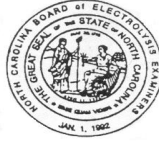


North Carolina Board of Electrolysis Examiners



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Meeting Minutes – October 18, 2008

In the absence of Chairman Parsons, Vice-Chairman, Margaret Wingate called the meeting to order at 9:30 a.m. and read the Ethics Awareness & Conflict of Interest Reminder. Board members in attendance were: Margaret Wingate, Dana Combopiano, Liz Fisher, and James Doyle. A clipboard was circulated in order that public meeting attendees could identify themselves and disclose an affiliation with an organization. This was an action which had been adopted by the Board last year, but not previously implemented. Public attendees today were: Jennifer Morris (pending electrologist), Alice Saintsing (GPEA and NCLHRSA), Nancy Ledins (public), Myrtle Hamrick (EANC), and Shelton Dixon (public).

APPROVAL OF MEETING MINUTES - A motion was made by James Doyle, seconded by Dana Combopiano, and approved unanimously to accept the minutes of the August 23, 2008 meeting as previously e-mailed to Board members.

NEW BOARD MEMBER – Margaret Wingate announced that effective October 14, 2008, Dr. Gary B. Slaughter has been appointed to the Board to fill the slot formerly held by Dr. Daniel Parsons, whose term has now expired. Margaret forward copies of the agenda and pertinent information pertaining to the meeting for his perusal but due to the short notice of his appointment to the Board, Dr. Slaughter was unable to attend today. Dr. Slaughter is affiliated with Charlotte Dermatology.

TREASURER'S REPORT - Although elected to the office of Treasurer at the August 23, 2008 Board meeting, Colonel James Doyle declined via e-mail to serve in the position. Pending a resolution to this vacancy, Margaret prepared a report for the Board on the following:

1. Precertification – the handout to the Board included revenue and expense through September 30, 2008. The fund balance is \$40,942.34, which is approximately \$10,000 less than at the beginning of the 2007-08 fiscal year.
2. Projected 2009-1010 Budget – Projected revenue/expense is \$29,025 (up from \$22,900 for the prior period) to include anticipated revenue from implementation of laser licensure.
3. Fee Report – this annual report of information regarding licensees and fees is due in December 2008.
4. RBB is due October 31, 2008.

ELECTION OF OFFICERS – A motion was made by Liz Fisher to rescind the election of new officers which took place in the prior Board meeting on August 23, 2008. The Board next discussed the propriety of holding elections at the last meeting when two Board members (Dr. Parsons and Colonel Doyle) were absent. Further, effective earlier this week (October 14, 2008), a new Board member (Dr. Slaughter) was appointed to replace the outgoing Chairman, Dr. Parsons. The following background is noted:

Though the Board is required to conduct a meeting in July, a meeting was not held. A portion of the July meeting is devoted to electing officers for the upcoming year. Colonel Doyle stated that he sent an e-mail asking that the election of officers be postponed until all Board members were present; however, neither the Board office nor the Vice-Chairman received this e-mail. Since the required meeting was not conducted in July 2008, elections were

held at the subsequent Board meeting on August 23, 2008. The election was conducted per guidance provided by two former Board members who were present at that meeting. Myrtle Hamrick and Dorenda Stilwell advised the Board during the August meeting that since a quorum was present, the election must be conducted. At that meeting, the following officers were elected:

Chairman: Dr. Daniel Parsons
Vice-Chairman: Margaret Wingate
Treasurer: James Doyle

Margaret asked the group to review the Board By-laws (contained in each member's black binder), along with examples where the Board dealt with similar circumstances in the past. Liz said that before the Board reviews the By-laws, she wanted to let the members know that she had consulted Bobby Bryan, attorney for the Rules Commission. She said that Bobby told her if she had concerns with the prior election, she could make a motion to rescind the prior elections.

