

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Electrolysis Examiners

RULE CITATION: 21 NCAC 19 .0201

**DEADLINE FOR RECEIPT: Friday, August 9, 2019**

**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 call our office to inquire concerning the staff recommendation.

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

*In (f), I am simply asking – you do not take credit cards for payment?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

21 NCAC 19.0201 is readopted as published in 33:21 NCR 2105 as follows:

## SECTION .0200 – APPLICATION PROCEDURES

### 21 NCAC 19 .0201 FEES

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

(1)	Application for licensure	<del>\$125.00</del> <u>\$150.00</u>
(2)	Initial licensure	\$125.00
(3)	Renewal of licensure	\$125.00

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

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

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

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

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

(1) IN STATE SCHOOL

(A)	Application for certification as an Electrology school	\$250.00
(B)	Renewal of certification as an Electrology school	\$150.00
(C)	Application for certification as a laser, light source, or pulse light treatment school	\$250.00
(D)	Renewal of certification for a laser, light source, or pulse light treatment school	\$150.00

(2) OUT-OF-STATE SCHOOL

(A)	Application for certification as an Electrology school	\$400.00
(B)	Initial certification as an Electrology school	\$100.00
(C)	Renewal of certification for an Electrology school	\$100.00
(D)	Application for certification as a laser, light source, or pulse light treatment school	\$350.00
(E)	Initial certification as a laser, light source, or pulse light treatment school	\$75.00
(F)	Renewal of certification as a laser, light source, or pulse light treatment school	\$100.00

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

1	(1)	Electrologist Examination or reexamination	\$125.00
2	(2)	Office inspection or re-inspection	
3	(A)	Electrologist – per licensee, for each office site	\$100.00
4	(B)	Laser Hair Practitioner – per licensee, for each office site	\$100.00
5	(3)	License by reciprocity	\$125.00
6	(4)	Late renewal charge	\$50.00
7	(5)	Reinstatement of expired license	\$250.00
8	(6)	Reinstatement of instructor licensure	\$250.00
9	(7)	Reactivation of license	\$150.00
10	(8)	Reactivation of instructor licensure	\$150.00
11	(9)	Duplicate license	\$25.00
12	(f) All fees shall be paid by check or money order, made payable to "The North Carolina Board of Electrolysis		
13	Examiners."		
14	(g) Renewal fees required for Subparagraphs (a)(3), (b)(3), (c)(2), (c)(4), (e)(2), and (e)(9) of this Rule shall be		
15	waived for licensees under this Chapter that are exempt from renewal fees under G.S. 93B-15.		
16			
17	<i>History Note: Authority G.S. 88A-9; 93B-15;</i>		
18	<i>Temporary Adoption Eff. December 1, 1991 for a period of 62 days to expire on February 1,</i>		
19	<i>1992;</i>		
20	<i>Eff. January 1, 1992;</i>		
21	<i>Temporary Amendment Eff. September 17, 2001;</i>		
22	<i>Amended Eff. September 1, 2015; October 9, 2010; December 4, <del>2002</del>, <u>2002</u>;</i>		
23	<i><u>Readopted Eff. September 1, 2019.</u></i>		
24			

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Electrolysis Examiners

RULE CITATION: 21 NCAC 19 .0202

### **DEADLINE FOR RECEIPT: Friday, August 9, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*In (a), line 4, I know I've asked this before, but what are the contents of the application? Are the contents addressed by another rule or law?*

*On line 6, the url has changed. It is now "https:travel.state.gov"*

*On line 7, please insert a comma after "(c)"*

*In (d), line 26, consider replacing "will document" with "documents"*

*In (h), Page 2, line 1, doesn't this only apply to electrologists pursuant to G.S. 88A-16? If so, please state that here. And as that statute refers to "an office" or "a permanent establishment," should one of these be the term used in rule? What about "office" given the use of the term in Rule .0403?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

21 NCAC 19.0202 is readopted as published in 33:21 NCR 2105 as follows:

**21 NCAC 19 .0202 APPLICATION FOR LICENSURE**

(a) All applicants for licensure as an electrologist shall submit an application on the form provided by the Board, accompanied by proof of being 21 years of age, a passport acceptable photograph (see photo requirements for U.S. passports at [www.travel.state.gov](http://www.travel.state.gov)) taken within the past two years, the required application fee, as set forth in Rule .0201 of this Section, any information required by Paragraphs (b), (c) and (d) of this Rule, and certification of completion from each electrology and laser institution attended with verification of the number of hours completed in theory and clinical training. The Initial Electrolysis License Application may be obtained by contacting the Board or accessing it online at [www.ncbee.com](http://www.ncbee.com).

(b) All applications for licensure under G.S. 88A-11(2) shall be accompanied by:

- (1) the address of the licensing agency in the other state or jurisdiction;
- (2) any information such as a license number needed to identify the applicant in correspondence with that agency; and
- (3) a statement authorizing that agency to certify to the Board that the applicant is currently licensed or certified by the other state or jurisdiction and is in good standing, to inform the Board whether there are any pending complaints about the applicant, and to provide the Board with a copy of the licensing requirements in that state or jurisdiction.

(c) Proof of age shall be shown by certified copy of a birth certificate. If the applicant cannot obtain a certified copy of the birth certificate, the applicant shall attach an explanation as to why no birth certificate is obtainable and shall submit other proof of age. Other proof of age includes passports, current life insurance policies held for at least one year showing date of birth, entries in family bibles, medical or school records showing date of birth, and marriage licenses showing age.

(d) Applicants from states that do not license electrologists or applicants from states that require less than 600 hours of certified education shall submit proof of practice as required by G.S. 88A-10(a1) supported by tax records or a copy of a privilege license that will document previous practice of electrolysis prior to date of application.

(e) All new electrologist applicants shall take and pass both a written and a practical examination except for applicants meeting the requirements of G.S. 88A-11(2).

(f) In addition to maintaining an active electrologist license from the Board, a laser hair practitioner shall submit:

- (1) proof of completion of a 30-hour laser, light source, or pulsed light treatment certification course approved by the Board that encompasses the laser or light device being used by the laser hair practitioner; and
- (2) a Supervisory Agreement between the laser hair practitioner and a supervising physician licensed with the North Carolina Medical Board (NCMB) as defined under G.S. Article 1 Chapter 90. The Agreement shall be in accordance with Rule .0501 of this Chapter.

(g) A copy of the Supervisory Agreement shall be filed with the Board and a copy shall be available in the office of the supervising physician and the laser hair practitioner for inspection by the Board or its agent.

