

G.S. 150B-21.3A Report for 21 NCAC 19, BOARD OF ELECTROLYSIS EXAMINERS									
Agency - Board of Electrolysis Examiners									
Comment Period - 12/4/17 - 2/2/18									
Date Submitted to APO - Filled in by RRC staff									
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
	SECTION .0100 - GENERAL PROVISIONS	21 NCAC 19 .0101	ADDRESS	Amended Eff. September 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 19 .0102	MEETINGS	Eff. December 1, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 19 .0103	DEFINITIONS	Amended Eff. September 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 19 .0104	ADVERTISING	Amended Eff. September 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0200 – APPLICATION PROCEDURES	21 NCAC 19 .0201	FEES	Amended Eff. September 1, 2015	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
		21 NCAC 19 .0202	APPLICATION FOR LICENSURE	Amended Eff. October 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 19 .0203	APPLICATION FOR RENEWAL, REINSTATEMENT, OR REACTIVATION OF ELECTROLYSIS LICENSE	Amended Eff. October 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 19 .0204	APPLICATION FOR RENEWAL, REINSTATEMENT, OR REACTIVATION OF LASER HAIR PRACTITIONER LICENSE	Amended Eff. October 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 19 .0205	TEMPORARY LICENSE	Eff. December 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0300 - ADMINISTRATIVE LAW PROCEDURES	21 NCAC 19 .0301	PETITIONS FOR RULEMAKING HEARINGS	Eff. August 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 19 .0302	DECLARATORY RULINGS	Eff. August 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 19 .0303	CONTESTED CASES	Eff. August 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0400 – INFECTION CONTROL	21 NCAC 19 .0403	OFFICES	Amended Eff. September 1, 2010	Necessary without substantive public interest	No		Yes	Necessary with substantive public interest
		21 NCAC 19 .0404	DEFINITIONS AND OVERVIEW	Eff. December 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 19 .0405	HAND HYGIENE	Eff. December1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 19 .0406	USE OF GLOVES	Eff. December 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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		21 NCAC 19 .0407	CLEANING, STERILIZATION, AND SAFETY PRECAUTIONS FOR INSTRUMENTS AND OTHER TREATMENT-RELATED ITEMS	Amended Eff. September 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 19 .0408	ENVIRONMENTAL CONTROL AND HOUSEKEEPING	Eff. December 1, 2010	Necessary without substantive public interest	No		Yes	Necessary with substantive public interest
		21 NCAC 19 .0409	CLIENT EVALUATION	Amended Eff. September 1, 2015	Necessary without substantive public interest	No		Yes	Necessary with substantive public interest
		21 NCAC 19 .0410	HEPATITIS B VIRUS (HBV) VACCINATION	Eff. December 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 19 .0411	FOLLOW-UP PROCEDURES FOR EXPOSURES TO HEPATITIS, HUMAN IMMUNODEFICIENCY VIRUS (HIV), AND OTHER BLOOD-BORNE PATHOGENS	Eff. December 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 19 .0412	STANDARD PRECAUTIONS FOR DISEASE CONTROL AND PREVENTION	Eff. December 1, 2010	Necessary without substantive public interest	No		Yes	Necessary with substantive public interest
	SECTION .0500 - PHYSICIAN/LASER HAIR PRACTITIONER GUIDELINES	21 NCAC 19 .0501	SUPERVISING PHYSICIAN	Amended Eff. October 1, 2015	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	SECTION .0600 – SCHOOLS	21 NCAC 19 .0601	CURRICULUM	Amended Eff. December 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 19 .0602	APPLICATION FOR AND RENEWAL OF SCHOOL CERTIFICATION	Amended Eff. September 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 19 .0603	CERTIFICATIONS NOT TRANSFERABLE	Amended Eff. December 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 19 .0604	PROGRAM DIRECTORS	Amended Eff. December 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 19 .0605	ENROLLMENT PROCEDURES	Amended Eff. December 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 19 .0606	SCHOOL LOCKERS	Eff. November 1, 1993	Unnecessary	No		No	Unnecessary
		21 NCAC 19 .0607	SCHOOL BUILDINGS	Eff. November 1, 1993	Unnecessary	No		No	Unnecessary
		21 NCAC 19 .0608	SCHOOL EQUIPMENT	Amended Eff. September 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 19 .0609	SCHOOL LIBRARY	Amended Eff. December 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 19 .0610	RECORD OF ATTENDANCE	Eff. November 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 19 .0611	IDENTIFICATION OF STUDENTS	Eff. November 1, 1993	Unnecessary	No		No	Unnecessary

