



Kansas Board of Cosmetology

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Policy – Disciplinary Action for Health/Sanitation Violations

Policy Number: 002-12

Board Approved: January 18, 2012

Last Updated: January 9, 2023

- I. Purpose
 - a. The purpose of this policy is to provide disciplinary action based on a pattern of excessive health and sanitation violations at an establishment or school.
- II. Authority
 - a. In addition to the board's authority to refuse licensure or impose discipline pursuant to subsection (a), the board shall have the authority to assess a fine not in excess of \$1,000 against a licensee for each of the reasons specified in subsection (a). Such fine may be assessed in lieu of or in addition to such discipline. K.S.A. 65-1908(d).
 - b. The Board may refuse to issue or renew a license, or revoke, suspend, censure, limit or condition a license for failure to comply with the sanitation standards prescribed by the Secretary of Health and Environment pursuant to K.S.A. 65-1,148, and amendments thereto. K.S.A. 65-1908(a)(1).
 - c. If the Board determines that an individual has violated subsection (a), in addition to any other penalties imposed by law, the Board, in accordance with the Kansas administrative procedure act, may issue a cease and desist order against such individual or may assess such individual a fine of not to exceed \$1,500, or may issue such order and assess such fine. In determining the amount of fine to be assessed, the Board may consider the following factors: (1) Willfulness of the violation, (2) repetitions of the violation and (3) risk of harm to the public caused by the violation. K.S.A. 65-1902(d).
 - d. Tattoo artists, cosmetic tattoo artists and body piercers, and their establishments shall comply with all applicable sanitation standards adopted by the secretary pursuant to K.S.A. 65-1,148, and amendments thereto. K.S.A. 65-1946(a).
- III. Policy and Procedures
 - a. Health and sanitation violations are reviewed on a case-by-case basis. The Board monitors establishments for a pattern of excessive health and sanitation violations before taking disciplinary action against an establishment or school.
 - b. Result of Inspection
 - i. Inspections resulting in less than 6 violations without a fineable offense are considered an acceptable part of the normal day-to-day operations of an establishment or school and are merely reported.
 - ii. Inspections resulting in 6 or more violations are of concern to the Board and remedial action is required. The Board sends paperwork to the establishment or school to be completed and returned. The establishment or school is then monitored for compliance with the health and sanitation regulations of the Board. If the remedial action paperwork is not completed and returned, the Board shall conduct additional inspections to monitor the progress of the establishment or school in making the necessary corrections and complying with the health and sanitation regulations of the Board.



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c. Disciplinary Action

- i. If an establishment or school has three consecutive inspections resulting in 6 or more violations, the Board shall issue a Summary Proceeding Order assessing a fine as approved by the Board's fine schedule
- ii. If a second consecutive offense of (i) occurs, a Summary Proceeding Order conditioning the establishment or school is issued.
- iii. If an establishment or school has had three consecutive inspections resulting in fineable infection control violations, a Summary Proceeding Order conditioning the establishment or school is issued.
- iv. When conditioning applies, the conditions of the license may be as follows:
 1. License is conditioned for a minimum of six months up to one year from the effective date of the order.
 2. Respondent(s) and employees/practitioners at the establishment or school must attend a mandatory infection control seminar. The establishment or school must contact the Board within 20 days of the effective date of the order to schedule the seminar. The seminar must be held within 60 days of the effective date of the order.
 3. The establishment or school will be subject to three inspections within a six-month period of the conditioned year.
 4. If the establishment or school has no more continued violations reported in the conditioned inspections for the first six-month period of conditioning, have complied with each of the above provisions, and the fine has been paid in full, the conditions on the license will be lifted.
 5. If conditions are not lifted after the initial six-month period, the establishment or school will be subject to three additional inspections for the remaining conditioned year.
 6. The Board will be reimbursed \$50 per conditioned inspection, due within 30 days from the effective date of the order; this shall be known as the "inspection fee." If conditions are extended to the full year, the additional inspection fee shall be paid within 30 days from the notice of extension of conditioning.
 7. The establishment or school shall not request changes to licensure name or ownership during the conditioned period.
 8. Failure to abide by the conditions set forth by the Board may result in revocation of Respondent's establishment or school license.

Laura Gloeckner
Executive Director
Kansas Board of Cosmetology