



## NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS

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### Board Meeting Minutes – February 14, 2010

Chairman James Doyle called the meeting to order and read the Conflicts of Interest statement. The following members were in attendance: Margaret Wingate, Barbara Barr, and Thelma White. Board members responded in the negative when asked about potential conflicts of interest. The Disclosure of Affiliation sign-in sheet was circulated among the following members of public attendees: Dorenda Stilwell (GPEA), Alice Saintsing (GPEA), Myrtle Hamrick (EANC), and Cynthia White (GPEA).

Wingate reported that since no agenda items were provided to the Administrative Assistant, there is no printed agenda for handout. The Chairman stated he had some agenda topics, and Wingate said she had several pages of items, drawn mostly from the prior meeting's minutes.

**APPROVAL OF MINUTES:** A motion was made and seconded to approve minutes of the July 26, 2009 meeting as previously e-mailed. Motion passed unanimously.

**TREASURER'S REPORT:** Wingate, as (Acting) Treasurer, presented the following report: Wingate has been serving as Acting Treasurer during the balance of the prior Treasurer's term and after her term expired. Barbara Barr has agreed to fulfill the position left vacant. Wingate offered to assist Barr in orientation to her new position as Treasurer. Wingate provided a written report of financial data reflecting cumulative transactions through January 2009. Both income and expenses are down from the same period last year. Due to increased compliance efforts, fines and penalties levied against licensees are down this year. A motion made to accept the Acting Treasurer's report was approved unanimously.

### UNFINISHED BUSINESS

**RULES** – Doyle reported that he and Barry Bloch met with Bobby Bryan and Molly Masich two weeks ago and that the document he e-mailed to Board members is the result of the meeting. Rules have been renumbered, reformatted, and submitted to be published. A Public Hearing is scheduled for April 27 at 11:00 a.m. in the Board conference room. Wingate noted that language previously discussed by the Board regarding a requirement to wear scrubs does not appear in the Rules document as well as some previously agreed to language regarding the labeling of supplies. Doyle said that the Board may or may not need to have someone present when the Rules Review Commission formally considers the Rules. Doyle said that Bloch noted a fees report must be submitted to the Governmental Ops Committee.

### ITEMS FROM PRIOR MEETINGS – Non-Rules Related:

1. UNLICENSED PRACTITIONER – An unlicensed practitioner for 5+ years in Fayetteville was referred to the Attorney General's Office in January of 2009. During the July 26, 2009 Board meeting, Attorney, Barry Bloch advised he had a number of suggestions on how to proceed, however, to date, no further action has been taken because the Board never followed up with the attorney to ascertain the alternatives. Motion made and passed unanimously to recontact the attorney and advise him to proceed against the unlicensed practitioner. In addition to fines, in order to obtain a license after this period of time, the unlicensed practitioner will need to take the written and clinical examinations again. Doyle said he would contact the Attorney General's office to get this started.

2. INSPECTIONS – (Handout)

- Wingate reported that 9% of 2009 inspections resulted in a failure to conduct monthly biological tests of sterilizers. This is down somewhat from the 10% failure rate in 2008, however, there are no repeat offenders – a different set of licensees is failing in this aspect, which indicates we still have a problem. One licensee (093) was never inspected in 2009 because phone had been disconnected and inspector was unable to reach. It was assumed the licensee was no longer active, however, she sent in paperwork and fees for 2010 renewal. The renewal certificate was not issued pending resolution of the inspection issue. Another licensee (284) was not inspected; however, the Board was not aware of this until after the 2010 renewal certificate was issued. This was due to a communication error on the part of the inspection contractor. Letters are to be issued to the licensees.

- Inspection Check sheets for Laser Practitioners and Electrologists – Wingate also reminded the electrologist board members that they need to finalize a revised inspection check sheet incorporating the new rules in order that they are in place for 2011 inspections. A proposal for laser has already been presented for consideration to the Board at a prior meeting. The Board tabled this item to the July meeting.

- 2010 inspections will commence in June and follow old existing rules.

The Board voted unanimously to accept this report.

3. RENEWALS – (Handout) Wingate reported that the Board has 82 active electrologists. 14 electrologists are now on the Inactive List. The financial impact of these losses will continue to affect Board operations as the Board cannot be sustained long term with these few licensees. Wingate emphasized the need to work together to increase the number of new licensees. The Board voted unanimously to accept this report.

4. OTHER REGULATORY REPORTS – Wingate reported:

- Annual Report to Legislative Oversight Committee – Board was delinquent in filing these reports, and did not file them in the proper format. The Board was advised that future submissions must be in order. Sanctions can be taken against the Board, including seizure of funds.