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		21 NCAC 19 .0612	STUDENT PRACTICAL WORK; CREDIT FOR OBSERVING AND SERVING AS A CLIENT	Eff. November 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 19 .0613	STUDENT/TEACHER RATIO AND EQUIPMENT	Amended Eff. December 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 19 .0614	SCHOOL HOURS AND SCHEDULE	Amended Eff. December 1, 2010	Unnecessary	No		No	Unnecessary
		21 NCAC 19 .0615	NOTICE TO PUBLIC	Eff. November 1, 1993	Unnecessary	No		No	Unnecessary
		21 NCAC 19 .0617	SCHOOL ADVERTISEMENTS	Amended Eff. December 1, 2010	Unnecessary	No		No	Unnecessary
		21 NCAC 19 .0618	PRIVATE PRACTICE IN A SCHOOL BUILDING	Amended Eff. December 1, 2010	Unnecessary	No		No	Unnecessary
		21 NCAC 19 .0619	EQUIPMENT ENDORSEMENTS AND SALES PROHIBITED	Amended Eff. December 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 19 .0620	REPORT OF STUDENT LEAVING	Eff. November 1, 1993	Unnecessary	No		No	Unnecessary
		21 NCAC 19 .0621	TRANSFER CREDIT	Eff. November 1, 1993	Unnecessary	No		No	Unnecessary
		21 NCAC 19 .0622	CERTIFICATION OF SCHOOLS IN OTHER STATES OR JURISDICTIONS	Amended Eff. September 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0700 - CONTINUING EDUCATION	21 NCAC 19 .0701	CONTINUING EDUCATION REQUIREMENTS, LICENSE RENEWAL, REINSTATEMENT AND REACTIVATION	Amendment Eff. October 1, 2015	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
		21 NCAC 19 .0702	BOARD APPROVAL OF COURSES	Amended Eff. September 1, 2015	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
		21 NCAC 19 .0703	COMPUTATION OF CONTINUING EDUCATION UNITS	Eff. March 1, 1995	Necessary without substantive public interest	No		Yes	Necessary with substantive public interest
		21 NCAC 19 .0704	TIME LIMITS ON CREDIT	Amended Eff. December 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest

DO NOT EDIT ANYTHING ON THIS SHEET

- 1. Copy the header row and the first 2 rows below the header and then paste it into a new tab for each rule that gets a comment from the public.
- 2. Update the Rule and Name for each tab created.

Agency	Rule	Name	Type of Comment	Comment	Agency Response
Copy all columns in this row to the right of this yellow cell and paste in new rows			Select One		
NC Board of Electorlysis Examiners	21 NCAC 19.0201	FEES	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Reduce renewal fees and increase initial license and exam fees Electrolysis and laser fees should be the same amount Inspections should be of facility, not each practitioner There should be simultaneous inspection of electrolysis and laser offices with a slight fee increase for the laser inspection.	Comment has merit. Third party exam provider is charging more than statutorv amount Comment has merit and should be further discussed Comment is worth further discussion and considereation. Comment has merit and should be considered

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NC Board of Electrolysis Examiners	21 NCAC 19.0403	OFFICES	Public Coment as defined in G.S. 150B-21.3A(a)(5)	For all licensees, an inspection should be conducted prior to granting a license. This is the actual practice, but needs to be codified in a rule	This suggestion should be utilized to amend the rule.

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NC Board of Electrolysis Examiners			Public Coment as defined in G.S. 150B-21.3A(a)(5)	Confusion exists with requirement in (a)(11) to cover everything touched in client treatment and to decontaminate afterwards, i.e., carts, cords, etc. , which are difficult to cover and create a barrier. (b)(1) states it is ok to wipe these areas with disinfectant, making the two provisions confusing.	Comment has merit and should be further examined and considered for change or clarification.
	21 NCAC 19.0408	ENVIRONMENTAL CONTROL AND HOUSEKEEPING			

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NC Board of Electrolysis Examiners	21 NCAC 19.0409	CLIENT EVALUATION	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Should delete either 1(a) list of physicians and 1(f) date/reults of last physical. (2) and (4) are redundant. Both speak to referral to physician.	Comment has merit and should be examined further.

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NC Board of Electrolysis Examiners	21 NCAC 19.0412	STANDARD PRECAUTIONS FOR DISEASE CONTROL AND PREVENTION	Public Coment as defined in G.S. 150B-21.3A(a)(5)	I agree with wearing gloves and gowns, but do not believe electrologists or laser practitioners are at risk for spraying/splashing of body fluids.	Board is willing to revist the spray/splash comment.

