

Effective 5/10/2016

58-11a-501 Unprofessional conduct.

Unprofessional conduct includes:

- (1) failing as a licensed school to obtain or maintain accreditation as required by rule;
- (2) failing as a licensed school to comply with the standards of accreditation applicable to such schools;
- (3) failing as a licensed school to provide adequate instruction to enrolled students;
- (4) failing as an apprentice supervisor to provide direct supervision to the apprentice;
- (5) failing as an instructor to provide direct supervision to students who are providing services to an individual under the instructor's supervision;
- (6) failing as an apprentice supervisor to comply with division rules relating to apprenticeship programs under this chapter;
- (7) keeping a salon or school, its furnishing, tools, utensils, linen, or appliances in an unsanitary condition;
- (8) failing to comply with Title 26, Utah Health Code;
- (9) failing to display licenses or certificates as required under Section 58-11a-305;
- (10) failing to comply with physical facility requirements established by rule;
- (11) failing to maintain mechanical or electrical equipment in safe operating condition;
- (12) failing to adequately monitor patrons using steam rooms, dry heat rooms, baths, showers, or saunas;
- (13) prescribing or administering prescription drugs;
- (14) failing to comply with all applicable state and local health or sanitation laws;
- (15) engaging in any act or practice in a professional capacity that is outside the applicable scope of practice;
- (16) engaging in any act or practice in a professional capacity which the licensee is not competent to perform through education or training;
- (17) in connection with the use of a chemical exfoliant, unless under the supervision of a licensed health care practitioner acting within the scope of his or her license:
 - (a) using any acid, concentration of an acid, or combination of treatments which violates the standards established by rule;
 - (b) removing any layer of skin deeper than the stratum corneum of the epidermis; or
 - (c) using an exfoliant that contains phenol, TCA acid of over 15%, or BCA acid;
- (18) in connection with the sanding of the skin, unless under the supervision of a licensed health care practitioner acting within the scope of his or her license, removing any layer of skin deeper than the stratum corneum of the epidermis;
- (19) using as a barber, cosmetologist/barber, or nail technician any laser procedure or intense, pulsed light source, except that nothing in this chapter precludes an individual licensed under this chapter from using a nonprescriptive laser device; or
- (20) failing to comply with a judgment order from a court of competent jurisdiction resulting from the failure to pay outstanding tuition or education costs incurred to comply with this chapter.

Amended by Chapter 238, 2016 General Session

Amended by Chapter 274, 2016 General Session