21 NCAC 19 .0103 is repealed as published in 37:02 NCR 202 as follows:

21 NCAC 19 .0103 DEFINITIONS

History Note: *Authority G.S. 88A-6; 88A-12; 88A-13; 88A-18;*
Eff. March 1, 1995;
Amended Eff. September 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, ~~2018.~~ 2018;
Repealed Eff. November 1, 2022.

21 NCAC 19 .0404 is amended with changes as published in 37:02 NCR 202-205 as follows:

21 NCAC 19 .0404 DEFINITIONS AND OVERVIEW

In addition to the terms defined in ~~G.S. 88-A,~~ G.S. 88A, the following terms have the following meanings:

(1) "Alcohol-based hand rub or gel" is a preparation which contains 60 percent to 95 percent ethanol or isopropanol that is designed for application to the hands in order to reduce the number of viable microorganisms on the hands.

(2) ~~"Antiseptic~~ "Antiseptic" is a germicide used on skin or living tissue to inhibit or destroy microorganisms.

(3) "Aseptic technique" is the term used to describe the precautionary measures taken to help reduce the risk of post treatment infections by decreasing the opportunity for microorganisms to enter the body. Precautionary measures include handwashing, disinfection, sterilization of surfaces and instruments, use of protective barriers, containment and disposal of waste, and instrument and surface manipulations that minimize cross contamination.

(4) "Autoclave" is a vessel used for sterilization by the application of saturated steam under pressure and heat.

(5) "Biological indicator" is a commercially prepared device populated with bacterial spores which is used to test the method of sterilization being monitored and which demonstrates whether or not conditions necessary to achieve sterilization were met during the cycle being monitored.

(6) "Chemical indicator" is a chemically treated paper strip used to monitor parameters of a heat sterilization process by means of a characteristic color change. A chemical indicator does not indicate that sterilization has been achieved, but rather, that the temperature needed has been attained.

(7) "Cleaning" is the removal of all visible organic material from objects using friction, detergent and water prior to the disinfection and sterilization processes.

(8) "Contaminate" is to make something impure by exposure to or addition of a polluting substance.

(9) "Contaminated" is the presence of potentially infectious pathogenic microorganisms on surfaces of a objects.

(10) "Continuing education unit" or "CEU" means one contact hour of participation in an organized learning experience that is:

(a) related to the practice of electrolysis or laser light-based hair reduction;

(b) contributes to the competency of a practitioner of electrolysis or laser light-based hair reduction;

(c) obtained by a licensee after the original granting of licensure; and

(d) approved by the Board at least [~~30~~] 60 days before the event according to the standards set forth in G.S. 88A-13.

~~(10)~~(11) "Cross-contamination" is the process by which bacteria or other microorganisms are transferred from one substance or object to another, with harmful effect.

~~(11)~~(12) "Critical items" are instruments, devices, objects or environmental surfaces that will come in direct contact with the bloodstream or other normally sterile areas of the body.

~~(12)~~(13) "Decontaminate" is to neutralize or remove dangerous substances or germs from an area or object.

~~(13)~~(14) "Decontamination" is the use of physical or chemical means to remove, inactivate, or destroy pathogens on a surface or item so that they are no longer capable of transmitting infectious particles and to render the surface or item safe for handling, use, or disposal.

~~(14)~~(15) "Disinfect" is to clean with a disinfectant in order to destroy bacteria.

~~(15)~~(16) "Disinfectant" is a chemical agent used on inanimate surfaces and objects to destroy infectious fungi and bacteria, but not necessarily their spores and is classified into levels of potency as follows:

(a)~~(A)~~ High-level, which is utilized for the reprocessing of semi-critical instruments or devices and includes Food and Drug Administration (FDA) regulated substances such as glutaraldehyde-, chlorine dioxide-hydrogen peroxide, orthophthaldehyde-, and peracetic acid-based formulations;

(b)~~(B)~~ Intermediate-level, which is utilized for disinfecting tips for epilator needles and includes Environmental Protection Agency (EPA) regulated substances such as alcohols containing 70 to 90 percent ethanol or isopropanol, chlorine compounds, and certain phenolic or iodophor preparations as determined by the EPA;

(c)~~(C)~~ Low-level, which is utilized for disinfecting environmental or non-instrument surfaces and includes EPA regulated substances such as quaternary ammonium compounds and certain phenolic or iodophor preparations as determined by the EPA.

