

ASSEMBLY, No. 2407

STATE OF NEW JERSEY

INTRODUCED OCTOBER 7, 1996

By Assemblywoman HECK

1 AN ACT providing for the licensing of electrologists and  
2 supplementing chapter 9 of Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. This act shall be known and may be cited as the "Electrology  
8 Practice Act."

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10 2. As used in this act:

11 "Board" means the State Board of Medical Examiners.

12 "Committee" means the Electrologists Advisory Committee  
13 established pursuant to section 3 of this act.

14 "Electrologist" means a person who is licensed to practice  
15 electrology pursuant to the provisions of this act.

16 "Electrology" means the removal of hair permanently through the  
17 utilization of solid probe electrode-type epilation, including  
18 thermolysis, being of a short-wave, high frequency type, and including  
19 electrolysis, being of a galvanic type, or a combination of both, which  
20 is accomplished by a super-imposed or sequential blend.

21 "Electrology instructor" means a person who is licensed to teach  
22 the clinical and theoretical practice of electrology pursuant to the  
23 provisions of this act.

24 "Office" means any fixed establishment or place where one or more  
25 persons engage in the practice of electrology.

26

27 3. There is created within the Division of Consumer Affairs in the  
28 Department of Law and Public Safety, under the State Board of  
29 Medical Examiners, an "Electrologists Advisory Committee." The  
30 committee shall consist of five members who are residents of this State  
31 as follows: one physician licensed to practice medicine or surgery  
32 pursuant to chapter 9 of Title 45 of the Revised Statutes and who is  
33 a diplomate of the American Board of Dermatology; three  
34 electrologists who have successfully passed the American Electrologist  
35 Association/International Board of Electrologist Certification Certified  
36 Professional Electrology Examination, and who shall be appointed  
37 from a list of nominees submitted by the Electrologists Association of

1 New Jersey; and one public member to represent consumer interests.  
2 Each electrologist member shall be actively engaged in the delivery of  
3 electrology services in this State for at least four years prior to his  
4 appointment. No electrologist member of the committee shall be  
5 affiliated as an instructor or member of the board of trustees of an  
6 electrology school; nor shall any electrologist member own any  
7 interest in any electrology school; nor shall any member engage in the  
8 business or own any interest in an entity engaged in the business of  
9 manufacturing or supplying electrology equipment or supplies.

10 The Governor shall appoint each committee member for a term of  
11 three years, except that of the electrologist members first appointed,  
12 two shall serve for terms of three years, two shall serve for terms of  
13 two years and one shall serve for a term of one year. Any vacancy in  
14 the membership of the board shall be filled for the unexpired term in  
15 the manner provided by the original appointment. No member of the  
16 committee may serve more than two successive terms in addition to  
17 any unexpired term to which he has been appointed.

18

19 4. The committee shall annually elect from among its members a  
20 chairperson. The committee shall meet at least twice a year and shall  
21 also meet upon the request of the Board of Medical Examiners or the  
22 Attorney General. The board shall provide the committee the facilities  
23 and personnel required for the proper conduct of its business.

24

25 5. The board shall authorize reimbursement of the members of the  
26 committee for their actual expenses incurred in connection with the  
27 performance of their duties as members of the committee.

28

29 6. The committee may have the following powers and duties, as  
30 delegated by the board:

31 a. evaluate and pass upon the qualifications of applicants for  
32 licensure;

33 b. adopt and administer the examination to be taken by applicants  
34 for licensure;

35 c. issue and renew biennial licenses for electrologists and  
36 electrology instructors pursuant to this act;

37 d. approve electrology education programs offered within the  
38 State;

39 e. refuse to admit a person to an examination or refuse to issue or  
40 suspend, revoke, or fail to renew the license of an electrologist or  
41 electrology instructor pursuant to the provisions of P.L.1978, c.73  
42 (C.45:1-14 et seq.);

43 f. maintain a record of every electrologist and electrology  
44 instructor licensed in this State, their places of business, places of  
45 residence and the date and number of their license;

