

**PROFESSIONAL LICENSURE DIVISION[645]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 147.76, the Board of Barbering hereby gives Notice of Intended Action to amend Chapter 22, “Sanitation,” Iowa Administrative Code.

These proposed amendments were approved by the Board of Barbering at its scheduled meeting held on March 20, 2017.

These proposed amendments promote a business-friendly environment for barbershops in the state of Iowa by reducing regulation in a number of areas. The amendments also continue to ensure that barbershop regulations are sufficient to protect the health and safety of barbershop clients.

These amendments remove the current requirement to keep jars of disinfectant at each work station and replace it with a requirement to keep disinfectant centrally available to use in a barbershop dispensary. The amendments would not prohibit barbershop owners from continuing the current practice, but would provide additional flexibility while still requiring disinfection of used implements prior to the use of those same implements on another client.

These amendments update the disinfection rules to reflect that immersion is not a realistic method of disinfection for certain implements, such as clippers and shears, and to allow for the use of disinfecting wipes or sprays in situations where immersion is not feasible. Further, these amendments combine the content of the disinfection and sterilization rules into one rule for the purpose of regulatory clarity.

Finally, these amendments rescind the rule requiring that the administrative rules regulating barbershop sanitation be posted in the front of the barbershop and replace it with a more business-friendly rule requiring provision of the information to barbershop clients upon request. The current posting rule is burdensome and is no longer necessary due to the ready availability of the administrative rules over the Internet, which was not widely available as a means of communication at the time the rule was initially adopted.

Consideration will be given to all written comments on the proposed amendments received no later than May 2, 2017. Such written materials should be addressed to Susan Reynolds, Professional Licensure Division, Department of Public Health, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0075; e-mail [susan.reynolds@idph.state.ia.us](mailto:susan.reynolds@idph.state.ia.us).

A public hearing will be held on May 2, 2017, from 8 to 8:30 a.m. in the Fifth Floor Professional Licensure Conference Room, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Division of Professional Licensure are subject to the waiver provisions of 645—Chapter 18.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 147 and 158.

The following amendments are proposed.

ITEM 1. Amend **645—Chapter 22**, title, as follows:

SANITATION INFECTION CONTROL FOR BARBERSHOPS AND BARBER SCHOOLS

ITEM 2. Amend rule 645—22.1(158) as follows:

**645—22.1(158) Definitions.**

“Cleaning” refers to removing visible debris and disposable parts, washing the surface or item with water and soap or detergent, rinsing the surface or item thoroughly and drying the surface or item. Cleaning must occur before disinfection can begin.

“Disinfectant” means an agent an EPA-registered bactericidal, virucidal, fungicidal, pseudomonacidal chemical solution, spray or wipe that is effective against HIV-1 and human hepatitis B virus and is intended to destroy or irreversibly inactivate specific viruses, bacteria, or pathogenic fungi, but not necessarily their spores, on inanimate nonporous items and surfaces.

“Disinfection” means the procedure that kills pathogenic microorganisms, but not necessarily their spores.

“Dispensary” means a separate physical location or area in a barbershop or school to be used for the storing and dispensing of supplies and cleaning and disinfecting of all implements. The dispensary is where products, chemicals and disinfectants are prepared, measured, mixed, portioned, and disposed of.

“FDA” means the federal Food and Drug Administration.

“Germicide” means an agent that destroys germs.

“Nonporous” means that a material has no pores and does not allow liquid or air to be absorbed or pass through. Common nonporous materials include glass, metal and plastic products.

“Porous” means that a material has minute spaces or holes that allow liquid or air to be absorbed or pass through. Common porous materials include pumice stone, wood, paper and cardboard products.

“Sanitization” means the procedure that reduces the level of microbial contamination so that the item or surface is considered safe.

“Sterilization” means the procedure that kills all microorganisms, including their spores.

“Universal precautions” means practices consistently used to prevent exposure to blood-borne pathogens and the transmission of disease.

“Wash hands” means the process of thoroughly washing hands and the exposed portions of the arms up to the elbow with soap or detergent and water and drying with a single-use towel or air dryer. Bar soap shall not be considered to be a sanitizing agent.

ITEM 3. Rescind rule 645—22.2(158) and adopt the following **new** rule in lieu thereof:

**645—22.2(158) Infection control rules and inspection report.** Upon request, the licensee shall make Chapter 22, Infection Control for Barbershops and Barber Schools, and the most recent inspection report available to the board, agents of the board, all persons employed or studying in a barbershop or school, and the general public.

ITEM 4. Rescind rule 645—22.3(147) and adopt the following **new** rule in lieu thereof:

**645—22.3(147) Display requirements for barbershops.**

**22.3(1)** Every barbershop shall have a sign visible outside the entrance designating the place of business.

**22.3(2)** The most current barbershop license renewal card shall be posted in the barbershop front entrance area at eye level, so that it is visible, to provide the public a full, unobstructed view of the license. Photocopies and electronic copies are not acceptable.