Margaret reviewed Article IV, Section 6 of the Board By-laws which provides a process for filling officer vacancies. The By-laws state:

- a. *Should the office of the chairman become vacant, the vice-chairman shall assume the office and shall remain until the election of officers at the Board's July meeting.*
- b. *In the event the officer of the office of the vice-chairman shall become vacant, it will be the duty of the chairman to appoint a new member to fill this vacancy.*
- c. *The chairman shall also appoint a new member to fill the office of the treasurer, should that office become vacant.*

Margaret discussed a similar circumstance which occurred in the past when Chairman Trudy Brown departed the Board and Vice-Chairman, Melissa Smith, assumed the office of chairman. Later, when Melissa departed the Board, Vice-Chairman Parsons assumed the Chair. This process for filling officer vacancies in the Board's By-laws is confirmed in a letter dated February 16, 2001 from the Board's former attorney, Thomas Meacham. A copy of this letter was provided to all Board members present today.

Liz still wanted to pursue her motion to rescind the election of officers. Colonel Doyle said that regardless of the information provided by Margaret with respect to By-laws, past precedent, and advice from counsel, Liz could do whatever she wanted and that according to Robert's Rules, the motion was in order. Dana seconded the motion.

Colonel Doyle made a motion to call for the election of officers, however there was no second. Margaret asked if a new Chairman elected today would assume the duty of running today's meeting, including providing and presenting an agenda. The other Board members responded in the affirmative that the agenda was already set and the meeting would be run by the new Chairman. Margaret advised that she had done a lot of work to prepare for this meeting, and she would not relinquish her prepared materials for someone else to present at this meeting. Liz asked to table the motion to the end of the meeting so that Margaret could present the prepared agenda. The Board returned to the consideration of the business on the previously determined agenda.

OLD BUSINESS

RULES – Margaret distributed the most recent update of the draft Rules based upon changes made at the August 23, 2008 Board meeting. Some changes have been included as recommended by Rules Commission representative, Bobby Bryan, who had been provided an incomplete draft of some of the Rules considered to date. Discussion and decision on specific paragraphs follow:

0101 (ADDRESS): Add the acronym NCBEE and utilize throughout the remainder of the document.

0103 (DEFINITIONS): Remove the phrase "under responsible sponsorship, capable direction and qualified instruction" because it is subjective.

0104 (ADVERTISING): Per Bobby Bryan, in the first sentence add “or laser practitioner” after “any electrologist” and change “this Board” to “the Board;” in the last sentence change “shall be” to “is”.

0201 (FEES): Paragraphs in (a) will be renumbered to (1) – (xx) and change “shall be” to “are.” Change fee for out-of-state school renewal from \$150 to \$100 to be in conformance with the statutory limit. Remove the term “per occurrence.”

0202 (APPLICATION FOR LICENSURE): The Board determined there is no need for a separate application to take the examination since we already request submission of an application for initial licensure and for reciprocity, the only occasions for which an examination would be given. It may be that more specificity is needed in the Rules to clarify when written/practical examinations are required. Per Bobby Bryan, other changes needed are:

- In 1(a) - add “being” before “21”; delete “and (e)”; add back in “proof”
- Delete paragraph 1(b) as it is no longer necessary
- In 1(c)(3), delete “currently”
- In 2(a) change “certificate” to “certification”; delete “not less than”; delete “and proof of practicing electrolysis for not less than one year” as it is not required in the statute.
- In 2(b) delete “current”; change “under” to “with”; add “88A-11.1” to the history note
- In 2(b)(2), change the word “qualified” to “knowledgeed”
- Substitute the term “Supervising Physician” for “supervisor” in 2(b)(1) through 2(b)(4) and in 2(b)(6)

In light of Bobby’s comments with respect to striking the one year practice requirement for laser hair practitioners, the Board needs to determine whether the new requirement for electrologists in 1(e) (regarding five years proof of practice for applicants coming from an unlicensed state or a state requiring less than 600 hours of certified education) can be implemented in the Rules within the current statute provisions.

0204(TEMPORARY LICENSE): There is no provision in the statute for temporary licensure of laser hair practitioners. Therefore, language in Rules cannot be modified and should remain as is.