~~(16)~~(17) Disinfection" is a procedure that reduces the level of microbial contamination and is classified into the following levels:

(a)~~(A)~~ "High-level," which inactivates some, but not necessarily all, bacterial spores. This process will also kill Mycobacterium tuberculosis var. bovis, and all microorganisms with the exception of high levels of bacterial spores.

(b)~~(B)~~ "Intermediate-level," which does not kill bacterial spores, but is capable of killing. M. tuberculosis var. bovis, most vegetative bacteria and fungi, as well as viruses such as hepatitis B virus (HBV) and human immunodeficiency virus (HIV);

(c)~~(C)~~ "Low level," which inactivates most bacteria, some viruses and fungi but not bacterial spores or Mycobacterium tuberculosis var. bovis.

~~(17)~~(18) "Dry heat sterilizer" is a forced air oven-type device designed to sterilize items by exposure to high temperatures for designated exposure periods.

~~(18)~~(19) "Environmental surfaces" are surfaces in the electrology treatment room which may potentially contribute to cross-contamination by hands of the electrologist or by contact with instruments that will subsequently come into contact with clients.

~~(19)~~(20) "Enzyme detergent" is the detergent that helps break down organic soils and fats, and suspends particles during cleaning. An enzyme detergent is used as a soaking solution for critical and non-critical instruments and as the detergent used in the ultrasonic device.

~~(20)~~(21) "Epilator" is an electrical device used to perform electrolysis.

~~(21)~~(22) "Epilator cords" are insulated plastic covered cords used to complete the current circuit between the epilator and the epilator needle or the indifferent electrode.

~~(22)~~(23) "Forceps" are the instruments or "tweezers" used in electrology treatments to lift the treated hair from the follicle. Forceps used in electrology are not intended to be critical items, but may come in contact with blood, serum or other material and shall be sterile when used.

~~(23)~~(24) "Gloves" are coverings for the hands, which provide a protective barrier against infections and toxic substances.

~~(24)~~(25) "Hand hygiene" is the general term that applies to:

(a)~~(A)~~ "Hand washing," the decontamination process for the removal of soil and transient microorganisms from the hands by a vigorous rubbing together of all surfaces of lathered hands for at least 15 seconds, followed by rinsing under a stream of water;

(b)~~(B)~~ "Antiseptic hand wash," the washing of hands with water and soap or other detergents containing an antiseptic agent;

(c)~~(C)~~ "Antiseptic hand rub," the application of an alcohol-based hand rub product, to all surfaces of the hands to reduce the number of microorganisms present; and

(d)~~(D)~~ "Hand antisepsis," a preoperative antiseptic hand wash or antiseptic hand rub to eliminate transient microorganisms and reduce resident hand flora.

~~(25)~~(26) "Health History Assessment File" is a cumulative and permanent documentation of a client's medical and treatment record which is maintained by the electrologist.

~~(26)~~(27) "Hirsute or Hirsutism" is the excessive growth of hair that is thickened caused by hormonal or biochemical imbalances or genetic predisposition.

~~(27)~~(28) "Hospital-grade disinfectant" is a chemical germicide that is classed in a spectrum of activity as either low-level or intermediate-level, with labeled claims for effectiveness against Salmonella choleraesuis, Staphylococcus aureus and Pseudomonas aeruginosa.

~~(28)~~(29) "Indifferent electrode" is a stainless steel bar held by the client during electrology treatments to complete current circuit with galvanic electrolysis modality or with the use of a timer delay switch in automatic delivery epilators.

(30) “In-person seminar” is continuing education that occurs in a physical location rather than online.

~~(29)~~(31) "Instruments" are tools or devices designed to perform a specific function, such as grasping, holding, or retracting.

~~(30)~~(32) "Intact skin" is skin in which the natural protective barrier has not been altered by infection or trauma.

~~(31)~~(33) "Latex allergy" is a systemic or local allergic response to various latex proteins to which the individual has been sensitized.