**22.3(3)** The most current license renewal card for each licensee working in the barbershop shall be posted in the barbershop front entrance area at eye level, so that it is visible, to provide the public a full, unobstructed view of the license. Photocopies and electronic copies are not acceptable.

**22.3(4)** If the licensee works in more than one barbershop, the current renewal card shall be posted in the primary place of practice, and the licensee shall have the current wallet card in the licensee’s possession.

**22.3(5)** Each licensee shall have a valid U.S. government-issued photo ID to provide to an agent of the board upon request as proof of identity.

ITEM 5. Amend rule 645—22.5(158) as follows:

**645—22.5(158) Building standards.** Barbershops and schools shall provide:

1. A separate area to be used as a reception area;
2. A supply of hot and cold running water and toilet facilities;
3. A supply of safe drinking water;
4. Hand washing facilities;
5. Adequate lighting;
6. A floor surface in the service area that is nonabsorbent and easily cleanable;
7. A minimum of one washbasin or lavatory for every two barber chairs in use. The washbasins or lavatories shall be readily accessible to the operator of each barber chair; ~~and~~
8. Work surfaces that are easily cleaned;
9. A dispensary; and
10. A complete first-aid kit in a readily accessible location on the premises. At a minimum, the first-aid kit must include adhesive dressing, gauze and antiseptic, tape, triple antibiotics, eyewash, and gloves.

ITEM 6. Rescind rule 645—22.10(158) and adopt the following **new** rule in lieu thereof:

**645—22.10(158) Universal protocols.** All licensees and students shall practice universal precautions consistently by observing the following.

**22.10(1)** Students and licensees shall thoroughly wash hands after smoking, eating, or using the restroom and before providing services to each client. Hand sanitizers or gloves are not an acceptable substitute for handwashing.

**22.10(2)** Every barbershop shall have a biohazard sharps container for disposing of used needles, razor blades and other sharp instruments. These containers shall be located as close to the use area as is practical. These containers shall not be filled above the designated “fill line” and shall be disposed of in accordance with guidelines issued by the Centers for Disease Control and Prevention, U.S. Department of Health and Human Services.

**22.10(3)** Licensees and students shall wear disposable gloves or may refuse to provide the service when encountering clients with open sores. Gloves shall only be used on a single client and shall be disposed of after the client’s service. Anytime gloves are used during a service, licensees and students shall wash hands both before gloves are worn and after they are removed.

**22.10(4)** A licensee or student shall refrain from all direct client care and from handling client-care equipment if the licensee or student has open sores that cannot be effectively covered.

**22.10(5)** Instruments and implements shall be disinfected pursuant to rule 645—22.12(158).

**22.10(6)** Instruments and supplies that have been used on a client or soiled in any manner shall be placed in the proper receptacles clearly labeled “used.” All used items shall be kept separate from items that are disinfected and ready for use.

**22.10(7)** Disinfectant solution shall be stored in the dispensary.

ITEM 7. Amend rule 645—22.11(158) as follows:

**645—22.11(158) Minimum equipment and supplies.** Barbershops and barber schools shall provide:

1. At least one covered waste receptacle for the disposal of all waste, including hair;
2. Receptacles to hold all soiled towels and capes;
3. Clean, closed cabinets or drawers to hold all clean towels;
4. Disinfectant solution kept in the storage area and at each workstation dispensary, and at each workstation at the discretion of the individual licensee or barbershop owner; and
5. A mechanical paper container and clean shaving paper or clean towel for each barber chair headrest.

ITEM 8. Rescind rule 645—22.12(158) and adopt the following new rule in lieu thereof:

**645—22.12(158) Disinfection and sterilizing instruments and equipment.** All nonporous tools and implements must be either disinfected or sterilized according to the requirements of this rule before use upon a client in schools and barbershops.

**22.12(1) Disinfection.**

*a.* Nonporous tools and implements.

(1) Immersion method. After each use, all immersible nonporous tools and implements shall be disinfected by cleaning the tools and implements followed by complete immersion in a disinfectant. Disinfectant solutions shall be mixed according to manufacturer label instructions. The manufacturer's listed contact time for effectively eliminating all pathogens listed shall be adhered to at all times.

(2) Nonimmersion method. After each use, any nonporous item that cannot be immersed in a disinfectant shall be cleaned with soap or detergent and water to remove all organic material and then sprayed or wiped with disinfectant. Minimum disinfectant contact time as listed on the manufacturer's label shall be followed. Nonimmersible tools and implements include, but are not limited to, scissors, trimmers, clippers, handles of hair dryers and curling/flat irons.

*b.* Disinfected implements shall be stored in a disinfected, dry, covered container and shall be isolated from contaminants. The container shall be disinfected at least once each week and whenever the disinfectant solutions are visibly dirty.

*c.* Disinfectant solutions shall be changed as instructed on the solution's manufacturer label or whenever the disinfectant solutions are visibly dirty.

