

PROTOCOL 200 BARBER BUSINESS INSPECTIONS

All barber businesses shall receive an initial and thereafter, a **biennial routine inspection**. The criteria for inspection required by the Mississippi Board of Barber Examiners are set forth below:

- 200.001 **Inspection.** The Board or its agent shall conduct an on-site inspection when it is required OR upon notification that barber services are being rendered. Notification may include but not be limited to the following sources:
- A. The general public through any means of advertisement; or
 - B. A new or existing licensed barber applies for a location license or a licensee who is renewing their license and has indicated the establishment as their place of business, or
 - C. Notification by the MBBE office that the licensee's did not renew, 30 days after expiration; or
 - D. Renewal received by Board office after expired for five (5) years or more, or
 - E. Notification by the MBBE office that the license of a licensee has been suspended or revoked; or
 - F. Selection by the MBBE office for other valid reasons or random inspection.
- 200.001. A. The inspection shall be conducted within sixty (60) days of the receipt of notification.
- 200.001. B. The inspection may include but not be limited to the following purposes:
- 200.001. B.1. The inspection may be conducted for the following purposes:
- 1. To ascertain whether or not all barbers working on the premises are properly licensed and in compliance with all board regulations and statute.
 - 2. To ascertain whether or not the business or school is in compliance with MBBE including but not limited to equipment and sanitation requirements.
- 200.001. B.2. To ascertain whether or not a student or student instructor has been issued a permit to work until the next testing date and have met all graduation requirements; has made application for approval for examination and has completed the MBBE application for a permit to work that has been approved by the Board.
- 200.001. C. To ascertain whether the use of any room or place for barbering which is also used for residential or business purposes (except for the sale of hair tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco, and such commodities as are used or sold in a barbershop) unless a substantial partition of ceiling height separates the portion used for the residence or

business purposes from that in which such practice of barbering is carried on. [73-5-43]

- 200.001.D. To ascertain that any individual has obtained or attempted to obtain a certificate of registration for money other than the required fee, or any other thing of value, or by fraudulent misrepresentation; or practicing or attempting to practice by fraudulent misrepresentation. [73-5-43]
- 200.001.E To ascertain that an exempt person authorized to practice medicine and surgery; commissioned medical or surgical officer of the U.S. Army, Navy or Marine hospital service; registered nurses; cosmetologist; or persons whose practice is limited to only makeup artistry, threading or applying or removing eyelash extensions is providing shave, trim the beard, or cut the hair by the use of any electric instruments, razors, or shears, or additional services as provided in 73-5-39 [what constitutes practice of barbering].
- 200.002. **Criteria for Successful Completion of an Inspection**
- 200.002. A. The inspector shall complete the inspection report, a copy of which is attached hereto as Attachment D. and incorporated by reference.
- 200.002. B. The inspector shall issue a report on the inspection and a standard fine levied based on the fine schedule approved by the Board. After review by the Board, the Board will determine if there is a risk to the public.
- 200.002.C. The barber business may face fines and penalties as determined by the Board.
- 200.002. D. At the direction of the Board, the inspector may conduct a re-inspection within six (6) months of receipt of verification that all violations cited on the inspection report have been corrected and properly documented as determined by the Board.
- 200.002. E. If the establishment receives a ‘Satisfactory’ rating after re-inspection, the Board shall change the ‘Unsatisfactory’ rating and enter a ‘Satisfactory’ rating.
- 200.002. F. If the barber business does not comply with the requirements of the Board, the Board may refuse to issue, or may suspend definitely or indefinitely, or revoke any certificate of registration or license for any cause as defined in 73-5-25, as follows:
 - (a) Conviction of a felony shown by a certified copy of the judgment of court in which such conviction is had, unless upon a full and unconditional pardon of such convict, and upon satisfactory showing that such convict will in the future conduct himself in a law-abiding way.
 - (b) Gross malpractice or gross incompetency.

- (c) Continued practice by a person knowingly having an infectious or contagious disease.
- (d) Advertising, practicing, or attempting to practice under a trade name or name of other than one's own name.
- (e) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or habit-forming drug, or any other illegal controlled substances.
- (f) Immoral or unprofessional conduct.
- (g) Violation of regulations that may be prescribed as provided for in Section 73-5-7 through 73-5-43.

200.005. **Inspection Locations** – inspectors will be assigned by Districts. Multiple inspections may be located in each district based on total number of operating barber businesses within the respective district, as follows:

200.005. A. **District 1:** Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba, Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, and Yalobusha

200.005. B. **District 2:** Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys, Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower, Tunica, Warren, Washington, and Yazoo

200.005. C. **District 3:** Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba, Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith, and Winston

200.005. D. **District 4:** Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Simpson, Walthall, and Wilkinson

200.005. E. **District 5:** Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl River, Perry, and Stone

200.006. **Notification of Required Inspection**

The Board or its authorized agent, will release to the inspector the listing of the barber businesses that require inspection on a routine or as needed basis to ensure that all barber businesses are inspected as required by this protocol.

200.007 **Mileage Reimbursement**

200.007. A. Mileage reimbursement will be allowed if establishment is located at least 50 miles from the inspector's base station. The reimbursement rate will be that rate which has been approved by the State of Mississippi and which is based on the Mississippi State Department of Finance and Administration.

200.007. B. Mileage will be reimbursed monthly and must be submitted on Mississippi a standard billing form as issued by the Board along with supporting documentation.

200.008. **Overnight Accommodations**

200.008. A. No overnight accommodations will be reimbursable.

200.009. **Meal Reimbursement**

200.009. A. No meal expense will be reimbursable

200.010 **Site Inspection Rate**

200.010. A. Effective July 1, 2023, the inspection rate for each establishment will be as follows:

- 1) the Board will reimburse inspectors \$20 for completed inspections of a barber business, pending Board review and approval of the completed report forms.
- 2) If an establishment is closed permanently for business, that fact should be noted on the inspectors' report form, and reimbursement outside the 50-mile radius will be paid to inspectors.
- 3) If an inspector is unable to complete an inspection of an operating business for any reason, no reimbursement will be made until that inspection is completed and the Board has reviewed and approved the completed report form.
- 4) A fee of \$15.00 per hour will be paid if the inspector must testify in a hearing before the Board or an appeal.
- 5) Employees as designated as inspectors under State Personnel Board shall receive compensation as authorized by the Legislative Budget Office and approved by the Mississippi legislature.

200.010. B. Inspection billing will be issued on the 15th and the last working day of each month. The recap will be attached to each billing to support invoice.

200.011. **Reporting Requirements**

200.011. A. Inspector is responsible for clerical responsibilities relating to all inspections. Inspector recommendations and findings will be forwarded to the Executive Director 8 days prior to each Board meeting for timely distribution to the Board. All reports must include a recap report in Excel format, the standard format for MBBE. All MBBE inspectors and investigators must have an email address so the Board can correspond with them regarding their inspection/investigative findings.