

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1149

(Delegate V. Turner, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

State Board of Nursing - Electrologists - License Renewal and Discipline

This bill codifies the existing practice of licensed electrologists renewing their licenses annually with the State Board of Nursing, instead of every two years as statute requires. The bill specifies that, if a licensee fails to provide satisfactory evidence of complying with continuing education requirements, the board must place the licensee on inactive status.

The bill adds to the reasons the board may take disciplinary action:

- practicing electrology without a license before obtaining or renewing a license, including any period when the license has lapsed; or
- after failing to renew a license, committing any act that would be grounds for disciplinary action.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues if, by establishing new grounds for disciplinary action, the number of penalties imposed increases. No effect on board special fund revenues. No effect on general fund or special fund expenditures.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The State Board of Nursing licenses electrologists and electrology instructors in Maryland. The board's Electrology Practice Committee reviews licensure

applications and makes recommendations to the board. The committee also assists the board in other ways, including by making recommendations regarding licensure, continuing education, and regulatory requirements.

Although statute states that an electrologist license is valid for two years, regulations state that licenses are renewed annually at a \$150 fee. The board advises that it licenses electrologists annually; therefore, the portion of the bill requiring electrologists be licensed annually codifies existing practice.

The board may set continuing education or competency requirements as a condition for renewing licenses. The board also may place a licensee on inactive status if the licensee submits the appropriate application and fee to the board. The board must reactivate an individual's license for a licensee on inactive status if the individual complies with the board's continuing education requirements, pays the board's reactivation fee, and is otherwise entitled to be licensed. The board may not reinstate the license of an electrologist or an electrology instructor who does not apply for reinstatement within five years after the license expires.

The board may take disciplinary actions for a variety of reasons, including:

- fraudulently or deceptively obtaining or attempting to obtain a license;
- fraudulently or deceptively using a license; or
- knowingly acting in a way that exceeds the scope of practice of electrology.

If after holding a hearing prior to taking a disciplinary action, the board finds that there are grounds to suspend or revoke a license, the board may impose a maximum \$5,000 penalty instead of suspending the license or in addition to suspending or revoking a license. The board must pay a penalty collected into the general fund.

Background: In fiscal 2007, the board estimates that there will be 108 licensed electrologists in Maryland.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Health Claims Alternative Dispute Resolution Office, Department of Health and Mental Hygiene, Department of Legislative Services

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