

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in G.S. 86B-65, established a new pathway to licensure and required the board to adopt rules to govern the program. Adherence to normal notice and hearing requirements would create a situation where the board had no rules for the electrology apprenticeship program.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on: February 28, 2023

Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06O .0201

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Throughout the Rule (and in several others throughout this packet), the Board states that a penalty is “presumptive” without defining the term. The ordinary meaning of the term suggests that the amount could be challenged and that upon some kind of showing the Board could assess a different amount, yet there appears to be no process for that described or referenced in this Rule. If this process is described elsewhere, please cross-reference it here. Otherwise, I think you need to describe what the term “presumptive” means here.

In (a) and (b), against whom is the penalty assessed? Please specify in the Rule.

In (g), line 36, (h), p.2, line 4, and (i) line 6, I think you need a more specific cross-reference than “this Chapter”, particularly where there are several subchapters and sections.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06O .0201 is adopted under temporary procedures as follows:

2
3 **SECTION .0200 – ELECTROLYSIS**

4
5 **21 NCAC 06O .0201 ELECTROLOGY APPRENTICESHIP PROGRAM**

6 (a) The presumptive civil penalty for operating an electrology apprenticeship program without Board approval:

7 (1) 1st offense \$300.00

8 (2) 2nd offense \$400.00

9 (3) 3rd offense \$500.00

10 (b) The presumptive civil penalty for accepting tuition from or enrolling a student before the Board has issued a
11 student permit:

12 (1) 1st offense \$300.00

13 (2) 2nd offense \$400.00

14 (3) 3rd offense \$500.00

15 (c) The presumptive civil penalty for an individual engaging as a student in an electrology apprenticeship program
16 before the Board has issued a student permit:

17 (1) 1st offense \$200.00

18 (2) 2nd offense \$300.00

19 (3) 3rd offense \$500.00

20 (d) The presumptive civil penalty for an electrology apprenticeship program failing to comply with the facility
21 requirements as set forth in 21 NCAC 06Z .0103:

22 (1) 1st offense \$250.00

23 (2) 2nd offense \$400.00

24 (3) 3rd offense \$500.00

25 (e) The presumptive civil penalty for an electrology apprenticeship program providing practical training without the
26 student permit displayed at the electrology station:

27 (1) 1st offense \$100.00

28 (2) 2nd offense \$150.00

29 (3) 3rd offense \$250.00

30 (f) The presumptive civil penalty for an electrology apprenticeship program providing training without an instructor
31 present:

32 (1) 1st offense \$150.00

33 (2) 2nd offense \$300.00

34 (3) 3rd offense \$500.00

35 (g) The presumptive civil penalty for an electrology apprenticeship program failing to maintain records required by
36 this Chapter:

37 (1) 1st offense \$200.00

1 (2) 2nd offense \$250.00

2 (3) 3rd offense \$500.00

3 (h) The presumptive civil penalty for an electrology apprenticeship program falsifying records required by this
4 Chapter: \$500.00.

5 (i) The presumptive civil penalty for an electrology apprenticeship program failing to submit records required by this
6 Chapter:

7 (1) 1st offense \$200.00

8 (2) 2nd offense \$350.00

9 (3) 3rd offense \$500.00

10 (j) The presumptive civil penalty for an electrology apprenticeship program allowing an individual to instruct without
11 an instructor authorization:

12 (1) 1st offense \$200.00

13 (2) 2nd offense \$300.00

14 (3) 3rd offense \$500.00

15 (k) The presumptive civil penalty for an individual instructing without authorization from the Board at an electrology
16 apprenticeship program:

17 (1) 1st offense \$200.00

18 (2) 2nd offense \$300.00

19 (3) 3rd offense \$500.00

20 (l) The presumptive civil penalty for an individual failing to submit the required notification set forth in 21 NCAC
21 06Z .0106(c):

22 (1) 1st offense \$50.00

23 (2) 2nd offense \$100.00

24 (3) 3rd offense \$200.00

25

26 History Note: Authority G.S. 86B-10; 86B-65;

27 Temporary Adoption Eff. June 1, 2023.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in Chapter 86B, established a new board. Although there was a board that previously existed and that had jurisdiction over electrologists and laser-hair practitioners, the General Assembly eliminated that agency and transferred responsibility for regulation of those industries to the new board. This new Board determined that a civil penalty needed to be established for noncompliance with the licensure requirements of the new Chapter 86B.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes**
Agency submitted request for consultation on: February 28, 2023
Consultation not required. Cite authority:
- No**

9. Rule-making Coordinator:

Dennis Seavers
Phone:
919-814-0641
E-Mail:
dennis.seavers@nc.gov

Agency contact, if any:

Phone:
E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:
Sherod Holloway
Title:
Chairman
E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06O .0202

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In your Findings of Need form for this Rule, the Board states that adherence to the notice and hearing requirements is contrary to the public interest and the immediate adoption of the rule is required because the “new Board determined that a civil penalty needed to be established for noncompliance” with the new Chapter 86B after the GA transferred jurisdiction from the old board. Looking at the Session Law, it doesn’t appear that anything relating to the penalty for unlicensed practice was changed, other than the recodification. Thus, if the old board had jurisdiction and could have created this Rule, and the only change made by the SL here is to jurisdiction, I’m not sure that I understand your argument for why the notice and hearing requirements are contrary to the public interest. Can you provide some additional information or justification for engaging in temporary rulemaking for this Rule?

