

## The State of South Carolina



## Office of the Attorney General

T. TRAVIS MEDLOCK  
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING  
POST OFFICE BOX 11549  
COLUMBIA, S.C. 29211  
TELEPHONE 803 734 3636

February 17, 1988

Ms. Doris Brantley  
Executive Secretary  
State Board of Cosmetology  
1209 Blanding Street  
Columbia, South Carolina 29201

Dear Ms. Brantley:

I refer to your January 5, 1988 letter to the State Ethics Commission, which was forwarded to this Office for a response.

You have requested an opinion on whether Board members who are licensed practitioners must abide by a regulation that requires licensees to annually attend a continuing education class as a prerequisite for license renewal. The Board regulation governing continuing education, R35-23, provides:

A. All persons licensed by the Board as Cosmetologists, Manicurists and Estheticians, and residing in South Carolina, must show satisfactory evidence of six contact hours of instruction (six tenths of Continuing Education Units [CEU]) during the calendar year preceding [sic] the annual renewal of license in March. (Emphasis added)

The continuing education requirement clearly applies to all licensed practitioners, and Board members would not be exempt.

You have also asked whether Board members who monitor continuing education classes and attend national meetings and other educational events could be exempt from attending a specific continuing

Ms. Doris Brantley  
February 17, 1988  
Page Two

education class. This type of continuing education substitution would not be permissible unless specifically provided for by statute or regulation.

I note that, under Reg. 35-23.A.(1), Hair Fashion Committee Members may receive CEU credit by attending an Annual Hair Fashion Committee Workshop consisting of at least six contact hours, provided attendance is verified and the CEU fee is paid. Likewise, Hair Designer Guild Members may receive CEU credit by attending an Annual Guild Workshop. Reg. 35-23.A.(2). Additionally, monitors of Continuing Education Programs may receive CEU credit provided they remain in class during the entire program and pay the CEU fee. Reg. 35-23.A.(2). Certainly, any Board members who meet the requirements of any of these foregoing provisions, could attain CEU credit in the same manner as any other licensee.

The Board could, by amending its regulation, include additional types of meetings and educational events which would qualify for CEU credit. However, any such provision would need to be reasonably related to the Board's purpose in requiring continuing education, which is, I believe, to protect the public by promoting continuing competency within the profession. Thus, the Board should consider only those types of "events" which would, substantively, provide a similar level of education to the Continuing Education Programs provided for under Reg. 35-24. Additionally, it would be inappropriate to promulgate any amendment which would, in effect, "favor" Board member practitioners over licensed practitioners in general.

In promulgating any regulation, the Board should keep in mind that a regulation of a public administrative agency should be

uniform in operation, and equal in effect, it must not be unfair or discriminatory .... Likewise, an administrative rule or regulation must be appropriate, and necessary.

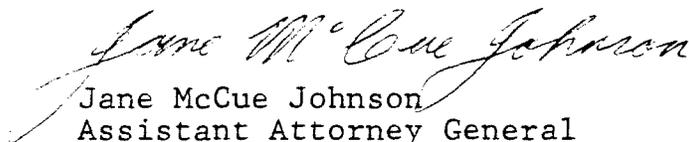
Ms. Doris Brantley

February 17, 1988

Page Three

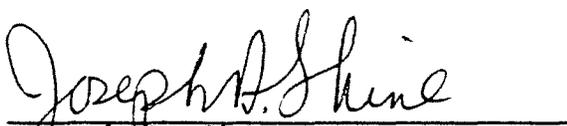
I trust the foregoing has satisfactorily responded to your questions. If further assistance or clarification is needed, please do not hesitate to contact me.

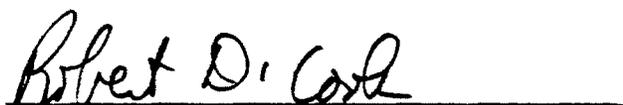
Sincerely yours,

  
Jane McCue Johnson  
Assistant Attorney General

JMJ/jps

REVIEWED AND APPROVED BY:

  
\_\_\_\_\_  
Joseph D. Shine  
Chief Deputy Attorney General

  
\_\_\_\_\_  
Robert D. Cook  
Executive Assistant for Opinions