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HOUSE BILL 1330
Committee Substitute Favorable 8/23/05
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Short Title: Amend Electrolysis Practice Act/Fees.

(Public)

Sponsors:

Referred to:

April 20, 2005

A BILL TO BE ENTITLED

AN ACT ALLOWING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO PROVIDE FOR THE LICENSURE OF LASER CLINICIANS AND LASER CLINICIAN INSTRUCTORS UPON MEETING CERTAIN REQUIREMENTS ESTABLISHED BY THE BOARD AND AUTHORIZING THE BOARD TO CHARGE FEES RELATED TO THOSE LICENSURES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 88A-2 reads as rewritten:

"§ 88A-2. Purpose.

The purpose of this Chapter is to ensure minimum standards of competency, to protect the public from misrepresentation of status by persons who hold themselves out to be ~~"certified electrologists", "licensed electrologists" or "licensed laser clinicians"~~ and to provide the public with safe care by the mandatory licensing of ~~electrologists, electrologists and laser clinicians.~~"

SECTION 2. G.S. 88A-4 reads as rewritten:

"§ 88A-4. Unlawful practice.

(a) ~~Effective January 31, 1994, it~~It shall be unlawful to engage in the practice of electrolysis or laser, light source, or pulsed-light treatments in this State without a license.

(b) Any person practicing laser, light source, or pulsed-light treatments in this State without being licensed by the Board shall be guilty of a Class I felony and may be assessed a civil penalty of five thousand dollars (\$5,000) per offense. Any other violation of this Chapter shall be a Class 2 misdemeanor. Nothing in this subsection shall limit or prevent any licensed physician from performing or delegating to a qualified person any acts otherwise permitted by law or established by custom."

SECTION 3. G.S. 88A-3 is amended by adding the following new subdivisions to read:

"§ 88A-3. Definitions.

As used in this Chapter, unless the context requires otherwise:

...

(5) 'Laser clinician' means a person who engages in laser, light source, or pulsed-light treatments of skin or hair.

(6) 'Laser, light source, or pulsed-light treatments' means the use of laser or pulsed-light devices for nonablative procedures for the removal of hair.

(7) 'Laser, light source, or pulsed-light devices' means a device used in the nonablative procedure for the removal of hair."

SECTION 4. G.S. 88A-9(b) reads as rewritten:

"(b) All fees may be calculated by the Board in amounts sufficient to pay the costs of administration of this act, but in no event may they exceed the following:

(1)	Application for licensure as an electrologist	\$150.00
(1a)	Initial license	150.00
(1b)	Examination or reexamination	125.00
(2)	Licensure of electrology renewal	200.00
(3)	Application for certification <u>licensure</u> as an electrology instructor.....	150.00
(4)	Certificate <u>Licensure</u> of electrology instructor renewal.....	75.00
(5)	Application for certification as a Board approved <u>Board-approved</u> school of electrology	500.00
(5a)	<u>Application for licensure as a laser clinician</u>	<u>150.00</u>
(5b)	<u>Licensure as laser clinician renewal</u>	<u>200.00</u>
(5b)	<u>Application for licensure as laser clinician instructor</u>	<u>150.00</u>
(5c)	<u>Licensure of laser clinician instructor renewal</u>	<u>75.00</u>
(5d)	<u>Application for certification as a Board-approved school of laser, light source, or pulsed-light treatments</u>	<u>500.00</u>
(5e)	<u>Certificate of Board-approved school of laser, light source, or pulsed-light renewal.....</u>	<u>250.00</u>
(6)	Certificate of Board approved <u>Board-approved</u> school of electrology renewal	250.00
(6a)	Certification of out-of-state schools	100.00
(6b)	Certification of out-of-state schools renewal	75.00
(6c)	Office inspection or reinspection	100.00
(6d)	License by reciprocity	150.00
(7)	Late renewal charge	75.00
(8)	Reinstatement of expired license <u>or certification</u>	300.00
(9)	Reactivation of license	200.00
(10)	Duplicate license <u>or certification</u>	25.00."