Throughout the Rule (and in several others throughout this packet), the Board states that a penalty is “presumptive” without defining the term. The ordinary meaning of the term suggests that the amount could be challenged and that upon some kind of showing the Board could assess a different amount, yet there appears to be no process for that described or referenced in this Rule. If this process is described elsewhere, please cross-reference it here. Otherwise, I think you need to describe what the term “presumptive” means here.

On line 5, I think rather than a colon between “license” and the penalty, you should just say “is”. The colon seems more appropriate for a list, while this is just a single sentence.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06O .0202 is adopted under temporary procedures as follows:

2

3 **21 NCAC 06O .0202 UNLICENSED PRACTICE**

4 The presumptive civil penalty for an individual engaging in the practice of electrology or laser, light source, or pulsed-
5 light treatments without a license: \$5,000.

6

7 *History Note: Authority G.S. 86B-10; 86B-52;*

8 *Temporary Adoption Eff. June 1, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in Chapter 86B, established a new board that did not previously exist. Although there was a board that previously existed and that had jurisdiction over schools for electrologists and laser-hair practitioners, the General Assembly eliminated that agency and transferred responsibility for regulation of those industries to the new board. This new Board determined that a civil penalty needed to be established for noncompliance with the licensure requirements of the new Chapter 86B.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on: February 28, 2023

Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06O .0203

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In your Findings of Need form for this Rule, the Board states that adherence to the notice and hearing requirements is contrary to the public interest and the immediate adoption of the rule is required because the “new Board determined that a civil penalty needed to be established for noncompliance” with the new Chapter 86B after the GA transferred jurisdiction from the old board. Looking at the Session Law, it doesn’t appear that anything relating to the penalty for unlicensed practice was changed, other than the recodification. Thus, if the old board had jurisdiction and could have created this Rule, and the only change made by the SL here is to jurisdiction, I’m not sure that I understand your argument for why the notice and hearing requirements are contrary to the public interest. Can you provide some additional information or justification for engaging in temporary rulemaking for this Rule?

Throughout the Rule (and in several others throughout this packet), the Board states that a penalty is “presumptive” without defining the term. The ordinary meaning of the term suggests that the amount could be challenged and that upon some kind of showing the Board could assess a different amount, yet there appears to be no process for that described or referenced in this Rule. If this process is described elsewhere, please cross-reference it here. Otherwise, I think you need to describe what the term “presumptive” means here.

In (a), line 4, against whom is this penalty enforced? The other paragraphs state that the penalty is “for a school...” indicating that the school itself would be responsible for paying the penalty. Here, you say the penalty is for “operating” the school, which suggests an owner. Please revise for clarity.

In (c), line 15, I think you need a more specific cross-reference than “this Chapter”, particularly where there are several subchapters and sections. Also, please consider removing the colon and substituting “is” just to make this a complete sentence.

Brian Liebman
Commission Counsel

Date submitted to agency: May 2, 2023

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06O .0203 is adopted under temporary procedures as follows:

2

3 **21 NCAC 06O .0203 SCHOOLS**

4 (a) The presumptive civil penalty for operating a school of electrology or laser, light source, or pulsed-light treatments
5 without certification pursuant to G.S. 86B-67:

6 (1) 1st offense \$300.00

7 (2) 2nd offense \$400.00

8 (3) 3rd offense \$500.00

9 (b) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments failing
10 to maintain records required by this Chapter:

11 (1) 1st offense \$200.00

12 (2) 2nd offense \$250.00

13 (3) 3rd offense \$500.00

14 (c) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments falsifying
15 records required by this Chapter: \$500.00.

16 (d) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments failing
17 to submit records required by this Chapter:

18 (1) 1st offense \$200.00

19 (2) 2nd offense \$350.00

20 (3) 3rd offense \$500.00

21 (e) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments failing
22 to comply with the facility requirements as set forth in 21 NCAC 06X .0106 and .0107:

23 (1) 1st offense \$250.00

24 (2) 2nd offense \$400.00

25 (3) 3rd offense \$500.00

26 (f) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments failing
27 to comply with the student-instructor ratio set forth in 21 NCAC 06X .0110:

28 (1) 1st offense \$250.00

29 (2) 2nd offense \$400.00

30 (3) 3rd offense \$500.00

31

32 *History Note: Authority G.S. 86B-10; 86B-67; 86B-68;*

33 *Temporary Adoption Eff. June 1, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in G.S. 86B-65, established a new pathway to licensure and required the board to adopt rules to govern the program. Adherence to normal notice and hearing requirements would create a situation where the board would not be able to charge the new fees, which are a source of board revenue. The legislation also allowed the board to charge a higher amount for examinations to match the current amount charged by the vendor. Temporary rules are necessary to allow the board to charge the actual rate for exams and to implement the new legislative provision.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on: February 28, 2023

Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

Agency contact, if any:

Phone:

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06U .0101

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In your History Note, the reference to G.S. 88A-9 needs to be changed to account for the recodification. It looks to me like the two paragraphs there were split up, and (a) went to G.S. 86B-6, while (b) went to 86B-70, which I think is probably the correct citation. Please correct.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06U .0101 is amended under temporary procedures as follows:

2

3 **21 NCAC 06U .0101 FEES**

4 (a) The following fees are payable to the Board for licensure as an electrologist:

5	(1)	Application for licensure	\$150.00
6	(2)	Initial licensure	\$125.00
7	(3)	Renewal of licensure	\$125.00

