

SENATE BILL 269

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2003 Regular Session
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By: **Senator Hollinger (Chairman, Education, Health, and Environmental Affairs Committee)**

Introduced and read first time: January 31, 2003
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 11, 2003

CHAPTER _____

1 AN ACT concerning

2 **Sunset Review - State Board of Nursing - Electrology Practice Committee**

3 FOR the purpose of repealing certain provisions of law ~~authorizing~~ relating to the
4 State Board of Electrologists; specifying that this Act does not limit the right of
5 certain individuals to practice certain occupations; requiring the State Board of
6 Nursing to adopt certain regulations related to electrologists and electrology
7 instructors; requiring the Board to set certain fees and to pay certain fees
8 collected to the Comptroller of the State; requiring the Comptroller to distribute
9 certain fees to the Board; establishing the Electrology Practice Committee;
10 specifying the membership, terms, powers, and duties of the Committee;
11 prohibiting the practice of electrology without a license; specifying the
12 qualifications for licensure as an electrologist or an electrology instructor;
13 establishing an application process for licensure; providing for the examination
14 of an applicant for licensure; specifying the expiration date of certain licenses
15 and requiring the Board to send a certain renewal notice by a certain date;
16 requiring the Board to place certain licensees on inactive status under certain
17 circumstances; requiring the Board to reinstate certain licenses in certain
18 circumstances; prohibiting the surrender of certain licenses under certain
19 circumstances; requiring the Board to approve a certain electrology education
20 program under certain circumstances; authorizing the Board to remove a
21 certain electrology education program under certain circumstances; authorizing
22 the Board to deny a license to a certain applicant, grant a probationary license
23 to a certain applicant, reprimand a certain licensee, place a certain licensee on
24 probation, or suspend or revoke a certain license under certain circumstances;
25 specifying certain grounds for discipline of certain licensees subject to certain
26 hearing requirements; authorizing the Board to impose certain penalties under
27 certain circumstances; providing for the appeal of a final decision of the Board

1 under certain circumstances; authorizing the Board to reinstate certain revoked
2 licenses under certain circumstances; prohibiting an individual from making
3 certain representations by title, description of service, method, procedure, or
4 otherwise unless authorized to practice electrology; prohibiting advertising that
5 is unreasonable, misleading, or fraudulent; ~~specifying that only certain titles~~
6 ~~may be used to identify electrologists~~; authorizing the Board to adopt rules and
7 regulations relating to the types of instruments and procedures used in the
8 practice and teaching of electrology; providing for an electrologist rehabilitation
9 committee to provide assistance under certain circumstances; requiring that a
10 certain notice be displayed under certain circumstances; establishing certain
11 penalties for a violation of this Act; providing that the Committee be subject to
12 the provisions of the Maryland Program Evaluation Act; requiring that an
13 evaluation of the Committee and the statutes and regulations that relate to the
14 Committee be performed on or before a certain date; requiring that certain
15 individuals be considered licensed by the Board under certain circumstances;
16 requiring the transfer of all the functions, powers, duties, equipment, revenues,
17 assets, liabilities, fund balances, and records of the State Board of Electrologists
18 to the Committee; defining certain terms; and generally relating to the creation
19 of the Electrology Practice Committee within the State Board of Nursing.

20 BY repealing

21 Article - Health Occupations
22 Section 6-101 through 6-702, inclusive, and the title "Title 6. Electrologists"
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2002 Supplement)

25 BY adding to

26 Article - Health Occupations
27 Section 8-6B-01 through 8-6B-29 to be under the new subtitle "Subtitle 6B.
28 Electrologists"
29 Annotated Code of Maryland
30 (2000 Replacement Volume and 2002 Supplement)

31 BY repealing and reenacting, without amendments,

32 Article - State Government
33 Section 8-403(a)
34 Annotated Code of Maryland
35 (1999 Replacement Volume and 2002 Supplement)

36 BY repealing and reenacting, with amendments,

37 Article - State Government
38 Section 8-403(b)(22)
39 Annotated Code of Maryland
40 (1999 Replacement Volume and 2002 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 6-101 through 6-702, inclusive, and the title "Title 6.
3 Electrologists" of Article - Health Occupations of the Annotated Code of Maryland be
4 repealed.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
6 read as follows:

7 **Article - Health Occupations**

8 **SUBTITLE 6B. ELECTROLOGISTS.**

9 8-6B-01.

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (B) "BOARD" MEANS THE STATE BOARD OF NURSING.

13 (C) "COMMITTEE" MEANS THE ELECTROLOGY PRACTICE COMMITTEE.

14 (D) "ELECTROLOGIST" MEANS AN INDIVIDUAL WHO PRACTICES
15 ELECTROLOGY.

16 (E) "ELECTROLOGY INSTRUCTOR" MEANS AN INDIVIDUAL WHO PRACTICES
17 ELECTROLOGY AND TEACHES AN ELECTROLOGY EDUCATION PROGRAM.

18 (F) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
19 LICENSE ISSUED BY THE BOARD:

20 (1) TO PRACTICE ELECTROLOGY; OR

21 (2) TO PRACTICE ELECTROLOGY AND TEACH AN ELECTROLOGY
22 EDUCATION PROGRAM.

23 (G) "LICENSED ELECTROLOGIST" MEANS, UNLESS THE CONTEXT REQUIRES
24 OTHERWISE, AN ELECTROLOGIST WHO IS LICENSED BY THE BOARD TO PRACTICE
25 ELECTROLOGY.

26 (H) "LICENSED ELECTROLOGY INSTRUCTOR" MEANS, UNLESS THE CONTEXT
27 REQUIRES OTHERWISE, AN ELECTROLOGIST WHO IS LICENSED BY THE BOARD TO
28 PRACTICE ELECTROLOGY AND TEACH AN ELECTROLOGY EDUCATION PROGRAM.

29 (I) "PRACTICE ELECTROLOGY" MEANS TO REMOVE HAIR PERMANENTLY
30 THROUGH THE USE OF ELECTRICAL INSTRUMENTS.

1 8-6B-02.

