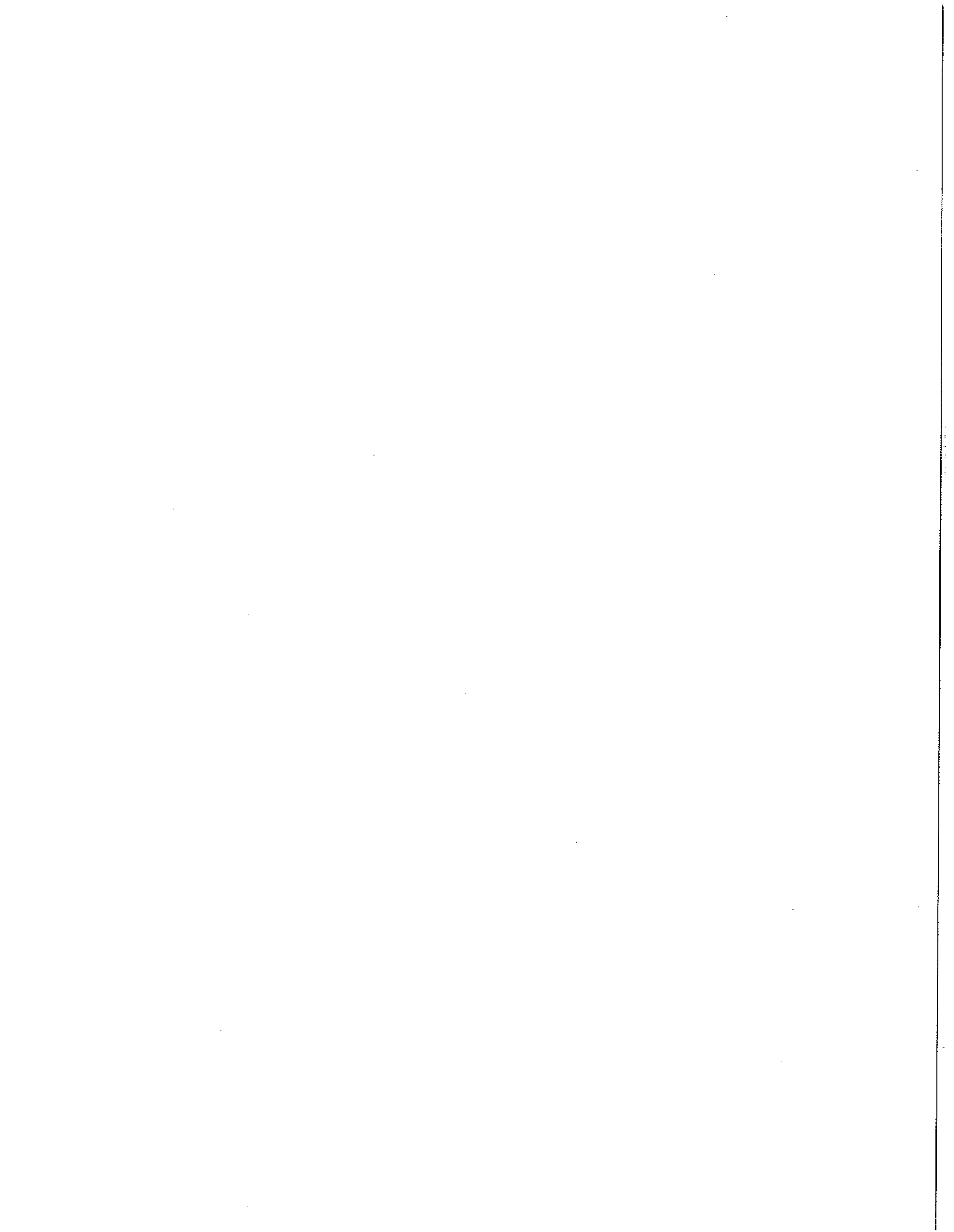
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SECTION I

DESCRIPTION OF ENTITY

Definition and Background  
Structure  
Functions  
Entry Requirements

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## Definitions and Background

Barbering includes the following practices done on the head, face or neck for cosmetic purposes: shaving, cutting hair, giving facial or scalp massages; singeing, shampooing or dyeing hair; styling or cutting men's hairpieces and wigs; and applying cosmetic preparations.