8 (b) The following fees are payable to the Board for licensure as a laser hair practitioner:

9	(1)	Application for licensure	\$125.00
10	(2)	Initial licensure	\$125.00
11	(3)	Renewal of licensure	\$150.00

12 (c) The following fees are payable to the Board for certification as an instructor:

13	(1)	Application for Electrology instructor	\$150.00
14	(2)	Renewal of Electrology instructor	\$125.00
15	(3)	Application for laser hair practitioner instructor	\$150.00
16	(4)	Renewal of laser hair practitioner instructor	\$125.00

17 (d) The following fees are payable to the Board for certification as a Board approved school:

18	(1)	IN STATE SCHOOL	
19	(A)	Application for certification as an Electrology school	\$250.00
20	(B)	Renewal of certification as an Electrology school	\$150.00
21	(C)	Application for certification as a laser, light source,	
22		or pulse light treatment school	\$250.00
23	(D)	Renewal of certification for a laser, light source,	
24		or pulse light treatment school	\$150.00
25	(2)	OUT-OF-STATE SCHOOL	
26	(A)	Application for certification as an Electrology school	\$400.00
27	(B)	Initial certification as an Electrology school	\$100.00
28	(C)	Renewal of certification for an Electrology school	\$100.00
29	(D)	Application for certification as a laser, light source,	
30		or pulse light treatment school	\$350.00
31	(E)	Initial certification as a laser, light source,	
32		or pulse light treatment school	\$75.00
33	(F)	Renewal of certification as a laser, light source,	
34		or pulse light treatment school	\$100.00

35 (e) The following other fees are payable to the Board:

36	(1)	Electrologist Examination or reexamination	\$125.00 <u>\$150.00</u>
37	(2)	Office inspection or re-inspection	

1	(A)	Electrologist – per licensee, for each office site	\$100.00
2	(B)	Laser Hair Practitioner – per licensee, for each office site	\$100.00
3	(C)	<u>Electrology apprenticeship program facility</u>	<u>\$100.00</u>
4	(3)	License by reciprocity	\$125.00
5	(4)	Late renewal charge	\$50.00
6	(5)	Reinstatement of expired license	\$250.00
7	(6)	Reinstatement of instructor licensure	\$250.00
8	(7)	Reactivation of license	\$150.00
9	(8)	Reactivation of instructor licensure	\$150.00
10	(9)	Duplicate license	\$25.00

11 (f) All fees shall be paid only by ~~check~~ check, cashier check, official check, teller check, or money order, made
12 payable to "~~The North~~ "North Carolina Board of Barber and Electrolysis Examiners."

13 (g) Renewal fees required for Subparagraphs (a)(3), (b)(3), (c)(2), (c)(4), (e)(2), and (e)(9) of this Rule shall be waived
14 for licensees under this Chapter ~~that~~ who are exempt from renewal fees under G.S. 93B-15.

15

16 *History Note: Authority G.S. 88A-9; 93B-15;*
17 *Temporary Adoption Eff. December 1, 1991 for a period of 62 days to expire on February 1, 1992;*
18 *Eff. January 1, 1992;*
19 *Temporary Amendment Eff. September 17, 2001;*
20 *Amended Eff. September 1, 2015; October 9, 2010; December 4, 2002;*
21 *Readopted Eff. September 1, 2019;*
22 *Recodified from 21 NCAC 19 .0201 Eff. January 1, ~~2023~~ 2023;*
23 *Temporary Amendment Eff. June 1, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in G.S. 86B-65, established a new pathway to licensure and required the board to adopt rules to govern the program. Adherence to normal notice and hearing requirements would create a situation where the board had no rules for the electrology apprenticeship program.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06U .0106

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 4, with whom must the application be filed, and who is required to file the application? Please revise in the active tense, which should fix both issues.

In (b), line 13, same question about who is required to submit the application. Again, please revise in the active tense.

Also in (b), you refer to the "address" in 21 NCAC 06A .0102. That rule contains both a physical mailing address and an email address. I think you need to revise and clarify which address you're referring to.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06U .0106 is adopted under temporary procedures as follows:

2

3 **21 NCAC 06U .0106 STUDENT PERMIT FOR ELECTROLOGY APPRENTICESHIP PROGRAM**

4 (a) The application for a student permit shall be filed for permission to enroll in an electrology apprenticeship program.

5 The application requires the following:

6 (1) the name, address, social security number, and birth date of the applicant;

7 (2) the name, address, email address, and website address of the electrology business where the
8 apprenticeship program will occur;

9 (3) the name and license number of the electrologist under whom the applicant will study;

10 (4) the name of the owner of the electrology business where the apprenticeship program will occur, if
11 the owner is different from the person listed in Subparagraph (3) of this Paragraph; and

12 (5) the date when the apprenticeship program will begin.

13 (b) The application shall be submitted to the Board at the address in 21 NCAC 06A .0102.

14

15 *History Note: Authority G.S. 86B-65; 93B-14;*

16 *Temporary Adoption Eff. June 1, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in G.S. 86B-65, established a new pathway to licensure and required the board to adopt rules to govern the program. Adherence to normal notice and hearing requirements would create a situation where the board had no rules for the electrology apprenticeship program.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06U .0107

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), lines 4-5, where shall the form be filed? Obviously it's with the Board, but please revise for clarity to say that.

In (b), line 7, the term "include" connotes an open-ended requirement. Is there anything else that must be on the report or form?

