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

Introduced and read first time: February 1, 1996

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 1996

CHAPTER ____

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 ~~for an electrology~~
5 ~~education program~~ that an applicant for a license to practice electrology must
6 complete satisfactorily for a license granted on or after a certain date; requiring
7 certain licensed electrologists to fulfill certain educational requirements before a
8 certain date; altering certain requirements for the reactivation of licenses of
9 individuals who are on inactive status; adding certain grounds for discipline;
10 clarifying the authority of the Board to approve certain electrology education
11 programs; ~~providing for the effective date of this Act~~; and generally relating to the
12 authority of the State Board of Electrologists.

13 BY repealing and reenacting, with amendments,
14 Article - Health Occupations
15 Section 6-205, 6-302, 6-310, 6-312, and 6-402
16 Annotated Code of Maryland
17 (1994 Replacement Volume and 1995 Supplement)

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

20 **Article - Health Occupations**

21 6-205.

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

24 (1) To adopt rules and regulations to carry out the provisions of this title;

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- 1 (2) To adopt standards for the practice of electrology;
- 2 (3) To keep records of its proceedings;
- 3 (4) To keep a list of all currently licensed electrologists and licensed
4 electrology instructors;
- 5 (5) To submit an annual report to the Governor and the Secretary;
- 6 (6) To establish continuing education requirements;
- 7 (7) To refer to the State's Attorney any alleged violation of this title;
- 8 (8) In accordance with the State budget, to incur any necessary expense that
9 relates to the referral of an alleged violation of the criminal provisions of this title;
- 10 (9) To review advertising by any licensee or any institution that offers a
11 program that is approved under this title; [and]

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

18 (11) ON RECEIPT OF A NOTICE THAT AN ELECTROLOGIST HAS OPENED
19 AN OFFICE IN THE HOME OF THE ELECTROLOGIST, CONDUCT ~~AN UNANNOUNCED~~
20 WITH ADVANCED NOTICE AN INSPECTION OF THE HOME OFFICE OF THE
21 ELECTROLOGIST TO DETERMINE COMPLIANCE AT THE OFFICE WITH THE
22 REGULATIONS ADOPTED BY THE BOARD ON THE MINIMUM REQUIREMENTS FOR AN
23 OFFICE.

24 6-302.

- 25 (a) To qualify for a license, an applicant shall be an individual who meets the
26 requirements of this section.
- 27 (b) The applicant shall be of good moral character.
- 28 (c) The applicant shall be at least 18 years old.
- 29 (d) Except as otherwise provided in this title, an applicant shall be a high school
30 graduate or have completed equivalent education and have completed satisfactorily:

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

- 33 (i) Instruction in the theory of electrology off:
 - 34 1. At least 50 hours for a license granted on or after July 1, 1990
35 and before July 1, 1991;
 - 36 2. At least 95 hours for a license granted on or after July 1, 1991
37 and before July 1, 1992;

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1 3. At least 118 hours for a license granted on or after July 1,
2 1992; AND BEFORE JULY 1, 1997; AND

3 4. AT LEAST 200 HOURS FOR A LICENSE GRANTED ON OR
4 AFTER JULY 1, 1996 1997; and

5 (ii) Instruction in the clinical practice of electrology off:

6 1. At least 145 hours for a license granted on or after July 1,
7 1990 and before July 1, 1991;

8 2. At least 165 hours for a license granted on or after July 1,
9 1991 and before July 1, 1992; ~~and~~

10 3. At least 182 hours for a license granted on or after July 1,
11 1992; AND BEFORE JULY 1, 1997; AND

12 4. AT LEAST 400 HOURS FOR A LICENSE GRANTED ON OR
13 AFTER JULY 1, 1996 1997; or

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

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

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

20 (1) Be a licensed electrologist;

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

23 (3) Pass the electrology instructor examination.

24 6-310.

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

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

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

30 (2) The Board shall reactivate the license of an individual whois on inactive
31 status, if the individual:

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

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

35 (III) IF THE INDIVIDUAL HAS BEEN ON INACTIVE STATUS FOR 5
36 YEARS OR MORE, PASS AN EXAMINATION GIVEN BY THE BOARD THAT INCLUDES A

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1 SECTION ON THE CLINICAL PRACTICE OF ELECTROLOGY AND A SECTION ON THE
2 MARYLAND ELECTROLOGY PRACTICE ACT AND THE REGULATIONS ADOPTED BY
3 THE BOARD.

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

7 (1) Otherwise is entitled to be licensed;

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

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

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

14 (5) PASSES AN EXAMINATION GIVEN BY THE BOARD THAT INCLUDES A
15 SECTION ON THE CLINICAL PRACTICE OF ELECTROLOGY AND A SECTION ON THE
16 MARYLAND ELECTROLOGY PRACTICE ACT AND THE REGULATIONS ADOPTED BY
17 THE BOARD.

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

22 6-312.

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

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

28 (2) Fraudulently or deceptively uses a license;

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

31 (4) Is grossly negligent in practicing or teaching an electrology education
32 program;

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

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

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

4 (8) Provides professional services while:

5 (i) Under the influence of alcohol; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (26) FAILS TO ALLOW AN INSPECTION UNDER THE PROVISIONS OF §
3 6-205(10) OR (11) OF THIS TITLE;

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

7 (28) IS PHYSICALLY OR MENTALLY INCOMPETENT TO THE EXTENT THAT
8 IT IMPAIRS THE APPLICANT'S OR LICENSEE'S ABILITY TO PERFORM ~~ELECTROLYSIS~~
9 ELECTROLOGY IN A SAFE MANNER.

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

13 6-402.

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

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

17 (1) The Maryland Higher Education Commission approves the program;
18 and

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

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

22 (ii) Carry out an education program in:

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

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

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

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That each electrologist who
33 received a license from the Board before July 1, 1997 shall obtain 100 hours of instruction
34 in the theory of electrology before July 1, 1998. Completion of these hours of instruction
35 may be counted toward the fulfillment of continuing education requirements otherwise
36 imposed by the Board.

37 SECTION 2- 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 July 1, 1996.