At one time, barbering included certain "medical" functions (e.g., lancing boils, removing moles and other minor surgery); however, barbers are now strictly prohibited by law from performing any service related to the treatment or care of any physical or mental disease or ailment. Responsibility for regulating barbering in Connecticut is shared by the Board of Examiners of Barbers and the Department of Health Services.

Connecticut law provides for licensure of two types of barbering facilities--shops and schools, as well as three levels of individuals--apprentice, journeyman and manager barber. The licensure program protects the public by ensuring that barbers are adequately trained to deliver the services expected by the public and that these services are provided in a safe and sanitary environment. Current statutes also require that all barber shops and schools be closed on Sundays and legal holidays. Regulations also specify the hours that shops and schools can be open (i.e., no earlier than 8 a.m. nor later than 6 p.m., except on Saturdays and days before legal holidays when they may stay open until 7 p.m.).

Currently there are over 1,200 licensed shops and over 3,000 individuals licensed to practice barbering in the state.<sup>1</sup> While traditionally barbering was learned through an apprenticeship, formal education and training programs are now required for licensure. Programs are available in five licensed schools--two are state vocational-technical schools and three are private, proprietary barbering schools.<sup>2</sup>

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<sup>1</sup> According to 1978 Department of Health Services' figures, individual licenses are distributed as follows: 2,394 manager; 562 journeyman; and 173 apprentices.

<sup>2</sup> The statutes, however, define a barber school as a licensed barber shop regularly instructing two or more apprentices, or any shop, place or establishment which is principally a place where barbering is taught and two or more students are under instruction.

## Structure

The Board of Examiners of Barbers consists of two barbers with at least five years active experience immediately preceding appointment and one public member. All three members, who must be state residents, are appointed by the governor. The barber members may be selected from a list of 40 names, half of which are submitted by the Connecticut State Journeyman Barbers and half by the Connecticut Master Barbers Protective Association.

## Functions

The board enforces minimum standards of sanitation and competence in the practice of barbering through the following mandated functions:

- advise and assist the Commissioner of Health Services in making regulations related to barbering which are consistent with the preservation of public health;
- approve barber school curricula;
- maintain a registry of barber students and practicing barbers;
- prescribe examinations for licensure of individual practitioners; and
- conduct hearings on violations of barbering provisions and may, as a result, revoke or suspend licenses of shops, schools, and individual barbers or issue a court enforceable order.

## Requirements for Licensure

Applicants are eligible for apprentice barber licenses if they are at least 16 years old, have completed 1,500 hours of study at a Connecticut barber school (or one with equivalent requirements and approved by the Board) and have sufficient knowledge of the trade and sufficient skill in preparing, handling, and using barber tools.

Applicants are eligible for journeyman barber licenses if they are at least 18 years old, have completed at least one year as an apprentice as well as 144 hours of specialized

training in an approved barber school during that time, have the requisite skills to perform all barbering duties and sufficient knowledge of common face and skin diseases.

To be licensed, both type of applicants must, in addition, pass written and practical examinations, be of good moral character, free of communicable disease, and have graduated from the eighth grade (or possess equivalent knowledge).

Any person who has had two years of high school (or its equivalent), has been a licensed barber in Connecticut for at least three years, and presents himself for examination may receive a manager barber license. Applicants for a manager barber license are examined "as needed" according to the Board.

Applicants for a barber shop license must be licensed manager barbers in good standing.<sup>1</sup> The board must find that the shop is suitable and sanitary regarding its location, appointments, equipment, and appliances and that the shop will be conducted in compliance with law and regulation before a shop license is granted. Specific requirements concerning a shop's physical plant and operation are contained in regulation.

To receive a barber school license, the applicant must be a licensed barber with at least five years continuous experience, have been a state resident for at least five years, and file a \$1,000 judgment bond with the Secretary of State. In addition, before granting the license, the board must find that an approved curriculum has been adopted and that the school and applicant meet all statutory requirements (based on a DOHS investigation of the applicant, instructor qualifications, the school's equipment, appliances, sanitary conditions and course of study). Current regulations contain specific requirements for operation of a school and the course of study, which by statute must be designed to equip students and apprentices with sufficient knowledge to pursue the occupation of barber in accordance with law and regulation.