In (c), line 13, the report has to be signed by the instructor, but in (a), you say the report has to be filed by the instructor OR the owner. Was "owner" omitted here intentionally? Adding to the confusion, 06Z .0104(f) and 06Z .0108(a) say that the "instructor" shall submit the report. Also, in 06Z .0108 the instructor is required to submit a "sworn statement" but here an attestation is required. Are these different requirements? Please clarify and revise.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06U .0107 is adopted under temporary procedures as follows:
2

3 **21 NCAC 06U .0107 MONTHLY REPORTS FOR ELECTROLOGY APPRENTICESHIP PROGRAM**

4 (a) The monthly report for an electrology apprenticeship program is a Board-prescribed form that shall be filed by
5 the program instructor or facility owner. The form shall be available at the website addresses listed in 21 NCAC 06A
6 .0102.

7 (b) The monthly report shall include the following information:

8 (1) the name of the electrology apprenticeship program;

9 (2) the name of the student;

10 (3) the month and year for which the report is filed; and

11 (4) the dates and number of hours of the student's attendance, with the hours broken down by the topics
12 in the curriculum set forth in 21 NCAC 06Z .0102.

13 (c) The monthly report shall be signed by the instructor, who shall attest that the contents of the report are accurate.
14

15 *History Note: Authority G.S. 86B-65;*

16 *Temporary Adoption Eff. June 1, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in G.S. 86B-65, established a new pathway to licensure and required the board to adopt rules to govern the program. Adherence to normal notice and hearing requirements would create a situation where the board had no rules for the electrology apprenticeship program.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06U .0108

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a)(2), whose license number are you asking for? The applicant?

In (a)(3), line 9, who must complete the CE? The applicant? Please revise for clarity.

Also in (a)(3), it isn't clear what kind of CE you're requiring. G.S. 86B-65(d)(3) only states that the applicant shall obtain "one hour of Board-approved continuing education." Beyond stating that "this continuing education" is separate from CE required for other licenses, the Board doesn't say what would or would not make it "Board-approved." If all that is required is that the applicant take an extra hour of any kind of CE, then I think the Rule doesn't state that clearly and needs to be revised. Alternatively, if there's some specific subject matter requirement, you need to say what it is.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06U .0108 is adopted under temporary procedures with changes as follows:

2

3 **21 NCAC 06U .0108 APPLICATION FOR INSTRUCTOR IN ELECTROLOGY APPRENTICESHIP**
4 **PROGRAM**

5 (a) An application shall be filed by an individual who seeks Board authorization as an instructor in an electrology
6 apprenticeship program. The application requires the following:

7 (1) the name, address, and birth date of the applicant;

8 (2) the current electrology license number; and

9 (3) ~~Evidence~~ evidence of completing the Board-approved continuing education as set forth in G.S. 86B-
10 65(d)(3). This continuing education shall be separate from continuing education received for other
11 licenses issued by the Board.

12 (b) The form shall include the applicant's attestation that the information in the form is correct.

13

14 *History Note: Authority G.S. 86B-65;*

15 *Temporary Adoption Eff. June 1, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in G.S. 86B-65, established a new pathway to licensure and required the board to adopt rules to govern the program. Adherence to normal notice and hearing requirements would create a situation where the board had no rules for the electrology apprenticeship program.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers
Phone:
919-814-0641
E-Mail:
dennis.seavers@nc.gov

Agency contact, if any:

Phone:
E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:
Sherod Holloway
Title:
Chairman
E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06U .0109

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 5, I'm not sure the reference to "this Section" is correct, considering that the apprenticeship is largely governed by Subchapter 06Z. Please clarify and revise if appropriate.

In (a)(5), line 12, the reference to 22 CFR 21.26 is incorrect, as this cite doesn't seem to exist in the CFR. Please correct. Also, I think you need to incorporate it by reference pursuant to G.S. 150B-21.6.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06U .0109 is adopted under temporary procedures with changes as follows:

2
3 **21 NCAC 06U .0109 POST-APPRENTICESHIP APPLICATION FOR LICENSURE**

4 (a) The post-apprenticeship application for licensure shall be filed by an individual who has completed an
5 electrology apprenticeship program as set forth in ~~S.L. 2022-72, s. 2~~, G.S. 86B-65 and this Section. The application
6 requires the following information:

- 7 (1) the name, address, social security number, and birthdate of the applicant;
- 8 (2) the name and address of the electrology apprenticeship program;
- 9 (3) the name of the instructor of the electrology apprenticeship program;
- 10 (4) the names and addresses of the two electrologist offices where the applicant visited, as well as the
11 dates when the visits occurred, as required by ~~S.L. 2022-72, s. 2~~; G.S. 86B-65(a)(2);
- 12 (5) a passport-acceptable ~~photograph~~ photograph, as set forth in 22 CFR 21.26, except that the photo
13 may have been taken within the past two years; and
- 14 (6) proof of age as evidenced by a copy of a current:
- 15 (A) driver license or identification card issued by a state or territory in the United States;
- 16 (B) United States passport or passport card;
- 17 (C) United States permanent resident card;
- 18 (D) United States employment authorization document card;
- 19 (E) birth certificate issued by a state, county, municipal authority, or outlying territory of the
20 United States;
- 21 (F) consular report of birth abroad, certification of birth abroad issued by the United States
22 Department of State, or certification of report of birth issued by the United States
23 Department of State; or
- 24 (G) Native American tribal document.

25 (b) The fee in Rule .0101 of this Section shall be submitted with the application.