0403 (ELECTROLOGY AND LASER HAIR PRACTITIONER OFFICES): This section was not discussed in the Board meeting, however, certain pen and ink changes recommended by Bobby Bryan of the Rules Commission will be incorporated in the rewrite package:

In (a) delete “at a minimum the following” and begin each of the subparagraphs (1)-(8) with the word “have”; in (8) delete “each office shall”; move the word “and” from the end of (6) to the end of (7).

In (b) delete “the electrolysis office rules in (a) 1-8 “ and substitute “the items required in paragraph (a) of this rule”; after ANSI Z136, add the term “safety”; in (6) delete the word “available”; move (9) and renumber it as (7) and add the word “area” after the word “zoned”; add semicolons at the end of each paragraph; add “and” at the end of renumbered (7); make (8) a separate paragraph.

0500 (PHYSICIAN/LASER HAIR PRACTITIONER GUIDELINES): Delete (a) (regarding the NC Medical Board position) entirely as our licensees are not physicians and should not be required to follow a position statement written for physicians. In (c) substitute “NCBEE” for “appropriate boards.”; in (d) substitute “NCBEE” for “Board” and delete “and NCMB”. In (e), substitute current language with “A laser hair practitioner shall notify the NCBEE within 10 days of the termination of the Supervisory Agreement with a physician.”

The following chapters were not discussed during the meeting, however, certain pen and ink changes recommended by Bobby Bryan of the Rules Commission will be incorporated in the rewrite package:

0608 (SCHOOL EQUIPMENT): Add semicolon to end of (a) (12) and the word “and”

0614 (SCHOOL HOURS AND SCHEDULE): After the word “Every” add “electrology or laser”

0617 (SCHOOL ADVERTISEMENTS): Substitute the word “An” and add “electrology or laser”

0702 (BOARD APPROVAL OF COURSES): at the end of (a)(1) add “and”; at the end of (a)(2)(e) add “or”; in (b) change “will” to “shall”.

0612 (STUDENT PRACTICAL WORK) and 0613(STUDENT/TEACHER RATIO AND EQUIPMENT): Prior to his departure from the Board, Dr. Parsons had suggested some language regarding student/teacher ratio and equipment; however, this was not specifically discussed during this Board meeting.

0618 (PRIVATE PRACTICE IN A SCHOOL BUILDING): Concerns have been raised previously about whether laser schools should observe the same restrictions as electrology schools. Laser schools are not operated in the same manner or for the same duration as electrology schools. Some of the restrictions placed on electrology schools would be impractical for laser schools, yet the statute in 88A-19.1 is essentially identical to the language for electrology schools in 88A-19.

0619 (EQUIPMENT ENDORSEMENTS AND SALES PROHIBITED): Board agreed to include laser and light-based devices to this paragraph.

0621 (TRANSFER CREDIT): Dr. Parsons had suggested that no transfer credit be granted for laser based training; however, because the Board does not know his rationale for this modification, no changes will be made to the existing language.

0623 (CURRICULUM FOR LASER SCHOOLS): Language as previously drafted is sufficient. No additional modifications are needed other than suggestions of Bobby Bryan - delete “(a)” since there are no subsequent paragraphs; delete “of which” inside the parenthesis; change “must be” to “of”; change “including” to “instruction in”; in (8) substitute “and” for the ampersand; end each item except the last one with a semi-colon and add “and” to the end of (14).

0701(CONTINUING EDUCATION REQUIREMENTS, LICENSE RENEWAL, REINSTATEMENT/REACTIVATION): In (a) the Board determined not to limit CEUs in the area of business management. While not discussed in the meeting, Bobby Bryan has questioned the term “home studies” in a previous communication. The Board will need to develop language to define this more clearly.

The Rules draft will be updated with today’s changes and e-mailed to Board members for review. If a package can be submitted under Issue 23:10 by November 17, 2008, the earliest effective date for Rules adoption would be March 1, 2009.