2 THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE A
3 HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER
4 THIS ARTICLE.

5 8-6B-03.

6 THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE OF
7 ELECTROLOGISTS AND FOR THE PRACTICE OF ELECTROLOGY.

8 8-6B-04.

9 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE OF
10 AND RENEWAL OF LICENSES AND OTHER SERVICES IT PROVIDES TO
11 ELECTROLOGISTS.

12 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO
13 APPROXIMATE THE COST OF MAINTAINING THE LICENSURE AND THE OTHER
14 SERVICES PROVIDED TO ELECTROLOGISTS.

15 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE
16 PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER OF THE STATE.

17 (2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE BOARD.

18 (C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT
19 AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES
20 OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS SUBTITLE.

21 8-6B-05.

22 (A) THERE IS AN ELECTROLOGY PRACTICE COMMITTEE WITHIN THE BOARD.

23 (B) (1) THE COMMITTEE CONSISTS OF FIVE MEMBERS APPOINTED BY THE
24 BOARD.

25 (2) OF THE FIVE COMMITTEE MEMBERS:

26 (I) FOUR SHALL BE LICENSED ELECTROLOGISTS OR LICENSED
27 ELECTROLOGY INSTRUCTORS; AND

28 (II) ONE SHALL BE A CONSUMER MEMBER.

29 (C) EACH MEMBER OF THE COMMITTEE SHALL BE A CITIZEN OF THE UNITED
30 STATES AND A RESIDENT OF THE STATE.

31 (D) EACH ELECTROLOGIST MEMBER OF THE COMMITTEE SHALL HAVE
32 PRACTICED ELECTROLOGY ACTIVELY IN THE STATE FOR AT LEAST 5 YEARS
33 IMMEDIATELY BEFORE APPOINTMENT.

1 (E) THE CONSUMER MEMBER OF THE COMMITTEE:

2 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

3 (2) MAY NOT BE OR EVER HAVE BEEN:

4 (I) AN ELECTROLOGIST;

5 (II) A HEALTH CARE PROFESSIONAL; OR

6 (III) IN TRAINING TO BE AN ELECTROLOGIST OR A HEALTH CARE
7 PROFESSIONAL;

8 (3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS AN
9 ELECTROLOGIST, A HEALTH CARE PROFESSIONAL, IN TRAINING TO BE AN
10 ELECTROLOGIST, OR IN TRAINING TO BE A HEALTH CARE PROFESSIONAL; AND

11 (4) MAY NOT:

12 (I) PARTICIPATE OR EVER HAVE PARTICIPATED IN A COMMERCIAL
13 OR PROFESSIONAL FIELD RELATED TO ELECTROLOGY;

14 (II) HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A
15 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO ELECTROLOGY; OR

16 (III) HAVE, OR HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT,
17 A SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.

18 (F) (1) THE TERM OF A MEMBER IS 4 YEARS.

19 (2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY
20 THE PROVISIONS FOR MEMBERS OF THE COMMITTEE ON JULY 1, 2003.

21 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
22 SUCCESSOR IS APPOINTED AND QUALIFIES.

23 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
24 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
25 QUALIFIES.

26 (5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL
27 TERMS.

28 (6) TO THE EXTENT PRACTICABLE, THE BOARD SHALL FILL ANY
29 VACANCY ON THE COMMITTEE WITHIN 60 DAYS OF THE DATE OF THE VACANCY.

30 (G) (1) THE BOARD MAY REMOVE A MEMBER FOR INCOMPETENCE OR
31 MISCONDUCT.

32 (2) THE BOARD MAY REMOVE A MEMBER WHO IS ABSENT FROM TWO
33 SUCCESSIVE COMMITTEE MEETINGS WITHOUT ADEQUATE REASON.

1 8-6B-06.

2 IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE
3 COMMITTEE SHALL:

4 (1) MAKE RECOMMENDATIONS TO THE BOARD REGARDING
5 REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE;

6 (2) MAKE RECOMMENDATIONS TO THE BOARD REGARDING A CODE OF
7 ETHICS FOR THE PRACTICE OF ELECTROLOGY;

8 (3) MAKE RECOMMENDATIONS TO THE BOARD REGARDING THE
9 REQUIREMENTS FOR LICENSURE AS AN ELECTROLOGIST OR AN ELECTROLOGY
10 INSTRUCTOR;

11 (4) REVIEW APPLICATIONS FOR LICENSURE AS AN ELECTROLOGIST OR
12 ELECTROLOGY INSTRUCTOR AND MAKE RECOMMENDATIONS TO THE BOARD;

13 (5) MAINTAIN A LIST OF ALL CURRENTLY LICENSED ELECTROLOGISTS
14 AND ELECTROLOGY INSTRUCTORS;

15 (6) MAKE RECOMMENDATIONS TO THE BOARD REGARDING
16 CONTINUING EDUCATION REQUIREMENTS FOR ELECTROLOGISTS;

17 (7) AT THE REQUEST OF THE BOARD, INVESTIGATE COMPLAINTS
18 AGAINST LICENSED ELECTROLOGISTS;

19 (8) REVIEW ELECTROLOGY EDUCATION PROGRAMS BOTH IN THE STATE,
20 AND OUT OF STATE IN ACCORDANCE WITH § 8-6B-16 OF THIS SUBTITLE TO
21 DETERMINE COMPLIANCE WITH THE STANDARDS OF THAT SECTION AND MAKE
22 RECOMMENDATIONS TO THE BOARD REGARDING APPROVAL OR DISAPPROVAL OF
23 THESE PROGRAMS;

24 (9) REVIEW ADVERTISING BY LICENSED ELECTROLOGISTS AND BY
25 INSTITUTIONS THAT OFFER AN ELECTROLOGY PROGRAM AND MAKE
26 RECOMMENDATIONS TO THE BOARD, AS NECESSARY;

