

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE PRINCIPAL CLERK

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HOUSE DRH70278-SQf-35 (05/11)

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

Sponsors: Representative Justice.

Referred to:

A BILL TO BE ENTITLED

AN ACT AMENDING THE ELECTROLYSIS PRACTICE ACT TO AUTHORIZE THE BOARD OF ELECTROLYSIS EXAMINERS TO HOLD AND USE FUNDS, TO CLARIFY CONTINUING EDUCATION REQUIREMENTS, AND TO AFFECT CERTAIN FEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 88A-7 is repealed.

SECTION 2. G.S. 88A-8 reads as rewritten:

"§ 88A-8. ~~The Board may accept~~**Custody and use of funds; contributions, etc.**

~~The Board may accept grants, contributions, devises, and gifts that shall be kept in the same account as the funds deposited in accordance with G.S. 88A-7 and shall be used to carry out the provisions of this Chapter. gifts. The Board may authorize expenditures deemed necessary to carry out the provisions of this Chapter, and all expenses shall be paid upon the warrant of the Board treasurer or executive director. The Board treasurer or executive director shall deposit funds received by the Board in one or more funds in banks or other financial institutions carrying deposit insurance and authorized to do business in North Carolina. Interest earned on such funds may remain in the funds account and may be expended as authorized by the Board to carry out the provisions of this Chapter."~~

SECTION 3. G.S. 88-9 reads as rewritten:

"§ 88A-9. **Expenses and fees.**

(a) All salaries, compensation, and expenses incurred or allowed for the purpose of carrying out the purposes of this Chapter shall be paid by the Board exclusively out of the fees received by the Board as authorized by this Chapter, or funds received pursuant to ~~G.S. 88A-7.~~G.S. 88A-8. No salary, expense, or other obligations of the Board may be charged against the General Fund of the State. Neither the Board nor any of its officers or employees may incur any expense, debt, or other financial obligation binding upon the State.

(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
- (1c) Reexamination 100.00
- (2) Licensure of electrology renewal 150.00
- (3) Application for licensure as an electrology instructor 150.00



1 (4) Licensure of electrology instructor renewal 150.00
 2 (5) Application for certification as a
 3 Board-approved school of electrology ~~500.00~~ 250.00
 4 (5a) Application for licensure as laser hair practitioner..... 150.00
 5 (5b) Licensure of laser hair practitioner renewal 150.00
 6 (5c) Application for licensure as laser hair practitioner instructor 150.00
 7 (5d) Licensure of laser hair practitioner instructor renewal 150.00
 8 (5e) Application for certification as a Board-approved school of
 9 laser, light source, or pulsed-light treatments ~~500.00~~250.00
 10 (5f) Certificate of Board-approved school of laser, light source,
 11 or pulsed-light renewal..... 400.00
 12 (6) Certificate of Board-approved school of
 13 electrology renewal 250.00
 14 (6a) Certification of out-of-state schools 150.00
 15 (6b) Certification of out-of-state schools renewal 100.00
 16 (6c) Office inspection or reinspection 100.00
 17 (6d) License by reciprocity 150.00
 18 (7) Late renewal charge 125.00
 19 (8) Reinstatement of expired license or certification 250.00
 20 (9) Reactivation of license 200.00
 21 (10) Duplicate license or certification ~~25.00~~25.00
 22 (11) Checks refused by the payor depository institution
 23 or from an account with insufficient funds..... 25.00."

24 **SECTION 4.** G.S. 88-11.1 reads as rewritten:

25 **"§ 88A-11.1. Requirements for licensure as a laser hair practitioner; limitations on**
 26 **licensed laser hair practitioners.**

27 (a) Any person seeking licensure by the Board as a laser hair practitioner shall have met
 28 the following requirements at the time the license is requested:

- 29 (1) Be an electrologist licensed under this Chapter.
 30 (2) Completed a minimum 30-hour laser, light source, or pulsed-light treatment
 31 certification course approved by the Board and in accordance with rules
 32 adopted by the Board. The Board may waive this requirement if the person
 33 seeking licensure provides adequate documentation of experience
 34 performing laser hair removal prior to October 1, 2007.
 35 (3) Be currently using or anticipate using laser, light source, or pulsed-light
 36 devices that the person has been certified by a Board-approved school to
 37 operate.

