
By: Delegates Nathan-Pulliam, Watson, D. Davis, Frush, Klausmeier, Parker, and Hammen

Introduced and read first time: January 27, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Electrologists**

3 FOR the purpose of requiring the State Board of Electrologists, after receiving notice
4 that an electrologist has opened an office, inspect the office to determine
5 compliance with certain regulations; requiring the Board to provide certain notice
6 before the inspection; authorizing the Board to take certain disciplinary actions if
7 the inspection is refused; repealing certain obsolete requirements related to
8 issuance of electrology licenses; setting certain educational standards for the
9 issuance after a certain date of an electrology license; requiring a certain
10 examination to be passed before certain licenses may be reactivated or reinstated;
11 and generally relating to the authority of the State Board of Electrologists.

12 BY repealing and reenacting, with amendments,
13 Article - Health Occupations
14 Section 6-205, 6-302(d), 6-310(a) and (b), and 6-312(a)
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1996 Supplement)

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

19 **Article - Health Occupations**

20 6-205.

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

- 23 (1) To adopt rules and regulations to carry out the provisions of this title;
- 24 (2) To adopt standards for the practice of electrology;
- 25 (3) To keep records of its proceedings;
- 26 (4) To keep a list of all currently licensed electrologists and licensed
27 electrology instructors;
- 28 (5) To submit an annual report to the Governor and the Secretary;

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1 (6) To establish continuing education requirements;

2 (7) To refer to the State's Attorney any alleged violation of this title;

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

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

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

13 (11) ON RECEIPT OF NOTICE THAT AN ELECTROLOGIST HAS OPENED AN
14 OFFICE, AFTER NOTIFYING THE ELECTROLOGIST, CONDUCT AN INSPECTION OF THE
15 OFFICE TO DETERMINE COMPLIANCE WITH THE BOARD'S REGULATIONS RELATING
16 TO THE MINIMUM REQUIREMENTS FOR AN OFFICE.

17 6-302.

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

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

22 (i) Instruction in the theory of electrology of:

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

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

27 3.] 1. At least 118 hours for a license granted on or after July
28 1, 1992; and

29 2. AT LEAST 200 HOURS FOR A LICENSE GRANTED ON OR
30 AFTER JULY 1, 1998; AND

31 (ii) Instruction in the clinical practice of electrology of:

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

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

36 3.] 1. At least 182 hours for a license granted on or after July
37 1, 1992; [or] AND

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1 2. AT LEAST 400 HOURS FOR A LICENSE GRANTED ON OR
2 AFTER JULY 1, 1998; OR

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

5 6-310.

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

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

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

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

13 (i) Complies with any continuing education requirement established
14 by the Board for this purpose; and

15 (ii) Pays to the Board a reactivation fee set by the Board.

16 (3) IF THE INDIVIDUAL HAS BEEN ON INACTIVE STATUS FOR 5 YEARS
17 OR MORE, BEFORE THE BOARD MAY REACTIVATE THE LICENSE, THE INDIVIDUAL
18 MUST PASS AN EXAMINATION GIVEN BY THE BOARD THAT INCLUDES A SECTION ON
19 THE CLINICAL PRACTICE OF ELECTROLOGY AND A SECTION ON THIS TITLE AND THE
20 REGULATIONS ADOPTED UNDER IT.

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

24 (1) Otherwise is entitled to be licensed;

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

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

29 (4) Applies to the Board for reinstatement of the license within 5 years after
30 the license expires[.]; AND

31 (5) PASSES AN EXAMINATION GIVEN BY THE BOARD THAT INCLUDES A
32 SECTION ON THE CLINICAL PRACTICE OF ELECTROLOGY AND A SECTION ON THIS
33 TITLE AND THE REGULATIONS ADOPTED UNDER IT.

34 6-312.

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

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

3 (2) Fraudulently or deceptively uses a license;

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

6 (4) Is grossly negligent in practicing or teaching an electrology education
7 program;

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

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

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

16 (8) Provides professional services while:

17 (i) Under the influence of alcohol; or

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

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

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

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

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

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

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

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

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

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

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

3 (19) Is professionally, physically, or mentally incompetent;

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

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

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

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

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

14 (25) Fails to display the notice required under § 6-505 of this title[.]; OR

15 (26) FAILS TO ALLOW AN INSPECTION UNDER § 6-205(10) OR (11) OF THIS
16 TITLE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 1997.