

BARBERING AND COSMETOLOGY Penalties and Sanctions

Schools, Instructors, and Continuing Education Penalties and Sanctions

Texas Occupations Code, Chapters 51 and 1603
16 Texas Administration Code, Chapters 59, 60, and 83

Class A Violations

Penalty: \$500 up to \$1,500

Administrative Violations

Violation	Statute/Rule
Failed to provide the Department with information on course completion and job placement and employment rates	1603.2311(c)(1)–(2)
Allowed hours of instruction to be transferred without first submitting a complete transcript to the Department	1603.2313(b)
Failed to make a current syllabus and lesson plan for each course available for inspection by the Department	83.72(d)
Failed to submit an electronic record of a student's accrued clock hours at least once per month	83.72(l)
Failed to have the initial submission of a student's clock hours include all hours accrued at school	83.72(l)
Failed to timely submit an electronic record of each student's accrued credit hours when required	83.72(m)
Failed to maintain a monthly progress report for each student certifying the daily attendance record and the number of hours earned during the previous month	1603.2311(a)
Failed to terminate a student's enrollment who does not attend class for 30 consecutive days	83.72(p)
Failed to notify the Department of any alterations to a school's floor plan	83.72(c)

Posting and Public Information Violations

Violation	Statute/Rule
Failed to post publicly a list of the names and identifying pictures of the enrolled students	1603.2314(a)
Failed to display an album containing the permits, with picture attached, of each enrolled student in the required manner	83.72(g)

Violation	Statute/Rule
Failed to display current license in the appropriate location	1603.355
Failed to notify consumers and service recipients of the name, mailing address, and telephone numbers of the Department for purposes of directing complaints to the Department	60.200(c)
Failed to post in public view a notice that a copy of the school's most recent inspection report is available upon request	83.72(v)(1)
Failed to post in a conspicuous place clearly visible to the public a sign concerning services and assistance available to victims of human trafficking	1603.356(a), 83.72(v)(2)
Failed to display a copy of the sanitation rules	1603.357, 83.72(x)
Failed to have current law and rules book	83.72(a), (x)
Failed to post in a conspicuous place the school's certificate of curriculum	1603.2312(4), 83.72(d)
Failed to maintain and/make available school's current syllabus and lesson plan for each course	83.72(d)
Failed to publicly post a sign stating "SCHOOL - - STUDENT PRACTITIONERS"	1603.2305, 83.72(v)(3)

Facility and Equipment Violations

Violation	Statute/Rule
Failed to equip the school with the necessary facilities, supplies, appliances, furnishings, and materials	1603.354
Failed to provide each student equipment in good working order, sufficient to perform the services associated with the curriculum, and of adequate design to permit effective instruction	83.72(u)(8)
Failed to maintain two separate areas, one area for instruction in theory and one area for clinic work	83.23(c)(1)
Failed to maintain adequate space, equipment, and instructional materials to provide quality classroom training	83.23(c)(2), 83.23(d)(1), (2)
Failed to maintain proof of ownership of building or of a 12-month lease	83.23(c)(3)
Failed to have classroom separated from laboratory area by walls	83.72(u)
Failed to have time clock properly formatted	83.72(u)(1)
Failed to have desks and chairs or table space for each student in attendance	83.72(u)(2)
Failed to have multi-media equipment	83.72(u)(3)
Failed to have covered trash cans in lab area	83.72(u)(6)
Failed to have required equipment for the class A barber or operator curriculum	83.72(u)(9)
Failed to have required equipment for the esthetician curriculum	83.72(u)(10)

Violation	Statute/Rule
Failed to have required equipment for the manicure curriculum	83.72(u)(11)
Failed to have required equipment for the esthetician/manicure curriculum	83.72(u)(12)
Failed to have required equipment for the eyelash extension curriculum	83.72(u)(13)
Failed to provide students with the educational materials necessary to fulfill course requirements via distance education	83.72(f)(2)
Failed to keep all products properly labeled in compliance with OSHA requirements	83.102(n)