SECTION 5. G.S. 88A-10 reads as rewritten:

"§ 88A-10. **Requirements for licensure as an ~~electrologist~~electrologist or a laser clinician.**

(a) Any person who desires to be licensed as an "electrologist" pursuant to this Chapter shall:

- 1 (1) Submit an application on a form approved by the Board.
- 2 (2) Be a resident of North Carolina.
- 3 (3) Be ~~18-21~~ years of age or older.
- 4 (4) Meet the requirements of subsection (a1) of this section.
- 5 (5) Pass an examination given by the Board.
- 6 (6) Submit the application and examination fees required in
- 7 G.S. 88A-9(b).
- 8 (a1) An applicant for licensure under this section shall provide:
- 9 (1) Proof of graduation from a school certified by the Board pursuant to
- 10 G.S. 88A-19; or
- 11 (2) Proof satisfactory to the Board that, for at least one year prior to the
- 12 date of application or the date of initial residence in this State,
- 13 whichever is earlier, the applicant was engaged in the practice of
- 14 electrology in a state that does not license electrologists.

15 Subdivision (2) of this subsection applies only to applicants whose residence in this
16 State began on or after January 31, 1994, who do not meet the qualifications of
17 subdivision (1) of this subsection or G.S. 88A-12.

18 (b) At least twice each year, the Board shall give an examination to applicants for
19 licensure to determine the applicants' knowledge of the basic and clinical sciences
20 relating to the theory and practice of electrology. The Board shall give applicants notice
21 of the date, time, and place of the examination at least 60 days in advance.

22 (c) When the Board determines that an applicant has met all the requirements for
23 licensure, and has submitted the initial license fee required in G.S. 88A-9(b), the Board
24 shall issue a license to the applicant.

25 (d) An applicant otherwise qualified for licensure who is not a resident of this
26 State may nevertheless submit a statement of intent to begin practicing electrology in
27 this State and receive a license. The applicant must provide to the Board within six
28 months of receiving a license evidence satisfactory to the Board that the applicant has
29 actually begun to practice electrology in this State. The Board may revoke the license of
30 an applicant who fails to submit this proof or whose proof fails to satisfy the Board.

31 (e) A person seeking licensure by the Board as a laser clinician shall have met
32 the following requirements at the time the license is requested:

- 33 (1) Be a licensed electrologist.
- 34 (2) Completed a 30-hour laser, light source, or pulsed-light treatment
35 certification course approved by the Board and in accordance with
36 rules adopted by the Board.
- 37 (3) Is currently using or anticipates using laser, light source, or
38 pulsed-light devices that the person has been certified to operate."

39 **SECTION 6.** G.S. 88A-12 reads as rewritten:

40 "**§ 88A-12. License renewal.**

41 (a) Every electrologist license or laser clinician license issued pursuant to this
42 Chapter must be renewed annually. On or before the date the current license expires, a
43 person who desires to continue to practice electrology or as a laser clinician shall apply
44 for license renewal to the Board on forms approved by the Board, provide evidence of

1 the successful completion of a long-term educational program approved by the Board,
2 meet the criteria for renewal established by the Board, and pay the required fee. The
3 Board may provide for the late renewal of licensure upon payment of a late fee as set by
4 the Board, but late renewal may not be granted more than 90 days after expiration of the
5 license.

6 (b) Any person who has failed to renew his or her license for more than 90 days
7 after expiration may have it reinstated by applying to the Board for reinstatement on a
8 form approved by the Board, furnishing a statement of the reason for failure to apply for
9 renewal prior to the deadline, and paying the required fee. The Board may require
10 evidence of competency to resume practice before reinstating the applicant's license."

11 **SECTION 7.** G.S. 88A-13 is amended by adding the following new
12 subsection to read:

13 "(d) Laser clinicians are required to complete 10 hours of continuing education
14 annually to maintain their licensure."