27 (10) AT THE REQUEST OF THE BOARD, AFTER THE BOARD HAS RECEIVED
28 A WRITTEN AND SIGNED COMPLAINT, INCLUDING A REFERRAL FROM THE
29 COMMISSIONER OF LABOR AND INDUSTRY, CONDUCT AN UNANNOUNCED
30 INSPECTION OF THE OFFICE OF AN ELECTROLOGIST, OTHER THAN AN OFFICE OF AN
31 ELECTROLOGIST IN A HOSPITAL, RELATED INSTITUTION, FREESTANDING MEDICAL
32 FACILITY, OR A FREESTANDING BIRTHING CENTER, TO DETERMINE COMPLIANCE AT
33 THAT OFFICE WITH THE CENTERS FOR DISEASE CONTROL'S GUIDELINES ON
34 UNIVERSAL PRECAUTIONS AND MAKE RECOMMENDATIONS TO THE BOARD, AS
35 NECESSARY;

36 (11) AT THE REQUEST OF THE BOARD, AFTER THE BOARD HAS RECEIVED
37 NOTICE THAT AN ELECTROLOGIST HAS OPENED AN OFFICE, AFTER NOTIFYING THE
38 ELECTROLOGIST, CONDUCT AN INSPECTION OF THE OFFICE TO DETERMINE

1 COMPLIANCE WITH THE BOARD'S REGULATIONS RELATING TO THE MINIMUM
2 REQUIREMENTS FOR AN OFFICE AND MAKE RECOMMENDATIONS TO THE BOARD, AS
3 NECESSARY;

4 (12) ADVISE THE BOARD ON MATTERS RELATING TO THE PRACTICE OF
5 ELECTROLOGY;

6 (13) KEEP A RECORD OF ITS PROCEEDINGS; AND

7 (14) SUBMIT AN ANNUAL REPORT TO THE BOARD.

8 8-6B-07.

9 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL
10 SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE
11 ELECTROLOGY OR TEACH AN ELECTROLOGY EDUCATION PROGRAM IN THE STATE.

12 ~~(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED
13 PRACTICAL NURSE MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING
14 ELECTROLOGY IN THE STATE WITHOUT A LICENSE.~~

15 ~~(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED
16 REGISTERED NURSE MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING
17 ELECTROLOGY IN THE STATE WITHOUT A LICENSE.~~

18 ~~(D)~~ (B) THIS SECTION DOES NOT APPLY TO A STUDENT WHO IS PRACTICING
19 ELECTROLOGY AS PART OF AN APPROVED CLINICAL ELECTROLOGY EDUCATION
20 PROGRAM.

21 8-6B-08.

22 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL
23 WHO MEETS THE REQUIREMENTS OF THIS SECTION.

24 (B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

25 (C) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.

26 (D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN APPLICANT
27 SHALL BE A HIGH SCHOOL GRADUATE OR HAVE COMPLETED EQUIVALENT
28 EDUCATION AND HAVE COMPLETED SATISFACTORILY:

29 (1) AN ELECTROLOGY EDUCATION PROGRAM, TAUGHT BY A LICENSED
30 ELECTROLOGY INSTRUCTOR, THAT INCLUDES AT LEAST 600 HOURS OF
31 INSTRUCTION, AND HAS BEEN APPROVED BY THE BOARD; OR AND THAT INCLUDES:

32 ~~(I) INSTRUCTION IN THE THEORY OF ELECTROLOGY OF AT LEAST
33 200 HOURS; AND~~

34 ~~(II) INSTRUCTION IN THE CLINICAL PRACTICE OF ELECTROLOGY
35 OF AT LEAST 400 HOURS; OR~~

1 (2) AN ELECTROLOGY EDUCATION PROGRAM IN ANY OTHER STATE
2 THAT THE BOARD DETERMINES IS SUBSTANTIALLY EQUIVALENT TO THAT REQUIRED
3 BY ITEM (1) OF THIS SUBSECTION.

4 (E) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE APPLICANT
5 SHALL PASS AN EXAMINATION ~~GIVEN~~ APPROVED BY THE BOARD.

6 (F) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, AN
7 APPLICANT FOR AN ELECTROLOGY INSTRUCTOR LICENSE SHALL:

8 (1) BE A LICENSED ELECTROLOGIST;

9 (2) HAVE PRACTICED ELECTROLOGY ACTIVELY FOR AT LEAST 5 YEARS
10 IMMEDIATELY BEFORE THE APPLICATION; ~~AND~~

11 (3) ~~PASS THE ELECTROLOGY INSTRUCTOR~~ AN EXAMINATION APPROVED
12 BY THE BOARD; AND

13 (4) MEET ANY OTHER REQUIREMENTS SET FORTH IN REGULATIONS
14 ADOPTED BY THE BOARD UNDER § 8-6B-03 OF THIS SUBTITLE.

15 8-6B-09.

16 (A) TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

17 (1) SUBMIT TO THE BOARD:

18 (I) AN APPLICATION ON THE FORM THAT THE BOARD REQUIRES;
19 AND

20 (II) EVIDENCE OF COMPLIANCE WITH THE REQUIREMENTS OF §
21 8-6B-08 OF THIS SUBTITLE; AND

22 (2) PAY TO THE BOARD ~~AN EXAMINATION~~ A FEE SET BY THE BOARD.

23 (B) THE BOARD SHALL ISSUE THE APPROPRIATE LICENSE TO AN APPLICANT
24 WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

25 8-6B-10.

26 (A) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A LICENSE IS ENTITLED
27 TO BE EXAMINED AS PROVIDED IN THIS SECTION.

28 (B) (1) THE BOARD SHALL GIVE EXAMINATIONS TO APPLICANTS AT LEAST
29 ONCE A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

30 (2) THE BOARD MAY GIVE REEXAMINATIONS TO APPLICANTS WHO FAIL
31 ALL OR PART OF THE EXAMINATION AT THE TIMES AND PLACES THAT THE BOARD
32 DETERMINES.

1 (C) THE BOARD SHALL NOTIFY EACH QUALIFIED APPLICANT OF THE TIME
2 AND PLACE OF EXAMINATION.

