

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 937

Short Title: Electrolysis Regulation Act.

(Public)

Sponsors: Senator Kaplan.

Referred to: Human Resources.

April 19, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE THE PRACTICE OF ELECTROLYSIS.

3 The General Assembly of North Carolina enacts:

4 Section 1. The General Statutes are amended by adding a new Chapter to
5 read:

6 **“CHAPTER 88A.**

7 **“ELECTROLYSIS REGULATION ACT.**

8 **“§ 88A-1. Short title.**

9 This act shall be known and may be cited as the ‘Electrolysis Regulation Act.’

10 **“§ 88A-2. Purpose.**

11 The purpose and intent of this Chapter is to protect the public from
12 misrepresentation of status by persons who hold themselves out to be ‘certified
13 electrologists’.

14 **“§ 88A-3. Definitions.**

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

16 (1) ‘Board’ means the North Carolina Electrolysis Certification Board.

17 (2) ‘Electrolysis’ means the permanent removal of hair by the application
18 of an electrical current to the dermal papilla by a filament to cause
19 decomposition, coagulation, or dehydration within the hair follicle as
20 approved by the Food and Drug Administration of the United States
21 Government.

22 (3) ‘Electrologist’ or ‘electrolocist’ means a person who engages in the
23 practice of electrolysis for permanent hair removal.

- 1 (4) 'Electrology' means the art and practice relating to the removal of hair
2 from the normal skin of the human body by application of an electric
3 current to the hair papilla by means of a needle or needles so as to
4 cause growth inactivity of the hair papilla and thus permanently
5 remove the hair.

6 **"§ 88A-4. Certification Board created; membership.**

7 (a) The North Carolina State Board of Electrolysis Certification is hereby
8 created.

9 (b) Composition. – The Board shall consist of five members appointed as
10 follows:

- 11 (1) Three electrologists, all of whom are eligible for certification under
12 this Chapter, who have engaged in the practice of electrolysis for at
13 least five years, and who are certified by a recognized national
14 commission for electrologists certification. One such member shall be
15 appointed by the Governor, one by the General Assembly upon the
16 recommendation of the President Pro Tempore of the Senate, and one
17 by the General Assembly upon the recommendation of the Speaker of
18 the House of Representatives.
- 19 (2) One licensed physician, who shall be appointed by the North Carolina
20 Board of Medical Examiners.
- 21 (3) One member, who has not practiced electrolysis, and who is not in
22 training to become an electrologist, who shall be appointed by the
23 Governor.

24 The Governor shall make his initial appointments after consultation with the
25 Electrolysis Association of North Carolina and thereafter shall make his appointments
26 after consultation with the Board.

27 (c) Appointments. – Initial appointments shall be made within 30 days of the
28 effective date of this act. Vacancies shall be filled within 30 days after the position is
29 vacated and shall be made by the appropriate appointing authority. The General
30 Assembly shall fill vacancies for which it is the appointing authority in accordance with
31 G.S. 120-122. When a person is appointed to fill a vacant position, he shall serve the
32 remainder of the unexpired term. Members shall serve for the duration of their terms,
33 and until their successors are appointed and qualified.

34 (d) Limitation of terms. – No person may be appointed for more than two
35 consecutive terms.

36 (e) Terms. – Of the members initially appointed, the electrologist member
37 appointed by the Governor shall serve a term of two years. The public member shall
38 serve a term of two years. The electrologist member appointed by the General
39 Assembly upon the recommendation of the President Pro Tempore of the Senate shall
40 serve a term of three years. The electrologist member appointed by the General
41 Assembly upon the recommendation of the Speaker of the House of Representatives
42 shall serve a term of three years. The physician member shall serve a term of three
43 years. Thereafter, members shall serve a term of three years.

1 (f) Removal. – The Board may remove any of its members for gross neglect of
2 duty, incompetence, or unprofessional conduct. A member subject to disciplinary
3 proceedings shall be disqualified from all Board business until the charges are resolved.
4 The Governor may also remove any member of the Board for gross neglect of duty,
5 incompetence, or unprofessional conduct.

6 (g) Compensation. – Each member of the Board shall receive such per diem
7 compensation and reimbursement for travel and subsistence as shall be set for licensing
8 Board members generally, as provided in G.S. 93B-5.