The initial fee for each type of license is: \$10.00 for apprentice; \$30.00 for journeyman and manager; \$50.00 for a

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<sup>1</sup> Although the U.S. citizenship requirement was eliminated for all other barbering licenses under P.A. 76-113, the barber shop licensing provisions, due to a technical drafting error, still contain this requirement.

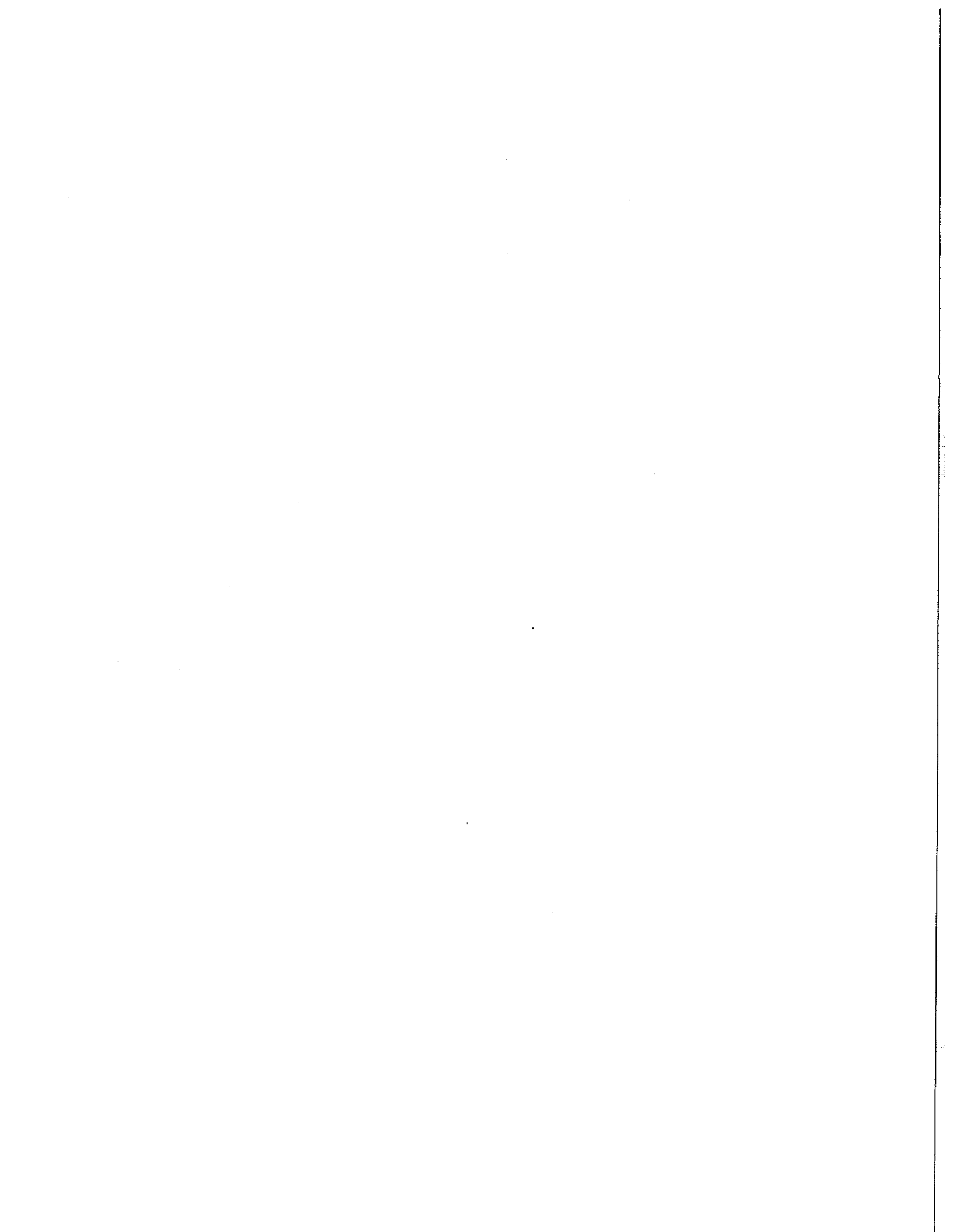
shop; and \$100.00 for a school. Apprentice licenses may be annually renewed for a \$5.00 fee (most apprentices apply for and receive a journeyman barber license after one year and, therefore, do not need to renew the apprentice license). Journeyman, Manager and Barber Shop licenses must be annually renewed and the fee in each case is \$12.50. The annual fee for renewal of a school license is \$100.00.

