

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS55184-LUfqq-88A (3/16)

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

Sponsors: Senator Hagan.

Referred to:

A BILL TO BE ENTITLED

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

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 hair 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 Board	
4		approved Board-approved school of electrology	500.00
5	(5a)	<u>Application for endorsement as laser hair clinician</u>	<u>150.00</u>
6	(5b)	<u>Application for endorsement as laser hair clinician instructor</u>	<u>150.00</u>
7	(5c)	<u>Endorsement as laser hair 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 treatment</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 Board 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 endorsement</u>	300.00
20	(9)	Reactivation of license	200.00
21	(10)	Duplicate license <u>or endorsement</u>	25.00."

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

"§ 88A-10. **Requirements for licensure as an ~~electrologist~~electrologist or endorsement as a laser hair 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 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 an endorsement by the Board as a laser hair clinician shall
15 have met the following requirements at the time the endorsement 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 endorsement renewal.**

25 (a) Every electrologist license or laser hair clinician endorsement issued pursuant
26 to this Chapter must be renewed annually. On or before the date the current license or
27 endorsement expires, a person who desires to continue to practice electrology or as a
28 laser hair clinician shall apply for license or endorsement 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 endorsement upon payment of a late fee as set by the Board, but late
33 renewal may not be granted more than 90 days after expiration of the ~~license~~-license or
34 endorsement.

35 (b) Any person who has failed to renew his or her license or endorsement 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 endorsement."

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

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

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 endorsement as a laser hair clinician instructor.**

4 (a) Any person who desires endorsement as a 'laser hair clinician instructor'
5 pursuant 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 endorsement as a laser hair clinician instructor and has submitted the required fee, the
14 Board shall issue an instructor's endorsement 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 hair clinician instructor's certificate shall be renewed
18 annually. On or before the date the current certificate expires, the applicant must submit
19 an application for renewal of certification on a form approved by the Board, meet
20 criteria for renewal established by the Board, and pay the required fee. Any person
21 whose instructor's certificate has expired for a period of five years or more shall be
22 required to take and pass the instructor's examination before the certificate can be
23 renewed."

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

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

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

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

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

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

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

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

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

43 (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 transferable. 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 Food and Drug Administration of the United States Government."

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.