3 (D) ~~(+)~~ EXCEPT AS OTHERWISE PROVIDED UNDER THIS SUBTITLE, THE
4 BOARD SHALL DETERMINE THE SUBJECTS, SCOPE, FORM, AND PASSING SCORE FOR
5 EXAMINATIONS GIVEN UNDER THIS SUBTITLE.

6 ~~(2)~~ ~~EACH EXAMINATION SHALL INCLUDE:~~

7 ~~(+)~~ ~~A SECTION ON THE THEORY OF ELECTROLOGY; AND~~

8 ~~(H)~~ ~~A SECTION ON THE CLINICAL PRACTICE OF ELECTROLOGY.~~

9 (E) (1) AN APPLICANT MAY RETAKE AN EXAMINATION OR A FAILED
10 SECTION OF AN EXAMINATION AFTER PAYING A REEXAMINATION FEE SET BY THE
11 BOARD.

12 (2) AN APPLICANT WHO FAILS TWO REEXAMINATIONS MAY RETAKE THE
13 EXAMINATION ONLY IF THE APPLICANT:

14 (I) RETAKES THE ENTIRE EXAMINATION;

15 (II) PAYS THE FULL EXAMINATION FEE; AND

16 (III) COMPLETES AN EDUCATION PROGRAM THAT THE BOARD
17 REQUIRES.

18 8-6B-11.

19 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY WAIVE
20 ~~THE THEORY SECTION OF THE~~ EXAMINATION REQUIREMENT OF THIS SUBTITLE FOR
21 AN INDIVIDUAL WHO IS LICENSED TO PRACTICE ELECTROLOGY IN ANOTHER STATE.

22 (B) THE BOARD MAY GRANT A WAIVER UNDER THIS SECTION ONLY IF THE
23 APPLICANT:

24 (1) PAYS THE LICENSE FEE REQUIRED BY THE BOARD; AND

25 (2) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

26 (I) MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY THIS
27 SUBTITLE;

28 (II) BECAME LICENSED IN THE OTHER STATE AFTER PASSING IN
29 THAT STATE, OR ANY OTHER STATE, AN EXAMINATION THAT IS SUBSTANTIALLY
30 EQUIVALENT TO ~~THE AN~~ EXAMINATION ~~FOR WHICH THE APPLICANT IS SEEKING THE~~
31 WAIVER APPROVED BY THE BOARD; AND

32 (III) BECAME LICENSED IN THE OTHER STATE AFTER MEETING
33 REQUIREMENTS THAT ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS
34 OF THIS SUBTITLE.

1 8-6B-12.

2 (A) THE BOARD SHALL ISSUE A LICENSE TO ANY APPLICANT WHO:

3 (1) MEETS THE REQUIREMENTS OF THIS SUBTITLE; AND

4 (2) PAYS A LICENSE FEE SET BY THE BOARD.

5 (B) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD ISSUES
6 A LICENSE DESIGNATION AS:

7 (1) LICENSED ELECTROLOGIST; OR

8 (2) LICENSED ELECTROLOGY INSTRUCTOR.

9 8-6B-13.

10 (A) AN ELECTROLOGIST'S LICENSE ISSUED UNDER THIS SUBTITLE
11 AUTHORIZES THE LICENSEE TO PRACTICE ELECTROLOGY WHILE THE LICENSE IS
12 EFFECTIVE.

13 (B) AN ELECTROLOGY INSTRUCTOR'S LICENSE ISSUED UNDER THIS SUBTITLE
14 AUTHORIZES THE LICENSEE TO PRACTICE ELECTROLOGY AND TO TEACH AN
15 ELECTROLOGY EDUCATION PROGRAM WHILE THE LICENSE IS EFFECTIVE.

16 8-6B-14.

17 (A) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE LICENSE
18 IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

19 (B) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2 YEARS.

20 (C) AT LEAST 1 MONTH BEFORE THE LICENSE EXPIRES, THE BOARD SHALL
21 SEND TO THE LICENSEE, BY FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS OF
22 THE LICENSEE, A RENEWAL NOTICE THAT STATES:

23 (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

24 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
25 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
26 THE LICENSE EXPIRES; AND

27 (3) THE AMOUNT OF THE RENEWAL FEE.

28 (D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A LICENSE
29 EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL 2-YEAR
30 TERM, IF THE LICENSEE:

31 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

32 (2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

1 (3) SUBMITS TO THE BOARD:

2 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
3 REQUIRES; AND

4 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY
5 CONTINUING EDUCATION REQUIREMENT SET UNDER THIS SUBTITLE FOR LICENSE
6 RENEWAL.

7 (E) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS
8 ESTABLISHED BY THE BOARD, THE BOARD MAY ESTABLISH CONTINUING
9 EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION TO THE RENEWAL
10 OF LICENSES UNDER THIS SECTION.

11 (F) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS
12 THE REQUIREMENTS OF THIS SECTION.

13 (G) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS, IF THE
14 LICENSEE SUBMITS TO THE BOARD:

15 (I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM
16 REQUIRED BY THE BOARD; AND

17 (II) THE INACTIVE STATUS FEE SET BY THE BOARD.

18 (2) THE BOARD SHALL REACTIVATE THE LICENSE OF AN INDIVIDUAL
19 WHO IS ON INACTIVE STATUS, IF THE INDIVIDUAL:

20 (I) COMPLIES WITH ANY CONTINUING EDUCATION REQUIREMENT
21 ESTABLISHED BY THE BOARD FOR THIS PURPOSE; ~~AND~~

22 (II) PAYS TO THE BOARD A REACTIVATION FEE SET BY THE BOARD;
23 AND

24 (III) IS OTHERWISE ENTITLED TO BE LICENSED.