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SECTION II

RECOMMENDATIONS AND DISCUSSION

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Recommendations for the Regulation  
of Barbering (Chapter 386)

1. Continue license for (journeyman) barber.
2. Continue license for apprentice barber.
3. Terminate license for manager barber.

*Licensure was found to be the most appropriate and necessary level of regulation for barbering. However, the Committee found that only two of the three current licensing levels were necessary to assure the public of safe, competent barbering services. The manager barber license, which is granted to experienced, licensed barbers and authorizes operation of a shop, is not required to protect customers from health or safety hazards.*

4. Register barber shops with required initial inspection by the Department of Health Services (DOHS).

*To clarify terminology and consistently apply the various regulatory levels, the Committee recommends that establishments such as barber shops be registered. The public is protected adequately under this regulatory mechanism since shops which fail to meet or maintain established health and safety standards can be prohibited from operating.*

5. Transfer barber school/college licensure responsibility to the State Department of Education.

*The Committee found that the required licensure of educational institutions operating in the state is most appropriately handled by an agency responsible for education. The DOHS would continue to have school approval authority in conformance with Model Legislation (See Entry Requirements, Approval of Schools).*

6. Terminate the Board of Examiners of Barbers. Transfer regulatory functions to the Department of Health Services.

*The Legislative Program Review and Investigations Committee has found that the functions performed by the board can be assumed by the Department of Health Services. Distinct regulatory boards have been retained for those healing arts and practices in which professional expertise and peer review is essential in the entry and enforcement aspects of regulation.*

7. Amend Chapter 386 to include Model Legislation standards, procedures, responsibilities, appropriate repealed sections and all other relevant sections.

*Model Legislation addresses and ameliorates previous and potential concerns about regulatory procedures and policies. By providing a single regulatory framework for all boards and practices under the aegis of the Department of Health Services, the Model Legislation insures consistency, objectivity and uniformity in the execution of regulatory functions. Specific areas of concern in barbering regulation and the solution offered by the Model Legislation are listed below.*

a. Powers and Duties of the Department of Health Services -

*Professional board members and others expressed concern about the perceived unilateral control and authority by this single agency after Executive Reorganization. Model Legislation delineates the Commissioner's powers and duties relative to those professions which are regulated without a board. The uniform provisions of this Model Legislation (See Part II) will apply to regulation of barbering. The Commissioner of Health Services retains his discretionary authority under Executive Reorganization to seek the advice and assistance of licensed barbers in the execution of regulatory functions.*

b. Business Practices - *The Committee found that regulation of business practices and statutory restrictions on business practices were not relevant to ensuring and enforcing minimum standards of competence. Such business practices recommended for repeal are included in the following statutes and regulations (See Model Legislation - Business Practices):*

- C.G.S. Sec. 20-246 - Days and hours of opening/closing restrictions;
- Reg. 20-242-13 - Days and hours of opening/closing restrictions;
- Reg. 20-242-14 - Days and hours of opening/closing restrictions;
- C.G.S. Sec. 20-238 - Advertising restrictions;
- Reg. 20-242-5(c) - Prohibition on operating shop with any other business; and
- Reg. 20-242-5(d) - Shop location restrictions.



c. Entry Requirements - The Committee found that the barbering statutes governing entry requirements contained certain qualifications not relevant to determining an applicant's competence. Such requirements --age, good moral character and citizenship--are recommended for deletion. For similar reasons the Committee recommends deletion of the following regulation:

- Reg. 20-242-9 - Concerning prohibitions on epileptics practicing barbering.