Violations in Operating A School

Violation	Statute/Rule
Failed to record a grade of incomplete upon request for a student who withdraws but is not entitled to a refund	1603.3606(a)
Failed to maintain a copy of the certificate of approval for the curriculum for each course offered	83.23(c)(4), 83.23(d)(3)
Failed to maintain a current syllabus and lesson plan for each course	83.72(d)
Failed to post time clock requirements	83.72(i)
Failed to ensure a guest presenter possessed the necessary knowledge and teaching ability to present a curriculum	83.72(t)
Awarded credit or provided instruction of more than 184 hours or equivalent credit hours per calendar month	83.72(w)

Sanitation Violations

Violation	Statute/Rule
Failed to empty all trash containers daily and/or failed to keep trash containers clean	83.102(j)
Failed to use a clean hair cutting/shampoo cape or failed to use a clean single-use cape or a sanitized towel/neck strip	83.102(o)
Failed to have facial or eyelash extension application chair or bed made of or covered in a non-porous material that can be disinfected	83.104(c), 83.115(c)
Failed to have foot spa and foot basin chair made of or covered in a non-porous material that can be disinfected	83.108(n)
Failed to have flooring of a material which is not porous or absorbent and is easily washable in areas where services are performed, or having carpet in unpermitted areas	83.114(b)
Stored chemical supplies in restroom	83.114(e)
Prepared food or beverages on premises for sale	83.114(f)

Class B Violations

Penalty: \$1,000 to \$3,500 and/or up to one-year full suspension

Administrative and Records Violations

Violation	Statute/Rule
Failed to notify the Department a student has graduated and is eligible to take examinations	1603.2311(b)
Failed to electronically submit a student's drop from course to the Department within 10 days of withdrawal or termination of enrollment	83.72(p)
Failed to provide transcript to student within ten days of notice of withdrawal	83.74(c)
Failed to issue a certificate of completion with all required information and within 15 days after the continuing education course was completed	59.51(d)
Failed to submit course completion report to the Department with all required information within 7 days after the continuing education course was completed	59.51(e)
Failed to retain participant course completion records for two years after the continuing education course was completed	59.51(f)
Failed to provide to a participant, within 10 days of the date of the request, copies of the participant's records	59.51(g)
Issued a certificate of completion to an individual who did not complete the approved course	59.90(b)(2)
Refused to issue a certificate of completion to an individual who has completed a course	59.90(b)(3)

Facility and Equipment Violations

Violation	Statute/Rule
Operated school on the same premises as establishment without proper permanent separation	1603.358
Failed to provide at least one restroom located on or near the premises of the school	83.23(c)(1), 83.114(e)
Used a school for living or sleeping purposes or any other purpose that would tend to make the premises unsanitary, unsafe, or endanger the health and safety of the public	83.114(h)
Failed to have separate entrance that is separate and distinct from the residential entrance or door leading to living quarters not closed during business hours	83.114(h)

Unlicensed Violations

Violation	Statute/Rule
Taught or attempted to teach any practice of barbering or cosmetology with an expired license	1603.2303(b), 83.26(c)
Instructor worked in a facility with an expired school license	1603.2108, 83.70(b)
Operated a barbering or cosmetology school with an expired business license	1603.3001(b)
Employed an instructor who held an expired license	1603.2303(a)(2)
Failed to submit for a change of location application after relocating	83.29(c)
Failed to notify the Department within 10 days before a school changes ownership	1603.2304(a)(1)
Failed to obtain Department approval before a school relocates	1603.2304(b)
Failed to apply for a new school license within 30 days after change of ownership	1603.2304(a)(2), 83.29(d)
Failed to have a school inspected following a change of ownership or relocation	83.29(c), 83.51(a)
Failed to pay inspection fee	83.51(b)
Offered an expired continuing education course	59.30(c)