26 (c) The application form shall include the applicant's attestation that the information in the form is correct.

27
28 *History Note: Authority G.S. 86B-65; 93B-14;*

29 *Temporary Adoption Eff. June 1, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in G.S. 86B-65, established a new pathway to licensure and required the board to adopt rules to govern the program. Adherence to normal notice and hearing requirements would create a situation where the board had no rules for the electrology apprenticeship program.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06U .0110

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a)(4), line 12, I think "business hours" needs a little clarification – do you mean the "business's hours of operation"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06U .0110 is adopted under temporary procedures as follows:
2

3 **21 NCAC 06U .0110 APPLICATION FOR APPROVAL AS AN ELECTROLOGY APPRENTICESHIP**
4 **PROGRAM**

5 (a) An application shall be filed by a facility that wishes to offer an electrology apprenticeship program. The
6 application requires the following:

7 (1) the name and address of the business;

8 (2) the names, addresses, and authorization numbers of the instructors for the electrology apprenticeship
9 program;

10 (3) the names and addresses of the owners of the electrology apprenticeship program, if different from
11 the information provided under Subparagraph (2) of this Paragraph;

12 (4) the business hours;

13 (5) the physical dimension of the training area;

14 (6) the number of treatment tables; and

15 (7) the date the business will be ready for inspection.

16 (b) The fee required by Rule .0101 of this Section shall accompany the application.

17 (c) The application shall include the applicant's attestation that the information in the form is correct.
18

19 *History Note: Authority G.S. 86B-65;*

20 *Temporary Adoption Eff. June 1, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in G.S. 86B-65, established a new pathway to licensure and required the board to adopt rules to govern the program. Adherence to normal notice and hearing requirements would create a situation where the board had no rules for the electrology apprenticeship program.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers
Phone:
919-814-0641
E-Mail:
dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:
Sherod Holloway
Title:
Chairman
E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06Z .0101

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (c), line 11, who is filing the application? Please rewrite in the active tense.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06Z .0101 is adopted under temporary procedures as follows:
2

3 **SUBCHAPTER 06Z – ELECTROLOGY APPRENTICESHIP PROGRAM**
4

5 **21 NCAC 06Z .0101 ENROLLMENT REQUIREMENTS AND STUDENT PERMITS**

6 (a) An electrology apprenticeship program shall not accept tuition from or enroll a student unless the student has
7 submitted the application for a student permit required by 21 NCAC 06U .0106 and been issued a student permit by
8 the Board.

9 (b) The student permit shall only be valid for a specific electrology apprenticeship program and cannot be used in
10 another location.

11 (c) A new application for a student permit shall be filed with the Board for a student who drops out of the program
12 and later re-enrolls.

13 (d) Before accepting tuition or enrolling a student, the apprenticeship program shall notify a student applicant of the
14 minimum qualifications for licensure as an electrologist as set forth in G.S. 86B-53, including the minimum-age
15 requirement. The apprenticeship program shall have the applicant sign and date the notice indicating that the applicant
16 has been informed of the qualifications. The apprenticeship program shall retain the signed and dated notice for at
17 least one year after the student terminates from the program.

18
19 *History Note: Authority G.S. 86B-65;*
20 *Temporary Adoption Eff. June 1, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in G.S. 86B-65, established a new pathway to licensure and required the board to adopt rules to govern the program. Adherence to normal notice and hearing requirements would create a situation where the board had no rules for the electrology apprenticeship program.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06Z .0102

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

None.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06Z .0102 is adopted under temporary procedures as follows:

2

3 **21 NCAC 06Z .0102 CURRICULUM**

4 (a) The curriculum for an electrology apprenticeship program shall consist of 625 hours of technical instruction and
5 practical training as set below:

	<u>Hours</u>
<u>Electrology Fundamentals I</u>	
<u>Clinical techniques</u>	50
<u>Infectious agents and sterilization</u>	24
<u>Histology of the cell and skin</u>	24
<u>Histology of the hair</u>	24
<u>Modalities: galvanic, thermolysis, blend, and epilators</u>	44
<u>Electrology Fundamentals II</u>	
<u>Endocrine system</u>	20
<u>Disease and disorders of the skin</u>	24
<u>Electricity</u>	10
<u>Anatomy and physiology</u>	20
<u>Business procedures and regulations</u>	10
<u>Onsite Practical Training</u>	
<u>General orientation</u>	
<u>Rules of the program</u>	1
<u>Personal hygiene and dress</u>	1
<u>Professional ethics and office rules</u>	1
<u>Laws governing electrolysis</u>	1
<u>Pathology</u>	
<u>Sanitation, sterilization, and disinfection</u>	2
<u>State regulations on pathogen control</u>	1
<u>Variables</u>	
<u>Probes</u>	1
<u>Intensity</u>	2
<u>Timing</u>	2
<u>Depth of insertion</u>	5
<u>Angle of insertion</u>	15
<u>General Treatment Procedures</u>	
<u>Consultations</u>	5
<u>Positioning and draping of the client while working</u>	2
<u>Observation of modalities</u>	

37

1	<u>Electrolysis (DC – galvanic)</u>	<u>5</u>
2	<u>Thermolysis (SW – shortwave)</u>	<u>15</u>
3	<u>Blend (combination of galvanic and shortwave)</u>	<u>10</u>
4	<u>Hands-on experience with modalities</u>	
5	<u>Electrolysis (DC – galvanic)</u>	<u>25</u>
6	<u>Thermolysis (SW – shortwave)</u>	<u>200</u>
7	<u>Blend (combination of galvanic and shortwave)</u>	<u>75</u>
8	<u>Equipment maintenance and upkeep</u>	<u>1</u>
9	<u>Development of practice: public relations and advertisement, office procedure and management,</u>	
10	<u>financial recordkeeping, customer service, and office upkeep</u>	<u>5</u>
11		<u>Total Hours 625</u>

12 (b) The student shall complete Electrology Fundamentals I before beginning other parts of the curriculum. The student
13 shall not begin Onsite Practical Training before Electrology Fundamentals II, although the student may do Onsite
14 Practical Training at the same time as Electrology Fundamentals II.