1 (h) A new licensee's practice site(s) shall be inspected prior to commencing business by a designee of the Board.

2 ~~(h)~~(i) The Board shall reject an incomplete or partial application.

3  
4 *History Note: Authority G.S. 88A-6; 88A-9; 88A-10; 88A-11; 88A-11.1; 88A-19; 88A-19.1; 88A-21;*  
5 *Temporary Adoption Eff. December 1, 1991 for a period of 62 days to expire on February 1,*  
6 *1992;*  
7 *Eff. February 1, 1992;*  
8 *Temporary Amendment Eff. October 13, 1993 for a period of 180 days or until the permanent rule*  
9 *becomes effective, whichever is sooner;*  
10 *Amended Eff. October 1, 2015; September 1, 2010; February 1, ~~1994~~1994;*  
11 *Readopted Eff. September 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Electrolysis Examiners

RULE CITATION: 21 NCAC 19 .0203

**DEADLINE FOR RECEIPT: Friday, August 9, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*I know I've asked this before, but what are the contents of the forms in (a), (b), (c), and (e)? Are they addressed by another rule or law?*

*In (b), line 11, given the changes you are making to Rule .0701, I think the reference should now be .0701(a)(4).*

*In (c), line 14, I think the cross-reference needs to be updated to Rule .0701(a)(3).*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

21 NCAC 19.0203 is readopted as published in 33:21 NCR 2105 as follows:

**21 NCAC 19 .0203            APPLICATION FOR RENEWAL, REINSTATEMENT, OR REACTIVATION OF  
ELECTROLYSIS LICENSE**

(a) Unless an applicant electrolysis' license expired more than 90 days prior to the filing of an Electrolysis Annual Renewal application, (available online at [www.ncbee.com](http://www.ncbee.com)), each applicant for license renewal pursuant to G.S. 88A-12 shall pay the required renewal fee, including the late renewal charge if applicable, and shall provide proof of compliance with Rule .0701(a)(1) of this Chapter.

(b) An electrologist whose license has been expired for more than 90 days but less than five years may apply for reinstatement by submitting an Electrolysis Reinstatement application (available online at [www.ncbee.com](http://www.ncbee.com)), paying the reinstatement fee, and providing proof of competence pursuant to Rule .0701(a)(3) of this Chapter.

(c) An electrologist who has been on the inactive list for less than five years and desires to be returned to active status shall submit an Electrolysis Reactivation application (available online at [www.ncbee.com](http://www.ncbee.com)), pay the reactivation fee, and provide proof of competence pursuant to Rule .0701(a)(2) of this Chapter.

(d) Proof of compliance with Rule .0701 of this Chapter shall be provided by a copy of a certificate of course completion issued by the course provider that identifies the course and includes the date, location, and number of hours taken by the applicant. The Board may request confirmation of the number of hours from the course provider if there are questions regarding the authenticity of the documentation and shall not give credit for hours that the entity does not confirm as hours actually taken by the applicant.

(e) Electrolysis Instructor Certification:

(1) Renewal of Electrolysis Instructor Certification: Unless the applicant's instructor certification expired more than 90 days prior to the filing of an application for renewal, each applicant for instructor certification renewal pursuant to G.S. 88A-18 may apply for renewal by:

(A) submitting an Electrolysis Instructor Renewal application (available online at [www.ncbee.com](http://www.ncbee.com));

(B) paying the renewal fee; and

(C) providing proof of current electrolysis licensure.

(2) Reactivation of Electrolysis Instructor Certification: An instructor whose certification has been expired for more than 90 days but less than 3 years may apply for reactivation of the expired certification by:

(A) submitting an Electrolysis Instructor Reactivation application (available online at [www.ncbee.com](http://www.ncbee.com));

(B) paying the reactivation fee; and

(C) providing proof of competence as described in Rule .0701(b)(1) of this Chapter.

(3) Reinstatement of Electrolysis Instructor Certification: An instructor whose certification has been expired for three years or more may apply for reinstatement of the certification by:

(A) taking and passing the instructor's examination;



- 1 (B) submitting an Electrolysis Instructor Reinstatement application (available online at  
2 www.ncbee.com);  
3 (C) paying the reinstatement fee; and  
4 (D) providing proof of competence pursuant to Rule .0701(b)(2) of this Chapter.  
5

6 *History Note:* Authority G.S. 88A-6; 88A-12; 88A-13; 88A-18;  
7 Eff. March 1, 1995;  
8 Amended Eff. October 1, ~~2015-2015~~;  
9 Readopted Eff. September 1, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Electrolysis Examiners

RULE CITATION: 21 NCAC 19 .0204

**DEADLINE FOR RECEIPT: Friday, August 9, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*I know I've asked this before, but what are the contents of the forms in (a), (b), (c), and (e)? Are they addressed by another rule or law?*

*In (a), line 8, given the changes to Rule .0701, I believe the cross-reference needs to be updated to .0701(a)(2).*

*In (b), line 11, I believe the citation should be .0701(a)(3).*

*In (c), line 15, I believe the citation should be .0701(a)(4).*

*In (d), I am only asking – you want a certificate, but in Rule .0203(d), you allow a copy of the certificate. Is this difference intentional?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

21 NCAC 19 .0204 is readopted as published in 33:21 NCR 2105 as follows:

**21 NCAC 19 .0204            APPLICATION FOR RENEWAL, REINSTATEMENT, OR REACTIVATION OF  
LASER HAIR PRACTITIONER LICENSE**

(a) Unless an applicant laser hair practitioner's license expired more than 90 days prior to the filing of an application for renewal, each applicant for license renewal pursuant to G.S. 88A-12 shall file a Laser Annual Renewal application (available online at [www.ncbee.com](http://www.ncbee.com)), pay the required renewal fee, including the late renewal charge if applicable, and shall provide proof of compliance with Rule .0701(a)(1) of this Chapter.

(b) A laser hair practitioner who has been on the inactive list for less than five years who desires to be returned to active status, shall apply for reactivation by submitting a Laser Reactivation application (available online at [www.ncbee.com](http://www.ncbee.com)), paying the reactivation fee, and providing proof of competence pursuant to Rule .0701(a)(2) of this Chapter.

(c) A laser hair practitioner whose license has been expired for more than 90 days but less than five years shall apply for reinstatement by submitting a Laser Reinstatement application (available online at [www.ncbee.com](http://www.ncbee.com)), paying the reinstatement fee, and providing proof of competence pursuant to Rule .0701(a)(3) of this Chapter .