Violations in Operating A School

Violation	Statute/Rule
Failed to allow a student who has completed 50% of the course to re-enter within 48 months after withdrawal or termination	1603.3605
Charged additional tuition within a 48-month period to a student who received a grade of incomplete	1603.3606(b)
Changed from clock hours to credit hours without submitting the school's curriculum to the Department for approval	83.72(n)
Fail to comply with technical requirements and curriculum standards for cosmetology operator and class A barber	83.202(a)
Failed to comply with technical requirements and curriculum standards for esthetician	83.202(d)(1)
Failed to comply with technical requirements and curriculum standards for manicurist	83.202(d)(2)
Failed to comply with technical requirements and curriculum standards for manicurist/esthetician	83.202(d)(3)
Failed to comply with technical requirements and curriculum standards for eyelash extension specialist	83.202(d)(4)
Failed to comply with technical requirements and curriculum standards for hair weaving specialist	83.202(d)(5)
Failed to comply with technical requirements and curriculum standards for hair weaving specialist/esthetician	83.202(d)(6)

Violations by Students

Violation	Statute/Rule
Failed to display his/her permit in a reasonable manner	1603.2107(b)
Prepared hour reports or supporting documents	83.72(j)
Failed to withdraw from one school before transferring to another	83.74(a)
Enrolled in more than one school at a time	83.74(a)
Failed to inform the transfer school before enrollment of the student's prior attendance	83.74(b)
Failed to provide to the transfer school and the Department record of credit claimed	83.74(b)
Allowed another person to clock in or out for the student	83.72(i)(1)
Failed to clock out for lunch	83.72(i)(3)
Failed to clock out when leaving the school	83.72(i)(4)
Failed to comply with the health and safety standards	83.73(a)
Engaged in any act that constitutes dishonesty or misrepresentation of or relating to a student's hours accrued	83.73(b)

Sanitation Violations

Violation	Statute/Rule
Failed to thoroughly clean floors each day and/or failed to remove hair cuttings as soon as practicable	83.102(i)
Failed to keep floors, walls, ceilings, shelves, furniture, furnishings, and fixtures clean and in good repair; failed to repair or fill any cracks, holes, or other similar disrepair not readily accessible for cleaning to create a smooth, washable surface	83.114(a)
Failed to keep plumbing fixtures clean and free from cracks and similar disrepair not readily accessible for cleaning	83.114(c)
Allowed non-service animals in establishment or failed to maintain covered aquariums in a sanitary condition	83.114(i)
Failed to store sterilized or sanitized instruments according to manufacturer's instructions	1603.352(c)
Failed to keep chlorine bleach in a closed, covered container not exposed to sunlight	83.101(b)(3)
Placed or stored chlorine bleach near other chemicals or near flame	83.101(b)(5)
Failed to dispose of used or soiled chlorine bleach solution each day	83.101(b)(6)
Failed to store all cleaned and disinfected implements and materials in a clean, dry, debris-free environment, separate from soiled implements and materials	83.102(f)
Failed to store non-barbering or non-cosmetology related supplies in separate drawers or locations	83.102(f)

Violation	Statute/Rule
Failed to disinfect shampoo bowls and manicure tables prior to use for each client	83.102(g)
Failed to clean and disinfect facial chairs and beds, including headrest, after providing service to each client	83.104(c)
Failed to clean and disinfect eyelash extension application chairs and beds, including headrest, after providing service to each client	83.115(c)
Failed to have a suitable receptacle for used towels or linens	83.72(u)(5)
Failed to mix chlorine bleach solution daily at correct concentration	83.101(b)(2)
Failed to discard single-use equipment, implements, tools or porous items after use on a single client	83.102(d)
Failed to wipe clean and disinfect electrical equipment that cannot be immersed in liquid	83.102(e)
Failed to use clean towels on each client and/or failed to wash towels in hot water and chlorine bleach	83.102(l)
Failed to remove soiled towels after use on each client and deposit in a suitable receptacle	83.102(m)
Failed to comply with all health and safety standards	83.72(b), 83.23(e)