25 (3) IF THE INDIVIDUAL HAS BEEN ON INACTIVE STATUS FOR 5 YEARS OR
26 MORE, BEFORE THE BOARD MAY REACTIVATE THE LICENSE, THE INDIVIDUAL MUST
27 PASS AN EXAMINATION GIVEN APPROVED BY THE BOARD ~~THAT INCLUDES A SECTION~~
28 ~~ON THE CLINICAL PRACTICE OF ELECTROLOGY AND A SECTION ON THIS SUBTITLE~~
29 ~~AND THE REGULATIONS ADOPTED UNDER IT.~~

30 (H) THE BOARD, IN ACCORDANCE WITH ITS RULES AND REGULATIONS, SHALL
31 REINSTATE THE LICENSE OF AN INDIVIDUAL WHO HAS FAILED TO RENEW THE
32 LICENSE FOR ANY REASON IF THE INDIVIDUAL:

33 (1) IS OTHERWISE ENTITLED TO BE LICENSED;

34 (2) COMPLIES WITH ANY CONTINUING EDUCATION REQUIREMENT
35 ESTABLISHED BY THE BOARD FOR THIS PURPOSE;

1 (3) PAYS TO THE BOARD ~~ALL PAST DUE RENEWAL FEES AND A~~
2 REINSTATEMENT FEE SET BY THE BOARD; AND

3 (4) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE LICENSE
4 WITHIN 5 YEARS AFTER THE LICENSE ~~EXPIRES; AND~~ EXPIRES.

5 (5) ~~PASSES AN EXAMINATION GIVEN BY THE BOARD THAT INCLUDES A~~
6 ~~SECTION ON THE CLINICAL PRACTICE OF ELECTROLOGY AND A SECTION ON THIS~~
7 ~~SUBTITLE AND THE REGULATIONS ADOPTED UNDER IT.~~

8 (I) (1) THE BOARD MAY NOT REINSTATE THE LICENSE OF AN
9 ELECTROLOGIST OR AN ELECTROLOGY INSTRUCTOR WHO FAILS TO APPLY FOR
10 REINSTATEMENT OF THE LICENSE WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.

11 (2) THE ELECTROLOGIST OR ELECTROLOGY INSTRUCTOR MAY BECOME
12 LICENSED BY MEETING THE CURRENT REQUIREMENTS FOR OBTAINING A NEW
13 LICENSE UNDER THIS SUBTITLE.

14 8-6B-15.

15 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE,
16 A LICENSED ELECTROLOGIST OR LICENSED ELECTROLOGY INSTRUCTOR MAY NOT
17 SURRENDER THE LICENSE NOR MAY THE LICENSE LAPSE BY OPERATION OF LAW
18 WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING
19 AGAINST THE LICENSEE.

20 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE
21 LICENSED ELECTROLOGIST OR LICENSED ELECTROLOGY INSTRUCTOR UNDER
22 INVESTIGATION OR AGAINST WHOM CHARGES ARE PENDING TO ACCEPT
23 SURRENDER OF THE LICENSE.

24 8-6B-16.

25 (A) BEFORE AN INSTITUTION MAY OPERATE AN ELECTROLOGY EDUCATION
26 PROGRAM IN THE STATE, THE BOARD SHALL APPROVE THE PROGRAM.

27 (B) THE BOARD SHALL APPROVE AN ELECTROLOGY EDUCATION PROGRAM IN
28 THE STATE IF:

29 (1) THE MARYLAND HIGHER EDUCATION COMMISSION APPROVES THE
30 PROGRAM; AND

31 (2) THE INSTITUTION THAT OFFERS THE PROGRAM SUBMITS EVIDENCE
32 TO THE BOARD THAT THE INSTITUTION IS PREPARED TO:

33 (I) MEET THE STANDARDS ~~SET~~ ESTABLISHED IN REGULATIONS
34 ADOPTED BY THE BOARD UNDER § 8-6B-03 OF THIS SUBTITLE; AND

35 (II) CARRY OUT AN EDUCATION PROGRAM IN:

1 1. THE THEORY OF ELECTROLOGY ~~IN ACCORDANCE WITH~~
2 ~~THE PROVISIONS OF § 8-6B-08(D) OF THIS SUBTITLE; OR~~

3 2. THE CLINICAL PRACTICE OF ELECTROLOGY ~~IN~~
4 ~~ACCORDANCE WITH THE PROVISIONS OF § 8-6B-08(D) OF THIS SUBTITLE.~~

5 (C) (1) THE BOARD PERIODICALLY MAY EVALUATE ELECTROLOGY
6 PROGRAMS IN THE STATE AND PREPARE A WRITTEN REPORT.

7 (2) IF AN INSTITUTION THAT OFFERS AN APPROVED ELECTROLOGY
8 EDUCATION PROGRAM VIOLATES ANY OF THE STANDARDS SET BY THE BOARD
9 UNDER THIS SUBTITLE, THE BOARD SHALL GIVE THE INSTITUTION SPECIFIC,
10 WRITTEN NOTICE OF THE VIOLATION.

11 8-6B-17.

12 ~~(A)~~ SUBJECT TO THE HEARING PROVISIONS OF § 8-317 OF THIS TITLE AND §
13 8-6B-19 OF THIS SUBTITLE, THE BOARD MAY REMOVE AN INSTITUTION FROM ITS
14 LIST OF INSTITUTIONS THAT OFFER APPROVED ELECTROLOGY EDUCATION
15 PROGRAMS IF THE INSTITUTION:

16 (1) IS GUILTY OF FRAUD OR DECEIT IN OBTAINING OR ATTEMPTING TO
17 OBTAIN APPROVAL;

18 (2) ACTS IN A MANNER INCONSISTENT WITH GENERALLY ACCEPTED
19 STANDARDS FOR THE PRACTICE OF ELECTROLOGY;

20 (3) ADVERTISES IN A MANNER THAT THE BOARD DETERMINES
21 VIOLATES § 8-6B-22 OF THIS SUBTITLE;

22 (4) VIOLATES THE STANDARDS SET UNDER THIS SUBTITLE AND DOES
23 NOT CORRECT THE VIOLATION IN A REASONABLE TIME AFTER NOTICE IS GIVEN; OR

24 (5) NO LONGER OPERATES A PROGRAM THAT QUALIFIES FOR APPROVAL
25 UNDER THIS SUBTITLE.