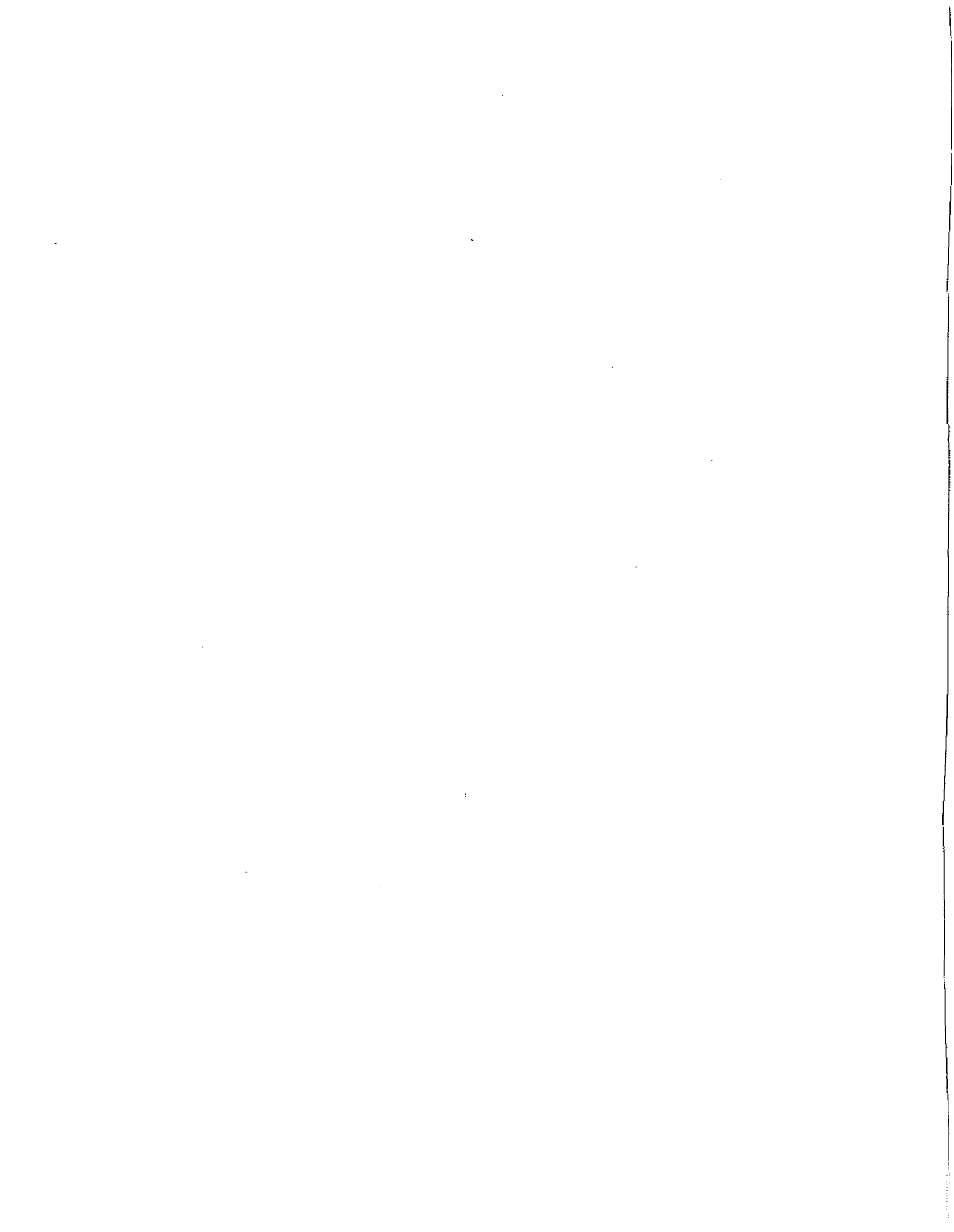
Model Legislation also provides for an intensive review and revision of entry requirements by the board (during its wind-down period) and the Department of Health Services to bring them in conformance with the principles outlined in the Model Legislation and the current state of the art in the practice of barbering.

d. Renewal Standards - The Committee found that standards for licensure renewal required review and revision to bolster the enforcement of continued competence. Model Legislation (Required Reports) provides for such updating.

e. Grounds for Professional Discipline - The Committee found a great variance among the statutes in this area. Model Legislation provides grounds for professional discipline which are focused on the delivery of service and quality of care rendered by the practitioner. Application of these grounds to all professions regulated under the aegis of the DOHS insures a rational and uniform basis for adjudication and imposition of disciplinary sanctions.

f. Receiving and Processing Complaints - An area of considerable controversy, mechanisms for receiving and processing complaints in the Model Legislation are delineated to provide a standardized and equitable procedure for the complainant and the charged practitioner.

g. Disciplinary Sanctions - Model Legislation explicates a range of disciplinary sanctions and requires consistency and uniformity in their application.