Sanitation Violations – Hair Cutting, Styling, Treatment and Shaving Services

Violation	Statute/Rule
Failed to properly clean and disinfect hair cutting, styling and treatment equipment, implements, tools and materials prior to servicing each client	83.103(b),
Failed to wipe required implements after each client with a clean paper or fabric towel and spray with either an EPA-registered disinfectant or bleach solution	83.103(c),
Failed to clean required implements at the end of each day of use by manually scrubbing with soap and water or adequate methods, and then disinfecting by complete immersion in an EPA-registered disinfectant or bleach solution	83.103(d),

Sanitation Violations – Manicure and Pedicure Services

Violation	Statute/Rule
Failed to clean the areas of the client's body on which a manicure or pedicure service is to be administered	83.106(b)
Failed to clean and disinfect manicure and pedicure tools by manually brushing or otherwise removing all visible debris after each use and then spraying with an EPA-registered disinfectant or bleach solution	83.106(f)

Violation	Statute/Rule
Failed to discard buffer blocks or porous nail files in a trash receptacle after exposure to broken skin or unhealthy skin or nails	83.106(f)
Used electric files, drills, or machines other than those specifically designed and manufactured for use in the professional nail industry	83.107(a)
Failed to clean diamond, carbide, natural and metal bits after each use with a brush or ultrasonic cleaner, or by immersing in acetone	83.107(b)
Failed to disinfect diamond, carbide, natural and metal bits by complete immersion in an appropriate disinfectant, and then sterilize, between clients	83.107(c)
Failed to clean or replace buffing bits and chamois between clients or to clean with soap and water at the end of each day	83.107(d)

Sanitation Violations – Esthetician, Temporary Hair Removal, and Eyelash Extension Application Services

Violation	Statute/Rule
Failed to wear gloves when performing an extraction	83.104(a)
Failed to clean the areas of the client's body prior to temporary hair removal service	83.105(b)
Failed to store eyelash extensions in a sealed bag or covered container and/or failed to store in a clean, dry, and debris-free storage area	83.115(h)

Sanitation Violations – Hair Weaving

Violation	Statute/Rule
Failed to properly clean and disinfect hair weaving equipment, implements, tools and materials prior to servicing each client	83.110(b)
Failed to store hair extensions, tracks, needles, and thread in a bag or covered container until ready to use and/or stored unrelated items in the same bag or container	83.110(c)
Failed to spray needles, combs, and hair clips with a disinfectant before use	83.110(d)

Recordkeeping Violations – Foot Spas, Foot Basins, and Spa Liners

Violation	Statute/Rule
Failed to keep a record, on a department-approved form, of the date and time of each daily or bi-weekly cleaning of whirlpool foot spas	83.108(e)

Violation	Statute/Rule
Failed to keep a record, on a department-approved form, of the date and time of each cleaning and disinfecting of non-whirlpool foot basins	83.108(g)
Failed to keep a record, on a department-approved form, of the date and time when a spa liner was used and discarded or when a whirlpool jet was used and disinfected	83.108(k)
Failed to make the record at or near the time of cleaning and disinfecting or failed to indicate if a spa, foot basin, or jet was not used during any individual workday	83.108(e), (g), (k)
Failed to remove from service a foot spa, foot basin or jet found to be in violation or for which records have not been maintained	83.108(m)
Failed to make the record when a foot spa, foot basin or jet is removed from service for any reason	83.108(m)

Advertising Violations

Violation	Statute/Rule
Knowingly making a false or deceptive statement in advertising	1603.401(3)
Advertising, practicing, or attempting to practice under another person's name or trade name	1603.401(4)
Failed to include in all advertisements for a continuing education course the provider's number and the course number	59.51(b)
Published false or misleading advertisements	59.51(j)
Failed to display all fees for the course in an advertisement	59.51(k)