15 (c) The student shall complete Electrology Fundamentals I within a 25-week time frame. The student shall complete
16 both Electrology Fundamentals II and Onsite Practical Training within a 52-week time frame.

17 (d) The electrology apprenticeship program may offer Electrology Fundamentals I and Electrology Fundamentals II
18 online. The program shall only offer Onsite Practical Training, as described in Paragraph (a) of this Rule, in person.

19 (e) The electrology apprenticeship program shall administer exams for each topic under Electrology Fundamentals I
20 and Electrology Fundamentals II, as set forth in Paragraph (a) of this Rule, to determine whether a student has an
21 understanding of the material that is satisfactory to the program.

22 (f) The electrology apprenticeship program shall use the following textbooks:

23 (1) “Milady’s Hair Removal Techniques: A Comprehensive Manual”; and

24 (2) “Milady’s Standard Esthetics.”

25
26 *History Note: Authority G.S. 86B-65;*

27 *Temporary Adoption Eff. June 1, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in G.S. 86B-65, established a new pathway to licensure and required the board to adopt rules to govern the program. Adherence to normal notice and hearing requirements would create a situation where the board had no rules for the electrology apprenticeship program.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06Z .0103

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (b), line 24, please incorporate the CFR citation by reference pursuant to G.S. 150B-21.6.

In (d)(1), line 29, what is "medical-grade clothing"?

In (e), line 34, please define "easily seen" or revise.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06Z .0103 is adopted under temporary procedures with changes as follows:

2
3 **21 NCAC 06Z .0103 FACILITY REQUIREMENTS**

4 (a) A North Carolina electrology facility that offers an electrology apprenticeship program shall have the following
5 equipment onsite:

- 6 (1) A high frequency or thermolysis (short wave) machine;
- 7 (2) A galvanic/thermolysis (blend) machine;
- 8 (3) A 13.5 MHz epilator;
- 9 (4) A 27 MHz epilator;
- 10 (5) A treatment table;
- 11 (6) Two stools or adjustable chairs for each treatment table;
- 12 (7) A supply cabinet for each treatment table;
- 13 (8) Six dozen epilation forceps (tweezers) that meet the requirements set forth in 21 NCAC 06V
14 .0105(c)(2);
- 15 (9) At least one holding tank for epilation forceps (tweezers) at each electrology station;
- 16 (10) A sharps container for each electrology station;
- 17 (11) At least one FDA-approved dry heat sterilizer or autoclave;
- 18 (12) At least one ultrasonic cleaner;
- 19 (13) Illumination and magnification equipment to aid with electrology services;
- 20 (14) A sink with running hot and cold water within the office or suite where the electrology
21 apprenticeship program is located and not shared with other businesses;
- 22 (15) Toilet facilities on the same floor as the practical training area;
- 23 (16) An electronic or punch-card time clock to record student hours.

24 (b) With the exception of service ~~dogs~~, animals as defined in 28 CFR 36.104, no animals shall be permitted in an
25 electrology facility.

26 (c) All bottles and containers that contain electrology equipment and supplies shall have labels that indicate the
27 contents.

28 (d) All electrology personnel and students shall wear the following during training and services:

- 29 (1) Scrubs, lab coats, or medical-grade clothing;
- 30 (2) Soft-soled shoes;
- 31 (3) Surgical or N95 masks; and
- 32 (4) Latex or nitrile gloves.

33 (e) The electrology facility shall comply with the infection-control rules in 21 NCAC 06V and post them in a
34 conspicuous place. For the purposes of this Rule, “conspicuous place” means a place easily seen by the individuals
35 receiving electrology services.

36
37 *History Note: Authority G.S. 86B-65;*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in G.S. 86B-65, established a new pathway to licensure and required the board to adopt rules to govern the program. Adherence to normal notice and hearing requirements would create a situation where the board had no rules for the electrology apprenticeship program.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06Z .0104

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (c), you refer to “the school”. In other rules you use “the facility”. Given that Chapter 86B, Article 3 seems to differentiate a school from an apprentice program, I think it’s important to clarify your terms here.

In (e), line 14, I think you need to add “for” between “and” and “at”.

In (f), line 16, the Rule requires the instructor to submit the monthly report. However, Rule 06U .0107 requires the instructor or the owner to submit the report. Please make sure you’re being consistent with your requirements.

Also in (f), please consider acknowledging the exception to this Rule contained in 06Z .0108(a). For instance, consider beginning (f) by saying “Except as required by Rule .0108(a) of this Section...”

Finally, in (f), line 17, you refer to the “address” in 21 NCAC 06A .0102. That rule contains both a physical mailing address and an email address. I think you need to revise and clarify which address you’re referring to.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06Z .0104 is adopted under temporary procedures as follows:

2

3 **21 NCAC 06Z .0104 STUDENT HOURS AND PERMITS**

4 (a) No practical training shall occur unless the student permit required by Rule .0101 of this Section is displayed at
5 the electrology station.