- Fee Report for Occupational License Boards – this is an annual report due in March and requires on-line filing which was explained to the Board. Wingate has filed the 2010 report. Doyle said Barr will now assume responsibility for this.

- Department of Commerce – this is a quarterly report which Doyle assigned to Barr

The Board voted to accept these reports.

#### 5. SCHOOLS –

- Vector Institute in Florida was approved by the Board as a certified school since all criteria appear to be in order including having a good standing with the Florida Board and instructor credentials. The school provided the pass/fail rates of its students sitting for examinations. The school is trying to obtain federal accreditation, and the instructor is also an approved laser instructor in Florida. The school was cleared of pending litigation and documentation was provided for this.
- Ana Visage has previously been suspended from the Board's list of approved schools pending the outcome of an investigation by the Maryland Board of Nursing. We received negative feedback from the only student we're aware of that enrolled in the school.
- River Rock approval was previously not granted due to suspension by its State Board and additional pending action for its failure to comply with a court order, as well as questions about the validity of documents furnished regarding its principal.
- In order that the Board better monitor students at approved schools, a reminder of the enrollment requirements of 21 NCAC 19.605 will be included in future school renewal letters.
- Doyle said that a Board member needs to be assigned as a Schools Coordinator.

6. NCBE WEBSITE – the site is now live. A letter to all licensees should be issued announcing the site and referring inquiries regarding schools, association news, proposed rules, forms, CEU information, etc. Board attorney has also asked that we include links to the Office of Administrative Hearings and the NC Administrative Code.

#### 7. TESTING UPDATE –

- Two candidates are being tested next Saturday at 9:30 a.m. Electrologist board members need to be present for this testing session. Wingate prepared a manual which contains testing procedures for the written examination and provided copies were to White and Barr. One of next weekend's candidates has already passed the written IBEC exam administered in another state and passing results have been documented. The Board previously approved for this candidate to take the clinical exam only. A second candidate will sit for both parts of the exam. Wingate asked that all electrologists on the Board be present for the testing.
- Wingate raised a new issue which needs Board action - the clinical exam for electrologists needs to be updated. INSTRUCTOR EXAMINATION – Wingate stated that an instructor exam was presented and proposed at the last meeting. The Board needs to take action on this; however it will be tabled until the July meeting.

## NEW BUSINESS

1. CEU APPROVAL FOR EANC and GPEA SEMINARS – Board approval through an e-mail vote has already been granted to both associations' proposed agendas and courses.
2. CEU Approval of Courses – Barbara Barr offered materials and a suggestion that courses from the Institute of Natural Resources be approved for home study credit. The Board agreed to take this under advisement, review the information provided, and make a decision at the next meeting. The suggestion will have to be considered in light of the Board's proposed limit on home study courses.
3. Bloodborne Pathogen/Needlestick Forms – Federal law now requires employers to offer HPV vaccines unless employee signs a waiver. A waiver form with suggested language is available. This can be made available on the Board's website.
4. Health Care Reimbursement Card – White proposed that the Board pursue a means whereby hair removal would be covered under clients' health care reimbursement programs. The idea was discussed however, the Board determined that this is outside the scope of its authority and is an issue better pursued by one of the associations.
5. REVIEW OF BY-LAWS CHANGES- Doyle led the discussion on ideas for changes to Board By-laws:
  - The term “and laser practitioners” needs to be added anywhere the term “electrologists” is noted. No need to include in the section regarding testing since we do not test for laser.
  - CEU language should be left as is
  - The term “and laser, light-source, or pulsed light treatment” should be added anywhere the term “Electrology” or “Electrolysis” is used.
  - Meeting date should be moved away from January due to inclement weather. This, however, would cause a hardship to associations needing Board approval for spring seminars. White suggested a sub-committee to consider seminar agendas; however, others present believed entire Board needs to have input on this decision. Board decided to leave meeting dates as is – January and July.
  - Board discussed changing officer election dates to January meeting. After discussion, the Board voted 3 in favor and 1 against to change bylaws so that elections would be held in January.
  - Certain officer duties were discussed. The provision for signing checks needs to be eliminated as this is no longer applicable. All disbursements are now made at the state level. Aspects of the Treasurer's job, for example Renewals, may need to be pulled out and assigned separately. A job description may be needed. Doyle asked Wingate to prepare a write-up of Treasurer duties.
  - Other possible committee duties/assignments were discussed such as renewal, inspections, schools, compliance, continuing education, which are duties that should be appointed by the Chairman.

**SCHEDULE NEXT MEETING** - July 25, 2010 at 1:00 a.m.

**ADJOURNMENT** - The meeting was adjourned at 3:00 p.m.

Respectfully submitted,  
Susan Magas, Adm. Assistant

Approved: \_\_\_\_\_  
James D. Doyle, Chairman

Approved 06.06.10