(d) Proof of compliance with Rule .0701 of this Chapter shall be provided by a certificate of course completion issued by the entity that offered the program or course, that identifies the course and includes the date, location, and number of hours taken by the applicant. The Board may request confirmation of the number of hours from the course provider if there are questions regarding the authenticity of the documentation and shall not give credit for hours that the entity does not confirm as hours actually taken by the applicant.

(e) Laser Hair Removal Instructor Certification:

(1) Renewal of Laser Hair Removal Instructor Certification: Unless the applicant's instructor certification expired more than 90 days prior to the filing of an application for renewal, each applicant may apply for renewal by:

- (A) submitting a Laser Instructor Renewal application (available online at [www.ncbee.com](http://www.ncbee.com));
- (B) paying the renewal fee; and
- (C) providing proof of current laser hair removal licensure.

(2) Reactivation of Laser Hair Removal Instructor Certification: An instructor whose certification has been expired for less than 3 years but more than 90 days may apply for reactivation of the expired certification by:

- (A) submitting a Laser Instructor Reactivation application (available online at [www.ncbee.com](http://www.ncbee.com));
- (B) paying the reactivation fee; and
- (C) providing proof of competence as described in Rule .0701(b)(1) of this Chapter.

(3) Reinstatement of Laser Hair Removal Instructor Certification: An instructor whose certification has been expired for three years or more may apply for reinstatement of the certification by:

- 1 (A) submitting a Laser Instructor Reinstatement application (available online at  
2 www.ncbee.com);  
3 (B) paying the reinstatement fee; and  
4 (C) providing proof of competence pursuant to Rule .0701(b)(2) of this Chapter.  
5

6 *History Note: Authority G.S. 88A-6; 88A-12; 88A-13; 88A-14; 88A-18;*  
7 *Eff. September 1, 2010;*  
8 *Amended Eff. October 1, ~~2015~~ 2015;*  
9 *Readopted Eff. September 1, 2019.*  
10

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Electrolysis Examiners

RULE CITATION: 21 NCAC 19 .0403

**DEADLINE FOR RECEIPT: Friday, August 9, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*In (a), line 6, why is "Electrolysis" capitalized?*

*In (a)(2), generally the term "at least" is not favored in rules, as the rules set the minimum standards. But I take it you want to retain it here?*

*In (a)(4), line 13, I believe "puncture-resistant" is hyphenated.*

*In (a)(6), line 17, define "readily"*

*In (a)(7), line 18, how is "sufficient" determined and by whom?*

*On line 18, insert a comma after "instruments"*

*In (a)(9), what authority are you relying upon for this? G.S. 88A-16(b) allows the Board to notify you of a change of address 10 days after opening it. I do not see that you have the authority to require inspection before it opens.*

### **§ 88A-16. Permanent establishment required.**

(a) Electrolysis shall be practiced by a licensed person only in a permanent establishment, hereafter referred to as an office. The Board may adopt reasonable rules and regulations concerning the sanitation standards, equipment, and supplies to be used and observed in offices. Offices shall be subject to periodic inspection at any time during business hours by members of the Board or its agents or assistants.

(b) Every electrologist shall notify the Board in writing 30 business days prior to, but no later than 10 business days after, any change of address or opening of a new office.

(c) Every electrologist shall display his license in a conspicuous place in the office.

(d) Every electrologist may make calls outside the office. The Board shall adopt rules and regulations concerning the equipment and instruments to be used by an electrologist when treating patients outside the office. (1989 (Reg. Sess., 1990), c. 1033.)

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

*What authority are you relying upon for Paragraphs (b) through (e)? G.S. 88A-16 only applies to electrolysis offices, not laser practitioners. Are you relying upon G.S. 88A-11.1(a)(1), which requires all laser hair practitioners to be licensed electrologists?*

*Assuming you have authority for this language:*

*In (b)(1), please incorporate this standard by reference, setting forth where this can be obtained and whether you incorporate future changes.*

*In (b)(3), lines 27 and 28, replace “which” with “that”*

*In (b)(5), line 30, define “readily”*

*So that I’m clear – Paragraph (c) only requires laser or light source practices to follow local ordinances, not pulsed-light treatment or electrolysis offices?*

*In (d), what are these standards? Does your regulated public know? And again, this isn’t for pulsed light treatments or electrolysis offices?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

21 NCAC 19.0403 is readopted as published in 33:21 NCR 2105 as follows:

## SECTION .0400 – INFECTION CONTROL

### 21 NCAC 19 .0403 OFFICES

(a) Each Electrolysis office, wherever located, shall:

- (1) have a treatment table or other piece of furniture for placing clients for treatment;
- (2) have at least one circuline type lamp, halogen lamp, or other type or magnifying lamp;
- (3) have hand washing facilities on the same floor and toilet facilities in the same building, both with a supply of either soap or a germicidal skin preparation for washing hands;
- (4) have a supply of labeled non-sterile examination gloves, cotton balls and antiseptic product for cleaning client's skin, materials for cleaning instruments and other items, materials for cleaning the workplace or documentation of cleaning contract, paper or cotton towels, and puncture resistant containers and plastic bags for used materials;
- (5) have sterilization equipment and supplies needed for the sterilization methods used;
- (6) have a covered trash can and, if linens are used, a laundry bag or closed container for laundry, readily available to each workplace area; ~~and~~
- (7) have storage facilities sufficient to contain the equipment, instruments and supplies of the electrolysis ~~practice~~ practice;
- (8) be inspected annually at each location where the licensee practices; and
- (9) be inspected prior to the commencement of practice if the office is relocated.

(b) In addition to the items required in Paragraph (a) of this Rule, each laser practitioner office shall have the following:

- (1) all doors leading to laser room shall have laser-specific American National Standard Institute (ANSI) Z136.1 safety signs displayed;
- (2) no uncovered mirrors or reflective surfaces;
- (3) laser safety eyewear which is labeled with the same wavelength and optical density as the laser device operated and which is worn while treatment is administered;
- (4) all windows protected from laser beam with either an opaque material or white blinds;
- (5) a readily available fire extinguisher in the treatment room;
- (6) face masks to be worn while treatment is administered; and
- (7) an air filter.

(c) A laser or light-based hair removal practice shall be maintained in accordance with local zoning regulations.

(d) Lasers and light-based devices shall be maintained and operated in accordance with Occupational Safety and Health Administration (OSHA) standards.

(e) A copy of the current "Supervisory Agreement" shall be available in the office for inspection upon request.