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SECTION III

ENTITY DATA AND ANALYSIS

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## ENTITY DATA AND ANALYSIS

Section 2c-6 of Connecticut's Sunset Law mandates that the entity reviewed demonstrate a "public need for (its) reestablishment" and that "it has served the public interest and not merely the interests of the persons regulated." All boards, commissions and departments evaluated in Sunset Review 1980 received a questionnaire which addressed the nine statutorily specified Sunset criteria.

This questionnaire, the primary instrument used to evaluate the entity's "burden of proof," was followed by staff interviews with key board members and members of the professional associations for further clarification and amplification:

The following section contains the questionnaire sent to the Board of Barber Examiners. Where appropriate, Committee staff has edited the agency response without altering or diluting the argument. Committee staff then analysed the agency response. Because of the methodological constraints posed by Sunset evaluation and implementation of Executive Reorganization occurring simultaneously, manageable quantitative data were difficult to obtain. Qualitative analysis, based on relevant information and data derived from a variety of sources, was used primarily in the Committee staff comment. This annotation appears in italics below the agency response.

1. WOULD THE TERMINATION OF LICENSING REQUIREMENTS FOR YOUR PROFESSION SIGNIFICANTLY ENDANGER THE PUBLIC HEALTH, SAFETY, OR WELFARE? PLEASE EXPLAIN.

Barbering is potentially dangerous to the public in that barbers work in close proximity to patrons, thus risking transmission of disease and vermin, apply various caustic chemical agents to the hair and scalp of patrons, and employ instruments which could harm patrons if improperly used. Therefore, it is deemed necessary in the interest of public health, safety and welfare to regulate the practice of barbering in this state. However, restrictions should be imposed only to the extent necessary to protect the public from these recognized dangers and in a manner which will not unreasonably effect the competitive market.

**PUBLIC HEALTH:** The board routinely inspects all shops and schools to insure that they practice strict rules of sanitation. This insures the patron that the shop he patronizes is clean and free from contagious diseases.

**PUBLIC SAFETY:** The board investigates and resolves all violations of the laws/regulations that are in effect for the safety of the public. This insures the public that the shop patronized is properly managed, equipped and maintained.

**PUBLIC WELFARE:** The board examines the qualifications of all applicants before licensing. This practice eliminates incompetency in the barber trade and insures good service.

*The primary reasons for regulating barbering are to ensure that barbers are adequately trained to provide services at a level of quality expected by the public and to ensure that these services are delivered in a safe and sanitary surrounding. The potential for spreading communicable disease has diminished over the years, however, safe, competent barbering practice still requires special education and training. All 50 states regulate the practice of barbering through licensure.*

2. COULD THE PUBLIC BE ADEQUATELY PROTECTED BY ANOTHER STATUTE, OFFICE, OR PROGRAM? IF SO, WHICH ONE(S)?

Our standing laws seem to be the only ones to protect the public.

*Committee staff found that the functions of the barber board could be assumed by the Department of Health Services without endangering the public health, safety or welfare. In barbering, the subjects for disciplinary action tend to involve sanitary or business-related*

practice standards (e.g., number of apprentices employed, employment of unlicensed individuals, etc.) not practitioner competence or quality of service. The Department of Health Services enforces similar sanitary and practice standards related to hairdressing and cosmetology (there is no board for hairdressing and cosmetology).

The department also is responsible for establishing entry standards and examining applicants under its hairdressing and cosmetology licensure program. These functions also could be performed for a barbering licensure program. The commissioner has the statutory authority to seek professional expertise in executing functions requiring particular knowledge and skill in barbering.

