

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 1330  
Committee Substitute Favorable 8/23/05

Short Title: Amend Electrolysis Practice Act/Fees.

(Public)

Sponsors:

Referred to:

April 20, 2005

A BILL TO BE ENTITLED

AN ACT ALLOWING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO PROVIDE FOR THE LICENSURE 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 LICENSURES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 88A-2 reads as rewritten:

**"§ 88A-2. Purpose.**

The purpose of this Chapter is to ensure minimum standards of competency, to protect the public from misrepresentation of status by persons who hold themselves out to be "~~certified electrologists~~", "licensed electrologists" or "licensed laser clinicians" and to provide the public with safe care by the mandatory licensing of ~~electrologists~~, electrologists and laser clinicians."

**SECTION 2.** G.S. 88A-4 reads as rewritten:

**"§ 88A-4. Unlawful practice.**

(a) ~~Effective January 31, 1994, it~~ It shall be unlawful to engage in the practice of electrolysis or laser, light source, or pulsed-light treatments in this State without a license.

(b) Any person practicing laser, light source, or pulsed-light treatments in this State without being licensed by the Board shall be guilty of a Class I felony and may be assessed a civil penalty of five thousand dollars (\$5,000) per offense. Any other violation of this Chapter shall be a Class 2 misdemeanor. Nothing in this subsection shall limit or prevent any licensed physician from performing or delegating to a qualified person any acts otherwise permitted by law or established by custom."

**SECTION 3.** 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:

- 1 ...
- 2 (5) 'Laser clinician' means a person who engages in laser, light source, or
- 3 pulsed-light treatments of skin or hair.
- 4 (6) 'Laser, light source, or pulsed-light treatments' means the use of laser
- 5 or pulsed-light devices for nonablative procedures for the removal of
- 6 hair.
- 7 (7) 'Laser, light source, or pulsed-light devices' means a device used in the
- 8 nonablative procedure for the removal of hair."

9 **SECTION 4.** G.S. 88A-9(b) reads as rewritten:

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

12	(1)	Application for licensure as an electrologist .....	\$150.00
13	(1a)	Initial license .....	150.00
14	(1b)	Examination or reexamination .....	125.00
15	(2)	Licensure of electrology renewal .....	200.00
16	(3)	Application for <del>certification</del> <u>licensure</u> as an electrology	
17		instructor.....	150.00
18	(4)	<del>Certificate-Licensure</del> of electrology instructor renewal.....	75.00
19	(5)	Application for certification as a <del>Board</del>	
20		<del>approved</del> <u>Board-approved</u> school of electrology .....	500.00
21	(5a)	<u>Application for licensure as a laser clinician .....</u>	<u>150.00</u>
22	(5b)	<u>Licensure as laser clinician renewal.....</u>	<u>200.00</u>
23	(5b)	<u>Application for licensure as laser clinician instructor.....</u>	<u>150.00</u>
24	(5c)	<u>Licensure of laser clinician instructor renewal .....</u>	<u>75.00</u>
25	(5d)	<u>Application for certification as a Board-approved school of</u>	
26		<u>laser, light source, or pulsed-light treatments .....</u>	<u>500.00</u>
27	(5e)	<u>Certificate of Board-approved school of laser, light source,</u>	
28		<u>or pulsed-light renewal.....</u>	<u>250.00</u>
29	(6)	Certificate of <del>Board</del> <u>Board-approved</u> school of	
30		electrology renewal .....	250.00
31	(6a)	Certification of out-of-state schools .....	100.00
32	(6b)	Certification of out-of-state schools renewal .....	75.00
33	(6c)	Office inspection or reinspection .....	100.00
34	(6d)	License by reciprocity .....	150.00
35	(7)	Late renewal charge .....	75.00
36	(8)	Reinstatement of expired license <u>or certification</u> .....	300.00
37	(9)	Reactivation of license .....	200.00
38	(10)	Duplicate license <u>or certification</u> .....	25.00."