1    *History Note:*    *Authority G.S. 88A-16;*  
2                            *Eff. June 1, 1993;*  
3                            *Amended Eff. September 1, ~~2010~~ 2010;*  
4                            *Readopted Eff. September 1, 2019.*  
5



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Electrolysis Examiners

RULE CITATION: 21 NCAC 19 .0408

### **DEADLINE FOR RECEIPT: Friday, August 9, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*In (a)(1), line 5, what is "clean"? Who will determine this? Do you mean free of visible dirt and dust?*

*In (a)(4), line 10, and elsewhere you use the term "fresh" do you mean "new"?*

*In (a)(4) through (6), can linens be used here? I am asking due to the language in Rule .0403(a)(6) and Subparagraph (a)(14) of this Rule.*

*In (a)(6), line 13, replace "which" with "that"*

*In (a)(7), line 15, please insert a comma after "hand-rubs"*

*In (a)(9), what is "aseptic techniques"? Does your regulated public know?*

*In (a)(12), line 28, insert a comma after "cabinets"*

*In (a)(13), line 30, define "securely" and "regular"*

*On line 31, where you say "state" if you mean "NC" then please capitalize the term. If you instead mean any state, it's fine as written.*

*In (a)(14), line 32, please insert a comma after "pillowcases"*

*On line 33, please insert a comma after "cabinets"*

*In (b)(1), Page 2, line 2, what are "non-critical environmental surfaces"? Do they include the epilator surfaces, magnifying lamps, and the rest of the language on lines 2-3?*

*In (b)(2), lines 4-5, what is "a state of visible cleanliness"? Visible to whom? Do you even need this language, or could you say that all of these surfaces must be cleaned with water and the detergent listed here?*

*In (b)(3), line 7, what do you mean by "taking care"? Why do you need this language?*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

*In (b)(5), line 10, what is “non-critical equipment”?*

*In (b)(7), line 13, please insert a comma after “blinds”*

*On line 13, what is “visibly soiled” Visible to whom?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

21 NCAC 19.0408 is readopted as published in 33:21 NCR 2105 as follows:

**21 NCAC 19 .0408 ENVIRONMENTAL CONTROL AND HOUSEKEEPING**

(a) Electrologists shall observe the following elements of environmental control:

- (1) Each treatment room shall be kept clean, lighted, and ventilated;
- (2) Each treatment room shall be equipped with labeled containers, covered storage for supplies, a puncture-resistant sharps container labeled as a biohazard, and covered trash containers;
- (3) Treatment table surfaces shall be made of materials that can be washed with detergents and treated with disinfectants;
- (4) Treatment table surfaces shall be covered with fresh disposable paper drapes or barrier before each client treatment;
- (5) Headrests shall be covered with fresh disposable paper or barrier before each client treatment;
- (6) Treatment table surfaces which may come in contact with bare skin during treatments shall be covered with a fresh disposable paper drape or barrier;
- (7) Containers for dispensing products, such as soap, alcohol hand-rubs and treatment supplies shall be labeled;
- (8) All treatment supplies shall be disposable or, if reusable, the supplies containers shall be cleaned and dried before being refilled with fresh products;
- (9) Aseptic techniques for dispensing creams, lotions, ointments and antiseptics during treatment shall be followed;
- (10) Manufacturer's recommendations for the use and disposal of products and containers when contaminated, or when expiration date is reached, shall be followed;
- (11) Environmental surfaces that are touched during treatment, such as epilator needle holder and cords, epilator cart, magnification lamps, light devices and epilator controls shall be covered with a fresh protective disposable barrier before each treatment of a client ~~and~~ or decontaminated after each treatment of a client, following manufacturer's instructions;
- (12) Disposable items such as cotton, paper drapes and protective disposal barriers shall be stored in covered containers, closed cabinets or drawers before use;
- (13) Used disposable items shall be discarded into a covered trash container lined with a plastic bag, securely fastened when ready for disposal, and disposed of daily into the regular trash, unless otherwise specified by state and local health regulations;
- (14) Reusable items such as sheets, pillowcases and towels that are used to cover treatment table or as a client drape shall be stored in covered containers, closed cabinets or drawers before use; and
- (15) After use, reusable items shall be placed in a covered container labeled as "soiled laundry," laundered with detergent and water temperatures that will ensure cleaning and disinfection, and dried in a gas or electric clothes dryer.

(b) Electrologists shall observe the following elements of housekeeping:

- (1) A low-level hospital-grade disinfectant registered with the Environmental Protection Agency (EPA) shall be used for cleaning non-critical environmental surfaces such as epilator surfaces, magnifying lamps, epilator carts, floors, walls, door knobs, tabletops, and window sills;
- (2) All other environmental surfaces in the treatment room shall be kept in a state of visible cleanliness by cleaning with water and detergent and using a hospital-grade disinfectant or detergent designed for general housekeeping purposes, as indicated on the product label;
- (3) Countertops shall be of smooth, non-porous material and shall be cleaned daily, taking care in the areas where the procedures of cleaning and sterilizing instruments and items takes place;
- (4) Sinks and toilet facilities shall be cleaned daily;
- (5) Non-critical equipment, environmental surfaces, doorknobs, telephones, and treatment tables in the treatment room shall be kept cleaned and disinfected;
- (6) Floors cleaned weekly and carpets shall be vacuumed weekly or more often if necessary; and
- (7) Walls, blinds and curtains shall be cleaned when visibly soiled.

*History Note: Authority G.S. 88A-16;*  
*Eff. December 1, ~~2010~~ 2010;*  
*Readopted Eff. September 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Electrolysis Examiners

RULE CITATION: 21 NCAC 19 .0409

**DEADLINE FOR RECEIPT: Friday, August 9, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*Please properly indent (1)(a) through (h).*

*In (1)(a), line 6, I take it that listing the gynecological doctor is if applicable?*

*In (1)(g), I take it your regulated public knows what "skin irregularities" means?*

*In (2), line 15, what is the "health status"?*

*In (6), is this only for active clients?*

*Also in (6), what is the "health history"? Is this the same as the "Health History Assessment" on line 5?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

21 NCAC 19.0409 is readopted as published in 33:21 NCR 2105 as follows:

**21 NCAC 19 .0409 CLIENT EVALUATION**

As an evaluation for each client, the electrologist and laser hair practitioner shall:

- (1) Prepare a Health History Assessment File that contains:
  - (a) the date, name, address, contact information, date of birth, and names of family physician, gynecological physician, and dermatologist;
  - (b) the areas of face and body to be treated;
  - (c) the hirsute family history;
  - (d) any current and previous methods of hair removal;
  - (e) any current and previous medications;
  - (f) any current and previous physical examination dates and results;
  - (g) any skin irregularities; and
  - (h) the date and signature of client.
- (2) Update and evaluate the client's health status to determine if the client should be referred to a physician.
- (3) Examine the client's skin for signs of infection or rashes prior to each treatment and delay treatment if actual or potential signs or symptoms of infection are present.
- (4) Refer the client to a physician when evaluation of health history or skin examination indicates.
- (5) Instruct the client on post-treatment care to promote healing of the treated skin site.
- (6) Update client health history annually.