In accordance with the above and Sunset's intent to rationalize and make uniform regulatory functions, the Board of Barber Examiners has been recommended for termination. During its one year wind down period the board will have the opportunity to review and revise standards concerning barbering (see Model Legislation--Required Reports).

3. COULD THE PUBLIC BE ADEQUATELY PROTECTED BY A LESS RESTRICTIVE METHOD OF REGULATION THAN THE CURRENT LICENSING REQUIREMENTS, SUCH AS CERTIFICATION OR REGISTRATION? PLEASE EXPLAIN.

We think our licensing procedures are as liberal as they can be without abolishing them.

Licensure is the appropriate level of regulation when a practice involves independent judgment, a potential for physical harm to the public and special skills and knowledge to assure a minimum level of competence. Barbering involves all of these factors. However, of the three current licensing levels, only two--journeyman and apprentice--are needed to protect adequately the public health and safety.

The committee staff found no significant health and safety reasons for continuing the manager barber licensure. This level of licensure is granted to licensed barbers after three years of journeyman experience and entitles the holder to operate a barber shop. A rarely required examination is given "as needed" at the board's discretion. The exam tests the applicant's business knowledge rather than barbering skills.

The journeyman barber license authorizes the independent performance of all barbering functions. Licensed apprentices, under supervision, also perform the full scope of barbering on customers. However, the degree of supervision may vary within and among shops. Licensure is appropriate in cases of journeyman and apprentice barbers, since a license assures customers that the individual providing services has the skills and training necessary for safe, competent barbering.

*The state regulates barber shops to ensure safe, sanitary barbering environments. To clarify terminology and consistently apply the various regulatory levels (i.e., licensure, certification and registration), the committee recommends that establishments such as barber shops be registered and initially inspected by the Department of Health Services. Any shop which fails to meet or maintain established sanitary standards could be prohibited from registering and, therefore, operating. The public is adequately protected from any health and safety hazards under this regulatory mechanism.*

*Another type of facility licensed under the barbering statutes is the barber school or college. Licensure of any educational institution operating in the state (which is required by state law) is most appropriately handled by an agency responsible for education not health regulation. In this case, the State Department of Education rather than the Department of Health Services should be responsible for assuring the educational quality of barber schools. The Department of Health Services would continue to inspect barber schools for public health reasons and could also be consulted in the development of the required barbering curriculum.*

4. DOES YOUR BOARD OR COMMISSION HAVE THE EFFECT OF INCREASING THE COSTS OF GOODS OR SERVICES TO THE PUBLIC EITHER DIRECTLY OR INDIRECTLY? PLEASE EXPLAIN THE BASIS FOR YOUR ANSWER.

The cost of licenses and registrations is very minimal and does not have any effect on the cost for the public.

*Licensing, because it restricts entry and requires an investment in education and training to meet entry standards, indirectly increases costs to the consumer. However, the actual impact of licensure on the fees charged for barbering services, as well as the value of the social benefits derived from such regulation (e.g., public protection, assurance of quality services, etc.), is difficult to quantify at this time.*

5. IF YOUR BOARD HAS THE EFFECT OF INCREASING COSTS, IS THE ADDITIONAL COST JUSTIFIED THROUGH PUBLIC BENEFITS ATTRIBUTABLE TO THE ACTIONS OF THE BOARD? PLEASE EXPLAIN.

Refer to question #4.

*(See above comment, #4).*

6. IS THE EFFECTIVENESS OF YOUR BOARD OR COMMISSION HAMPERED BY EXISTING STATUTES, REGULATIONS OR POLICIES, INCLUDING BUDGET AND PERSONNEL POLICIES. IF SO, PLEASE BE SPECIFIC IN YOUR ANSWER.



The effectiveness of our board is hampered which adversely affects the public's interest. For example, if we go into a shop and find it in an unsanitary condition, we cannot act immediately to close that shop. Under the Uniform Administrative Procedure Act there are delays--hearings, etc. In other words, anytime a board member finds a violation that affects public health, safety, and welfare, we cannot act immediately. Of course we would like to see the board receive specific injunctive powers to permit us to take action on a more expedient basis.