ACTION ITEMS FROM PRIOR MEETINGS (non-RULES RELATED)

MEETING	ITEM#	ACTION/RESPONSIBLE PERSON	TODAY’S REPORT
2/17/08	28	Finalize criteria for Instructor examination (Dana C., Liz F., Margaret W.)	Deferred to January 2009 meeting
2/17/08	30	Provide applicant for the 2/16/08 Instructor examination an opportunity to re-test, including a 60-day advanced notice and complete instructions. (Board)	Deferred to January 2009 meeting
8/23/08	1	Provide copy of draft contract for web site development to Board members. (Susan Magas)	Copy was mailed to Board members, but no feedback was received. Susan drafted a pro forma contract to ensure the contractor relinquishes control of and access of the site to NCBEE
8/23/08	2	Resolve/execute retroactive contract for website development (Board Members)	Execute contract with Richard Horvath. Secure control/ownership of web domain.
8/23/08	10	Develop tracking system for NCBEE approved schools (Liz Fisher)	Liz presented a draft tracking sheet for each school to include information such as enrollment, retention, exam results, and graduates successfully starting practice. Liz will make further revisions will be made based upon Board feedback.

8/23/08	11	Write letters to Ana Visage and Southeastern to express concerns raised by students with their programs (Liz Fisher)	Liz made contact with the complainant from Ana Visage. Prior to contact with the school(s), Liz will consult with Bobby Bryan to determine any NCBE "obligation" in the event the Board determines not to extend certification to or to de-certify an applying, existing, or previously approved school. We may need to add some language to cover this in our Rules.
8/23/08	12	Complete 2008 Self-assessment of Internal Controls (Board members)	Deferred to January 2009 meeting
8/23/08	NA	Board instructed Admin. Asst. to write letter to unlicensed electrologist discussed in February 17 Executive Session and provide deadline for reinstatement to avoid referral to Attorney General for practicing without licensure.	Certified letter was mailed demanding cease/desist or reactivate by 12/31/08 to avoid referral to Attorney General. Another identified unlicensed practitioner in Charlotte also needs to be contacted.

NEW BUSINESS

1. Renewals – 2009 renewals are underway. The Board approved the 2009 renewal license template.
2. Office Lease – Our lease will expire 3/31/09. Landlord has offered to continue current terms @ \$300 per month for three more years. Board approved this offer.
3. 2009 Inspections – Because we are adopting new infection control standards, a new inspection form will need to be developed. Margaret distributed a proposed form which she asked that Board members be prepared to discuss at the January meeting. Further, the Board will need to develop/address a laser inspection process. Susan will make a preliminary contact with the current inspection contractor to determine the cost of performing electrologist and laser inspections in 2009. An increase in fees to the statutory \$100 amount may need to be considered depending upon the contractor's cost quote. The Board also needs to establish a separate fee for laser inspections. Licensees will be mailed a letter explaining the new standards.
4. OSBM Meeting Cancellation – the October 15 meeting was cancelled.
5. Licensee Update – Board members were asked to sign the license by reciprocity which is being granted to Jo Ann Kendall from Salisbury. Jennifer Morris recently graduated from the Orlando Institute and was granted a request to be tested in January, which is before the normal February date. In the meantime, she has requested a temporary license. She will be supervised by Liz Fisher. The Board approved the issuance of the temporary license as per current Rules.
6. Website planning – Margaret has previously offered to assume management of the Board website. Because the current contractor lives at a great distance from Charlotte, Margaret asked the Board to approve a contract for a web manager/host in the Charlotte area. She furnished a proposal and web page samples from Shawn Keeney, an individual who will build and maintain the website utilizing a new domain at a price of \$1,000. The Board discussed funding issues since it has already paid for this service. Margaret said that it will cost more to update/correct the current website than it would be to start from scratch. The new website should be up and running by November. Colonel Doyle asked whether Keeney had ever worked for her. Margaret responded that he had done work for her on an uncompensated basis. A motion was made to approve Keeney's proposal, provided that Dana is reimbursed for previous website expenditures that she incurred personally. The motion passed 3 to 1. Colonel Doyle voted against the motion.
7. Myrtle Hamrick inquiry – Myrtle had submitted a written list of questions to the Board at its June meeting but has not received a response. Colonel Doyle, former Chairman responded to the questions as follows (Board member comments/response in bold print):
 - I. Name/position of persons making up the Rules Committee –
 - a. How were appointees chosen?
 - b. Criteria required to be appointed to serve on this committee?