Class C Violations

Penalty: \$2,000 to \$5,000 and/or up to revocation

Unlicensed Violations

Violation	Statute/Rule
Operated a school for instruction in the practice of barbering or cosmetology without a license	1603.2301, 1603.103(a)
Operated a school before being inspected and approved by the Department	83.23(b), 83.51(a)
Provided instruction in barbering, cosmetology, or a related specialty course outside the scope of the school's license	1603.2303(a)(1)
Provided instruction in barbering, cosmetology, or a related specialty course without first obtaining the appropriate license	1603.2303(a)(2), (b), 83.10(22), (42)

Violation	Statute/Rule
Instructor taught subject matter for which he/she is not licensed	1603.2303(a)(2), (b), 83.10(22), (42)
Instructor provided instruction in barbering or cosmetology at an unlicensed school	1603.2108, 83.70(b)
Employed an unlicensed individual to teach barbering or cosmetology	1603.2303(a)(2)
Employed an instructor to teach subject matter for which he/she is not licensed	1603.2303(a)(2), (b)
Failed to have student permit	1603.2105(a)
Failed to obtain department approval before offering distance education course	83.72(f)(1)
Transferred a license or permit to another person or school	1603.2106, 1603.2204, 83.29(a)
Failed to schedule an appointment through a licensed facility for a service performed at a location other than a licensed facility for a client with an illness or physical or mental incapacitation or for a special event	1603.2109(b)-(c), 83.70(b)
Allowed the use or display of a license by a person not authorized by law to use that license	60.23(a)(4)
Provided or offered to provide continuing education courses without being registered	59.20(a)
Offered a continuing education course before the course was approved by the Department	59.30(a)

Administrative and Records Violations

Violation	Statute/Rule
Failed to keep required documents for 48 months after a student completes the curriculum standards, withdraws, or enrollment is terminated	83.72(k)
Failed to make required documents available for Department and/or student inspection	83.72(k)
Failed to keep a copy of transcript in withdrawn student's file for 48 months	83.74(c)

Cooperation Violations

Violation	Statute/Rule
Failed to cooperate with an authorized representative of the commission or department in the performance of the inspection or investigation	83.50(d), 60.23(a)(3), 60.222(a), (c)(1)
Interfered or refused to allow an inspection or investigation conducted by an authorized representative of the commission or department	60.23(a)(3), 60.222(c)(1)-(2)

Violation	Statute/Rule
Threatened or intimidated an authorized representative of the commission or department in connection with an inspection or investigation	60.23(a)(3), 60.222(c)(3)
Failed to make available all records, notices, and other documents requested by authorized representative of the commission or department	60.222(b)
Failed to make a cleaning and disinfecting record available upon request to a patron or the Department or not retaining the records for inspection for at least 60 days	83.108(l)
Failed to allow inspection of school's attendance records at any time	1603.2309(b)
Failed to provide information, including copies of specified records, to the Department within 10 days of the date of the request	59.51(h)
Failed to cooperate with the Department in an investigation or audit	59.51(i), 59.90(b)(6)

Continuing Education Violations

Violation	Statute/Rule
Failed to ensure continuing education courses are delivered in a manner conducive to learning	59.51(a)
Failed to ensure instructors possess both the subject matter knowledge and teaching ability required to impart the continuing education information	59.51(c)
Failed to properly administer a course in substantially the same manner as represented in the application for course approval	59.51(l)
Enrolled a participant in a continuing education course after received notification from the Department that a provider owes required fees	59.51(n)
Changed a program teaching method or course content without the approval of the Department	59.90(b)(1)

Violations in Operating a School

Violation	Statute/Rule
Failed to have one instructor per 25 students	1603.2310, 83.72(e)
Failed to have an instructor be physically present during all practical curriculum	83.72(e)
Failed to have an instructor physically present or participating through distance education for theory curriculum	83.72(e)
Failed to have an instructor present during the guest presenter's classroom teaching	83.72(t)