6 (b) Students shall not earn hours in Onsite Practical Training, as described in Rule .0102 of this Section, unless an
7 instructor is present. This instructor must be authorized under G.S. 86B-65.

8 (c) The school shall track student hours:

9 (1) by having the students record their start and end time with the time clock required by Rule
10 .0103(a)(16) of this Section; or

11 (2) for online classes, by having software track the student's online attendance.

12 (d) The electrology apprenticeship program shall not credit hours except as reflected in time-clock or online-
13 tracking records as provided in Paragraph (c) of this Rule.

14 (e) The electrology apprenticeship program shall maintain time-clock records during the student's enrollment and at
15 least one year after the student drops, transfers, or completes the program.

16 (f) For each electrology student, the instructor shall submit the monthly report as set forth in 21 NCAC 06U .0107
17 to the Board at the address listed in 21 NCAC 06A .0102 by the 15th day of each month. The monthly report shall
18 include the hours accrued for the previous month.

19

20 *History Note: Authority G.S. 86B-65;*

21 *Temporary Adoption Eff. June 1, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in G.S. 86B-65, established a new pathway to licensure and required the board to adopt rules to govern the program. Adherence to normal notice and hearing requirements would create a situation where the board had no rules for the electrology apprenticeship program.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06Z .0105

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In the list underneath (a), please put the first word of each item into lowercase.

In (a)(4), line 9, you refer to “school” rules. In other rules you use “the facility”. Given that Chapter 86B, Article 3 seems to differentiate a school from an apprentice program, I think it’s important to clarify your terms here.

In (b), you refer to the “address” in 21 NCAC 06A .0102. That rule contains both a physical mailing address and an email address. I think you need to revise and clarify which address you’re referring to.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06Z .0105 is adopted under temporary procedures as follows:

2

3 **21 NCAC 06Z .0105 PROGRAM HANDBOOKS AND ENROLLMENT AGREEMENTS**

4 (a) Every electrology apprenticeship program shall provide a program handbook to its students upon enrollment.

5 The program handbook shall contain the following information:

6 (1) Enrollment agreement;

7 (2) Schedule of fees, including any monetary penalties;

8 (3) Reimbursement policies;

9 (4) School rules and requirements;

10 (5) Tardiness and absenteeism policies;

11 (6) A copy of the curriculum as set forth in Rule .0102 of this Section;

12 (7) An explanation of how the curriculum content will be delivered, such as through online modules;

13 and

14 (8) The grading system for the curriculum.

15 (b) The electrology apprenticeship program shall submit a copy of the program handbook to the Board at the
16 address listed in 21 NCAC 06A .0102 before enrolling students. An updated copy of the handbook shall be
17 submitted to the Board within 30 days of any amendment or revision.

18

19 *History Note: Authority G.S. 86B-65;*

20 *Temporary Adoption Eff. June 1, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in G.S. 86B-65, established a new pathway to licensure and required the board to adopt rules to govern the program. Adherence to normal notice and hearing requirements would create a situation where the board had no rules for the electrology apprenticeship program.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06Z .0106

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 4, what is “an authorization”?

In (c), you refer to the “address” in 21 NCAC 06A .0102. That rule contains both a physical mailing address and an email address. I think you need to revise and clarify which address you’re referring to.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06Z .0106 is adopted under temporary procedures with changes as follows:

2

3 **21 NCAC 06Z .0106 INSTRUCTORS IN AN ELECTROLOGY APPRENTICESHIP PROGRAM**

4 (a) The Board shall issue an authorization to an instructor in an electrology program if he or she:

5 (1) meets the requirements in G.S. 86B-65, and 21 NCAC 06U .0108; and

6 (2) makes a score of at least 85 on the written exam.

7 (b) The authorization in Paragraph (a) of this Rule shall only apply to a specific electrology apprenticeship program
8 and cannot be transferred to another program.

9 (c) An instructor in an electrology apprenticeship program shall notify the Board in writing at the address in 21
10 NCAC 06A .0102 if he or she is no longer working as an instructor in the electrology apprenticeship program. The
11 instructor shall submit this notification within 15 days of the end of his or her work as an instructor in the program.

12 (d) The Board shall revoke the authorization in Paragraph (a) for the following reasons:

13 (1) falsification of documents related to the electrology apprenticeship program;

14 (2) failure to maintain an electrology license;

15 (3) failure to provide oversight required by ~~Board statute and rule~~ Rule .0104 of this Subchapter to
16 students enrolled in an electrology apprenticeship program; or

17 (4) termination of the electrology apprenticeship program.

18

19 *History Note: Authority G.S. 86B-65;*

20 *Temporary Adoption Eff. June 1, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in G.S. 86B-65, established a new pathway to licensure and required the board to adopt rules to govern the program. Adherence to normal notice and hearing requirements would create a situation where the board had no rules for the electrology apprenticeship program.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06Z .0107

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 4, does "another program" include out of state programs?

Also, consider adding a cross-reference to Rule .0101(b) and the requirement to get a new permit in order to transfer.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06Z .0107 is adopted under temporary procedures as follows:

2

3 **21 NCAC 06Z .0107 TRANSFERS**

4 Students attending electrology apprenticeship programs in North Carolina may transfer to another program and
5 receive credit for attendance at each of the programs where the student was enrolled.