~~(32)~~(34) "Medical-grade gloves" are disposable gloves used during medical examinations and procedures to prevent contamination between caregivers and patients.

~~(33)~~(35) "Microbial" is a minute life form; a microorganism, especially a bacterium that causes disease.

~~(34)~~(36) "Nitrile" is non-sterile, latex-free substance from which gloves are manufactured.

~~(35)~~(37) "Needle" is the pre-sterilized, disposable wire filament which is inserted into the hair follicle for application of current in electrology.

~~(36)~~(38) "Non-critical items" are instruments, devices, objects or environmental surfaces that will come in contact only with intact skin.

~~(37)~~(39) "Non-intact skin" is skin in which there is a break in the skin's natural integrity, for example, exposed skin that is chapped, abraded, or afflicted with dermatitis.

~~(38)~~(40) "Packaging" is a generic term meant to include all types of containment, such as woven or non-woven wraps, paper or film pouches, or rigid container systems.

~~(39)~~(41) "Pathogen" is a microorganism or substance capable of producing a disease.

~~(40)~~(42) "Phoresis rollers" are sterilized stainless steel rollers used to apply current to skin before or after electrology treatment.

~~(41)~~(43) "Physical visible indicators" are monitoring devices built into a sterilizer, such as indicating thermometers, recording thermometers, pressure gauges and automatic controls, which are used in identifying and preventing malfunctions and operational errors and for recordkeeping purposes.

~~(42)~~(44) "Plain soap" is a detergent-based cleanser without antimicrobial additives which is used for the physical removal of dirt and transient microorganisms.

~~(43)~~(45) "Protective disposable barrier" is a disposable, moisture-resistant covering which reduces the potential for contaminating environmental or medical device surfaces that may be difficult or inconvenient to clean and disinfect routinely, for example, tables and pillows, or hard-to-clean surfaces such as light handles and epilator surfaces..

~~(44)~~(46) "Reprocessing" is the process of cleaning, disinfecting or sterilizing a reusable instrument that has been used or contaminated in order to be made safe for its intended use.

~~(45)~~(47) "Semi-critical items" are instruments, devices, objects or environmental surface that may come in contact with mucous membranes and non-intact skin, but do not ordinarily penetrate body surfaces. Semi-critical items require sterilization or exposure to high-level disinfection as set in Item 44 of this Rule.

~~(46)~~(48) "Sharps container" is a manufactured and labeled, leak-proof, rigid, puncture-resistant, durable plastic container into which needles are placed after use and which is designed to be disposed of as an item of regulated medical waste.

~~(47)~~(49) "Standards" is the level of quality or excellence.

~~(48)~~(50) "Sterility assurance file" is the record containing the sterilizer maintenance and use log and culture report from each biological monitor.

~~(49)~~(51) "Sterilization" is the process which destroys all forms of microbial life. The recommended methods of sterilization of instruments and items used in the practice of electrology are the dry heat sterilizer or the autoclave.

~~(50)~~(52) "Tip for epilator needle" is the cap or plastic tip that surrounds the base of the needle and covers the pin device where the needle shank is seated.

~~(51)~~(53) "Treatment room" is the operatory where electrolysis treatments are performed.

~~(52)~~(54) "Ultrasonic cleaner" is a processing unit using ultrasonic waves transmitted through the cleaning solution in a mechanical process known as cavitation. The transmitted sound waves produce tiny air bubbles on instrument surfaces, which scrub tightly adhering or embedded particles from solid surfaces and remove soil deposits from hard-to-reach areas.

History Note: *Authority G.S. 88A-6; 88A-13; 88A-16;*
Eff. December 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, ~~2018.~~ 2018;
Amended Eff. November 1, 2022.