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Copy all columns in this row to the right of this yellow cell and paste in new rows			Select One		
NC Board of Electrolysis Examiners			Public Coment as defined in G.S. 150B-21.3A(a)(5)	Rule states supervising physician must be licensed to perform surgical servvices. Should only state they are licensed by Medical Board.	Needs further discussion including possible statute amendment.
	21 ncac 19.0501	SUPERVISING PHYSICIAN			

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NC Board of Electrolysis Examiners	21 NCAC 19.0701	CONTINUING EDUCATION	Public Coment as defined in G.S. 150B-21.3A(a)(5)	10 hours for each modality (laser and electrolysis) is too much. Electrolysis technique has changed little. Once techniques are mastered, continuing education is focused on changes that affect client health, skin, hair growth, and business details. Many of these topics overlap for the modalities. It is difficult to find coursework. Most laser coursework is out of scope for practitioners. Ten hours for combined modalities is enough. More affordable licensure and realistic education expectations are needed.	Comment has merit and needs further examination.
		REQUIREMENTS, LICENSE RENEWAL, REINSTATEMENT AND REACTIVATION			

An electrologist continuously in practice for 25 years or more should not be required to complete annual continuing education	Comment has merit and needs further examination.
Home study should be limited to not more than two courses within a five year period.	Comment has merit and needs further examination.
Repeated home study courses should not be allowed within a period of five years.	Comment has merit and needs further examination.

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NC Board of Electrolysis Examiners	21 NCAC 19.0702	BOARD APPROVAL OF COURSES	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Repeal the automatic acceptance of CEUs provided by national electrolysis organizations.	Comment needs further examination.

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NC Board of Electrolysis Examiners	21 NCAC 19.0703	COMPUTATION OF CONTINUING EDUCATION UNITS	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Electrologists that have practiced 30 years should be exempt from continuing education requirement effective 2019.	Comment is similar to one made for .0701 and has merit for further examination and consideration.

INDEX OF PUBLIC COMMENTS RECEIVED

11/30/17	Myrtle Hamrick	no specific rule comment
12/3/17	Teresa Petricca	no specific rule comment
12/14/17	Ann Morris	no specific rule comment
1/7/18	Myrtle Hamrick	comments on .0702, .0703
1/27/18	Margaret Wingate	comment on .0403
1/27/18	Margaret Wingate	comment on .0701
2/1/18	Tracey Jonas	comments on .0201, .0408, .0409, .0412, .0501, .0701

Subject: rules

From: electmyrt@aol.com (electmyrt@aol.com)

To: ncbeexam@att.net;

Date: Thursday, November 30, 2017 4:03 PM

I have reviewed the rules and have no comments

Myrtle Hamrick, LE. CPE
Electrolysis by Myrtle

Subject: rules change
From: electmyrt@aol.com (electmyrt@aol.com)
To: ncbeexam@att.net;
Date: Sunday, January 7, 2018 12:42 PM

I would like submit an additional change to my rule change suggestion.

I submit the following changes:

21 NCAC 19 .0702 (2) (B) Omit National Professional Electrolysis Association

21 NCAC 19 .0703 (B)

ADD: All electrologists practicing 30 years or more are exempt from Continuing Education Units effective 2019.

Respectfully submitted:

Myrtle Hamrick
License #055

Subject: Rules revisions

From: Tracey Roberts (troberts146@aol.com)

To: ncbeexam@att.net;

Date: Thursday, February 1, 2018 10:00 PM

This is Tracey Jonas with my input on the rules revisions:

19.0201 Fees Initial exam fees for electrolysis and laser could be higher but reduce the renewal fees. Each license fee should be the same. Laser renewal fee should not be higher. The inspection fee should be for the facility not for each electrologist or laser practitioner that works there. The inspection for a laser practitioner should be done at the same time as their electrolysis inspection with only a slight additional charge, not another \$100. This would allow the inspector to make one trip to the office not two therefore a reduction in costs.

19.0408 Environmental Control 11 This states that everything that is touched during client treatment has to be covered with a **barrier** AND decontaminated after. Some things (cart, cords etc..) are difficult to cover and are able to be disinfected by wiping them with a hospital grade disinfectant. Then in section b (1) it states that these areas can be wiped with a disinfectant. This is confusing.

19.0409 Client Evaluation 1(a) The client does not need to list their physician, gynecologist or dermatologist or 1(f) they should not have to list the date of their last physical and the results of that physical.
Number 2 and 4 are redundant regarding referring the client to a physician.

19.0412 Standard Precautions I agree with gloves and gowns being worn but I do not feel that either electrolysis or laser has a risk of blood or bodily fluids being "splashed or sprayed".

19.0501 Supervising Physicians At the end of the second sentence, it states that the supervising physician must be licensed under the state to perform "surgical services". It should only state that they are licensed by the medical board.

19.0701 Continuing Education 10 hours of continuing education per year for each modality-electrolysis and laser is too many. The electrolysis technique has changed very little. The theory behind laser and electrolysis is the same. Once you have chosen your machines and mastered the technique with each modality your continuing education is focused on the changes that affect your client's health, skin and hair growth as well as the details of running a business. All of these matters affect electrologists and laser practitioners and should be allowed to overlap as continuing education credits to limit the hours needed. It is difficult to find new courses specific to electrolysis and laser hair removal. There are many courses on lasers but they are not specific to just hair removal and many are out of the laser practitioners scope of practice. I am a Dental Hygienist and I am required to have 6 hours of continuing education per year and renew my CPR certification every 2 years. There are many more changes occurring in the dental field than in electrolysis and laser hair removal. I feel a total of 10 hours combined is adequate.