6

7 *History Note: Authority G.S. 86B-65;*

8 *Temporary Adoption Eff. June 1, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in G.S. 86B-65, established a new pathway to licensure and required the board to adopt rules to govern the program. Adherence to normal notice and hearing requirements would create a situation where the board had no rules for the electrology apprenticeship program.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



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Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06Z .0108

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 4, the Rule states that the instructor shall submit the report set forth in 06U .0107. However, that rule states that the instructor or the owner shall submit the report. Please clarify and revise.

In (b), line 7, what do you mean by a "sworn statement"? In 06U .0107 the Rule requires an attestation. Is this different? Please clarify and revise.

Also in (b), line 7, the Rule does not specify who must make the sworn statement. The instructor? The owner? The student? Please clarify and revise.

In (c), you refer to the "address" in 21 NCAC 06A .0102. That rule contains both a physical mailing address and an email address. I think you need to revise and clarify which address you're referring to.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06Z .0108 is adopted under temporary procedures as follows:
2

3 **21 NCAC 06Z .0108 PROGRAM COMPLETION**

4 (a) Within 15 days of a student completing an electrology apprenticeship program, the instructor shall submit the
5 report set forth in 21 NCAC 06U .0107, notwithstanding the requirement in Rule .0104(e) of this Section to submit
6 the report by the 15th day of the following month.

7 (b) The report in Paragraph (a) shall be accompanied by a sworn statement that the hours reported are accurate and
8 that the student has completed the requirements of the curriculum set forth in Rule .0102 of this Section.

9 (c) The documentation required by this Rule shall be submitted to the Board at the address listed in 21 NCAC 06A
10 .0102.

11
12 *History Note: Authority G.S. 86B-65;*

13 *Temporary Adoption Eff. June 1, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in G.S. 86B-65, established a new pathway to licensure and required the board to adopt rules to govern the program. Adherence to normal notice and hearing requirements would create a situation where the board had no rules for the electrology apprenticeship program.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

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10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06Z .0109

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (1), line 6, you refer to the "address" in 21 NCAC 06A .0102. That rule contains both a physical mailing address and an email address. I think you need to revise and clarify which address you're referring to.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06Z .0109 is adopted under temporary procedures as follows:

2

3 **21 NCAC 06Z .0109 POST-APPRENTICESHIP ELECTROLOGY LICENSE**

4 An individual who attended an electrology apprenticeship program and wishes to be licensed shall:

5 (1) submit the post-apprenticeship application as set forth in 21 NCAC 06U .0109 to the Board at the
6 address listed in 21 NCAC 06A .0102; and

7 (2) make a score of at least 70 on the clinical examination.

8

9 *History Note: Authority G.S. 86B-65;*

10 *Temporary Adoption Eff. June 1, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-72, as codified in G.S. 86B-65, established a new pathway to licensure and required the board to adopt rules to govern the program. Adherence to normal notice and hearing requirements would create a situation where the board had no rules for the electrology apprenticeship program.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06Z .0110

DEADLINE FOR RECEIPT: Friday, May 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a)(1), line 5, I think the reference to 06N .0110 is possibly incorrect. Did you mean 06U?

In (b), line 11, what is "an approval"?

In (d), line 15, you refer to the "address" in 21 NCAC 06A .0102. That rule contains both a physical mailing address and an email address. I think you need to revise and clarify which address you're referring to.

Also, in (d), line 15, do you want the notification to be in writing? The Rule does not specify. Could a business make the notification by phone?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: May 2, 2023

1 21 NCAC 06Z .0110 is proposed for adoption under temporary procedures as follows:

2
3 **21 NCAC 06Z .0110 APPROVAL AS AN ELECTROLOGY APPRENTICESHIP PROGRAM**

4 (a) To receive approval as an electrology apprenticeship program, a business must:

5 (1) submit the application as set forth in 21 NCAC 06N .0110;

6 (2) pass a facility inspection that assesses whether the program complies with requirements set forth in
7 Rule .0103 of this Section; and

8 (3) employ an instructor for an electrology apprenticeship program who is approved under Rule .0106
9 of this Section.

10 (b) Within five business days of determining that an electrology apprenticeship program meets the requirements in
11 Paragraph (a) of this Rule, the Board shall issue an approval to the program.

12 (c) No electrology apprenticeship program shall operate without first receiving the approval in Paragraph (b) of this
13 Rule.

14 (d) If a business is not ready for the facility inspection on a scheduled date, the owner or instructor shall notify the
15 Board at the address listed in 21 NCAC 06A .0102 at least one business day before the scheduled inspection. The
16 business shall forfeit the inspection fee if it fails to provide timely notice to the Board.

17 (e) The Board shall terminate approval of an electrology apprenticeship program for the following reasons:

18 (1) the program no longer has an instructor;

19 (2) after receiving a written warning, the facility fails to comply with the requirements in Rule .0103
20 of this Section;

21 (3) the Board determines that the program has falsified documents related to the program, and
22 revocation of the instructor authorization as set forth in Rule .0106(d) of this Section will not
23 prevent further falsification of documents; or

24 (4) the Board determines that the program has failed to provide the oversight required by Board
25 statute and rule to students enrolled in the program, and revocation of the instructor authorization
26 as set forth in Rule .0106(d) of this Section will not prevent further failures.

27
28 *History Note: Authority G.S. 86B-65;*
29 *Temporary Adoption Eff. June 1, 2023.*