



# NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS

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## Minutes

### “Special Called” Meeting

May 22, 2011

9:30am

**PURPOSE OF MEETING:** 1. Financial transition involving affecting Occupational Licensing Boards (OLB); and  
2. Applications for laser practitioners.

**MEMBERS PRESENT:** Jim Doyle, Chairman, Dana Combopiano, V. Chairman, Cheryl Delaney, Educational Coordinator, Margaret Wingate, Treasurer, and Dr. Munavalli was not in attendance due to a chemical accident to his eyes.

**DISCLOSURE OF AFFILIATION WITH ORGANIZATIONS/SIGN IN SHEET:** Diane Van Dyke, Cynthia White, Dorenda Stilwell, Alice Saintsing, Dr. Nancy Ledins, Myrtle Hamrick, Casey Bagnall, Jennifer Chaves, Tracey Roberts, and Denise Stierhoff, Mike Stierhoff.

**MEETING OPENED:** 9:30am, Jim Doyle presiding as Chairman

**ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER:** read by the Chairman, no conflict acknowledged.

Chairman Doyle opened the meeting by commending Margaret Wingate on her newly assigned duty of completing the rules process and the continuous hard work with the financial situation. Wingate responded by saying, the assigned responsibility of Rules Coordinator was a very tiring and time consuming task since the rules had been previously published without approval from the NCBE or the Rules Review Commission (RRC), making the assignment even more difficult. The Rules had to be rewritten by matching against minutes and statutes; without changing the meaning; without ambiguity; and while in keeping in sync with the version published in the NC Register. With the assistance of Susan Magas, Adm. Asst., the first set was approved by RRC August 2010 (*effective September 1, 2010.*) The second half was approved November, 2010 (*effective December 1, 2010.*) The RRC was very complimentary and commended the finished project, as they were fully aware of the path the Board took to arrive at this place. Although this segment has been completed, the Board still needs to revisit the rules process and add rules that were omitted from the published version or were in conflict with the direction of the board, per minutes. The Rules are posted on the website [www.ncbee.com](http://www.ncbee.com) and are directly linked to the state directory.

Chairman Doyle continued to say that Margaret and Susan had attended training classes in Raleigh for the financial duties transition from various agencies to the Occupational Licensing Boards (OLB). This huge and very involved transition becomes mandatory on July 1, 2011, and is an agenda topic for this meeting.

**APPROVAL OF MINUTES:** July 25, 2010—Margaret Wingate reminded the Board that it is the responsibility of the V. Chairman to record and report the minutes. Dr. Slaughter was not in attendance at the July 25<sup>th</sup> meeting and no one was assigned to assume the responsibility of officially recording or making the minutes available. In the past, Susan has

assisted with the minutes upon the request of the V. Chairman on more or less voluntary basis using my recording. This allocated task was preformed over and above her 12-hour per week regular duties. Unless the minutes are being made available by the Chairman, all we have today are my personal notes, as recorded on 07.25.10, with my notations. The notes can be converted into official minutes if it is the Board's pleasure. Doyle made motion, seconded by Dana to accept notes and convert them into minutes as an official record, *all in favor*.

**LASER APPLICATION: Cheryl Delaney, Education Coordinator**—reported that the laser application had been given to her in her capacity as Education Coordinator. She was waiting for Dr. Munavalli's input and consideration before proceeding with the process. She proposed that everything be put on hold until the doctor was available. When the Chairman asked Delaney to explain the issues surrounding laser applications, she responded that since she did not use laser in her practice, she wanted to confer with the doctor before proceeding; however, she had used a checklist which had been developed with the statute and rules applicable to laser. Many of the applications submitted were incomplete.

Doyle stated that what he wanted to discuss had nothing to do with the doctor, but rather, concerning some questions he had with items included on the application form that are not needed. [Questions were discussed throughout this segment of the meeting and Answers are summarized as stated below]

Q. Fees paid by laser practitioners vs. electrologists

A. Laser and electrologist practitioners pay fees separately. (21NCAC 19 .0201 FEES):

Q Fees Deposited vs. Holding Checks pending Board approval of specific issues

A. Per OSC, all monies must be deposited at time of receipt

Q Board approval process for laser application

A. Application had been approved on separate occasions, by three Board members, verbally and by email prior to sending out to practitioners. Two members did not respond.

