
By: Delegates Nathan-Pulliam, Goldwater, Kagan, Kopp, and Grosfeld

Introduced and read first time: February 1, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - State Board of Electrologists**

3 FOR the purpose of authorizing the State Board of Electrologists to conduct certain
4 inspections; altering the number of hours of certain instruction foran electrology
5 education program; altering certain requirements for the reactivation of licenses of
6 individuals who are on inactive status; adding certain grounds for discipline;
7 clarifying the authority of the Board to approve certain electrologyeducation
8 programs; providing for the effective date of this Act; and generally relating to the
9 authority of the State Board of Electrologists.

10 BY repealing and reenacting, with amendments,
11 Article - Health Occupations
12 Section 6-205, 6-302, 6-310, 6-312, and 6-402
13 Annotated Code of Maryland
14 (1994 Replacement Volume and 1995 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Health Occupations**

18 6-205.

19 In addition to the powers and duties set forth elsewhere in this title, the Board has
20 the following powers and duties:

- 21 (1) To adopt rules and regulations to carry out the provisions of this title;
- 22 (2) To adopt standards for the practice of electrology;
- 23 (3) To keep records of its proceedings;
- 24 (4) To keep a list of all currently licensed electrologists andlicensed
25 electrology instructors;
- 26 (5) To submit an annual report to the Governor and the Secretary;
- 27 (6) To establish continuing education requirements;
- 28 (7) To refer to the State's Attorney any alleged violation of this title;

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1 (8) In accordance with the State budget, to incur any necessary expense that
2 relates to the referral of an alleged violation of the criminal provisions of this title;

3 (9) To review advertising by any licensee or any institution that offers a
4 program that is approved under this title; [and]

5 (10) On receipt of a written and signed complaint, including a referral from
6 the Commissioner of Labor and Industry, conduct an unannounced inspection of the
7 office of an electrologist, other than an office of an electrologist in a hospital, related
8 institution, freestanding medical facility, or a freestanding birthing center, to determine
9 compliance at that office with the Centers for Disease Control's guidelines on universal
10 precautions; AND

11 (11) ON RECEIPT OF A NOTICE THAT AN ELECTROLOGIST HAS OPENED
12 AN OFFICE IN THE HOME OF THE ELECTROLOGIST, CONDUCT AN UNANNOUNCED
13 INSPECTION OF THE HOME OFFICE OF THE ELECTROLOGIST TO DETERMINE
14 COMPLIANCE AT THE OFFICE WITH THE REGULATIONS ADOPTED BY THE BOARD ON
15 THE MINIMUM REQUIREMENTS FOR AN OFFICE.

16 6-302.

17 (a) To qualify for a license, an applicant shall be an individual who meets the
18 requirements of this section.

19 (b) The applicant shall be of good moral character.

20 (c) The applicant shall be at least 18 years old.

21 (d) Except as otherwise provided in this title, an applicant shall be a high school
22 graduate or have completed equivalent education and have completed satisfactorily:

23 (1) An electrology education program, taught by a licensed electrology
24 instructor, that is approved under this title and that includes:

25 (i) Instruction in the theory of electrology of[:

26 1. At least 50 hours for a license granted on or after July 1, 1990
27 and before July 1, 1991;

28 2. At least 95 hours for a license granted on or after July 1, 1991
29 and before July 1, 1992;

30 3. At least 118 hours for a license granted on or after July 1,
31 1992] AT LEAST 200 HOURS FOR A LICENSE GRANTED AFTER JULY 1, 1996; and

32 (ii) Instruction in the clinical practice of electrology of[:

33 1. At least 145 hours for a license granted on or after July 1,
34 1990 and before July 1, 1991;

35 2. At least 165 hours for a license granted on or after July 1,
36 1991 and before July 1, 1992; and

37 3. At least 182 hours for a license granted on or after July 1,
38 1992] AT LEAST 400 HOURS FOR A LICENSE GRANTED AFTER JULY 1, 1996; or

3

1 (2) An electrology education program in any other state that the Board
2 determines is substantially equivalent to that required by item (1) of this subsection.

3 (e) Except as otherwise provided in this title, the applicant shall pass an
4 examination given by the Board under this subtitle.

5 (f) In addition to the other requirements of this section, an applicant for an
6 electrology instructor license shall:

7 (1) Be a licensed electrologist;

8 (2) Have practiced electrology actively for at least 5 years immediately
9 before the application; and

10 (3) Pass the electrology instructor examination.

11 6-310.

12 (a) (1) The Board shall place a licensee on inactive status, if the licensee
13 submits to the Board:

14 (i) An application for inactive status on the form required by the
15 Board; and

16 (ii) The inactive status fee set by the Board.

17 (2) The Board shall reactivate the license of an individual who is on inactive
18 status, if the individual:

19 (i) Complies with any continuing education requirement established
20 by the Board for this purpose; [and]

21 (ii) Pays to the Board a reactivation fee set by the Board; AND

22 (III) IF THE INDIVIDUAL HAS BEEN ON INACTIVE STATUS FOR 5
23 YEARS OR MORE, PASS AN EXAMINATION GIVEN BY THE BOARD THAT INCLUDES A
24 SECTION ON THE CLINICAL PRACTICE OF ELECTROLOGY AND A SECTION ON THE
25 MARYLAND ELECTROLOGY PRACTICE ACT AND THE REGULATIONS ADOPTED BY
26 THE BOARD.