The initial reason for our board possibly being sunsetted, was in response to legislators wanting to make it easier for people to work by eliminating unnecessary boards. It is imperative that we remain licensed but we also need to make it affordable to renew our licenses and obtain our continuing education with realistic expectations.

Subject: Comments On Initial Classification Determination for Rules
From: Ann Morris Choice Electrolysis (ann@choiceelectrolysis.com)
To: ncbeexam@att.net;
Date: Thursday, December 14, 2017 7:42 PM

To whom it may concern:

I have read over the initial classification determination of rules page and I do agree with everything on it.

Thank you,

Ann Morris, LE

Subject: Re: Rules Review YOUR INPUT IS NEEDED
From: Teresa Petricca (tpetricca@aol.com)
To: ncbeexam@att.net;
Cc: mwingatele@beautyskindeep.net;
Date: Sunday, December 3, 2017 8:32 AM

Dear Susan,

**Just printed everything and will review. Please allow me a few days before I get back to you.
Extremely hectic time of year for me.**

Thank you,
Terri

In a message dated 11/30/2017 2:53:50 PM Eastern Standard Time, ncbeexam@att.net writes:

Can't See This Message? [View in a browser](#)



Rules Review

YOUR INPUT IS NEEDED

NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS
Pinehurst Building, Suite 60, 2 Centerview Drive
Greensboro, NC 27407

December 01, 2017

To: **All Practitioners**

In 2013, the General Assembly enacted a requirement entitled "Periodic Review and Expiration of Existing Rules," which requires all agencies and boards to review all active and existing rules every ten years. Each active rule must be classified in one of the three following categories:

Subject: RE: Rules recommendations
From: Margaret Wingate LE (mwingatele@beautyskindeep.net)
To: ncbeexam@att.net;
Date: Saturday, January 27, 2018 3:24 PM

Yes, that is what I was talking about, I forgot about that....On inspections, we may need to add something about having an inspections preformed for a new location prior to commencing work.....not sure how it should be said.

From: ncbeexam@att.net [mailto:ncbeexam@att.net]
Sent: Saturday, January 27, 2018 1:24 PM
To: Margaret Wingate LE <mwingatele@beautyskindeep.net>
Subject: Re: Rules recommendations

We already use a different inspection form for laser. Is that what you are talking about?

Sent from Yahoo Mail for iPhone

On Saturday, January 27, 2018, 8:33 AM, Margaret Wingate LE <mwingatele@beautyskindeep.net> wrote:

Inspections must be addressed....A different form will be needed for laser

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

Subject: Re: FW: Rules Change Recommendation
From: Ronda Jones (rondaworks1@gmail.com)
To: ncbeexam@att.net;
Cc: mwingatele@beautyskindeep.net;
Date: Monday, January 29, 2018 8:26 PM

I really don't know. I guess the doc would know.

On Jan 27, 2018 1:29 PM, "ncbeexam@att.net" <ncbeexam@att.net> wrote:

What is/are the national association(s) for laser? If any of them have online courses, we could add them. It may be that the nature of laser does not lend itself to home study.

Sent from Yahoo Mail for iPhone

On Saturday, January 27, 2018, 8:06 AM, Ronda Jones <rondaworks1@gmail.com> wrote:

Question for the doctor

On Jan 27, 2018 8:05 AM, "Margaret Wingate LE" <mwingatele@beautyskindeep.net > wrote:

Please accept the following as my suggestion on Rules Recommendations:

As of this time there isn't any Home Studies for laser...how do you suggest that be handled....*I know it will come up.*

21 NCAC 19.0701 Continuing Education Requirement, License Renewal, Reinstatement and Reactivation:

(a) Requirement for 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 laser hair practitioner license. Over any two periods the Board shall give credit for not more than one-half CEU in the area of business management.

a. An Electrologist or laser hair practitioner who has been continuously in practice for a period of 25 years is not required to complete annual CEUs but mandatory to pay annual renewal fees per 21 NCAC 19.0201

b. Home Studies will be limited to not more than two (2) CEU courses within a period of five (5) years.

(7) have storage facilities sufficient to contain the equipment, instruments and supplies of the electrolysis practice.

(8) Office shall be inspected prior to the commencing business.

(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.

(8) Office shall be inspected prior to the commencing business.

(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.



Virus-free. www.avast.com

c. NO repeated Home Study course will be accepted within a period of five (5) years.

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Thank You,

Margaret Wingate



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