

54 N.J.R. 1171(a)

VOLUME 54, ISSUE 12, JUNE 20, 2022

RULE ADOPTIONS

Reporter

54 N.J.R. 1171(a)

NJ - New Jersey Register > 2022 > JUNE > JUNE 20, 2022 > RULE ADOPTIONS > LAW AND PUBLIC SAFETY -- DIVISION OF CONSUMER AFFAIRS

Agency

LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > STATE BOARD OF MEDICAL EXAMINERS > ELECTROLOGISTS ADVISORY COMMITTEE

Administrative Code Citation

Adopted Amendments: N.J.A.C. 13:35-12.1, 12.2, 12.6 through 12.13, 12.15, and 12.19

Adopted Repeal and New Rule: N.J.A.C. 13:35-12.14

Adopted New Rules: N.J.A.C. 13:35-12.10A, 12.14A, and 12.14B

Text

Electrologists Advisory Committee Rules

Proposed: September 20, 2021, at 53 N.J.R. 1558(a).

Adopted: May 11, 2022, by the State Board of Medical Examiners, Otto F. Sabando, D.O., President.

Filed: May 18, 2022, as R.2022 d.069, **without change**.

Authority: N.J.S.A. 45:9-37.81; and P.L. 2013, c. 182.

Effective Date: June 20, 2022.

Expiration Date: April 3, 2025.

Summary of Public Comment and Agency Response:

The official comment period ended on November 19, 2021. **No comments were received.**

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments, repeal, and new rules are governed by N.J.S.A. 45:9-37.76 et seq., and are not subject to any Federal standards or laws.

Full text of the adopted amendments and new rules follows:

SUBCHAPTER 12. ELECTROLOGISTS ADVISORY COMMITTEE; LICENSURE OF ELECTROLOGISTS AND ELECTROLOGY INSTRUCTORS; ELECTROLOGY STANDARDS OF PRACTICE

13:35-12.1 Purpose and scope

(a) (No change.)

(b) This subchapter shall apply to all applicants seeking licensure as an electrologist, electrology instructor, or an office premises license and to licensed electrologists, licensed electrology instructors, and licensed offices.

13:35-12.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

. . .

"Certified Professional Electrologist (CPE) Examination" means the examination administered by the American Electrology Association.

. . .

"Licensee" means an individual holding a license issued by the Electrologists Advisory Committee of the State Board of Medical Examiners.

. . .

[page=1172] 13:35-12.6 Licensing requirements for electrologist

(a) To be eligible for licensure as an electrologist, an applicant shall fulfill the following requirements:

1.-4. (No change.)

5. Have passed the Certified Professional Electrologist (CPE) Examination, or its successor; and

6. (No change.)

(b) (No change.)

13:35-12.7 Licensing requirements for electrology instructor

(a) To be eligible for licensure as an electrology instructor, an applicant shall fulfill the following requirements:

- 1.-2. (No change.)
3. Have passed the examination administered by the Committee.

13:35-12.8 Application for license: electrologist

(a) (No change.)

(b) If the applicant meets the requirements at (a) above, the Committee shall advise the applicant that the applicant is eligible to take the Certified Professional Electrologist (CPE) Examination, or its successor, and the New Jersey Electrology Jurisprudence Examination.

13:35-12.9 Application for license: electrology instructor

(a) (No change.)

(b) If the applicant meets the requirements at (a) above, the Committee shall advise the applicant that the applicant is eligible to take the examination administered by the Committee.

13:35-12.10 Licensing requirements for office premises

(a) To be eligible for an office premises license, a person, firm, corporation, partnership, or other legal entity intending to open and operate an electrologist's office shall:

1. (No change.)
2. Obtain a permit and pass inspections of the premises; and
3. (No change.)

(b)-(e) (No change.)

13:35-12.10A License renewal; reinstatement: office premises

(a) An office premises license holder who seeks renewal of the holder's office premises license shall submit a license renewal application and the license renewal fee as set forth at N.J.A.C. 13:35-12.22 to the Committee at least 30 days prior to the expiration of the current license. An office premises licensee who submits a renewal application within 30 days of expiration shall pay the late fee as set forth at N.J.A.C. 13:35-12.22. An office premises licensee who fails to submit a renewal application within 30 days of expiration shall have the licensee's office premises license suspended without a hearing.

(b) An office premises license is not transferable or assignable. The intended new operator of an office premises

shall file, with the Committee, a new office premises license application within 10 days of the change.

(c) An office premises licensee who continues to offer electrology services with a suspended license shall be deemed to be engaging in the unauthorized practice of electrology and shall be subject to the penalties as set forth at N.J.S.A. 45:1-25 et seq.

(d) The Committee shall send a notice of renewal to the office premises licensee at least 60 days prior to the expiration of the license. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew provided that the license is renewed within 60 days from the date the notice is sent or within 30 days following the date of license expiration, whichever is later.