*History Note: Authority G.S. 88A-2; 88A-6;*  
*Eff. December 1, 2010;*  
*Amended Eff. September 1, ~~2015~~, 2015;*  
*Readopted Eff. September 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Electrolysis Examiners

RULE CITATION: 21 NCAC 19 .0410

**DEADLINE FOR RECEIPT: Friday, August 9, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*Please note, the name of a Rule is not within the RRC's purview. However, the CFR you are incorporating by reference is much more than a vaccination requirement. Consider renaming it "Needlestick Safety and Prevention" or something of that sort. If you do so, please submit a new Submission for Permanent Rule form with the new name, and a new rule with the new name.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

21 NCAC 19 .0410 is readopted as published in 33:21 NCR 2105 as follows:

**21 NCAC 19 .0410            HEPATITIS B VIRUS (HBV) VACCINATION**

Electrologists shall comply with the *Needlestick Safety and Prevention Act* published January 18, 2001 to amend United States Occupational Safety & Health Administration (OSHA) Regulation 29 CFR 1910.1030, which is hereby incorporated by reference including subsequent amendments and editions. Copies may be obtained at no cost at: <http://www.osha.gov/SLTC/bloodborne pathogens/>.

*History Note:    Authority G.S. 88A-16;*

*Eff. December 1, ~~2010~~ 2010;*

*Readopted Eff. September 1, 2019.*



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Electrolysis Examiners

RULE CITATION: 21 NCAC 19 .0412

**DEADLINE FOR RECEIPT: Friday, August 9, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*Please combine the lines with the rule citation and name, so that they appear on one line.*

*In (1), line 6, consider inserting a comma after "nose"*

*On line 7, what is "likely to generate"? Does your regulated public know these conditions?*

*In (1), line 7, and (2), line 10, should this be "splashess"?*

*In (2), line 10, what are "client care activities"? Does your regulated public know?*

*In (3), who determines what is "promptly as possible"? The licensee?*

*And when must the individual wash his or her hands?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

21 NCAC 19.0412 is readopted as published in 33:21 NCR 2105 as follows:

## STANDARD PRECAUTIONS FOR DISEASE CONTROL AND PREVENTION

### 21 NCAC 19 .0412

Electrologists shall:

- (1) Wear a mask and eye protection or a face shield to protect mucous membranes of the eyes, nose and mouth during procedures and client care activities that are likely to generate splashed or sprays of blood and body fluids;
- (2) Wear ~~a gown~~ scrubs, lab coat, or medical grade clothing to protect skin and prevent soiling of clothing during procedures and client care activities that are likely to generate splashed or sprays of blood and body fluids;
- (3) Remove soiled ~~gowns~~ medical clothing as promptly as possible and wash hands;
- (4) Wear protective gloves to ~~Prevent prevent~~ puncture injuries when using or cleaning instruments and when disposing of used needles.

*History Note: Authority G.S. 88A-16;*  
*Eff. December 1, ~~2010~~ 2010;*  
*Readopted Eff. September 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Electrolysis Examiners

RULE CITATION: 21 NCAC 19 .0501

**DEADLINE FOR RECEIPT: Friday, August 9, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*In (a), line 9, does the Medical Board issue licenses to perform surgical services or forbid it in licenses? Do you need this language, especially in light of the requirement in G.S. 88A-11.1(c)?*

**§ 88A-11.1. Requirements for licensure as a laser hair practitioner; limitations on licensed laser hair practitioners.**

(c) Each laser hair practitioner shall practice laser, light source, or pulsed-light treatments under the supervision of a physician licensed under Article 1 of Chapter 90 of the General Statutes. The physician shall be readily available, but not required to be on site when the laser, light source, or pulsed-light treatments are being performed. However, the authority to regulate laser clinicians shall remain with the Board.

*On line 12, what is a "focused" physical examination?*

*In (b)(9), line 32, what is "adequate"?*

*In (b)(10), shouldn't "Supervisory Agreement" be capitalized to be consistent with the usage of the term in this Rule? (See (c), line 36)*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

21 NCAC 19.0501 is readopted with changes as published in 33:21 NCR 2105 as follows:

## **SECTION .0500 - PHYSICIAN/LASER HAIR PRACTITIONER GUIDELINES**

### **21 NCAC 19 .0501        SUPERVISING PHYSICIAN**

(a) Supervision by Physician – It is the licensed laser practitioner's responsibility to perform procedures solely within his or her professional scope of practice. A laser hair practitioner licensed under this Chapter shall perform laser hair removal only under the supervision of a physician licensed by the State of North Carolina to perform surgical services. The laser hair practitioner shall receive physician supervision ~~both before and after~~ the initial laser treatment procedure. The laser hair practitioner shall perform services only after a physician or other practitioner licensed by the NC Medical Board (NCMB) under G.S. 1, Article 90 has examined the patient. This examination shall include a medical history and focused physical examination. The laser hair practitioner shall ensure that the supervising physician is available during services so that the supervising physician is able to respond to patient emergencies and questions by the laser practitioner.

(b) Supervisory Agreement – A laser hair practitioner shall not operate any laser equipment without a signed Supervisory Agreement in accordance with Rule .0202 of this Chapter in place and on file with the Board. The Supervisory Agreement shall include the following elements:

- (1) the supervising physician's name, business address, business telephone number, NCMB license number, and medical specialty;
- (2) an attestation that the supervising physician is licensed to practice medicine in North Carolina and plans to maintain licensure during the timeframe of the agreement;
- (3) a list of devices, makes, and models being used by the laser hair practitioner;
- (4) an attestation that the supervising physician is knowledgeable in the use of the listed devices;
- (5) an attestation that the supervising physician ensures the laser hair practitioner has training to perform laser hair reduction with the listed devices;
- (6) an attestation that the supervising physician will provide personal and responsible direction to the laser hair practitioner;
- (7) an attestation that the supervising physician will be available and able to respond to patient emergencies and to questions by the laser hair practitioner under supervision; ~~and~~
- (8) the geographical distance between the supervising physician and the laser hair ~~practitioner.~~  
practitioner;
- (9) an attestation that the supervising physician will ensure that adequate patient contact, evaluation, and education have been provided for the prescription medications that are related to laser hair reduction, both before and after treatment; and
- (10) a provision for biannual renewal of the supervisory agreement, with a copy provided to the Board.