21 NCAC 19 .0701 is amended with changes as published in 37:02 NCR 205-206 as follows:

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

(a) ~~Requirements~~ The following are requirements for the Board to approve renewals for electrologist or laser hair practitioners:

(1) Each electrologist licensed in this State shall complete ~~one CEU,~~ 10 CEUs as defined in ~~Rule .0103~~ Rule .0404 of this Chapter, per ~~renewal~~ license effective period as a requirement for renewal of the electrology license. ~~For electrologists~~ Electrologists with ~~20~~ 30 or more years of ~~practice,~~ practice without interruption in licensure ~~the CEU requirement~~ shall ~~be completion of one CEU~~ complete 10 CEUs every five years. The first five-year period shall be measured from the issuance date of the license in year 30, and subsequent periods shall be measured from the issuance date in each fifth year thereafter.

(2) Each laser hair practitioner licensed in this State shall complete ~~one CEU~~ 10 CEUs per ~~renewal~~ license effective period as a requirement for renewal of the laser hair practitioner license.

(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,~~ status shall present evidence of completion of ~~one CEU~~ 10 CEUs within the 12 months preceding the reactivation application in satisfaction of the competency requirement of G.S. 88A-14.

(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~~ 10 CEUs for each ~~renewal~~ license effective period or part of a ~~renewal~~ license effective period that has elapsed since the electrologist's or laser hair practitioner's license was last ~~current~~ current, in satisfaction of the competency requirement of G.S. 88A-12. At least ~~one~~ 10 of the CEUs offered in satisfaction of a competency requirement shall have been completed within the 12 months immediately preceding the application for reinstatement.

(5) Not more than ~~one CEU~~ 10 CEUs [~~earned through in-person seminar~~] may be carried over ~~per renewal period.~~ to the next license effective period. CEUs earned through [~~other content delivery methods~~] home study [~~cannot~~] shall only be carried over to the next license effective [~~period.~~] period if the following occur:

(A) The education provider records the full name and license number of the attendee;

(B) There is both a host and a monitor administering the education, where the monitor verifies that attendees are present during the presentation;

(C) The attendee has a camera on at all times so that the monitor can verify that the attendee is participating in the presentation;

(D) The education provider records the time the attendee was present during the education; and

(E) The education provider submits verification of the attendee's participation in the presentation within 30 days of the event to the address in Rule .0101 of this Chapter.

(6) No more than ~~one CEU~~ 10 CEUs of home study may be credited for continuing education in each ~~renewal~~ license effective period. "Home study" is defined as an educational activity undertaken by an individual, completed by correspondence or online, and with a certification of completion awarded at the end of the course. ~~Continuing education hours obtained through home study may~~ [~~shall~~] ~~not be carried over to a subsequent renewal~~ [~~license effective~~] ~~period~~.

(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~~ license effective periods, the Board shall give credit for no more than ~~one-half CEU~~ five CEUs in the area of business management.

(9) New licensees shall be required to renew licenses and pay for inspections for the upcoming year.

(10) An initial license shall not be issued until an initial inspection has been completed on the practicing office.

(b) ~~Requirements~~ The following are requirements for the Board to approve renewals for instructors:

(1) An instructor whose certification has been placed on the inactive list for more than 90 days and less than ~~3~~ three years shall present certification of completion of ~~one CEU~~ 10 CEUs within the 12 months immediately preceding the application for reactivation of certification.

(2) An instructor whose certification has been expired for more than 90 days, but less than ~~3~~ three years shall present certification of completion of ~~one CEU~~ 10 CEUs for each ~~renewal~~ license effective period or part of a ~~renewal~~ license effective period that has elapsed since the instructor's license was last current. At least ~~one~~ 10 of the CEUs offered in satisfaction of a competency requirement shall have been completed within the 12 months immediately preceding the application for reinstatement of certification.

History Note: *Authority G.S. 88A-6; 88A-12; 88A-13; 88A-18;*
Eff. March 1, 1995;
Amendment Eff. October 1, 2015; December 1, 2010;
Readopted Eff. September 1, ~~2019.~~ 2019;
Amended Eff. November 1, 2022.

21 NCAC 19 .0702 is amended with changes as published in 37:02 NCR 206 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 applicant or 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;~~ course or courses;

(2) Sponsoring entity;

(3) Course objective and outline of each course's content;

(4) Hours of ~~study;~~ study for each course topic; 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. The Application for Approval of Continuing Education may be obtained online at www.ncbee.com.~~ the application for approval of continuing education as set forth in Rule .0705 of this Section.