(e) An office premises licensee seeking reinstatement following the suspension of an office premises license pursuant to (a) above shall submit:

1. A completed application and the application fee as set forth at N.J.A.C. 13:35-12.22;

2. For an office premises licensee seeking reinstatement within the same biennial period of the expiration of the license, payment of a late fee as set forth at N.J.A.C. 13:35-12.22;

3. For an office premises licensee seeking reinstatement in a biennial period subsequent to the period in which the license expired, payment of a reinstatement fee as set forth at N.J.A.C. 13:35-12.22; and

4. One of the following certifications:

i. A certification of licensure in good standing from any other state or jurisdiction in which the applicant has held an electrology office premises license during the period the license was suspended in this State;

ii. Certification by the applicant stating that the applicant has operated an electrology office premises in a state or jurisdiction which does not require certification or licensure, during the period the license was suspended in this State; or

iii. Certification stating that the applicant has not held an electrology office premises license, in this or any other jurisdiction, during the period the license was suspended in this State.

13:35-12.11 Infection prevention standards

(a) Electrologists shall comply with the standard precautions for infection prevention as set forth in this section.

(b)-(d) (No change.)

(e) Electrologists shall wear a new pair of non-sterile disposable examination gloves during the treatment of each client and during the procedures of soaking, cleaning, rinsing, and drying of forceps and other instruments.

1. Gloves shall be removed, discarded, hands washed or sanitized, and new gloves put on:

Recodify existing 1.-2. as i.-ii. (No change in text.)

2. For purposes of this subsection, hand sanitizing shall be achieved by:

i. Applying the product label recommended amount of an antiseptic alcohol-based gel or rinse to the palm of one hand;

ii. Rubbing hands together, covering all the surfaces of the hands, especially between the fingers and fingernail areas; and

iii. Continuing to rub hands together at least 15 seconds or until the alcohol dries.

(f) (No change.)

(g) Instruments shall be cleaned prior to sterilization by:

1. (No change.)

2. Cleaning in an ultrasonic cleaning unit according to the manufacturer's instructions; and

3. Thoroughly rinsing with water.

(h) Only after the instruments are cleaned in accordance with (g) above, shall instruments be packaged individually or in packages of several instruments that would be used for an individual client and must contain a heat indicator. The instruments shall not be packaged until they are cleaned in accordance with (g) above.

(i)-(n) (No change.)

13:35-12.12 Posting of licenses and required notices

(a) All licensed office premises shall clearly display the following:

1. The office premises license;

2.-3. (No change.)

(b) (No change.)

13:35-12.13 Examination requirements; reexamination

(a) Except as provided at N.J.A.C. 13:35-12.5, an applicant for licensure as an electrologist shall successfully complete the Certified Professional Electrologist (CPE) Examination, or its successor, and the New Jersey Electrology Jurisprudence Examination.

(b) An applicant, who has previously taken the Certified Professional Electrologist Examination (CPE), or its successor, shall have successfully completed the examination within five years of application for an electrologist license.

(c) An applicant for licensure as an electrology instructor shall successfully complete the examination administered by the Committee.

(d) The applicant shall be eligible to take either the Certified Professional Electrologist (CPE) Examination, or its successor, or the instructor examination administered by the Committee, for one year from the date the Committee advises the applicant that the applicant is eligible to sit for the examination or for two administrations of the examination unless the applicant can demonstrate undue hardship to the Committee.

[page=1173] (e) If an applicant fails the Certified Professional Electrologist (CPE) Examination, or its successor, twice, the applicant may take the examination a third time only if the applicant completes an electrology course(s) as directed by the Committee, from an accredited electrology education program and submits to the Committee a certification of program completion.

13:35-12.14 License renewal: electrologist and electrology instructor

(a) The Committee shall send a notice of renewal to each licensee, at least 60 days prior to the expiration of the license. The notice of renewal shall explain inactive renewal and advise the licensee of the option to renew as inactive. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew, provided that the license is renewed within 60 days from the date the notice is sent or within 30 days following the date of license expiration, whichever is later.

(b) A licensee shall renew one's license for a period of two years from the last expiration date. The licensee shall submit a renewal application to the Committee, along with the renewal fee

as set forth at N.J.A.C. 13:35-12.22, prior to the date of license expiration.

(c) A licensee may renew one's license by choosing inactive status. A licensee electing to renew the licensee's license as inactive shall not engage in the practice of electrology, or hold oneself out as eligible to engage in the practice of electrology in New Jersey, until such time as the license is returned to active status.

(d) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee, and a late fee as set forth at N.J.A.C. 13:35-12.22. During this 30-day period, the license shall be valid and the licensee shall not be deemed practicing without a license.

(e) A licensee who fails to submit a renewal application within 30 days of license expiration shall have one's license suspended without a hearing.

(f) A licensee who continues to engage in the practice of electrology with a suspended license shall be deemed to be engaging in the unauthorized practice of electrology and shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension has been provided to the individual.