46 g. maintain a record of all offices licensed by the board to offer the

- 1 services provided within the definition of electrology;
- 2 h. take disciplinary action, in accordance with P.L.1978, c.73  
3 (45:1-14 et seq.) against an electrologist or an electrology instructor  
4 who violates any provision of this act;
- 5 i. adopt standards for and approve continuing education programs,  
6 subject to the requirements of section 11 of this act;
- 7 j. approve the types of instruments and procedures permitted in the  
8 practice and teaching of electrology;
- 9 k. review advertising by any licensee or any institution that offers  
10 a program in electrology approved by the board;
- 11 l. direct the conduct of inspections or investigations of any  
12 premises from which the board may have reason to believe that  
13 electrology services are being offered; and
- 14 m. direct the conduct of inspections or investigations of all licensed  
15 offices.
- 16
- 17 7. a. No person shall practice electrology or teach electrology,  
18 whether or not compensation is received or expected, unless the  
19 person holds a valid license to practice or teach electrology in this  
20 State, except nothing in this act shall be construed to:
- 21 (1) prohibit any person licensed to practice or certified to teach in  
22 this State under any other law from engaging in the practice or  
23 teaching for which he is licensed, regulated or certified; or
- 24 (2) prohibit any student enrolled in an approved clinical electrology  
25 education program from performing that which is necessary to the  
26 student's course of study.
- 27 b. No person, business entity or its employees, agents or  
28 representatives shall use the titles "licensed electrologist" or "licensed  
29 electrology instructor," or the letters "L.E." or "L.E.I.," or any other  
30 title, designation, words, letters, abbreviations or insignia indicating  
31 the practice or teaching of electrology, unless licensed to practice or  
32 teach electrology under the provisions of this act.
- 33 c. No person, firm, corporation, partnership or other legal entity  
34 shall operate, maintain or use premises for the rendering of any service  
35 provided in the definition of electrology without first having secured  
36 an office license from the board.
- 37 d. In addition to the provisions of section 8 of P.L.1978, c.73  
38 (C.45:1-21), the board may refuse to grant or may suspend or revoke  
39 a license to practice or teach electrology upon proof to the satisfaction  
40 of the board that the holder thereof has:
- 41 (1) employed unlicensed persons to practice electrology, or  
42 supervised or aided an unlicensed person in the practice of electrology;
- 43 (2) advertised the practice of electrology so as to disseminate false,  
44 deceptive or misleading information, whether as an individual, through  
45 a professional service corporation, or through a third party;
- 46 (3) promoted the sale of devices, appliances, or goods to a patient

1 so as to exploit the patient for financial gain;

2 (4) used instruments or procedures in the practice of electrology  
3 that are not approved by the board;

4 (5) maintained an office in a manner which is unsafe or unsanitary;  
5 or

6 (6) acted in a manner inconsistent with standards for the practice  
7 of electrology approved by the board.

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9 8. To be eligible for licensure as an electrologist, an applicant shall  
10 fulfill the following requirements:

11 a. be at least 18 years of age;

12 b. be of good moral character;

13 c. have successfully completed high school or its equivalent;

14 d. (1) have successfully completed an electrology education  
15 program approved by the board, in consultation with the committee,  
16 including:

17 (a) at least 200 hours of instruction in the theory of electrology;  
18 and

19 (b) at least 400 hours of instruction in the clinical practice of  
20 electrology taught by an electrology instructor licensed pursuant to the  
21 provisions of this act. The clinical program shall include instruction  
22 in all modalities of electrology including galvanic, thermolysis and any  
23 other modality approved by the board; or

24 (2) have completed in another state an electrology education  
25 program determined by the board to be substantially equivalent to that  
26 required pursuant to this subsection; and

27 e. have passed an examination administered or approved by the  
28 board to determine the applicant's competence to practice electrology.

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30 9. To be eligible for licensure as an electrology instructor an  
31 applicant shall fulfill the following requirements:

32 a. be licensed as an electrologist pursuant to the provisions of this  
33 act;

34 b. have been actively engaged in the practice of electrology for at  
35 least five years immediately preceding the date of application for  
36 licensure as an electrology instructor; and

37 c. passed an examination administered or approved by the board,  
38 after consultation with the committee, to determine the applicant's  
39 competence to teach electrology.