Q. Background check (21NCAC 19 .0202 (3) (GS 88-A-4 Unlawful Practice) :

A. the question is on both a new applicant application and renewal form, Electrologists and Laser.

Q Supervisory Physician Form: 21 NCAC 19 .0202 (a) (g)

A. *A copy of the "Supervisory Agreement" form shall be filed with the Board and a copy shall be available in the office of the "Supervising Physician" and the laser hair practitioner for inspection*

Q. Verification of Information (GS – 6 Powers and Duties of the Board)

A. Both electrologists and laser practitioner's application have similar requirements. At this time, the Board does not carry liability insurance. By signing the applicant is assuming responsibility for completeness and accuracy of information.

Q. Class of equipment (21 NCAC 19 .0202 Application for Licensure 2 (C) (D) (F)

A. (F) *a list of devices, makes and models being used by the laser hair practitioner.*

Q. Photo – 21 NCAC 19.0202 (a)

A. Required only for new application...not on renewals

Q. Copy of electrology license

A. (G.S. 88A-11.1 *Requirements for licensure as a laser hair practitioner; limitations on licensed laser hair practitioners (a) (1) be an electrologist licensed under this Chapter.*

Wingate reported that Chairman Doyle asked her on August 19, 2010 (at the conclusion of the first RRC hearing on the Rules) to prepare the laser application materials. Accepting the task, she expended 40+ hours researching each state's laser requirements. The development of the application was made consistent with the Statutes and Rules of NC. Upon completion, she e-mailed a draft copy of the application to the Chairman. Wingate and the Chairman spoke by telephone for 11 minutes on October 7, 2010 where she specifically asked that he read everything very carefully, with particular attention to page 7, "Verification of Information." Final approval was requested in an e-mail to Board members. The Chairman's e-mail response to that approval request was sent to Wingate stating, "O.K." Because Delaney had assisted with the review of the application, her approval had been verbally given. As Wingate had drafted the form, her approval was assumed. No response was received from the other two Board members. Based upon the Chairman's final written and verbal approval and that of a majority of Board members, the laser application for licensure, electrology renewal forms for 2011, and cover letter was mailed out to all electrologists on October 14, 2010. An e-mail was sent by Wingate to the Chairman on October 15, 2010, advising that that the task had been completed. The Chairman responded to Wingate via e-mail on October, 16, 2010, "Great Job."

Doyle said, "I admit I was deficient in reading the application and said I will get feedback on this". Wingate acknowledged that changes could have been made, but none were submitted. The "Verification of Information" is very detailed, as was explained to the Chairman in the email and in the telephone conversation before the package was mailed. The hope was that since the board does not have liability insurance, the signed statement would give some protection if we were sued.

Combopiano said the electrologists did not have to sign anything like this. Margaret responded that new electrologist applicants *are* required to sign a verification statement form when submitting an application for licensure. She also stated that there is a big difference between laser and electrolysis, although Combopiano responded that one could do as much damage by electrolysis as one could with laser.

Delaney suggested that although the application states "Non Refundable," since this is the first time the laser application process is being done, the "Non Refundable" clause should be waived. 21 NCAC 19 202 (h) *The Board shall reject incomplete or partial applications.*

Doyle asked that Delaney and Dr. Munavalli get together on the applications. **No other action was taken on the discussion, and no one was assigned to make changes.**

**PUBLIC SPEAKERS:**

**Dorenda Stilwell, President – NCLHRSA:** She said she was one of the laser practitioners who did not complete the laser application and reiterated suggested changes on the application. (*Suggestions incorporated in above list*)

**Alice Saintsing, Treasurer - GPEA** stated:

- A. her application was also incomplete,
- B. questioned the administrative procedures of the interworking of the office,
- C. questioned laser inspections and fee charged,
- E. paid licensing fee at the first of the year and still does not have a license,
- F. did not think a photo should be included with laser application,
- G. thought the office should go paperless,

H. her phone number on the website was wrong. Clients were calling her cell phone and said they had gotten it from the website. *Wingate responded that she would check into this and get back with her.*

**Denise Edwards, Durham, NC:** Asked if she had to have a notarized signature by her physician on the Physician Verification Form. (21 NCAC 19.0202 (f))

**Casey Bagnall, LE, New Electrologist, Charlotte, NC Graduate from New England Institute:** Concerned about the proposed “sunset” of the board. Public Safety is foremost, and preserving licensure in the State is in the best interest of the consumer safety. After her spending thousands of dollars in time and training, what are the Board’s intentions on pursuing action to counter or work with the governor’s consolidation or elimination study?

