



NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS

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MINUTES OF PUBLIC HEARING – PROPOSED RULES

September 9, 2022 – 10:00 a.m.

This virtual meeting was conducted to accept public comment regarding several proposed rules published in the NC Register, Issue 37-2 and 37-4. Moderator for the Board was Administrator and Rules Coordinator, Susan Magas.

Board Members: Margaret Wingate, Charlene Poole, Stacy Miller, Susan Magas, Admin. Asst. Dennis Seavers, Executive Director, Barber Board, Nick Fountain, Attorney for laser group
Public Attendance: Trudy Brown, Liz Arroyo, Jennifer Morris, Cheryl Delaney, Lesa Wingate.

The hearing was called to order at 10:00 a.m. The moderator explained the purpose of the hearing and noted the comment period for this filing of proposed rules runs from July 15, 2022 through September 13, 2022. The Board will convene on September 14, 2022 to consider the comments raised at this hearing as well as any written feedback it receives. Details on accessing the Board meeting are available at www.ncbee.com.

The moderator noted that because the purpose of the hearing is to receive feedback, there will be no debate on the merit of any speaker's comments. She called the roll of participants on the call and asked for a response on whether oral comments were to be provided at this hearing. Nick Fountain, counsel for a group of interested practitioners was recognized to speak on behalf of several of the rules. His comments are as follows:

Rule 19.0404

- In (10)(d), some provision for allowing CEU credit "after the fact" should be added due to the difficulty of always having the ability to request board approval in advance of the learning event. This could be implemented by providing a reasonable timeframe for submission of course documentation, for example, within 60-90 days of course completion.
- In (30), allow attendance through virtual events, as well as in-person. Require some means of monitoring and verifying attendance (i.e. camera), for the virtual sessions. He acknowledged the need for integrity, as virtual events present different documentation challenges than those delivered online.

Rule 19.0701

- Due to the impact on dual license holders (electrolysis and laser):
 - In (5), increase the allowable number of carryover credit hours for in-person seminars from 10 hours to 20 hours.

- In (8), increase the allowable number of business management hours so that the limit applies to each license held rather than to each practitioner.
- While not covered in the proposed rules, a discussion is needed on how much CE is really needed for *electrologists*?

Rule 19.0702

- In (b), Board should accept the reality that out-of-state education providers are not likely to seek advance approval (or any approval) from NCBE for their offerings. If the Board approves after-the-fact approval, perhaps the Board could provide some leeway by allowing the licensee to provide the info required in (c).
- Seavers noted that a technical correction will be needed in (e) to include the cost of the document.

Rule 19.0705

- Make the rule more understandable, specifically with the time frame noted in (b) as it may be inconsistent with other timeframes elsewhere.
- Allow after the fact approval within a reasonable timeframe
- These suggestions will encourage better CE to be secured

Rule 19.0706

- Board needs to be able to modify requirements if a licensee is physically unable to comply or otherwise obtain CE. This would allow the Board to consider various circumstances that may impact the public or other licensees.
- OAH requires the word “shall” which we will need to research to measure impact since the proposed language is intended to allow the Board latitude by using the term “may.”
- There was a concern that the requirement in (5) for a notice to the public may violate HIPPA or other privacy laws.

The Board will make its final determinations for modifications and adoption of these proposals at its meeting on September 14. Written comments (including e-mails) will be accepted so long as received by 5:00 p.m. on September 13.

The hearing was adjourned at 10:37 a.m.

These rules will receive final consideration at the Board’s next meeting on September 14, 2022 at 7:30 p.m.