She (Myrtle) was present at the meeting when the Chairman and co-chairman were appointed (Liz and Dana). They were the only two laser electrologists on the Board. It was open to everybody and

this is recorded in the minutes. Anybody who wanted to be a part of the committee was invited to be a part of the committee.

- II. Since laser is a medical device, did the Board chose a physician licensed under Chapter 90 to serve on this committee? If not, why?

No. Dr. Parsons didn't say anything at all at the time..whether he wanted to be on the committee or not...but the committee was open to everybody. Dr. Parsons could have had his input,,, and he did (in feedback at subsequent Board meetings where the rules were discussed.)

Were resumes' required?

- a. If so, did all appointees ask and make application to serve?
- b. If not, who was required to submit a resume'?
- c. Why?

Colonel Doyle said resumes' were not required. Margaret stated that Cheryl Delaney was required to furnish a resume' to Liz. Liz responded that they had asked anyone that wanted to be on the committee to send a resume'. Dana said that Cheryl was the only one that sent one in. Liz said that we talked about that and that was one of the things that was asked, but Cheryl was the only one who said anything. There was agreement that Cheryl did a good job.

III. Meetings

- a. When/where have the meetings been held?
 1. Who called the meetings?
 2. Who were the appointed licensee/interested parties attending?
 3. Which Board member(s) were in attendance?
- b. Was the Committee made of equal representation from both associations?
 1. If not, why (a request was made to the Board that representation of associations be equal)

There was one meeting, which was reported on at the September 8, 2007 Board meeting as to who was there, what was discussed, and the location of the meeting. Dana was the only Board member in attendance at that meeting. Cheryl Delaney was there (from EANC) and Alice Saintsing, Tracy Roberts, and Dorenda Stilwell represented GPEA, so both organizations were represented.

PUBLIC ATTENDEE COMMENTS

With respect to the prior agenda topic, Myrtle Hamrick stated she did not understand why everyone on the committee wasn't required to submit a resume. Some did and some didn't. She said that she did not remember that the details regarding the date/location/attendees at this rules committee meeting was reported on at a Board meeting and she would like to see minutes of that meeting. Dana said that the rules committee met at Trudy (Brown's) office. Trudy provided space for the meeting, but did not attend. Others in attendance in addition to Dana were Cheryl Delaney, Tracy Roberts, Alice Saintsing, and Dorenda Stilwell. Alice Saintsing spoke up at this time and added that after the meeting was over, everyone was asked to and provided an opportunity to submit input. Dana said Tracy gave input immediately and she also received input from Alice and Dorenda. Cheryl sent in the Distance Learning information, but nothing else pertaining to the Rules. Myrtle had no further comments.

Margaret said we now have a good set of draft Rules. Margaret will update the draft based upon today's discussion and send the product to the Board for final input and then to Dana so that she can assemble and transmit the package to Bobby Bryan at RCC.

BOARD MEMBER RECOGNITION

Colonel Doyle took the opportunity to express appreciation to former Board member and chairman, Dr. Daniel J. Parsons for his contribution to the work of the Board. His insight, forward thinking, and attention to detail were of immense benefit to the Board.

SCHEDULE NEXT MEETING

The next meeting is scheduled for Saturday, January 24, 2009 at 9:30 a.m. Written and practical testing of Jennifer Morris will follow the meeting at 2:00 p.m. If additional testing candidates are involved, other arrangements for the test will need to be made.

TABLED MOTION FROM EARLIER IN THIS MEETING

Liz withdrew her motion to rescind elections conducted at the prior meeting. She will re-introduce the topic at the January meeting.

ADJOURNMENT

A motion was made by Dana and seconded by Liz to adjourn the meeting. The meeting was adjourned at 12:30 p.m.

FINAL