(c) A laser hair practitioner shall notify the Board within 30 days of the termination of the Supervisory Agreement with the supervising physician.

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*History Note: Authority G.S. 88A-11.1;*  
*Eff. October 1, 2010;*  
*Amended Eff. October 1, ~~2015~~ 2015;*  
*Readopted Eff. September 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Electrolysis Examiners

RULE CITATION: 21 NCAC 19 .0601

### **DEADLINE FOR RECEIPT: Friday, August 9, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*In (a), line 6, delete "at least" as the statute states that 600 is the maximum number of hours.*

*In the chart under "Bacteriology" I am simply asking – is this all Rules of the Board, or only those related to this topic? If it's all rules, shouldn't this be moved to "General Orientation"?*

*On Page 2, in the chart under "General Treatment Procedure" should it read "Positioning and draping of patients" to be consistent with (b)(11)?*

*In (b), I note that the statute requires the Board to establish a minimum of 30 hours for laser hair removal, so I am only asking – do you need to retain "at least" and "minimum" here?*

*On line 3, I believe "hands-on" should be hyphenated. But do you want to be consistent with (a) and refer to "clinical hours" and "theory hours" instead of "basic science (Didactic) instruction"?*

*In (b)(7), Page 3, line 1, I take it the schools know what "Fitzpatrick skin typing" is? And please note the same question for (b)(8) – does your regulated public know what this means?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

21 NCAC 19 .0601 is readopted as published in 33:21 NCR 2105 as follows:

### SECTION .0600 – SCHOOLS

#### 21 NCAC 19 .0601 CURRICULUM

(a) The course of study for electrolysis shall consist of at least 600 clock hours of instruction in theory and clinical practice as set out in the following table:

Subject	Theory Hours	Clinical Hours
General Orientation	20	0
Rules of the school		
Personal hygiene and dress		
Professional ethics and office rules		
State and local laws governing electrolysis		
History of electrolysis		
Trichology (Hair Growth)	20	0
Hair structure and function		
Growth cycles, including regrowth cycles		
Follicle structure and function		
Endocrinology	20	0
Causes of hair growth, including new hair stimulation		
Study and function of glands		
Dermatology	30	0
Skin structure and function		
Disease of the skin (as related to the practice of electrology)		
Reaction of the skin as related to the clinical application of electrolysis		
Neurology/Angiology (as related to electrology)	20	0
Nervous system		
Pain thresholds		
Pain variables		
Synoptic responses		
Circulatory system		
Cardiovascular system		
Lymphatic system		
Bacteriology	25	40
Sanitation		
Sterilization		
Rules and standards promulgated by the Board		

Subject	Theory Hours	Clinical Hours
Principles of Electricity	20	80
Short wave (Alternating) current		
Direct (Galvanic) current		
Equipment	30	200
Modalities		
Electrolysis (DC - Galvanic)		
Thermolysis (SW - Shortwave)		
Blend (Combination of Galvanic and Shortwave)		
Variables		
Probes		
Intensity		
Timing		
Depth of insertion		
Equipment maintenance and upkeep		
General Treatment Procedure	25	30
Consultation with clients		
Consultation instruction shall include methods of developing case histories and health history assessments and providing information on hair growth cycles, modalities used, pain factors, scheduling of appointments, and fees		
Positioning and draping		
Development of Practice	20	20
Public relations and advertisement		
Office procedure and management		
Record keeping		
Telephone etiquette		
Housekeeping (Office)		
Totals:	230	370

(b) The course of study for laser hair removal shall consist of at least 30 clock hours of instruction in theory and clinical practice, with a minimum of 20 hours in practical hands on instruction and at least 10 hours of basic science (Didactic) instruction in the use of laser and light-based hair removal or reduction devices in the following topics:

- (1) biology of hair;
- (2) laser and light-based terminology;
- (3) laser physics;
- (4) types of laser and light-based hair removal devices;
- (5) safety and precautions;
- (6) tissue interaction;



- 1           (7)     Fitzpatrick skin typing;
- 2           (8)     patient history form and consultation;
- 3           (9)     treatment contraindications;
- 4           (10)    sterilization procedures;
- 5           (11)    draping of patient;
- 6           (12)    pre-treatment and post-treatment care;
- 7           (13)    photo documentation; and
- 8           (14)    photosensitive drugs and disorders.

9

10    *History Note:*    *Authority G.S. 88A-6; 88A-19; 88A-19.1;*  
11                       *Eff. June 1, 1993;*  
12                       *Amended Eff. December 1, ~~2010~~2010;*  
13                       *Readopted Eff. September 1, 2019.*

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## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Electrolysis Examiners

RULE CITATION: 21 NCAC 19 .0602

**DEADLINE FOR RECEIPT: Friday, August 9, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*In (b), consider ending the Paragraph after "Rule" on line 10 to simplify the language of the Rule. If you are concerned this would not capture amendments to the Paragraph, you could state on line 9 "submit or update"*

*In (c), why do you need the language lines 12-14, as they restate statute?*

*On line 15, I know I asked this before, but are the contents of this form set forth in another rule or law?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

21 NCAC 19 .0602 is readopted as published in 33:21 NCR 2105 as follows:

**21 NCAC 19 .0602 APPLICATION FOR AND RENEWAL OF SCHOOL CERTIFICATION**

(a) Each person applying for a school certification shall submit to the Board the information required by G.S. 88A-19 and 88A-19.1, and:

(1) A copy of the student contract required by Rule .0605 of this Section; and

(2) A copy of the form for student authorization to receive electrolysis treatment required by Rule .0605 of this Section.

(b) Applicants for renewal of a school certification shall pay the required renewal fee and update the information that was submitted in accordance with Paragraph (a) of this Rule when the school initially applied. This update shall include any information required by virtue of amendments to this Rule in effect as of the date of renewal.

(c) Pursuant to G.S. 88A-20, school certifications that are not renewed within 90 days after the expiration date will be automatically forfeited. Reactivation or reinstatement of an expired school certificate are not allowed under the governing statute. Upon forfeiture, a school may reapply for certification by submitting an Electrolysis School Application or Laser School Application and paying the required application fee. Applications are available at [www.ncbee.com](http://www.ncbee.com).