Violation	Statute/Rule
Employed practitioner solely to perform acts of barbering or cosmetology	1603.353(a)
Received compensation for work done by student who has not completed more than 10% of required hours	1603.2314(b)
Failed to provide a prospective student with all required information	1603.2306(1)– (7)
Allowed a student to prepare hour reports or supporting documents	83.72(j)
Allowed a student to electronically submit information to the Department	83.72(j)
Failed to design course length and curriculum content to ensure a student develops the job skills and knowledge necessary for employment	1603.2307(a)
Implemented a course length and curriculum content without receiving approval from the Department	1603.2307(b)
Failed to instruct students in the theory and practice of barbering and cosmetology	1603.2308(a)
Taught the practical portion of the curriculum via distance education	1603.351(c), 83.72(f)(3)

Refund Violations

Violation	Statute/Rule
Failed to maintain a cancellation policy that provides a full refund of all money paid by a student if the student meet cancellation requirements, or entered into the enrollment agreement or contract because of misrepresentation made in the advertising or promotional materials of the school or by an owner or representative of the school	1603.3601
Failed to maintain a refund policy for the refund of the unused part of tuition, fees, and other charges paid by the student	1603.3602(a)
Failed to maintain a refund policy that provides a refund based on the period of the student's enrollment, the effective date of the termination for refund purposes, and when it is applicable for the school to retain more than \$100	1603.3602(b)
Failed to refund correct percentage	1603.3603(b), 83.74(d), (e)
Failed to pay a refund within 30 days of a student becoming eligible	1603.3603(c)
Failed to pay the required interest on tuition not refunded within the required period	1603.3604(a)–(b)

Facility and Equipment Violation

Violation	Statute/Rule
Failed to provide a sink with hot and cold running water, and a secure space to dispense supplies	83.72(u)(4)
Failed to provide hand washing facilities for employees which include hot and cold running water	83.102(k)
Failed to have suitable plumbing that provides hot and cold running water and is connected to drain sewage and potable water in work areas	83.114(d)
Failed to have an autoclave or a dry heat-sterilizer, or an ultraviolet sanitizer at a school offering manicure curriculum or esthetician/manicure curriculum	1603.352(b), 83.72(u)(11)(A), (12)
Failed to have wet disinfectant at a school offering class A barber or operator curriculum	83.72(u)(9)(K)
Failed to have wet disinfectant at a school offering esthetician curriculum	83.72(u)(10)(K)
Failed to have wet disinfectant at a school offering manicure curriculum	83.72(u)(11)(I)
Failed to have wet disinfectant at a school offering esthetician/manicure curriculum	83.72(u)(12)
Failed to have wet disinfectant at a school offering eyelash extension curriculum	83.72(u)(E)(13)

Public Health Violations

Violation	Statute/Rule
Failed to wash hands with soap and water, or use a liquid hand sanitizer, prior to performing any services on a client	83.102(a), 83.103(a), 83.104(a), 83.105(a), 83.106(a), 83.110(a)
Failed to wash hands with soap and water prior to performing any eyelash extension application services on a client	83.115(a)
Possessed or used Methyl Methacrylate Liquid Monomers (MMA); bought, sold, used, or applied liquid MMA to a person	83.112(a)(1), (b), 83.113(c)
Possessed or used razor-type callus shavers designed and intended to cut growths of skin such as corns and calluses, e.g. credo blades	83.112(a)(2), (b)
Possessed or used alum or other astringents in stick or lump form	83.112(a)(3), (b)
Possessed or used fumigants such as formalin (formaldehyde) tablets or liquids	83.112(a)(4), (b)