27 (b) The Board, in accordance with its rules and regulations, shall reinstate the
28 license of an individual who has failed to renew the license for any reason if the
29 individual:

30 (1) Otherwise is entitled to be licensed;

31 (2) Complies with any continuing education requirement established by the
32 Board for this purpose;

33 (3) Pays to the Board all past due renewal fees and a reinstatement fee set
34 by the Board; [and]

35 (4) Applies to the Board for reinstatement of the license within 5 years after
36 the license expires; AND

1 (5) PASSES AN EXAMINATION GIVEN BY THE BOARD THAT INCLUDES A
2 SECTION ON THE CLINICAL PRACTICE OF ELECTROLOGY AND A SECTION ON THE
3 MARYLAND ELECTROLOGY PRACTICE ACT AND THE REGULATIONS ADOPTED BY
4 THE BOARD.

5 (c) The Board may not reinstate the license of an electrologist or an electrology
6 instructor who fails to apply for reinstatement of the license within 5years after the
7 license expires. However, the electrologist or electrology instructor may become licensed
8 by meeting the current requirements for obtaining a new license under this title.

9 6-312.

10 (a) Subject to the hearing provisions of § 6-314 of this subtitle, the Board may
11 deny a license to any applicant, reprimand any licensee, place any licensee on probation,
12 or suspend or revoke a license if the applicant or licensee:

13 (1) Fraudulently or deceptively obtains or attempts to obtain a license for
14 the applicant or licensee or for another;

15 (2) Fraudulently or deceptively uses a license;

16 (3) As part of the practice of electrology, knowingly does any act that
17 exceeds the scope of the practice of electrology;

18 (4) Is grossly negligent in practicing or teaching an electrology education
19 program;

20 (5) Acts in a manner inconsistent with generally accepted standards for the
21 practice of electrology;

22 (6) Is convicted of or pleads guilty or nolo contendere to a felony or to a
23 crime involving moral turpitude, whether or not any appeal or other proceeding is
24 pending to have the conviction or plea set aside;

25 (7) Is disciplined by a licensing or disciplinary authority of any other state or
26 country or convicted or disciplined by a court of any state or country for an act that would
27 be grounds for disciplinary action under the Board's disciplinary statutes;

28 (8) Provides professional services while:

29 (i) Under the influence of alcohol; or

30 (ii) Using any narcotic or controlled dangerous substance, as defined
31 in Article 27 of the Code, or other drug that is in excess of therapeutic amounts or
32 without valid medical indication;

33 (9) Uses types of instruments or procedures in the practice of electrology
34 that are not approved by the Board;

35 (10) Advertises in a manner that violates § 6-502 of this title;

36 (11) Uses a title not authorized by § 6-501 of this title;

37 (12) Is currently adjudicated as being a disabled person under Title 13 of the
38 Estates and Trusts Article;

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1 (13) Practices electrology with an unauthorized person or supervises or aids
2 an unauthorized person in the practice of electrology;

3 (14) Willfully makes or files a false report or record in the practice of
4 electrology;

5 (15) Willfully fails to file or record any report as required by law, willfully
6 impedes or obstructs the filing or recording of the report, or induces another to fail to file
7 or record the report;

8 (16) Submits a false statement to collect a fee;

9 (17) Violates any rule or regulation adopted by the Board;

10 (18) Uses or promotes or causes the use of any misleading, deceiving, or
11 untruthful advertising matter, promotional literature, or testimonial;

12 (19) Is professionally [, physically, or mentally] incompetent;

13 (20) Promotes the sale of devices, appliances, or goods to a patient so as to
14 exploit the patient for financial gain;

15 (21) Behaves immorally in the practice of electrology;

16 (22) Commits an act of unprofessional conduct in the practice of electrology;

17 (23) Refuses, withholds from, denies, or discriminates against an individual
18 with regard to the provision of professional services for which the licensee is licensed and
19 qualified to render because the individual is HIV positive;

20 (24) Except in an emergency life-threatening situation where it is not feasible
21 or practicable, fails to comply with the Centers for Disease Control's guidelines on
22 universal precautions; [or]

23 (25) Fails to display the notice required under § 6-505 of this title;

24 (26) FAILS TO ALLOW AN INSPECTION UNDER THE PROVISIONS OF §
25 6-205(10) OR (11) OF THIS TITLE;

26 (27) FAILS TO COMPLY WITH AN ORDER OF THE BOARD TO CORRECT A
27 VIOLATION OF THE REGULATIONS ADOPTED BY THE BOARD CONCERNING
28 MINIMUM REQUIREMENTS FOR AN ELECTROLOGIST'S OFFICE; OR

29 (28) IS PHYSICALLY OR MENTALLY INCOMPETENT TO THE EXTENT THAT
30 IT IMPAIRS THE APPLICANT'S OR LICENSEE'S ABILITY TO PERFORM ELECTROLYSIS
31 IN A SAFE MANNER.

32 (b) An individual whose license has been revoked or suspended by the Board shall
33 return the license to the Board. If at that time the license is lost, the individual shall send
34 a sworn statement to this effect to the Board.

35 6-402.

36 (a) Before an institution may operate an electrology education program [in this
37 State], the Board shall approve the program.

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1 (b) The Board shall approve an electrology education program [in this State] if:

2 (1) The Maryland Higher Education Commission approves the program;
3 and

4 (2) The institution that offers the program submits evidence to the Board
5 that the institution is prepared to:

6 (i) Meet the standards set by the Board under this subtitle; and

7 (ii) Carry out an education program in:

8 1. The theory of electrology in accordance with the provisions
9 of § 6-302(d) of this title; or

10 2. The clinical practice of electrology in accordance with the
11 provisions of § 6-302(d) of this title.

12 (c) (1) The Board periodically may evaluate electrology programs [in this
13 State] and prepare a written report.

14 (2) If an institution that offers an approved electrology education program
15 violates any of the standards set by the Board under this subtitle, the Board shall give the
16 institution specific, written notice of the violation.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 July 1, 1996.