*History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;*

*Eff. November 1, 1993;*

*Amended Eff. September 1, ~~2015~~2015;*

*Readopted Eff. September 1, 2019.*

21 NCAC 19 .0608 is readopted as published in 33:21 NCR 2105 as follows:

**21 NCAC 19 .0608 SCHOOL EQUIPMENT**

(a) Every electrolysis school certified by the Board shall provide and maintain the following equipment in accordance with manufacturers' instructions:

- (1) one high frequency or thermolysis (short wave) machine;
- (2) one galvanic/thermolysis (blend) machine;
- (3) stainless steel, insulated, and disposable epilation probes (or needles) of sizes 002, 003, 004, and 005;
- (4) at least one circuline type lamp, halogen lamp, or other type of magnifying lamp per treatment table;
- (5) two treatment tables and chairs for clients and adjustable chairs or stools for students;
- (6) a cabinet for towels and utilities for each table;
- (7) a covered trash container for each table;
- (8) covered containers for all lotions, soaps, cotton balls, tissues, and other supplies and sterilizing solutions;
- (9) six dozen epilation forceps (or tweezers);
- (10) one plastic puncture resistant container (for used sharps) for each table;
- (11) one autoclave sterilizer, dry heat sterilizer, and ultrasonic cleaner; and
- (12) audio-visual teaching materials and equipment.

(b) Only Federal Food and Drug Administration (FDA) approved types of epilators and laser equipment shall be used by each school in training students.

(c) All epilators, laser equipment, autoclaves and dry heat sterilizers shall be monitored monthly by the school to ascertain effectiveness. Any changes from the list of equipment provided to the Board pursuant to G.S. 88A-19(a)(3) and 88A-19.1(a)(3) shall be reported to the Board.

*History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;*

*Eff. November 1, 1993;*

*Amended Eff. September 1, 2015; December 1, ~~2010~~2010;*

*Readopted Eff. September 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Electrolysis Examiners

RULE CITATION: 21 NCAC 19 .0613

**DEADLINE FOR RECEIPT: Friday, August 9, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*In (a), line 5, and (b), line 8, what is "practical work"? Why not use the phrasing you use in Rule .0601?*

*On lines 5 and 10, what is "necessary equipment"? Who determines this – the school?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

21 NCAC 19 .0613 is readopted as published in 33:21 NCR 2105 as follows:

**21 NCAC 19 .0613            STUDENT/TEACHER RATIO AND EQUIPMENT**

(a) For electrology, at least one instructor per 12 students, or fraction thereof, shall be in attendance at all times when students are engaged in practical work. The school shall provide necessary equipment for each student and client.

(b) For laser, at least one instructor per 12 students, or fraction thereof, shall be in attendance at all times when students are engaged in practical work. A skills attained checklist that matches current curriculum requirements in Rule .0601(b) of this Section shall be completed and signed off on by the instructor for each student. The school shall provide necessary equipment for each student and client.

*History Note:    Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;*  
*Eff. December 1, 1993;*  
*Amended Eff. December 1, ~~2010~~2010;*  
*Readopted Eff. September 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Electrolysis Examiners

RULE CITATION: 21 NCAC 19 .0619

**DEADLINE FOR RECEIPT: Friday, August 9, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*I take it that you are primarily relying upon G.S. 88A-6(5), as part of a Code of Ethics?*

*On line 5, consider inserting a comma after "epilator"*

*On line 6, do you mean "permit any other person to do so on the school premises."? If so, you may want to clarify that.*

*Why are you citing to G.S. 88A-20 in the History Note?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

21 NCAC 19 .0619 is readopted as published in 33:21 NCR 2105 as follows:

**21 NCAC 19 .0619            EQUIPMENT ENDORSEMENTS AND SALES PROHIBITED**

No school certified by the Board may endorse, recommend, advertise, promote, or sell any type of laser, light-based devices, epilator or other electrolysis or laser hair removal equipment to the students in the school or permit any other person to do so.

*History Note:     Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;*

*Eff. November 1, 1993;*

*Amended Eff. December 1, ~~2010~~ 2010;*

*Readopted Eff. September 1, 2019.*



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Electrolysis Examiners

RULE CITATION: 21 NCAC 19 .0701

### **DEADLINE FOR RECEIPT: Friday, August 9, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*I note that there appear to be several changes made to this Rule post-publication, but most of them were to simply rearrange existing language.*

*For the substantive change made to (a)(1), lines 11-12, was this done to address public comments?*

*In (a)(1), line 12, do not insert "(5)" Just state "every five years."*

*In (a)(2), line 14, assuming you mean "NC" please state "the State"*

*On lines 14-15, you do not need to restate that CEU is defined in Rule .0103, as you've already done this on line 9.*

*In (a)(3), line 20, please simply delete the second period after "88A-14."*

*In (a)(6), line 30, do you need to retain "with little to no supervision"? It seems unnecessary in light of the remaining language.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

21 NCAC 19 .0701 is readopted with changes as published in 33:21 NCR 2105 as follows:

### SECTION .0700 - CONTINUING EDUCATION

#### 21 NCAC 19 .0701 CONTINUING EDUCATION REQUIREMENTS, LICENSE RENEWAL, REINSTATEMENT AND REACTIVATION

(a) Requirements for ~~practitioners;~~ practitioners:

(1) Each electrologist ~~and laser hair practitioner~~ licensed in this State shall complete one CEU, as defined in Rule .0103 of this Chapter, per renewal period as a requirement for renewal of the electrology ~~license and one CEU per renewal period as a requirement for renewal of the laser hair practitioner~~ license. For electrologists with 20 or more years of practice, the CEU requirement shall be completion of one CEU every five (5) years. Over any two renewal periods, the Board shall give credit for no more than one-half CEU in the area of business management.

(2) Each laser hair practitioner licensed in this state shall complete one CEU, as defined in Rule .0103 of this Chapter, per renewal period as a requirement for renewal of the laser hair practitioner license.

~~(2)(3)~~ An electrologist or laser hair practitioner who has been placed on the inactive list by the Board for less than five years and desires to return to active status, shall present evidence of completion of one CEU within the 12 months preceding the reactivation application in satisfaction of the competency requirement of G.S. 88A-14..

~~(3)(4)~~ An electrologist or laser hair practitioner whose license has been expired for 90 days or more but less than five years shall present certification of completion of one CEU for each renewal period or part of a renewal period that has elapsed since the electrologist's or laser hair practitioner's license was last current in satisfaction of the competency requirement of G.S. 88A-12. At least one of the CEUs offered in satisfaction of a competency requirement shall have been completed within the 12 months immediately preceding the application for reinstatement.

~~(4)(5)~~ Not more than one CEU may be carried over per renewal period.