**22.12(2) Sterilization.** UV light boxes are prohibited and are not an acceptable method of sterilization.

*a.* Tools and implements may be sterilized by one of the following methods:

(1) Steam sterilizer, registered and listed with the FDA and used according to the manufacturer's instructions. If steam sterilization, moist heat, is utilized, heat exposure shall be at a minimum of 121°C/250°F for at least 30 minutes;

(2) Dry heat sterilizer, registered and listed with the FDA and used according to the manufacturer's instructions. If dry heat sterilization is utilized, heat exposure shall be at a minimum of 171°C/340°F for at least 60 minutes;

(3) Autoclave sterilization equipment, calibrated to ensure that it reaches the temperature required by the manufacturer's instructions. If autoclave sterilization equipment is utilized, spore testing by a contracted independent laboratory shall be performed at least every 30 days. If a positive spore test is received, the autoclave may not be used until a negative spore test is received. The barbershop must maintain a log of each autoclave use, all testing samples and results, and a maintenance log of all maintenance performed on the device. Maintenance shall be performed according to the manufacturer's instructions. The barbershop must have available for inspection the autoclave maintenance log for the most recent 12 months; or

(4) Chemical sterilization with a hospital grade liquid which, if used, shall be used according to the directions on the label. When chemical sterilization is used, items shall be fully submerged for at least 10 minutes.

*b.* Sterilization equipment shall be maintained in working order. The equipment shall be checked at least monthly and calibrated to ensure that it reaches the temperature required by the manufacturer's instructions.

ITEM 9. Rescind and reserve rule **645—22.13(158)**.

ITEM 10. Amend rule 645—22.14(158) as follows:

**645—22.14(158) Instruments Porous instruments and supplies that cannot be disinfected.** All Porous instruments and supplies that come into direct contact with a client and cannot be disinfected, for example, are single-use items and shall be disposed of in a closed waste receptacle immediately

after use. These instruments and supplies include, but are not limited to, cotton pads, sponges, emery boards, and neck strips, ~~shall be disposed of in a closed waste receptacle immediately after use.~~

ITEM 11. Amend rule 645—22.15(158) as follows:

**645—22.15(158) Semisolids, dusters, and styptics.**

**22.15(1)** Creams and other semisolid substances used for clients must be kept in closed, labeled containers. All creams and other semisolid substances shall be removed from containers with a clean, ~~sanitized~~ and disinfected applicator. Applicators made of a washable, nonabsorbent material shall be ~~sanitized~~ cleaned and disinfected before being used on a client and shall only be dipped into the container one time before being used cleaned and disinfected again. Applicators made of wood shall be discarded after a single dip, which would be one use.

**22.15(2)** The use of a styptic pencil is strictly prohibited; its presence in the workplace shall be prima facie evidence of its use. Any material used to stop the flow of blood shall be used in liquid or powder form.

**22.15(3)** Nail buffers are for individual use and may not be used for more than one client. Presence of these articles in the workplace shall be prima facie evidence of use.

**22.15(4)** All fluids, semifluids and powders must be dispensed with an applicator or from a shaker, dispenser pump, or spray-type container.

**22.15(5)** Neck dusters, brushes, and common shaving mugs and soap shall not be used in any barbershop or barber school.

ITEM 12. Rescind rule 645—22.16(158) and adopt the following new rule in lieu thereof:

**645—22.16(158) Blood exposure procedures.**

**22.16(1)** If a student or licensee injures oneself, the following steps shall be taken before the student or licensee returns to service:

- a. Stop service.
- b. Clean the injured area by washing the area with soap and water. Use antiseptic or ointment as appropriate.
- c. In the case of mucous membrane exposure, wash or rinse the affected area with plenty of water.
- d. Cover the injury with the appropriate dressing.
- e. Clean the client and station as necessary. First, remove all visible debris and then clean the client with an antiseptic that is appropriate for the skin and clean the station with disinfectant.
- f. Bag any blood-soiled porous articles and dispose of articles in the trash.
- g. Wash and disinfect all nonporous items.
- h. Wash hands before returning to service.

**22.16(2)** If a client injury occurs, the following steps shall be taken:

- a. Stop service.
- b. Glove hands of students or licensees.
- c. Clean injured area and use antiseptic or ointment as appropriate.
- d. Cover the injury with the appropriate dressing to prevent further blood exposure.
- e. Clean station by removing all visible debris and using disinfectant that is appropriate for the soiled surface.
- f. Bag any blood-soiled porous articles and dispose of articles in the trash.
- g. Wash and disinfect all nonporous items.
- h. Wash hands before returning to service.

ITEM 13. Amend rule 645—22.19(158) as follows:

**645—22.19(158) Proper laundering and storage.** All cloth towels and similar items shall be laundered in a washing machine with laundry detergent used according to manufacturer's directions. All linens shall be dried until hot to the touch. No moisture shall be left in laundered items. A clean, closed

~~cabinet~~ storage area shall be provided for clean towels and linen, and a covered hamper or receptacle ~~must~~ marked "used" shall be provided for all soiled towels, robes and linens.