9 (h) Officers. – The Board shall elect a Chairman, a Vice-Chairman, and such
10 other officers as are deemed necessary by the Board. Officers shall be elected for a
11 term of one year.

12 (i) Meeting. – The Board shall meet at least quarterly to conduct its business. A
13 majority of the members shall constitute a quorum.

14 (j) Employees. – The Board may employ necessary personnel for the
15 performance of its functions, and fix their compensation within the limits of the funds
16 available to the Board.

17 (k) The total expense of the administration of this Chapter shall not exceed the
18 total income from fees collected pursuant to this Chapter. None of the expenses of the
19 Board, or the compensation or expenses of any officer or employee of the Board shall
20 be paid or payable out of the General Fund. Neither the Board nor any of its officers or
21 employees may incur any expense, debt, or other financial obligation binding upon the
22 State.

23 **"§ 88A-5. Powers and duties of the Board.**

24 (a) The Board shall have the following general powers and duties:

25 (1) To administer this Chapter;

26 (2) To adopt, amend or repeal rules in the manner prescribed by Chapter
27 150B of the General Statutes as may be necessary to carry out the
28 provisions of this Chapter;

29 (3) To determine the qualifications of persons who are certified pursuant
30 to this Chapter;

31 (4) To issue, renew, deny, suspend, or revoke certificates and to carry out
32 any of the other actions authorized by this Chapter;

33 (5) To establish, publish, and enforce rules of professional conduct, and to
34 regulate advertising by licensees;

35 (6) To maintain a record of all proceedings and make available to persons
36 who hold a certificate and to other concerned parties an annual report
37 of all Board action;

38 (7) To set fees for certification, certificate renewal, and other services
39 deemed necessary to carry out the purpose of this Chapter; and

40 (8) To employ and fix the compensation of personnel that the Board
41 determines are necessary to carry out the provisions of this Chapter
42 and to incur other expenses necessary to effectuate this Chapter.

1 (b) The powers and duties enumerated above are granted for the purpose of
2 enabling the Board to protect the public from misrepresentation of certified status as
3 provided in this Chapter and shall be liberally construed to accomplish this objective.

4 (c) The State Auditor shall have audit oversight of the Board pursuant to Article
5 5A of Chapter 147 of the General Statutes.

6 **"§ 88A-6. License required; civil penalty; injunction.**

7 (a) Effective January 1, 1991, no person shall engage in the practice of
8 electrolysis in this State unless he or she is certified under this Chapter.

9 (b) The Board may impose a civil penalty not to exceed \$500.00 per violation
10 against any person who violates this Chapter.

11 (c) If the Board finds that any person is violating any of the provisions of this
12 Chapter, it may apply in its own name to the superior court for an injunction or
13 restraining order to prevent that person from further violation. The court is empowered
14 to grant an injunction regardless of whether any other enforcement action has been or
15 may be instituted.

16 **"§ 88A-7. Certification requirements.**

17 (a) Any person seeking to be certified as an electrologist shall apply to the Board
18 and shall pay the application fee set by the Board. To qualify for certification an
19 applicant shall be:

20 (1) A resident of the State;

21 (2) 18 years of age or older;

22 (3) A graduate of an approved school as set forth in G.S. 88A-15.

23 (b) Any person who meets the requirements of this Chapter shall be certified
24 upon payment of the certification fee set by the Board.

25 (c) Any person who is engaging in the practice of electrolysis prior to January 1,
26 1991, may be granted certification without examination provided that such person
27 applies to the Board for certification under this subsection no later than December 31,
28 1990.

29 (d) Any person who is licensed or certified to practice electrolysis in another
30 state or other jurisdiction that has standards for certification or licensure which the
31 Board considers equivalent to, or more stringent than, the requirements of this Chapter,
32 and who meets the requirements of subsection (a) of this section shall, upon payment of
33 the appropriate fees, be issued certification by reciprocity, and the examination
34 requirements of G. S. 88A-8 shall be waived for that person.

35 **"§ 88A-8. Examinations.**

36 (a) Upon payment of an examination fee set by the Board, each eligible applicant
37 for certification shall be tested by the Board to determine the applicant's knowledge of
38 the basic and clinical sciences relating to the theory and practice of electrology. Upon
39 failure of any one or more parts of the examination, the applicant may be reexamined
40 with respect to that part or parts upon payment of the reexamination fee set by the
41 Board.