39 **SECTION 5.** G.S. 88A-10 reads as rewritten:

40 "**§ 88A-10. Requirements for licensure as an ~~electrologist~~electrologist or a laser**  
41 **clinician.**

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

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

- 1 (2) Be a resident of North Carolina.
- 2 (3) Be ~~18-21~~ years of age or older.
- 3 (4) Meet the requirements of subsection (a1) of this section.
- 4 (5) Pass an examination given by the Board.
- 5 (6) Submit the application and examination fees required in
- 6 G.S. 88A-9(b).
- 7 (a1) An applicant for licensure under this section shall provide:
- 8 (1) Proof of graduation from a school certified by the Board pursuant to
- 9 G.S. 88A-19; or
- 10 (2) Proof satisfactory to the Board that, for at least one year prior to the
- 11 date of application or the date of initial residence in this State,
- 12 whichever is earlier, the applicant was engaged in the practice of
- 13 electrology in a state that does not license electrologists.

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

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

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

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

30 (e) A person seeking licensure by the Board as a laser clinician shall have met  
31 the following requirements at the time the license is requested:

- 32 (1) Be a licensed electrologist.
- 33 (2) Completed a 30-hour laser, light source, or pulsed-light treatment  
34 certification course approved by the Board and in accordance with  
35 rules adopted by the Board.
- 36 (3) Is currently using or anticipates using laser, light source, or  
37 pulsed-light devices that the person has been certified to operate."

38 **SECTION 6.** G.S. 88A-12 reads as rewritten:

39 **"§ 88A-12. License renewal.**

40 (a) Every electrologist license or laser clinician license issued pursuant to this  
41 Chapter must be renewed annually. On or before the date the current license expires, a  
42 person who desires to continue to practice electrology or as a laser clinician shall apply  
43 for license renewal to the Board on forms approved by the Board, provide evidence of  
44 the successful completion of a long-term educational program approved by the Board,

1 meet the criteria for renewal established by the Board, and pay the required fee. The  
2 Board may provide for the late renewal of licensure upon payment of a late fee as set by  
3 the Board, but late renewal may not be granted more than 90 days after expiration of the  
4 license.

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

10 **SECTION 7.** G.S. 88A-13 is amended by adding the following new  
11 subsection to read:

12 "(d) Laser clinicians are required to complete 10 hours of continuing education  
13 annually to maintain their licensure."

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

16 "**§ 88A-17.1. Requirements for licensure as a laser clinician instructor.**

17 (a) Any person who desires licensure as a 'laser clinician instructor' pursuant to  
18 this Chapter shall meet the following requirements:

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

20 (2) Be a licensed electrologist.

21 (3) Be a licensed electrology instructor.

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

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

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

28 **SECTION 9.** G.S. 88A-18 reads as rewritten:

29 "**§ 88A-18. Renewal of instructor's ~~certificate~~-license.**

30 An electrology or laser clinician instructor's ~~certificate~~-license shall be renewed  
31 annually. On or before the date the current ~~certificate~~-license expires, the applicant must  
32 submit an application for renewal of ~~certification~~-licensure on a form approved by the  
33 Board, meet criteria for renewal established by the Board, and pay the required fee. Any  
34 person whose instructor's ~~certificate~~-license has expired for a period of five years or  
35 more shall be required to take and pass the instructor's examination before the ~~certificate~~  
36 license can be renewed."

37 **SECTION 10.** Chapter 88A of the General Statutes is amended by adding  
38 the following new section to read:

39 "**§ 88A-19.1. Requirements for certification as a Board-approved school of laser,**  
40 **light source, or pulsed-light treatments.**

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

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

- 1           (2) Submit a detailed projected floor plan of the institutional area  
2           demonstrating adequate school facilities to accommodate students for  
3           purposes of lectures, classroom instruction, and practical  
4           demonstration;  
5           (3) Submit a detailed list of the equipment to be used by the students in  
6           the practical course of their studies;  
7           (4) Submit a copy of the planned laser, light source, or pulsed-light  
8           curriculum consisting of the number of hours and subject matter  
9           determined by the Board, provided that the number of hours required  
10           shall not be less than 30 hours and not more than 600 hours;  
11           (5) Submit a certified copy of the school manual of instruction;  
12           (6) Submit the names and qualifications of the licensed instructors; and  
13           (7) Any additional information the Board may require.

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

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

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

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

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

27       **SECTION 11.** G.S. 88A-20 reads as rewritten:

28       "**§ 88A-20. Certification renewal.**

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

35       **SECTION 12.** Section 2 of this act becomes effective December 1, 2005,  
36       and applies to offenses committed on or after that date. The remainder of this act is  
37       effective when it becomes law.