26 ~~(B)~~ ~~AN ACTION TAKEN UNDER THIS SECTION SHALL BE IN ACCORDANCE~~
27 ~~WITH THE HEARING AND ADMINISTRATIVE AND JUDICIAL REVIEW PROVISIONS OF~~
28 ~~THIS SUBTITLE.~~

29 8-6B-18.

30 (A) SUBJECT TO THE HEARING PROVISIONS OF § 8-317 OF THIS TITLE AND §
31 8-6B-19 OF THIS SUBTITLE, THE BOARD MAY DENY A LICENSE TO AN APPLICANT,
32 GRANT A PROBATIONARY LICENSE TO AN APPLICANT, REPRIMAND A LICENSEE,
33 PLACE A LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE IF THE
34 APPLICANT OR LICENSEE:

35 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
36 OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

- 1 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;
- 2 (3) AS PART OF THE PRACTICE OF ELECTROLOGY, KNOWINGLY DOES AN
3 ACT THAT EXCEEDS THE SCOPE OF THE PRACTICE OF ELECTROLOGY;
- 4 (4) IS GROSSLY NEGLIGENT IN PRACTICING OR TEACHING AN
5 ELECTROLOGY EDUCATION PROGRAM;
- 6 (5) ACTS IN A MANNER INCONSISTENT WITH GENERALLY ACCEPTED
7 STANDARDS FOR THE PRACTICE OF ELECTROLOGY;
- 8 (6) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A
9 FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY
10 APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA
11 SET ASIDE;
- 12 (7) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF
13 ANY STATE OR COUNTRY, CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR
14 COUNTRY, OR DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED
15 SERVICES OR THE VETERANS ADMINISTRATION FOR AN ACT THAT WOULD BE
16 GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY
17 STATUTES;
- 18 (8) PROVIDES PROFESSIONAL SERVICES WHILE:
- 19 (I) UNDER THE INFLUENCE OF ALCOHOL; OR
- 20 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
21 SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER
22 DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL
23 INDICATION;
- 24 (9) USES TYPES OF INSTRUMENTS OR PROCEDURES IN THE PRACTICE
25 OF ELECTROLOGY THAT ARE NOT APPROVED BY THE BOARD;
- 26 (10) ADVERTISES IN A MANNER THAT VIOLATES THIS SUBTITLE;
- 27 (11) USES A TITLE NOT AUTHORIZED BY ~~§ 8-6B-22~~ § 8-6B-26 OF THIS
28 SUBTITLE;
- 29 (12) IS CURRENTLY ADJUDICATED AS BEING A DISABLED INDIVIDUAL
30 UNDER TITLE 13 OF THE ESTATES AND TRUSTS ARTICLE;
- 31 (13) PRACTICES ELECTROLOGY WITH AN UNAUTHORIZED INDIVIDUAL OR
32 SUPERVISES OR AIDS AN UNAUTHORIZED INDIVIDUAL IN THE PRACTICE OF
33 ELECTROLOGY;
- 34 (14) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE
35 PRACTICE OF ELECTROLOGY;

1 (15) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED
2 BY LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF THE
3 REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;

4 (16) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

5 (17) VIOLATES A PROVISION OF THIS SUBTITLE OR A RULE OR
6 REGULATION ADOPTED BY THE BOARD;

7 (18) USES OR PROMOTES OR CAUSES THE USE OF A MISLEADING,
8 DECEIVING, OR UNTRUTHFUL ADVERTISING MATTER, PROMOTIONAL LITERATURE,
9 OR TESTIMONIAL;

10 (19) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;

11 (20) PROMOTES THE SALE OF DEVICES, APPLIANCES, OR GOODS TO A
12 PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

13 (21) BEHAVES IMMORALLY IN THE PRACTICE OF ELECTROLOGY;

14 (22) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN THE PRACTICE
15 OF ELECTROLOGY;

16 (23) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST
17 AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR
18 WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER BECAUSE THE
19 INDIVIDUAL IS HIV POSITIVE;

20 (24) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION WHERE
21 IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS FOR
22 DISEASE CONTROL'S GUIDELINES ON UNIVERSAL PRECAUTIONS;

23 (25) FAILS TO DISPLAY THE NOTICE REQUIRED UNDER ~~§ 8-6B-25~~ § 8-6B-26
24 OF THIS SUBTITLE;

25 (26) FAILS TO ALLOW AN INSPECTION UNDER § 8-6B-06(10) AND (11) OF
26 THIS SUBTITLE; OR

27 (27) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED
28 BY THE BOARD.

29 (B) (1) AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED OR
30 SUSPENDED BY THE BOARD SHALL RETURN THE LICENSE TO THE BOARD.

31 (2) IF AT THAT TIME THE LICENSE IS LOST, THE INDIVIDUAL SHALL
32 SEND A SWORN STATEMENT TO THIS EFFECT TO THE BOARD.

33 8-6B-19.

34 ~~(C)~~ (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE
35 PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER ~~§ 8-317 OF THIS~~

1 ~~THE~~ § 8-6B-17 OR § 8-6B-18 OF THIS SUBTITLE, IT SHALL GIVE THE ~~INDIVIDUAL~~
2 PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A
3 HEARING BEFORE THE BOARD.

4 ~~(D)~~ (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
5 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

6 ~~(E)~~ (C) THE HEARING NOTICE TO BE GIVEN TO THE ~~INDIVIDUAL PERSON~~
7 SHALL BE SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A
8 POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO THE LAST KNOWN
9 ADDRESS OF THE ~~INDIVIDUAL PERSON~~ AT LEAST 30 DAYS BEFORE THE HEARING.

10 ~~(F)~~ (D) THE ~~INDIVIDUAL PERSON~~ MAY BE REPRESENTED AT THE HEARING
11 BY COUNSEL.

12 ~~(G)~~ (E) (1) THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS
13 IN CONNECTION WITH A PROCEEDING UNDER THIS SECTION.