Violation	Statute/Rule
Used a product, preparation or procedure that contacted or penetrated the dermis layer of the skin	83.112(c)
Possessed, stored, or used any product banned or deemed to be poisonous or unsafe by the USFDA or any other governmental agency responsible for such determinations	83.113(a)-(b)
Failed to properly disinfect implements using EPA-registered disinfectant or chlorine bleach	83.101(a)-(b)
Failed to clean implements prior to disinfection	83.101(a)
Failed to use clean and disinfected equipment, tools, implements, and supplies while providing barbering or cosmetology services	83.102(a), (c)
Failed to employ good hygiene habits while providing barbering or cosmetology services	83.102(a)
Failed to have a wet disinfectant soaking container, large enough to fully immerse tools and implements	83.72(u)(7), 83.102(h)
Failed to prepare fresh disinfectant solution daily or more often as needed, for immersion of implements	83.101(a)(3)
Failed to use disinfectant in accordance with the manufacturers' recommendation or other guidance	83.101(a)(4), (5)
Failed to have establishment properly ventilated	83.114(g)

Public Health Violations – Esthetician Services

Violation	Statute/Rule
Failed to properly clean and disinfect facial equipment, implements, tools and materials after servicing each client	83.104(b)
Failed to clean and disinfect multiple use implements such as tweezers and comedone extractors after each client	83.104(d)
Failed to discard single-use items in a trash receptacle after use	83.104(e)
Failed to replace facial tools and accessories with clean items for each client	83.104(f)
Failed to avoid cross contamination or allowed applicators to be re-dipped in product	83.104(g)

Public Health Violations – Temporary Hair Removal Services

Violation	Statute/Rule
Failed to dispose of after each use all products or single use items that has been in contact with a client's skin	83.105(c)
Failed to clean and disinfect all wax pots, left applicator in wax pot, or reused wax	83.105(d)
Failed to clean, disinfect, and sterilize or sanitize all multi-use implements prior to each use	83.105(e)

Public Health Violations – Eyelash Extension Application Services

Violation	Statute/Rule
Failed to properly clean and disinfect equipment, implements and materials prior to providing services	83.115(b)
Failed to clean and disinfect required implements after each client: tweezers, nasal aspirator or electric eyelash dryer and other items used for a similar purpose	83.115(d)
Failed to discard required single-use items in a trash receptacle after each use	83.115(e)
Failed to replace required items with clean items	83.115(f)
Failed to use only properly labeled semi-permanent glue and semi-permanent glue remover according to the manufacturer's instructions	83.115(g)

Public Health Violations – Manicure and Pedicure Services

Violation	Statute/Rule
Failed to clean, disinfect, and sterilize/sanitize metal instruments in accordance with manufacturer's instructions	1603.352(a)
Failed to have an autoclave, dry heat sterilizer, or ultraviolet sanitizer on the premises	1603.352(b), 83.71(g)(7)
Failed to properly clean, disinfect, and sterilize or sanitize all metal manicure and pedicure tools prior to servicing each client	83.106(c)
Failed to clean, disinfect, and sterilize or sanitize required manicure and pedicure implements after each use	83.106(d)
Failed to discard orangewood sticks, cotton balls, nail wipes and disposable towels after single use	83.106(e)
Failed to replace terry cloth towels, finger bowls and spatulas that contact skin, or skin products from multi-use containers, with new or clean articles for each client	83.106(g)

Public Health Violations – Foot Spas, Foot Basin, and Spa Liners

Violation	Statute/Rule
Failed to perform all required sequential cleaning and disinfecting of whirlpool foot spas after client use	83.108(b)
Failed to perform all required sequential cleaning and disinfecting of whirlpool foot spas at the end of each day	83.108(c)
Failed to perform all required sequential cleaning and disinfecting of whirlpool foot spas on a bi-weekly basis	83.108(d)
Failed to perform all required sequential cleaning and disinfecting of non-whirlpool foot basin after client use	83.108(f)
Failed to perform all required sequential cleaning and disinfecting procedures when using non-adhesive heat-sealed spa liners and portable whirlpool jets	83.108(j)

Violation	Statute/Rule
Failed to clean and disinfect foot spa or foot basin chair after providing service to each client	83.108(n)