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41 10. Upon payment to the board of a fee and the submission of a  
42 written application provided by the board, the board shall issue,  
43 without written examination, a license to any person who:

44 a. Holds a valid license issued by another state or possession of the  
45 United States or the District of Columbia which has standards  
46 substantially equivalent to those of this State, if the applicant has not

1 previously failed the board examination as provided in sections 8, 9  
2 and 12 of this act. If the applicant has failed an examination referred  
3 to in those sections, licensing shall be at the discretion of the board, in  
4 consultation with the committee;

5 b. Applies for licensure within 180 days of the effective date of this  
6 act, is a resident of this State, has completed 120 hours of instruction  
7 in electrology at a school of electrology approved by the board, in  
8 consultation with the committee, and has been actively engaged in the  
9 practice of electrology for at least five years immediately preceding the  
10 date of application for licensure; or

11 c. Applies for licensure within 180 days of the effective date of this  
12 act, is a resident of this State, and presents evidence of having passed  
13 the written electrology certification examination of a nationally  
14 recognized board or agency approved by the board, in consultation  
15 with the committee.

16

17 11. a. The board or committee, if so delegated by the board, shall:

18 (1) approve only such continuing professional education programs  
19 as are available to all electrologists and electrology instructors in this  
20 State on a reasonable nondiscriminatory basis. Programs may be held  
21 within or without this State, but shall be held so as to allow  
22 electrologists and electrology instructors in all areas of the State to  
23 attend;

24 (2) establish standards for continuing professional education  
25 programs, including the specific subject matter and contents of courses  
26 of study and the selection of instructors;

27 (3) accredit education programs offering credits toward the  
28 continuing education requirements; and

29 (4) establish the number of credits of continuing professional  
30 education required by each applicant for license renewal. Each credit  
31 shall represent or be equivalent to one hour of actual course  
32 attendance.

33 b. Prior to license renewal, each licensee shall submit to the board  
34 proof of completion of the required number of hours of continuing  
35 education.

36 c. If any applicant for renewal of registration completes a number  
37 of credit hours in excess of the number established pursuant to  
38 paragraph 4 of subsection a. of this section, the excess credits may, at  
39 the discretion of the board, in consultation with the committee, be  
40 applicable to the continuing education requirement for the following  
41 biennial renewal period, but not thereafter.

42

43 12. The examinations required by sections 8 and 9 of this act shall  
44 include a written practical examination which shall test the applicant's  
45 knowledge of the theory and clinical practice of electrology.  
46 Examinations shall be held within the State at least twice a year at a

1 time and place to be determined by the board, in consultation with the  
2 committee. The board shall give adequate written notice of the  
3 examination to applicants for licensure and examination.

4 An applicant who fails the initial examination or a section of the  
5 examination may retake the section or the entire examination upon  
6 payment to the board of the prescribed fee. If an applicant fails the  
7 examination twice, the applicant may take a third examination only if  
8 he retakes the entire examination and completes an electrology  
9 education program as required by the board, in consultation with the  
10 committee.

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12 13. a. The board shall by rule or regulation establish, prescribe or  
13 change the fees for licenses, renewals of licenses or other services  
14 provided by the board or the committee pursuant to the provisions of  
15 this act. Licenses shall be issued for a period of two years and be  
16 biennially renewable, except that the board may, in order to stagger  
17 the expiration dates thereof, provide that those licenses first issued or  
18 renewed after the effective date of this act shall expire or become void  
19 on a date fixed by the board, not sooner than six months nor later than  
20 29 months after the date of issue.

21 b. Fees shall be established, prescribed or changed by the board to  
22 the extent necessary to defray all proper expenses incurred by the  
23 committee, the board and any staff employed to administer this act,  
24 except that fees shall not be fixed at a level that will raise amounts in  
25 excess of the amount estimated to be so required.

26 c. All fees and any fines imposed by the board shall be paid to the  
27 board and shall be forwarded to the State Treasurer and become part  
28 of the General Fund.

29  
30 14. a. The board, in consultation with the committee, shall issue  
31 a license to any applicant who in the opinion of the board has  
32 satisfactorily met all the requirements of this act. The license shall  
33 indicate whether the holder is licensed as an electrologist or an  
34 electrology instructor. The holder of an electrologist's license is  
35 authorized to practice electrology during the licensure period, and the  
36 holder of an electrology instructor's license is authorized to practice  
37 electrology and to teach the clinical practice and theory of electrology  
38 during the licensure period.