**Nancy Ledins, Ph.D., CPE, EANC President:** My focus is to follow up with what Casey has said. I have been working for many months with the Joint Regulatory Review Commission (JRRC) to follow the governor’s study on elimination and consolidation in regards to Electrolysis Licensure. The NCBEE is a small board and is in jeopardy. Our numbers and revenues are low. With the additional financial duties for all Occupational Licensing Boards (OLB) mandated by the state, it places additional strain on the NCBEE. The deadline for the financial transition is July 1, 2011. Due to the lack of money and personnel, this major changeover creates more problems for the Board.

Licensure is imperative. To preserve the status as a licensed state is the avenue each practitioner must take to protect themselves and the consumer by following OSHA and the Center of Disease Control (CDC) guidelines. Without licensure, all we have discussed today is moot. This would mean anyone can set up shop in their kitchen without a thought of public protection. I have spoken with the Speaker of the House, Tom Tillis, and he refers to his colleagues in the Senate. They do not seem to be concerned with the issue we deem important...licensure, sanitation and public safety. The JJRC is looking at numbers and revenue. The NCBEE is self supporting, but barely. It is the only OLB that does not have an executive director and that shifts board responsibilities to a part-time person @ 12 hours a week through a temp agency for minimal pay.

The issue I see now is that we find another Board that will take us in as part of the consolidation instead of being eliminated or sunsetted. A committee that will maintain licensure training and instruction and protection of the clients is uppermost. The task before us is to be pro-active in trying to find a new home under another Board. Then we would have to find a legislative sponsor to introduce new legislation to reenact all the standards that would go with the change. If you know of any Board that you think would consider taking us in, I highly recommend an approach be made in that direction.

Chairman Doyle opened the meeting to the entire body, both members and guests. After a lengthy discussion, the Chairman made a motion that Dr. Ledins be the representative for NCBEE in approaching different boards that would be compatible for possible consolidation and report back to the board on her findings. The motion was seconded by Dana, *all in favor*

Wingate stated that when another board accepts the NCBEE, these steps must be followed:

1. Make sure there is nothing in the statutes or North Carolina law to prevent handling the administration from another board.
2. Develop a “Memorandum of Understanding” to confirm what is being done, and how monies will be divided.
3. Attend legislative committee meetings, to have a “lay of the land” view on gubernatorial and legislative consolidation.

This is sheer speculation; given the state budget problems and political polarity, it is unlikely that there will be consensus between the Senate and House. Therefore, we should not be surprised if there were a legislative study commission that will examine this issue and require Executive Branch reports; they will report to the short session next year with possible changes.

**New Licensee:** Chm. Doyle presented Jennifer Chavis, Cary, NC with her electrology license. She was welcomed into the profession of electrology as the newest licensee.

#### **Financial Situation – Margaret Wingate**

The accounts payable (AP) for all OLB will no longer be supported through Office of the State Controller, Dept. of State Treasurer and the Office of State Budget Management. The transition will become effective July 1, 2011. This means that

all activity from OLBs will be directly entered on the state mainframe through remote access. There are 5 different branches that disseminate their information to build the monthly reports for each agency/board. In the beginning, basic information was introduced through Webinar classes, attended by both Susan and I. Mandatory on-site training was held in Raleigh March 28- 30, with another session scheduled for May 16. Much paperwork and security clearance was made before access was given.

Instruction manuals were sent via email. Susan made copies for the board office and a copy for the Treasurer. Each Board will now be charged monthly for usage of the mainframe. Every time you press "enter," you are charged \$9.1298 per CPU minute. There is no flat fee per transaction and ITS has no way of estimating what amount we will be invoiced since it is based on usage. No invoice will be issued for \$3.99 or less, therefore we may not receive an invoice each month.

A segment on Internal Control and Risk Management was included in the training. Our board is lacking in many of the areas, including liability insurance. Everyone in attendance at the training classes was an Executive Director except Susan, as she a part-time employee of a temp agency. I was the only board member attending.

**Direction of the Board:**

Conclusion: If we are going to continue to be a regulatory agency, we are going to have to find another home. The Board cannot continue to operate as an independent board any longer. Just the Administrative cost would be more than the entire revenue received. The practitioners are dwindling away each year and with no schools within the state, we are dying. The interest is there, but the education is not accessible in the state. Regulatory laws are for the protection of the consumer, and the credibility of the profession is at stake.

NEXT MEETING: June 12, 2011 @ 9:30 a.m.

Motion made to adjourn, all in favor,

Respectfully submitted,

James D. Doyle, Chairman

Approved \_\_\_\_\_