Class D

Penalty: \$3,500 up to \$5,000 and/or revocation

Violations

Violation	Statute/Rule
Failed to comply with previous order of Commission/Executive Director	51.353(a), 1603.401(6)
Obtained or attempted to obtain a license by fraud or false representation	1603.401(5), 60.23(a)(1)
Falsified any document submitted to the department or commission	60.23(a)(2)
Used or provided unauthorized assistance in connection with an examination	60.52(a)
Failed to pay the Department for a dishonored payment	60.82
Failed to pay the Department a fee for each inspection	1603.103(c)
Failed to comply with license renewal requirements	1603.3003, 83.26(a)
Failed to reimburse the Private Beauty Culture School Tuition Protection Account	83.40(k)(1)
Failed to pay a student any additional amount due the student after payment was made from the Private Beauty Culture School Tuition Protection Account	83.40(k)(2)
Failed to pay all required fees	59.51(m), 59.90(b)(7)
Failed to pay the Department a continuing education record fee of \$5 for each licensee who completes a course for continuing education credit	83.25(j)
Failed to comply with registration renewal requirements	59.21(b)
Fraud or misrepresentation in an application process for registration or course approval	59.90(b)(4)
Fraud or misrepresentation regarding maintenance of records, teaching method, program content, or issuance of certificates	59.90(b)(5)

Violations in Operating a School

Violation	Statute/Rule
Failed to maintain a daily record of students' attendance	1603.2309(a), 83.72(h)
Failed to maintain a sanitary premises	1603.2312(1)

Violation	Statute/Rule
Failed to establish regular class and instruction hours and grades	1603.2312(2)
Failed to administer exams before issuing diplomas	1603.2312(3)
Failed to verify curriculum being followed	1603.2312(4)
Granted credit for hours accrued while not under the supervision of an instructor	83.72(e)
Allowed another person to clock in or out for the student	83.72(i)(1)
Credit given for written times other than those resulting from time clock failure	83.72(i)(2)
Directly or indirectly granting or approving student hours not correctly accrued	83.72(k)
Increased, decreased, or withheld for any reason the number of hours earned by a student	1603.2308(c)
Failed to properly account for credit hours granted to each student	83.72(k)
Established school rules that conflict with Department rules	83.72(s)
Transferred more than the approved number of hours between courses	83.74(h)
Curriculum failed to include all required hours	83.120(a)–(b)
Failed to comply with distance education parameters	83.120(c), 83.202(e)
Failed to follow field trip requirements	83.120(d), 83.202(f)
Failed to properly convert hours	83.72(o)

Infection Control Violations – Blood and Body Fluids

Violation	Statute/Rule
Failed to stop bleeding by applying powdered alum, styptic powder, or a cyanoacrylate to an open wound with a disposable cotton-tipped instrument	83.111(a)
Failed to immediately and/or properly discard cotton-tipped instrument after application of alum, styptic powder, or a cyanoacrylate to an open wound	83.111(a)
Failed to immediately and properly clean and disinfect a surface area that came into contact with blood or body fluids	83.111(b)
Failed to immediately and properly clean and disinfect by approved method a non-porous instrument that came into contact with blood or body fluids	83.111(c)
Failed to immediately double-bag and discard in a closed trash container or biohazard box a porous instrument that came into contact with blood or body fluids	83.111(d)

Infection Control Violations

Violation	Statute/Rule
Worked while knowingly suffering with an infection or animal parasites or an infectious/communicable disease for which the person is not entitled to protection under the Federal Americans with Disabilities Act of 1990 (ADA)	1603.401(2), 1603.209(a)
Knowingly employed person with an infectious/contagious disease who is not entitled to protection under ADA	1603.209(b)
Engaged in gross malpractice	1603.401(1)
Performed services on a client the licensee has reason to believe has a contagious condition such as head lice, nits, ringworm, conjunctivitis; or inflamed, infected, broken, raised or swollen skin or nail tissue; or an open wound or sore in the area to be serviced	83.102(b)