39 b. The board shall, in consultation with the committee and in  
40 accordance with its rules and regulations, reinstate the license of an  
41 electrologist or electrology instructor who has failed to renew the  
42 license if the applicant is eligible for licensure pursuant to section 9 or  
43 10 of this act and regulations of the board, and pays to the board all  
44 past due renewal fees and a reinstatement fee, to be determined by the  
45 board in consultation with the committee.

1 15. A person, firm, corporation, partnership or other legal entity  
2 shall not operate, maintain or use premises for the rendering of any  
3 service provided in the definition of electrology without having first  
4 secured an office license. To be eligible for an office license, a  
5 person, firm, corporation, partnership or other legal entity intending  
6 to open and operate an electrologist's office shall:

7 a. Make application to the board on forms as it may require,  
8 demonstrating that the physical premises and the operation of the  
9 office will meet the criteria as recommended by the "Universal  
10 Precautions for Infection Control" established by the Center for  
11 Disease Control;

12 b. Permit inspections of the premises; and

13 c. Pay fees as may be required by the board.  
14

15 16. The provisions of the uniform enforcement law, P.L.1978, c.73  
16 (C.45:1-14 et seq.) shall apply to this act. The authority of the board  
17 may be delegated to the committee at the discretion of the board.  
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19 17. The board shall maintain a list of approved electrology  
20 education programs located within the State and of out-of-state  
21 programs recognized by the board. The board shall not approve or  
22 recognize a program unless the program consists of at least 200 hours  
23 of instruction in the theory of electrology and 400 hours of training in  
24 the clinical practice of electrology.  
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26 18. The board, after consultation with the committee, shall adopt  
27 rules and regulations pursuant to the "Administrative Procedure Act,"  
28 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the  
29 purposes of this act.  
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31 19. This act shall take effect immediately, except that sections 1  
32 through 17 shall remain inoperative for 180 days following enactment.  
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### 34 35 STATEMENT 36

37 This bill provides for the licensing of electrologists and electrology  
38 instructors. It establishes a five-member "Electrologists Advisory  
39 Committee" in the Division of Consumer Affairs in the Department of  
40 Law and Public Safety, under the jurisdiction of the State Board of  
41 Medical Examiners. The committee is to consist of five members: a  
42 physician who is a diplomate of the American Board of Dermatology,  
43 three electrologists, and one public member who will represent  
44 consumer interests. The committee will advise the Board of Medical  
45 Examiners regarding standards of practice, licensing qualifications,  
46 electrology education programs, and inspections of electrologists'

1 offices.

2 To be eligible for an electrologist's license, an applicant must be at  
3 least 18 years old, of good moral character, and have obtained a high  
4 school diploma or its equivalent. The applicant must have successfully  
5 completed an electrology education program that includes at least 200  
6 hours of instruction in the theory of electrology and at least 400 hours  
7 of clinical instruction. Additionally, applicants must pass an  
8 examination administered or approved by the Board of Medical  
9 Examiners.

10 "Electrology" is defined in the bill as the removal of hair  
11 permanently through the utilization of solid probe electrode-type  
12 epilation, including thermolysis, being of a short-wave, high frequency  
13 type, and including electrolysis, being of a galvanic type, or a  
14 combination of both, which is accomplished by a super-imposed or  
15 sequential blend.

16 The bill prohibits anyone from practicing or teaching electrology or  
17 using any title or abbreviation such as "LE" or "LEI" or any other title,  
18 designation, words, letters, abbreviations or insignia indicating the  
19 practice or teaching of electrology unless duly licensed. No person  
20 shall operate an electrology office without obtaining an office license  
21 under the act. The Board of Medical Examiners shall set minimum  
22 criteria for the operation and physical premises of electrology offices,  
23 and may inspect offices.

24 Applicants who apply for licensure within 180 days of the bill's  
25 effective date may be granted a license without sitting for an  
26 examination under certain circumstances.

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31 "Electrology Practice Act."