14 (2) IF, WITHOUT LAWFUL EXCUSE, ~~AN INDIVIDUAL~~ A PERSON DISOBEYS
15 A SUBPOENA FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH,
16 TESTIFY, OR ANSWER A QUESTION, THEN ON PETITION OF THE BOARD, A COURT OF
17 COMPETENT JURISDICTION:

18 (I) SHALL COMPEL COMPLIANCE WITH THE SUBPOENA; AND

19 (II) MAY HOLD THE ~~INDIVIDUAL PERSON~~ IN CONTEMPT OF COURT.

20 ~~(H)~~ (F) IF AFTER DUE NOTICE THE ~~INDIVIDUAL PERSON~~ AGAINST WHOM
21 THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE
22 BOARD MAY HEAR AND DETERMINE THE MATTER.

23 ~~(I)~~ (G) THE HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED
24 BY PROCEDURAL DEFECTS ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING OF
25 CHARGES.

26 ~~8-6B-19, 8-6B-20.~~

27 (A) IF AFTER A HEARING UNDER ~~§ 8-6B-18~~ 8-6B-19 OF THIS SUBTITLE THE
28 BOARD FINDS THAT THERE ARE GROUNDS UNDER THAT SECTION TO SUSPEND OR
29 REVOKE A LICENSE, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000:

30 (1) INSTEAD OF SUSPENDING THE LICENSE; OR

31 (2) IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE.

32 (B) THE BOARD SHALL ADOPT RULES AND REGULATIONS TO SET STANDARDS
33 FOR THE IMPOSITION OF PENALTIES UNDER THIS SECTION.

34 (C) THE BOARD SHALL PAY A PENALTY COLLECTED UNDER THIS SECTION
35 INTO THE GENERAL FUND OF THE STATE.

1 ~~8-6B-20-8-6B-21.~~

2 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ~~AN~~
3 ~~INDIVIDUAL~~ A PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A
4 CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:

5 (1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND

6 (2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE
7 ADMINISTRATIVE PROCEDURE ACT.

8 (B) (1) ~~AN INDIVIDUAL~~ A PERSON AGGRIEVED BY A FINAL DECISION OF THE
9 BOARD PURSUANT TO ~~§ 8-6B-18~~ 8-6B-19 OF THIS SUBTITLE MAY NOT APPEAL TO THE
10 SECRETARY OR BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

11 (2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW
12 OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

13 (C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING REVIEW.

14 ~~8-6B-21-8-6B-22.~~

15 ON THE APPLICATION OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN
16 SUSPENDED OR REVOKED FOR A PERIOD OF MORE THAN 1 YEAR, THE BOARD MAY
17 REINSTATE THE LICENSE AFTER 1 YEAR.

18 ~~8-6B-22-8-6B-23.~~

19 (A) UNLESS AUTHORIZED TO PRACTICE ELECTROLOGY, OR TO TEACH AN
20 ELECTROLOGY PROGRAM UNDER THIS SUBTITLE, AN INDIVIDUAL MAY NOT
21 REPRESENT TO THE PUBLIC BY TITLE, DESCRIPTION OF SERVICE, METHOD,
22 PROCEDURE, OR OTHERWISE, THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE
23 ELECTROLOGY OR TO TEACH AN ELECTROLOGY EDUCATION PROGRAM IN THE
24 STATE.

25 (B) NEITHER A LICENSEE NOR AN INSTITUTION THAT OFFERS AN APPROVED
26 ELECTROLOGY EDUCATION PROGRAM MAY ADVERTISE IN A MANNER THAT IS
27 UNREASONABLE, MISLEADING, OR FRAUDULENT.

28 (C) ~~(1) EXCEPT AS PROVIDED IN ITEM (2) OF THIS SUBSECTION, A LICENSEE~~
29 ~~MAY USE ONLY THE TITLE "LICENSED ELECTROLOGIST" AND THE ABBREVIATION~~
30 ~~"L.E."~~.

31 ~~(2) A LICENSED ELECTROLOGY INSTRUCTOR MAY USE THE TITLE~~
32 ~~"LICENSED ELECTROLOGY INSTRUCTOR" AND THE ABBREVIATION "L.E.I." UNLESS~~
33 ~~AUTHORIZED TO PRACTICE ELECTROLOGY OR INSTRUCT ELECTROLOGY UNDER THIS~~
34 ~~SUBTITLE. A PERSON:~~

1 (1) MAY NOT USE THE DESIGNATION "ELECTROLOGIST", "LICENSED
2 ELECTROLOGIST", "LICENSED ELECTROLOGY INSTRUCTOR", OR "ELECTROLOGY
3 INSTRUCTOR"; AND

4 (2) MAY NOT USE THE ABBREVIATION "L.E." OR "L.E.I."

5 ~~8-6B-23-8-6B-24.~~

6 (A) THE BOARD SHALL ADOPT RULES AND REGULATIONS THAT SPECIFY THE
7 TYPES OF INSTRUMENTS AND PROCEDURES THAT THE BOARD APPROVES FOR USE IN
8 THE PRACTICE AND TEACHING OF ELECTROLOGY.

9 (B) A LICENSEE MAY USE ONLY THOSE TYPES OF INSTRUMENTS AND
10 PROCEDURES IN THE PRACTICE OF ELECTROLOGY OR TEACHING OF THE CLINICAL
11 PRACTICE OF ELECTROLOGY THAT ARE APPROVED BY THE BOARD.

12 ~~8-6B-24-8-6B-25.~~

13 (A) IN THIS SECTION, "ELECTROLOGIST REHABILITATION COMMITTEE"
14 MEANS A COMMITTEE THAT:

15 (1) IS DEFINED IN SUBSECTION (B) OF THIS SECTION; AND

16 (2) PERFORMS ANY OF THE FUNCTIONS LISTED IN SUBSECTION (D) OF
17 THIS SECTION.

18 (B) FOR PURPOSES OF THIS SECTION, AN ELECTROLOGIST REHABILITATION
19 COMMITTEE IS A ~~SUBGROUP COMMITTEE OF THE COMMITTEE OR A COMMITTEE OF~~
20 ~~ANY ASSOCIATION REPRESENTING ELECTROLOGISTS THAT:~~

21 (1) IS RECOGNIZED BY THE ~~COMMITTEE~~ BOARD; AND

22 (2) INCLUDES BUT IS NOT LIMITED TO ELECTROLOGISTS.

