

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

H

D

HOUSE DRH50320-LUfqq-88B (3/16)

Short Title: Amend Electrolysis Practice Act/Fees. (Public)

Sponsors: Representative Jeffus.

Referred to:

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 88A-3 is amended by adding the following new subdivisions to read:

**"§ 88A-3. Definitions.**

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

...

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

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

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

**SECTION 2.** G.S. 88A-9(b) reads as rewritten:

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

(1)	Application for licensure as an electrologist .....	\$150.00
(1a)	Initial license .....	150.00
(1b)	Examination or reexamination .....	125.00
(2)	Licensure of electrology renewal .....	200.00

1	(3)	Application for certification as an electrology instructor.....	150.00
2	(4)	Certificate of electrology instructor renewal.....	75.00
3	(5)	Application for certification as a <del>Board</del>	
4		<del>approved</del> Board-approved school of electrology .....	500.00
5	(5a)	<u>Application for certification as laser clinician</u> .....	<u>150.00</u>
6	(5b)	<u>Application for certification as laser clinician instructor</u> .....	<u>150.00</u>
7	(5c)	<u>Certification as laser clinician renewal</u> .....	<u>200.00</u>
8	(5d)	<u>Application for certification as a Board-approved school of</u>	
9		<u>laser, light source, or pulsed-light treatments</u> .....	<u>500.00</u>
10	(5e)	<u>Certificate of Board-approved school of laser, light source,</u>	
11		<u>or pulsed-light renewal</u> .....	<u>250.00</u>
12	(6)	Certificate of <del>Board</del> Board-approved school of	
13		electrology renewal .....	250.00
14	(6a)	Certification of out-of-state schools .....	100.00
15	(6b)	Certification of out-of-state schools renewal .....	75.00
16	(6c)	Office inspection or reinspection .....	100.00
17	(6d)	License by reciprocity .....	150.00
18	(7)	Late renewal charge .....	75.00
19	(8)	Reinstatement of expired license <u>or certification</u> .....	300.00
20	(9)	Reactivation of license .....	200.00
21	(10)	Duplicate license <u>or certification</u> .....	25.00."

SECTION 3. G.S. 88A-10 reads as rewritten:

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

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

- (1) Submit an application on a form approved by the Board.
- (2) Be a resident of North Carolina.
- (3) Be ~~18-21~~ years of age or older.
- (4) Meet the requirements of subsection (a1) of this section.
- (5) Pass an examination given by the Board.
- (6) Submit the application and examination fees required in G.S. 88A-9(b).

(a1) An applicant for licensure under this section shall provide:

- (1) Proof of graduation from a school certified by the Board pursuant to G.S. 88A-19; or
- (2) Proof satisfactory to the Board that, for at least one year prior to the date of application or the date of initial residence in this State, whichever is earlier, the applicant was engaged in the practice of electrology in a state that does not license electrologists.

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

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

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

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

14 (e) A person seeking a certification by the Board as a laser clinician shall have  
15 met the following requirements at the time the certification is requested:

16 (1) Satisfactorily met all the requirements of subsections (a) through (d) of  
17 this section.

18 (2) Completed a 30-hour laser, light source, or pulsed-light treatment  
19 certification course approved by the Board and in accordance with  
20 rules adopted by the Board.

21 (3) Is currently using or anticipates using laser, light source, or  
22 pulsed-light devices that the person has been certified to operate."

23 **SECTION 4.** G.S. 88A-12 reads as rewritten:

24 "**§ 88A-12. License or certification renewal.**

25 (a) Every electrologist license or laser clinician certification issued pursuant to  
26 this Chapter must be renewed annually. On or before the date the current license or  
27 certification expires, a person who desires to continue to practice electrology or as a  
28 laser clinician shall apply for license or certification renewal to the Board on forms  
29 approved by the Board, provide evidence of the successful completion of a continuing  
30 educational program approved by the Board, meet the criteria for renewal established by  
31 the Board, and pay the required fee. The Board may provide for the late renewal of  
32 licensure or certification upon payment of a late fee as set by the Board, but late renewal  
33 may not be granted more than 90 days after expiration of the ~~license~~ license or  
34 certification.

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

41 **SECTION 5.** G.S. 88A-13 is amended by adding the following new  
42 subsection to read:

43 "(d) Laser clinicians are required to complete 10 hours of continuing education  
44 annually to maintain their certification."

1           **SECTION 6.** Chapter 88A of the General Statutes is amended by adding the  
2 following new section to read:

3 **"§ 88A-17.1. Requirements for certification as a laser clinician instructor.**

4       (a) Any person who desires certification as a 'laser clinician instructor' pursuant  
5 to this Chapter shall meet the following requirements:

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

7           (2) Be a licensed electrologist.

8           (3) Be a licensed electrology instructor.

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

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

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

15           **SECTION 7.** G.S. 88A-18 reads as rewritten:

16 **"§ 88A-18. Renewal of instructor's certificate.**

17       An electrology or laser clinician instructor's certificate shall be renewed annually.  
18 On or before the date the current certificate expires, the applicant must submit an  
19 application for renewal of certification on a form approved by the Board, meet criteria  
20 for renewal established by the Board, and pay the required fee. Any person whose  
21 instructor's certificate has expired for a period of five years or more shall be required to  
22 take and pass the instructor's examination before the certificate can be renewed."

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

25 **"§ 88A-19.1. Requirements for certification as a Board-approved school of laser,**  
26 **light source, or pulsed-light treatments.**

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

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

30           (2) Submit a detailed projected floor plan of the institutional area  
31 demonstrating adequate school facilities to accommodate students for  
32 purposes of lectures, classroom instruction, and practical  
33 demonstration;

34           (3) Submit a detailed list of the equipment to be used by the students in  
35 the practical course of their studies;

36           (4) Submit a copy of the planned laser, light source, or pulsed-light  
37 curriculum consisting of the number of hours and subject matter  
38 determined by the Board, provided that the number of hours required  
39 shall not be less than 30 hours and not more than 600 hours;

40           (5) Submit a certified copy of the school manual of instruction;

41           (6) Submit the names and qualifications of the instructors certified; and,

42           (7) Any additional information the Board may require.

1       (b) When the Board determines that an applicant has met all the qualifications for  
2 certification as a Board-approved school of laser, light source, or pulsed-light treatments  
3 and has submitted the required fee, the Board shall issue a certificate to the applicant.

4       (c) A school's certification is only valid for the location named in the application.  
5 When a school desires to change locations, an application shall be submitted to the  
6 Board on a form furnished by the Board, and the fee shall be paid for certificate  
7 renewal.

8       (d) A school's certification is not transferrable. Schools must immediately notify  
9 the Board in writing of any sale, transfer, or change in ownership or management.

10       (e) Every school shall display its certification in a manner prescribed by the  
11 Board.

12       (f) All laser, light source, or pulsed-light devices used in the school must be  
13 approved by the federal Food and Drug Administration."

14       **SECTION 9.** G.S. 88A-20 reads as rewritten:

15       **"§ 88A-20. Certification renewal.**

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

22       **SECTION 10.** This act is effective when it becomes law.