13:35-12.14A License reactivation: electrologist and electrology instructor

(a) A licensee who holds an inactive license pursuant to N.J.A.C. 13:35-12.14(c) may apply to the Committee for reactivation of the inactive license. A licensee seeking reactivation of an inactive license shall submit:

1. A renewal application;
2. A certification of employment listing each job held during the period the license was inactive, which includes the name, address, and telephone number of each employer;
3. The renewal fee for the biennial period for which reactivation is sought as set forth at N.J.A.C. 13:35-12.22.
 - i. If the renewal application is sent during the first year of the biennial period, the applicant shall submit the renewal fee as set forth at N.J.A.C. 13:35-12.22.
 - ii. If the renewal application is sent during the second year of the biennial period, the applicant shall submit one-half of the renewal fee as set forth at N.J.A.C. 13:35-12.22; and

4. Evidence of having completed all continuing education credits that were required to be completed during the biennial period immediately prior to the renewal period for which reactivation is sought, consistent with the requirements set forth at N.J.A.C. 13:35-12.19.

i. An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of electrology and submits proof of having satisfied that state's continuing education requirements for that license, shall be deemed to have satisfied the requirements at (a)4 above. If the other state does not have any continuing education requirements, the requirements at (a)4 above shall apply.

ii. Notwithstanding (a)4i above, an applicant shall satisfy the continuing education requirement pertaining to universal precautions as set forth at N.J.A.C. 13:35-12.19(c).

(b) If Committee review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Committee may require the applicant to submit to, and successfully pass, an examination or an assessment of skills, a refresher course, or other requirements as determined by the Committee prior to reactivation of the license. If that examination or assessment identifies deficiencies or educational needs, the Committee may require the applicant, as a condition of reactivation of licensure, to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations as the Committee determines is necessary to assure that the applicant practices with reasonable skill and safety. The Committee, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Committee following the restoration of the license. In determining whether there are practice deficiencies requiring remediation, the Committee shall consider the following non-exhaustive list of factors:

1. Length of time license was inactive;
2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license by any licensing board;
5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of electrology or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;

6. Pending proceedings against a professional or occupational license issued to the licensee by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

7. Civil litigation related to the practice of electrology or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

13:35-12.14B License reinstatement: electrologist and electrology instructor

(a) A licensee whose license has been suspended pursuant to N.J.A.C. 13:35-12.14(e) may apply to the Committee for reinstatement. A licensee applying for reinstatement shall submit:

1. A reinstatement application;
2. A certification of employment listing each job held during the period of suspended license, which includes the name, address, and telephone number of each employer;
3. The renewal fee for the biennial period for which reinstatement is sought;
4. The past due renewal fee for the biennial period immediately preceding the renewal period for which reinstatement is sought;
5. The reinstatement fee as set forth at N.J.A.C. 13:35-12.22; and
6. Evidence of having completed all continuing education credits that were required to be completed during the biennial period immediately prior to the renewal period for which reinstatement is sought, consistent with the requirements as set forth at N.J.A.C. 13:35-12.19.

i. An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of electrology and submits proof of having satisfied that state's continuing education requirements for that license, shall be deemed to have satisfied the requirements at (a)6 above. If the other state does not have any continuing education requirements, the requirements at (a)6 above shall apply.

ii. Notwithstanding (a)6i above, an applicant shall satisfy the continuing education requirement pertaining to universal precautions set forth at N.J.A.C. 13:35-12.19(c).

(b) If Committee review of an application establishes a basis for concluding that there may be practice deficiencies in need

of remediation prior to reinstatement, the Committee may require the applicant to submit to, and successfully pass, an examination or an assessment of skills, a refresher course, or other requirements as determined by the Committee prior to reinstatement of the license. If that examination or assessment identifies deficiencies or educational needs, the Committee may require the applicant, as a condition of reinstatement of licensure, to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations as the Committee determines is necessary to assure that the applicant practices with reasonable skill and safety. The Committee, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time [page=1174] prescribed by the Committee following the restoration of the license. In determining whether there are practice deficiencies requiring remediation, the Committee shall consider the following non-exhaustive list of factors:

1. Length of time license was suspended;
2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license by any licensing board;
5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of electrology or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
6. Pending proceedings against a professional or occupational license issued to the licensee by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
7. Civil litigation related to the practice of electrology or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

13:35-12.15 Unlicensed practice

(a) (No change.)

(b) No person, firm, corporation, partnership, or other legal entity shall operate, maintain, or use premises for the rendering of any service as provided in the definition of electrology without first having secured an office premises license from the Board.

(c) (No change.)

(d) The holder of an office premises license shall not aid, abet, or permit a person not licensed by the Board to render any services encompassed within the definition of electrology.

13:35-12.19 Continuing education; programs; standards

(a)-(g) (No change.)

(h) A licensee may obtain continuing education credits from the following:

1. Successful completion of programs, courses, or seminars approved by the Continuing Education Review Committee (CERC) of the American Electrology Association or the Committee pursuant to (i) below. The Committee shall approve only such continuing education programs as are available to all electrologists in this State on a reasonable nondiscriminatory basis. Programs may be held within or out of the State, but shall be held, so as to allow electrologists in all areas of the State to attend. The Committee shall maintain a list of all approved programs, courses, and lectures at the Committee office and shall furnish this information to the licensees upon request;

2.-5. (No change.)

(i)-(m) (No change.)

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