23 (C) ~~A AN ELECTROLOGIST REHABILITATION COMMITTEE OF THE COMMITTEE~~
24 ~~OR~~ RECOGNIZED BY THE BOARD MAY FUNCTION:

25 (1) SOLELY FOR THE COMMITTEE; OR

26 (2) JOINTLY WITH A REHABILITATION COMMITTEE REPRESENTING
27 ANOTHER COMMITTEE, THE BOARD, OR ANOTHER BOARD OR BOARDS.

28 (D) FOR PURPOSES OF THIS SECTION, AN ELECTROLOGIST REHABILITATION
29 COMMITTEE EVALUATES AND PROVIDES ASSISTANCE TO AN ELECTROLOGIST IN
30 NEED OF TREATMENT AND REHABILITATION FOR ALCOHOLISM, DRUG ABUSE,
31 CHEMICAL DEPENDENCY, OR OTHER PHYSICAL, EMOTIONAL, OR MENTAL
32 CONDITION.

33 (E) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
34 PROCEEDINGS, RECORDS, AND FILES OF THE ELECTROLOGIST REHABILITATION
35 COMMITTEE ARE NOT DISCOVERABLE AND ARE NOT ADMISSIBLE IN EVIDENCE IN

1 ANY CIVIL ACTION ARISING OUT OF MATTERS THAT ARE BEING OR HAVE BEEN
2 REVIEWED AND EVALUATED BY THE ELECTROLOGIST REHABILITATION COMMITTEE.

3 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A RECORD
4 OR DOCUMENT THAT IS CONSIDERED BY THE ELECTROLOGIST REHABILITATION
5 COMMITTEE AND THAT OTHERWISE WOULD BE SUBJECT TO DISCOVERY OR
6 INTRODUCTION INTO EVIDENCE IN A CIVIL ACTION.

7 (3) FOR PURPOSES OF THIS SUBSECTION, CIVIL ACTION DOES NOT
8 INCLUDE A PROCEEDING BEFORE THE BOARD OR JUDICIAL REVIEW OF A
9 PROCEEDING BEFORE THE BOARD.

10 (F) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF
11 JURISDICTION OF AN ELECTROLOGIST REHABILITATION COMMITTEE IS NOT CIVILLY
12 LIABLE FOR ANY ACTION AS A MEMBER OF THE ELECTROLOGIST REHABILITATION
13 COMMITTEE OR FOR GIVING INFORMATION TO, PARTICIPATING IN, OR
14 CONTRIBUTING TO THE FUNCTION OF THE ELECTROLOGIST REHABILITATION
15 COMMITTEE.

16 ~~8-6B-25-8-6B-26.~~

17 IF AN ELECTROLOGIST IS ENGAGED IN THE PRIVATE PRACTICE OF
18 ELECTROLOGY IN THE STATE, THE ELECTROLOGIST SHALL DISPLAY THE NOTICE
19 DEVELOPED UNDER § 1-207 OF THIS ARTICLE CONSPICUOUSLY IN EACH OFFICE
20 WHERE THE ELECTROLOGIST IS ENGAGED IN PRACTICE.

21 ~~8-6B-26.~~

22 ~~A LICENSEE MAY NOT USE A TITLE EXCEPT THE TITLES AUTHORIZED BY §~~
23 ~~8-6B-22 OF THIS SUBTITLE.~~

24 8-6B-27.

25 A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A
26 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000
27 \$5,000 OR IMPRISONMENT NOT EXCEEDING ~~6 MONTHS~~ 1 YEAR OR BOTH.

28 8-6B-28.

29 THIS SUBTITLE MAY BE CITED AS THE "MARYLAND ELECTROLOGISTS ACT".

30 8-6B-29.

31 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
32 MARYLAND PROGRAM EVALUATION ACT, AND SUBJECT TO THE TERMINATION OF
33 THIS TITLE UNDER § 8-802 OF THIS TITLE, THIS SUBTITLE AND ALL RULES AND
34 REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO
35 EFFECT AFTER JULY 1, 2013.

1

Article - State Government

2 8-403.

3 (a) On or before December 15 of the 2nd year before the evaluation date of a
4 governmental activity or unit, the Legislative Policy Committee, based on a
5 preliminary evaluation, may waive as unnecessary the evaluation required under this
6 section.

7 (b) Except as otherwise provided in subsection (a) of this section, on or before
8 the evaluation date for the following governmental activities or units, an evaluation
9 shall be made of the following governmental activities or units and the statutes and
10 regulations that relate to the governmental activities or units:

11 (22) [Electrologists, State Board of (§ 6-201 of the Health Occupations
12 Article: July 1, 2003)] ELECTROLOGY PRACTICE COMMITTEE (§ 8-6B-05 OF THE
13 HEALTH OCCUPATIONS ARTICLE: JULY 1, 2012);

14 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
15 members of the Electrology Practice Committee shall expire as follows:

- 16 (1) one member in 2005;
- 17 (2) two members in 2006; and
- 18 (3) two members in 2007.

19 SECTION 4. AND BE IT FURTHER ENACTED, That an individual who holds
20 a valid license issued by the State Board of Electrologists on June 30, 2003, in all
21 respects, shall be considered licensed by the State Board of Nursing. The State Board
22 of Nursing shall issue a license to an individual who holds a valid license issued by
23 the State Board of Electrologists if the individual is of good moral character and has
24 submitted to the State Board of Nursing, on or before June 30, 2004:

- 25 (1) an application on the form that the State Board of Nursing requires;
- 26 (2) evidence of the prior license; and
- 27 (3) a license fee set by the State Board of Nursing.

28 SECTION 5. AND BE IT FURTHER ENACTED, That on July 1, 2003, all the
29 functions, powers, duties, equipment, revenues, assets, liabilities, fund balances, and
30 records of the State Board of Electrologists shall be transferred to the Electrology
31 Practice Committee within the State Board of Nursing.

32 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 2003.

