CHAPTER Bar 500 ETHICAL STANDARDS

PART Bar 501 OBLIGATION TO OBEY AND ETHICAL CONDUCT STANDARDS

Readopt with amendment Bar 501.01, effective 4-24-26 (Document #14563), to read as follows:

Bar 501.01 Obligation to Obey.

(a) Licensees shall obey the ethical conduct standards ***and the professional standards*** set forth in Bar 501.02 ***and Bar 501.03***.

(b) Violations of any of the ethical conduct standards shall constitute unprofessional conduct resulting in disciplinary proceedings pursuant to RSA 313-A:22, II(c).

Readopt with amendment Bar 501.02, effective 4-24-26 (Document #14563), to read as follows:

Bar 501.02 Ethical Conduct Standards. A licensee shall:

(a) Comply with RSA 313-A, and the administrative rules of the board and the office of professional licensure and certification (OPLC);

(b) Submit only truthful and correct information in any application or other document filed with, or statement made to, the board or the OPLC;

(c) Obey in good faith, and within any time period specified, any disciplinary orders issued by the board, including orders requiring the payment of fees or fines;

(d) Deal with colleagues and clients with honesty and integrity;

(e) If maintaining a salon, tanning facility, or school, maintain the salon, tanning facility, or school premises in a ~~sanitary~~***clean*** and hygienic manner;

(f) Not perform any service that is outside the scope of practice for the license that the licensee holds;

(g) Not misrepresent professional qualifications or credentials;

(h) Not aid or abet, directly or indirectly, the practice of any person who is not duly licensed;

(i) Not advertise claims that are misleading, untrue, or insupportable by fact;

(j) Use professional products specifically designed or manufactured for use in their licensed profession according to the manufacturer's instructions;

(k) Cooperate with lawful investigation of the OPLC; and

(l) Not defraud another person.

Adopt Bar 501.03 as follows:

Bar 501.03 Professional Standards. A licensee shall meet the following professional standards:

(a) Each licensee shall wash their hands immediately before attending to a patron.

(b) Shampoo bowls shall be cleaned and disinfected after each use.

(c) The licensee shall be responsible for compliance with the following requirements:

(1) All non-electrical implements shall be cleaned and disinfected after each use on a person and shall be kept in a dry container or drawer. Combs and brushes shall not be placed in the licensee's pocket at any time;

(2) The disinfection container(s) shall remain covered at all times;

(3) All implements that have been used on a patron or soiled in any manner shall be placed in a closed container;

(4) All electrical implements which come into direct contact with a client shall be disinfected before each use;

(5) All implements and supplies which come into direct contact with a patron and cannot be disinfected such as cotton pads, emery boards, sponges, and neck strips shall be disposed of after each use in a closed container;

(6) After a towel has been used, it shall be deposited in a container and not used until laundered;

(7) Creams and other semi-solid substances shall be removed from containers with a clean spatula or similar article without allowing such implements to come in contact with the patron. Containers of cream, powder and other toilet preparations shall be covered when not in use; and

(8) Implements which come in contact with a patron shall be cleaned and disinfected after each use. If a make-up brush or neck duster is used, it shall be disinfected after each use.

(d) All licensees shall wear shoes and clothing.

(e) Each patron shall be covered with a cape. The cape shall not come in direct contact with the patron’s neck, unless laundered after each use.

(f) If the skin of the licensee or patron is punctured, the licensee shall immediately do the following:

(1) Apply antiseptic and a sterilized bandage;

(2) Make available to the patron antiseptic and a sterilized bandage if still bleeding;

(3) Under both (1) and (2) above, cleaned and disinfect the implement and appliance in use at the time of the puncture before proceeding; and

(4) Under both (1) and (2), above, put on disposable gloves.

(g) A licensee shall not:

(1) Apply methyl methacrylate (MMA) monomer on a person, or have MMA available for use in the facility;

(2) Use product in any other manner than that product’s intended use;

(3) Use a variable speed electrical nail file on the natural nail unless it has been specifically designed for use on the natural nail;

(4) Use a blade to remove any corns, callouses, or skin, or have blades available for use in the facility;

(5) Diagnose any medical condition or treat any medical condition unless referred by a physician;

(6) Provide any service within the scope of practice unless they have received training prior to performing the service;

(7) Perform services on a client if the licensee has reason to believe the client has any of the following:

a. A communicable disease;

b. A contagious condition;

c. An inflamed, infected, broken, raised or swollen skin or nail tissue; or

d. An open wound or sore in the area to be worked on that would contraindicate the efficacy of the service;

(8) Use any adulterated chemical exfoliating substances;

(9) Use carbolic acid, also known as phenol, over 2% strength;

(10) Alter a license issued by the board;

(11) Use an animal to perform any service, including, but not limited to, worms, insects, fish, amphibians, reptiles, birds, and mammals; or

(12) Use any device or attachment which creates microchannels in the skin penetrating beyond the epidermis or 0.25 mm, including but not limited to a dermaroller, dermapen, plasma pen, nanoneedling device, microchanneling device, any microneedling device or equipment, or any attachment which rolls or pulsates using needles, or pins, cones, or filaments penetrating beyond the epidermis or 0.25 mm or have microneedling devices available for use in the facility penetrating beyond the epidermis or 0.25 mm.