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

41 (c) Each laser hair practitioner shall practice laser, light source, or pulsed-light
 42 treatments under the supervision of a physician licensed under Article 1 of Chapter 90 of the
 43 General Statutes. The physician shall be readily available, but not required to be on site when
 44 the laser, light source, or pulsed-light treatments are being performed. However, the authority
 45 to regulate laser ~~clinicians~~practitioners shall remain with the Board.

46 (d) A laser hair practitioner shall not dispense or administer medication or provide
 47 advice regarding the use of medication, whether prescription or over-the-counter, in connection
 48 with laser, light source, or pulsed-light treatments.

49 (e) All laser hair practitioners shall use laser, light source, or pulsed-light devices
 50 approved by the federal Food and Drug Administration and comply with all applicable federal

1 and State regulations, rules, and laws. Any licensed laser hair practitioner violating this
2 subsection shall have his or her license revoked by the Board.

3 (f) Only a licensed physician may use laser, light source, or pulsed-light devices for
4 ablative procedures."

5 **SECTION 5.** G.S. 88A-13 reads as rewritten:

6 "**§ 88A-13. Continuing education.**

7 (a) The Board shall ~~determine the number of hours and subject matter of~~ approve all
8 continuing education required as a condition of license renewal. The Board may offer
9 continuing education to the licensees under this act.

10 (b) Upon request, the Board may grant approval to a continuing education program or
11 course upon finding that the program or course offers an educational experience designed to
12 enhance the practice of ~~electrology~~ electrology or laser hair removal under this act.

13 (c) The Board shall maintain and distribute, as appropriate, records of the educational
14 course work successfully completed by each licensee, including the subject matter and the
15 number of hours of each course.

16 (d) Laser hair ~~practitioners~~ practitioners, electrologists, or persons licensed in both
17 practice areas are required to complete a ~~minimum~~ total of 10 hours of continuing education
18 annually to maintain their licenses pursuant to rules adopted by the Board. Of the 10 continuing
19 education hours required in this section, laser hair practitioners shall complete at least one hour
20 in the subject matter of laser."

21 **SECTION 6.** G.S. 88A-15 reads as rewritten:

22 "**§ 88A-15. Exemptions from licensure.**

23 The following individuals shall be permitted to practice electrology without a license:

- 24 (1) Any physician licensed in accordance with Article 1 and Article 11 of
25 Chapter 90 of the General Statutes.
- 26 (2) A student at an approved school of electrology when electrolysis is
27 performed in the course of study.
- 28 (3) A person demonstrating on behalf of a manufacturer or distributor any
29 electrolysis equipment or supplies, if such demonstration is performed
30 without charge.
- 31 (4) An employee of a hospital licensed under Chapter 131E of the General
32 Statutes and working under the supervision of a physician licensed under
33 Article 1 of Chapter 90 of the General Statutes who is certified by the
34 American Board of ~~Dermatology~~ Dermatology or the American Board of
35 Medicine."

36 **SECTION 7.** G.S. 88A-17.1(a) reads as rewritten:

37 "**§ 88A-17.1. Requirements for licensure as a laser hair practitioner instructor.**

38 (a) Any person who desires licensure as a laser practitioner instructor pursuant to this
39 Chapter shall meet the following requirements:

- 40 (1) Submit an application on a form approved by the Board.
- 41 (2) Be an electrologist licensed under this Chapter or a physician licensed under
42 Article 1 of Chapter 90 of the General Statutes.
- 43 (3) Have practiced laser and light-based treatments actively for at least five
44 years immediately before applying for ~~licensure~~ licensure or is deemed
45 qualified to be an instructor by the Board upon providing adequate
46 documentation of experience as a laser or light-based hair removal educator
47 prior to October 1, 2007.
- 48 (4) Have at least 100 hours of training in laser and light-based treatments."

49 **SECTION 8.** This act becomes effective October 1, 2012.