~~(5)(6)~~ No more than one CEU of home study may be credited for continuing education in each renewal period. "Home study" is defined as an educational activity undertaken by an individual, completed by correspondence or online with little to no supervision, and with a certification of completion awarded at the end of the course. Continuing education hours obtained through home study may not be carried over to a subsequent renewal period.

~~(6)(7)~~ In the initial year of licensure, new licensees tested after the sixth month of the calendar year shall not be required to obtain CEUs until the following renewal year.

(8) Over any two renewal periods, the Board shall give credit for no more than one-half CEU in the area of business management.

(b) Requirements for instructors:

- 1 (1) An instructor whose certification has been placed on the inactive list for more than 90 days and  
2 less than 3 years shall present certification of completion of one CEU within the 12 months  
3 immediately preceding the application for reactivation of certification.
- 4 (2) An instructor whose certification has been expired for more than 90 days, but less than 3 years  
5 shall present certification of completion of one CEU for each renewal period or part of a renewal  
6 period that has elapsed since the instructor's license was last current. At least one of the CEUs  
7 offered in satisfaction of a competency requirement shall have been completed within the 12  
8 months immediately preceding the application for reinstatement of certification.

9

10 *History Note:* Authority G.S. 88A-6; 88A-12; 88A-13; 88A-18;  
11 *Eff. March 1, 1995;*  
12 *Amendment Eff. October 1, 2015; December 1, ~~2010~~2010;*  
13 *Readopted Eff. September 1, 2019.*  
14  
15  
16

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Electrolysis Examiners

RULE CITATION: 21 NCAC 19 .0702

### **DEADLINE FOR RECEIPT: Friday, August 9, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*In (a)(2)(C), line 9, how is this certification of a CE provider done? Is this addressed by another Rule?*

*In (d), line 25, I know I've asked this before, but are the contents of this form addressed in Paragraph (c) or another rule?*

*On line 25, please begin the sentence "The Application for ..."*

*In (e), lines 28-29, I know you are referring to statutory terms. But couldn't you just state "upon finding that it meets the requirements of G.S. 88A-13."?*

*Please confirm on line 36 that this is still the current price of this publication. I could not locate a way to purchase only this standard on the website, so I could not confirm it.*

*In (f), Page 2, line 1, consider adding language to the first sentence. "... decision regarding the request made pursuant to Paragraph (d)." This will mirror Paragraph (e) language on line 27.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

21 NCAC 19 .0702 is readopted as published in 33:21 NCR 2105 as follows:

**21 NCAC 19 .0702 BOARD APPROVAL OF COURSES**

(a) The Board shall approve a program or course if it is:

- (1) In any subject required by 21 NCAC 19 .0601; and
- (2) Offered by one of the following entities:
  - (A) a college or university authorized to grant degrees in this State;
  - (B) a national professional electrolysis or laser association;
  - (C) a school or Continuing Education (CE) provider certified by the Board;
  - (D) American Society of Laser Medicine (ASLM);
  - (E) American Academy of Dermatology (AAD); or
  - (F) an entity providing a program of Certified Medical Education (CME).

(b) The entity offering the program or course shall provide the Board with the information listed in Paragraph (c) of this Rule and shall certify to the Board the names of all electrologists licensed by the Board who attended the program or course and their actual hours of attendance.

(c) The Board shall not approve a program or course without the following information:

- (1) Title, location, and date of the course;
- (2) Sponsoring entity;
- (3) Course objective and content;
- (4) Hours of study; and
- (5) Name, education, and background of each instructor.

(d) An electrologist or laser hair practitioner seeking credit for a program or course offered by an entity not listed in Paragraph (a) of this Rule may request that the Board approve the course by submitting in writing, at least two months in advance of the course registration date, the information listed in Paragraph (c) of this Rule on an application form provided by the Board. Application for Approval of Continuing Education may be obtained online at [www.ncbee.com](http://www.ncbee.com).

(e) The Board shall approve a program or course if requested pursuant to Paragraph (d) of this Rule on a finding that it offers an educational experience designed to enhance the practice of electrology or laser hair reduction as required by G.S. 88A-13. In determining whether or not to make this finding, the Board shall consider the program or course in light of the criteria set forth in The Continuing Education Unit Criteria and Guidelines, current edition, as adopted by the International Association for Continuing Education and Training (IACET) in conjunction with the American Standards National Institute (ANSI) and incorporated herein by reference including subsequent amendments or editions. The presence of all criteria or the absence of individual criteria shall not be conclusive, and the Board shall have discretion in the approval of programs, courses, or providers on a case-by-case basis. Copies of The Continuing Education Unit Criteria and Guidelines, current edition, may be obtained at a cost of twenty-nine dollars and ninety-five cents (\$29.95) at <http://www.IACET.org>.

(f) The Board shall notify the electrologist by mail of the Board's findings and decision. A change in subject matter, length, or instructor of a course requires reapproval by the Board. The entity offering the program or course shall either provide to the electrologist or directly to the Board certification of the electrologist's actual hours of attendance after the program or course is complete.

*History Note: Authority G.S. 88A-6; 88A-12; 88A-13; 88A-18;*  
*Eff. March 1, 1995;*  
*Amended Eff. September 1, 2015; December 1, ~~2010~~2010;*  
*Readopted Eff. September 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Electrolysis Examiners

RULE CITATION: 21 NCAC 19 .0703

**DEADLINE FOR RECEIPT: Friday, August 9, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*In (b), line 6, while the citation is technically correct, I recommend replacing it with "Rule .0701 of this Section."*

*In (c), line 8, replace "is" with "shall be"*

*In (d), line 10, so that I'm clear – is this only for electrologists and not laser hair practitioners? I ask because you differentiate between those in Rule .0701.*

*In (d), just so I'm clear - are you allowing a ratio of four CEUs per one hour of teaching?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 26, 2019

21 NCAC 19 .0703 is readopted as published in 33:21 NCR 2105 as follows:

**21 NCAC 19 .0703            COMPUTATION OF CONTINUING EDUCATION UNITS**

(a) To obtain credit as a contact hour of continuing education, the learning activity scheduled for an hour shall occupy at least 50 minutes of the hour.

(b) An electrologist may fulfill the continuing education requirements of 21 NCAC 19 .0701 by completing more than one course if the total equals one or more CEUs.

(c) One semester credit hour at a university or college is equivalent to one CEU. A course may be audited or taken for credit.

(d) An electrologist who teaches in a program or course approved by the Board may obtain CEU credit at the rate of four contact hours for each contact hour of teaching.

*History Note:    Authority G.S. 88A-6; 88A-12; 88A-13; 88A-18;*

*Eff. March 1, ~~1995~~ 1995;*

*Readopted Eff. September 1, 2019.*