(h) A licensee who chooses to use an electrical nail file shall have completed a certified program in the proper use of an electrical nail file in a school licensed by the board or a certified program.

(i) The licensee shall provide a copy of the certificate required by Bar 302.06(ab) above within 30 days of receiving it.

(j) After each service, the licensee shall ensure that the surface(s) of all equipment that come in direct contact with client's skin, including manicuring tables, pedicure basin, mats, and cushions, shall be cleaned.

(k) An esthetician shall complete additional technical, hands-on training for each of the procedures or equipment in the following:

(1) Cosmetic chemical substances for exfoliation limited to epidermal penetration;

(2) Body therapies, including manual or mechanical lymphatic drainage massage as it relates to skin beautification;

(3) Microdermabrasion or mechanical equipment for cosmetic exfoliation;

(4) Light therapy devices;

(5) Ultrasonic devices;

(6) Microcurrent devices;

(7) FDA registered Class I and II devices; and

(8) Radiofrequency devices.

(l) The hands-on training may be obtained anywhere but shall be specific and adequate for the type of service to be performed. The licensee shall retain evidence documenting completion of hands-on training for each procedure or piece of equipment.

(m) An esthetician shall use cosmetic exfoliating substances and equipment described in (n), above, according to the manufacturers' directions and within the equipment's approved scope of use pursuant to its 510k filing with the FDA.

(n) An esthetician using cosmetic exfoliating substances and equipment described in (n), above, shall have a sufficient understanding of the Fitzpatrick Scale to determine appropriate peel protocol. The esthetician shall assess the client's skin tone and determine where the client's skin tone falls on the scale.

(o) An esthetician shall receive training in sanitation precautions, the related theory, chemistry, safety precautions, ultraviolet light protection, contraindications, and practical application prior to performing services described in (n), above.

(p) An esthetician shall obtain a written client history of conditions related to services described in (n), above, including, but not limited to, the following:

(1) Being currently under a physicians care or treatment;

(2) Predisposition to herpes simplex virus;

(3) Current pregnancy;

(4) History of cosmetic related irritants or allergic reactions;

(5) Frequency of sun exposure or tanning bed use; and

(6) The use of topical or oral medications, or both, which increase the individuals' susceptibility to adverse reactions such as photosensitivity.

(q) Any New Hampshire licensed cosmetologist or esthetician providing services described in (n) (1) – (8), above, prior to June 9, 2006, shall be allowed to continue such services provided they comply with (n) through (s) for estheticians.

(r) A licensee, instructor, or shop apprentice shall attach a current passport photograph to the professional or shop apprentice license upon receipt of the license.

(s) Individuals who are granted a temporary permit shall attach a current passport photograph to the temporary permit upon receipt.

(t) Licensees, instructors, shop apprentices, and individuals with a temporary permit shall make government-issued photo identification available to the inspector at any time while working in the shop.

(u) Licensees who provide occasional and temporary services outside of a licensed shop shall conduct such services as follows:

(1) The services provided shall not extend beyond 24 hours outside of the licensed facility;

(2) The licensee shall provide such services according to the safety and hygiene standards within these rules;

(3) Services provided shall be limited to hair arranging, curling, waving, or styling and makeup application;

(4) Prohibited services include but are not limited to chemical services, hair cutting, shaving, trimming hair, or skin services;

(5) Unexpired first aid kit, blood spill kit, and unopened eyewash bottle;

(6) The Licensee shall maintain at the location their personal license and the shop license for immediate display upon request;

(7) The Licensee shall maintain a record of each service, including the location of the service, the name of the client or clients serviced, and the services provided;

(8) Records of services provided shall be maintained for 2 years after provision of services;

APPENDIX A: Statutes Implemented

Rule	Specific State or Federal Statutes Which the Rule Implements
Bar 501.01	RSA 313-A:8, IV
Bar 501.02	RSA 313-A:8, IV
Bar 501.03	RSA 313-A:8, IV