7. WHAT STATUTES AND REGULATIONS IMPINGE DIRECTLY ON THE OPERATIONS OF YOUR BOARD? PLEASE LIST OR ATTACH COPIES.

The Uniform Administrative Procedure Act--Section 4-166 through 4-189 of the Connecticut General Statutes, as amended.

*In addition to licensure requirements and sanitary standards, the barbering statutes and regulations contain provisions related to the business of barbering that are not necessary to preserve the public health. For example, C.G.S. Section 20-246 specifies the days a shop must be closed and authorizes promulgation of regulations concerning hours of opening and closing. Interviews and public hearing testimony revealed no public health or safety justification for such business restrictions.*

8. TO WHAT EXTENT HAVE QUALIFIED APPLICANTS BEEN PERMITTED TO ENGAGE IN THE PROFESSION(S) OR OCCUPATION(S) LICENSED BY YOUR BOARD? PLEASE COMMENT ON WAITING PERIODS, DELAYS, PAPERWORK, ETC.

We have not received any complaints regarding granting licenses, and have, on occasions, made special exceptions in granting some. The law requires an apprentice to work one year before becoming eligible for a journeyman barber license and a journeyman barber to work three years before becoming eligible for a manager barber license, but at no time are they stopped from working during these periods.

*Connecticut's requirements for barbering licensure are consistent with those of other states. Individuals licensed in states with requirements equivalent to Connecticut's are granted reciprocity.*

*The current examinations, prepared by the board, are questionable in terms of scientific validity and reliability. A Department of Health Services psychometrician currently is evaluating examinations administered for state licensure to insure that they are valid and reliable.*

9. WHAT ACTIONS HAS YOUR BOARD OR COMMISSION TAKEN TO INSURE COMPLIANCE WITH FEDERAL AND STATE AFFIRMATIVE ACTION POLICIES AND TO ENCOURAGE ACCESS BY WOMEN AND MINORITIES INTO YOUR PROFESSION.

The board has never discriminated against anyone; the profession is open to all.

*The committee staff found no evidence to the contrary, although current regulations contain a provision (20-242-9) prohibiting any "...barber, apprentice or student who is afflicted with epilepsy..." from practicing barbering. This regulation, though not implemented, is discriminatory. It is recommended for repeal.*

10. WITHIN THE PAST FIVE (5) YEARS, WHAT CHANGES IN STATUTE, RULES OR REGULATIONS HAS YOUR BOARD OR COMMISSION RECOMMENDED WHICH WOULD BENEFIT THE PUBLIC AS OPPOSED TO LICENSEES?

We have not made any changes or recommendations.

11. WHAT HAS YOUR BOARD OR COMMISSION DONE TO ENCOURAGE PUBLIC PARTICIPATION IN THE FORMULATION OF YOUR RULES, REGULATIONS AND POLICIES?

Refer to question #10.

12. WHAT HAS BEEN YOUR PROCESS THROUGH DECEMBER 31, 1978 TO RESOLVE PUBLIC COMPLAINTS CONCERNING PROFESSIONALS REGULATED BY YOUR BOARD OR COMMISSION?

We take each complaint under advisement and investigate all complaints.

*During calendar year 1978, the board received and investigated 21 formal complaints and held one hearing. Complaints centered on sanitary and business-related practices, not the quality of services provided.*

*Since the Reorganization Act (P.A. 77-614) was implemented (January 1, 1979), the board's role in the complaint process is to hold hearings and impose penalties for violations. The Department of Health Services staff receive and investigate all complaints.*

13. WITHIN THE PAST FIVE (5) YEARS, WHAT STATUTES, RULES, OR REGULATIONS HAS YOUR BOARD OR COMMISSION PROPOSED OR ADVOCATED TO PROTECT YOUR PROFESSION FROM THE LICENSURE OF UNQUALIFIED PERSONS?

Raised Committee Bill No. 5954 - An Act Concerning Age and Education Requirements for Registration With the Board of Examiners of Barbers.

Raised Committee Bill No. 5970 - An Act Amending the Definition of the Practice of Barbering.

Raised Committee Bill No. 5957 - An Act Changing the Membership of the Barber Examining Board.

The board has submitted proposed changes in regulations which have been referred to the Attorney General.

The board advised Governor Ella Grasso of the need for another state technical barber school.