42 (b) Examination shall be given at least twice a year. The Board shall give
43 applicants notice of the date, time and place of the examination at least 60 days in
44 advance.

1 **"§ 88A-9. Investigations; disciplinary actions.**

2 (a) The Board shall conduct investigations for the purpose of determining
3 whether violations of this Chapter or grounds for decertifying persons who are certified
4 pursuant to this Chapter exist. Upon the finding of any one or more of the causes
5 enumerated in subsection (b) of this section, the Board may:

6 (1) Deny an application for a license;

7 (2) Suspend a license;

8 (3) Restrict a person's practice of electrolysis for a period of not more than
9 three years;

10 (4) Revoke a license;

11 (5) Require a licensee to submit to medical or the appropriate care,
12 counseling, or treatment.

13 (b) Following are the grounds for the disciplinary actions cited in subsection (a)
14 of this section:

15 (1) Conviction of, or finding of guilt with respect to, a crime in this State
16 or any other jurisdiction, regardless of adjudication, if any element of
17 the crime directly relates to the practice of electrolysis.

18 (2) Obtaining, or attempting to obtain, certification to practice electrolysis
19 by bribery or by fraudulent misrepresentation.

20 (3) Malpractice or the inability to practice electrolysis with reasonable
21 skill and safety.

22 (4) Disseminating false, deceptive, or misleading advertising.

23 (5) Advertising, practicing, or attempting to practice under a name other
24 than one's business.

25 (6) Judicial determination of mental incompetency.

26 (7) Violation of the rules of the Board.

27 (8) The revocation, suspension, or denial of the person's license or
28 certification to practice electrolysis in any other state or territory of the
29 United States or any foreign country.

30 (9) A finding, upon investigation by the Board, that the applicant or
31 certificated person is guilty of unprofessional conduct.
32 'Unprofessional conduct' includes any act which departs from, or fails
33 to conform to, the minimum standards of acceptable and prevailing
34 electrolysis practice.

35 (10) Assisting, aiding, abetting, or procuring the practice of a person who is
36 not certified under this Chapter.

37 (11) Violation of any provision of this Chapter, or any rule or regulation of
38 the Board.

39 (c) With respect to certification suspended or revoked pursuant to this section,
40 the Board shall have discretion to accept or reject an application for reinstatement, and
41 shall hold a hearing to consider the reinstatement. If an application for reinstatement is
42 accepted, the applicant shall comply with conditions imposed by the Board.

43 **"§ 88A-10. Renewal of certification.**

1 (a) Certification issued under this Chapter shall be renewed biennially upon
2 payment of a renewal fee as set by the Board and shall expire unless renewed. The
3 Board may provide for the late renewal of certification upon payment of a late fee as set
4 by the Board, but late renewal may not be granted more than 180 days after expiration
5 of the certification.

6 (b) Any person who has failed to renew his certification for more than 180 days
7 after expiration may have it reinstated by applying to the Board for reinstatement and
8 complying with any conditions imposed by the Board.

9 (c) Suspended certification is subject to expiration and may be renewed as
10 provided in this section. The renewal, however, shall not entitle the certificated person,
11 while certification remains suspended, to engage in any conduct, or activity in violation
12 of the order by which the certification was suspended. If certification which was
13 suspended on disciplinary grounds is reinstated, the reinstated person shall pay the
14 renewal fee and any late fees that may be applicable.

15 **§ 88A-11. Fees.**

16 (a) The Board shall adopt a schedule of fees which may be charged for:

17 (1) Application, examination, reexamination, certification, renewal of
18 certification, and reinstatement of certification not to exceed
19 _____ dollars.

20 (2) Certification by reciprocity, not to exceed _____ dollars.

21 (3) Late renewal, not to exceed _____ dollars.

22 (4) Applications for departmental approval of electrology schools, not to
23 exceed _____ dollars.

24 (5) Renewal of departmental approval of electrology schools, not to
25 exceed _____ dollars; and

26 (6) Application for instructor's certificate, not to exceed _____ dollars.

27 (b) All fees shall be calculated in amounts sufficient to pay the costs of
28 administration of this act.

29 **§ 88A-12. Permanent establishment required.**

30 (a) Electrolysis shall be practiced by a certificated person only in a permanent
31 establishment. Every such establishment, hereinafter referred to as 'office' shall be
32 equipped with such equipment and supplies as are deemed necessary to provide for the
33 efficient practice of electrolysis and shall be subject to periodic inspection by the Board.