15 **SECTION 8.** Chapter 88A of the General Statutes is amended by adding the
16 following new section to read:

17 "**§ 88A-17.1. Requirements for licensure as a laser clinician instructor.**

18 (a) Any person who desires licensure as a 'laser clinician instructor' pursuant to
19 this Chapter shall meet the following requirements:

20 (1) Submit an application on a form approved by the Board.

21 (2) Be a licensed electrologist.

22 (3) Be a licensed electrology instructor.

23 (4) Have practiced laser and light-based treatments actively for at least
24 one year immediately before the application.

25 (5) Have at least 100 hours of training in laser and light-based treatments.

26 (b) When the Board determines that an applicant has met all qualifications for
27 certification as a laser clinician instructor and has submitted the required fee, the Board
28 shall issue an instructor's license to the applicant."

29 **SECTION 9.** G.S. 88A-18 reads as rewritten:

30 "**§ 88A-18. Renewal of instructor's ~~certificate~~ license.**

31 An electrology or laser clinician instructor's ~~certificate~~ license shall be renewed
32 annually. On or before the date the current ~~certificate~~ license expires, the applicant must
33 submit an application for renewal of ~~certification~~ licensure on a form approved by the
34 Board, meet criteria for renewal established by the Board, and pay the required fee. Any
35 person whose instructor's ~~certificate~~ license has expired for a period of five years or
36 more shall be required to take and pass the instructor's examination before the ~~certificate~~
37 license can be renewed."

38 **SECTION 10.** Chapter 88A of the General Statutes is amended by adding
39 the following new section to read:

40 "**§ 88A-19.1. Requirements for certification as a Board-approved school of laser,**
41 **light source, or pulsed-light treatments.**

42 (a) Any school in this State or another state that desires to be certified as a
43 Board-approved school of laser, light source, or pulsed-light treatments shall:

44 (1) Submit an application on a form approved by the Board;

- 1 (2) Submit a detailed projected floor plan of the institutional area
2 demonstrating adequate school facilities to accommodate students for
3 purposes of lectures, classroom instruction, and practical
4 demonstration;
5 (3) Submit a detailed list of the equipment to be used by the students in
6 the practical course of their studies;
7 (4) Submit a copy of the planned laser, light source, or pulsed-light
8 curriculum consisting of the number of hours and subject matter
9 determined by the Board, provided that the number of hours required
10 shall not be less than 30 hours and not more than 100 hours;
11 (5) Submit a certified copy of the school manual of instruction;
12 (6) Submit the names and qualifications of the licensed instructors; and
13 (7) Any additional information the Board may require.
14 (b) When the Board determines that an applicant has met all the qualifications for
15 certification as a Board-approved school of laser, light source, or pulsed-light treatments
16 and has submitted the required fee, the Board shall issue a certificate to the applicant.
17 (c) A school's certification is only valid for the location named in the application.
18 When a school desires to change locations, an application shall be submitted to the
19 Board on a form furnished by the Board, and the fee shall be paid for certificate
20 renewal.
21 (d) A school's certification is not transferrable. Schools must immediately notify
22 the Board in writing of any sale, transfer, or change in ownership or management.
23 (e) Every school shall display its certification in a manner prescribed by the
24 Board.
25 (f) All laser, light source, or pulsed-light devices used in the school must be
26 approved by the federal Food and Drug Administration."

27 **SECTION 11.** G.S. 88A-20 reads as rewritten:

28 "**§ 88A-20. Certification renewal.**

29 Every certificate issued pursuant to G.S. 88A-19 or G.S. 88A-19.1 shall be renewed
30 annually. On or before the date the current certificate expires, the applicant must submit
31 an application for renewal of certification on a form approved by the Board, meet
32 criteria for renewal established by the Board, and pay the required fee. Failure to renew
33 the certificate within 90 days after the expiration date shall result in automatic forfeiture
34 of any certification issued pursuant to this Chapter."

35 **SECTION 12.** Section 2 of this act becomes effective December 1, 2005,
36 and applies to offenses committed on or after that date. The remainder of this act is
37 effective when it becomes law.