(e) The Board shall approve a program or course if requested pursuant to Paragraph (d) of this Rule upon finding that it meets the requirements of G.S. 88A-13. ~~In determining whether or not to make~~ When making 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)~~ for four hundred ninety-five dollars ($495.00) at http://www.IACET.org.

(f) The Board shall notify the electrologist by mail of the Board's findings and decision regarding the request made pursuant to Paragraph (d) of this Rule.

(g) A change in subject matter, length, or instructor of a course requires reapproval by the Board.

(h) 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;
Readopted Eff. September 1, ~~2019.~~ 2019;
Amended Eff. November 1, 2022.

21 NCAC 19 .0703 is amended as published in 37:02 NCR 207 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 Rule .0701 of this Section by completing more than one course if the total equals ~~one~~ 10 or more CEUs.

(c) One semester credit hour at a university or college shall be equivalent to ~~one CEU.~~ 10 CEUs. 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;
Readopted Eff. September 1, ~~2019.~~ 2019;
Amended Eff. November 1, 2022.

21 NCAC 19 .0704 is amended with changes as published in 37:02 NCR 207 as follows:

21 NCAC 19 .0704 TIME LIMITS ON CREDIT

~~An electrologist or laser hair practitioner may carry over up to one CEU from one renewal period to the next.~~ An electrologist or laser hair practitioner applying for reinstatement under ~~21 NCAC 19 .0203(b) who is~~ Rule .0203(b) of this Chapter and presenting CEUs in satisfaction of competency requirements ~~may, however, subject to the requirements of 21 NCAC 19 .0701(c),~~ may receive credit for ~~that purpose for~~ any CEUs taken during the time the applicant's license was ~~expired.~~ expired, subject to the requirements of [~~Rule .0701(c)~~] Rule .0701 of this Section.

History Note: *Authority G.S. 88A-6; 88A-12; 88A-13; 88A-18;*
Eff. March 1, 1995;
Amended Eff. December 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, ~~2018.~~ 2018;
Amended Eff. November 1, 2022.

21 NCAC 19 .0705 is adopted as published in 37:02 NCR 207 as follows:

21 NCAC 19 .0705 APPLICATION FOR APPROVAL OF CONTINUING EDUCATION

(a) The application for approval of continuing education shall be filed as set forth in Rule .0702(d) of this Section. It requests the following:

(1) the application date;

(2) the sponsoring entity offering the continuing education;

(3) the name of the speakers or presenters;

(4) the title of the course;

(5) the location of the course;

(6) the date of the course;

(7) the number of hours of study;

(8) the course objectives and a summary of the course content;

(9) the educational or professional background of the speakers or presenters, or a copy of the curricula vitae of the speakers or presenters; and

(10) a summary of the learning outcomes of the course.

(b) Applicants shall submit the form to the address in Rule .0101 of this Chapter at least two months before the course-registration date.

(c) Any change in subject matter, length, or instructor of a course shall require a new application.

(d) The application form is available at the website listed address in Rule .0101 of this Chapter.

(e) The application form shall be submitted as a fillable PDF and shall not be submitted as a handwritten form.

History Note: *Authority G.S. 88A-6; 88A-13;*
Eff. November 1, 2022.

21 NCAC 19 .0706 is adopted with changes as published in 37:02 NCR 207 as follows:

21 NCAC 19 .0706 WAIVER

The Board may waive any rule in this Chapter that is not statutorily required if a licensee, or applicant for license or certification, submits a written request to the address in Rule .0101 of this Chapter. Factors the Board shall use in determining whether to grant the waiver are:

(1) degree of disruption to the Board;

(2) cost to the Board;

(3) degree of benefit to the public;

(4) whether the requesting party had control over the circumstances that required the requested waiver;

(5) notice to and opposition by the ~~public;~~ public, provided that this notice does not conflict with laws that would prohibit disclosure of information, such as the Health Insurance Portability and Accountability Act or the North Carolina Identity Theft Protection Act;

(6) need for the waiver; and

(7) previous requests for waivers submitted from the requesting party.

History Note: *Authority G.S. 88A-6; 150B-19(6);*
Eff. November 1, 2022.