34 (b) Every electrologist shall notify the Board in writing by certified mail at least
35 30 working days prior to the opening of a new office and prior to any change of office.

36 (c) The Board shall adopt standards for offices, and may adopt different rules for
37 offices located in homes or apartments. The Board may adopt standards for the
38 equipping and facilities of offices.

39 (d) Every electrologist shall display his certification in a conspicuous place in his
40 principal office.

41 (e) Every electrologist may make house or hospital calls, but only if the patient is
42 physically incapacitated. The Board shall adopt rules with regard to the equipment and
43 instruments to be used by an electrologist when treating patients outside the office.

44 **§ 88A-13. Persons and practices not affected.**

1 (a) The requirements of this Chapter shall not apply to any health care
2 professional duly licensed in accordance with Chapter 90 of the General Statutes.

3 (b) This Chapter shall not apply to, nor prohibit the practice of electrolysis by:

4 (1) A person demonstrating on behalf of a manufacturer or distributor, any
5 electrolysis equipment or supplies, if such demonstration is performed
6 without charge.

7 (2) A student at an approved school of electrology when electrolysis is
8 performed in the course of study.

9 **"§ 88A-14. Continuing education.**

10 An application for renewal of certification shall be accompanied by proof of
11 successful completion of four hours (one contact hour shall be considered one credit
12 hour) biennially of a continuing education program approved by the Board.

13 **"§ 88A-15. Electrology schools.**

14 (a) Each continuing education program, school, and instructor of electrology in
15 this State must be approved and certified by the Board.

16 (b) Each electrology school applying for approval shall submit to the Board:

17 (1) A completed application form along with an application fee set by the
18 Board, but not to exceed \$250.00.

19 (2) A detailed projected floor plan of the institutional area.

20 (3) A copy of the planned electrology curriculum.

21 (4) A copy of the enrollment agreement.

22 (5) A certified copy of the school manual of instruction.

23 (6) The names and qualifications of instructors and lecturers certified in
24 accordance with G.S. 88A-16.

25 (c) School approval shall be contingent upon the following:

26 (1) School approvals are only valid for the location named in the
27 application and are not transferrable. Schools shall immediately notify
28 the Board in writing of any sale, transfer, or change in ownership or
29 management. Every school shall display its approval.

30 (2) School approval shall be renewed every year upon payment of a
31 renewal fee set by the Board, but not to exceed \$50.00.

32 (3) Every electrology school shall furnish to each student upon enrollment
33 a signed copy of the enrollment agreement.

34 (4) School facilities shall be adequate to accommodate students for
35 purposes of lectures, classroom instruction, and practical
36 demonstration, and shall have proper and sufficient equipment for
37 practical work to be conducted by the students. A list of equipment
38 shall be submitted to the Board for its approval and the list shall be
39 updated at the time of each renewal. All epilators shall be approved by
40 the Federal Communications Commission.

41 (5) Schools shall submit such additional information, in connection with
42 any application for approval or any renewal application which the
43 Board may require by rule or order.

1 (6) Approval of a school shall be valid for two years, unless such approval
2 terminates, is suspended or revoked by the Board. After two years, a
3 school shall apply to the Board for renewal of its approval, and the
4 Board may charge and collect a fee, not to exceed \$125.00 in
5 connection with a renewal application.

6 (d) Electrology school curriculum. – Every school teaching electrology shall
7 maintain a course of study consisting of not less than 600 hours. The curriculum shall
8 be as established by the Board.

9 **"§ 88A-16. Instructor certification.**

10 (a) Any person who desires to be certified as an instructor of electrolysis under
11 this Chapter shall apply for an instructor's certification and shall pay the instructor's
12 certification fee established by the Board. The application shall show to the satisfaction
13 of the Board that the applicant has met all qualifications for certification as an
14 instructor.

15 (b) Instructor certification shall be valid for two years, unless sooner suspended
16 or revoked. The Board may charge a fee, and may require additional information as
17 prescribed by rule or order in connection with an application for renewal of instructor
18 certification."

19 Sec. 2. This act shall become effective January 1, 1991, except for G.S. 88A-
20 3 and G.S. 88A-4 which are effective upon ratification.