



NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS
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SEMI-ANNUAL VIRTUAL MEETING MINUTES – July 23, 2022

Chairman Margaret Wingate called the teleconference meeting to order at 10:00 a.m. In attendance for the Board: Margaret Wingate, Dr. Craig Burkhart, Charlene Poole, Stacy Miller, Jack Nichols (Board Counsel), Dennis Seavers (NC Barber Board), and Susan Magas. Public Member Ronnie Dean did not attend.

Others in attendance: Dorenda Stilwell, Andrea Arnold, Lesa Wingate, Cheryl Delaney (EANC), Ronda Jones, Mary Evangelista, Ann Morris, Ashley Milovitz, Jo Melching, Myrtle Hamrick, Hailey Hickey, Latoya Mosley, Deb Haziz, and Liliana Guarino.

After the reading of the Conflict-of-Interest reminder, the four board members in attendance indicated no conflicts.

As previously reported via e-mail, NC Board of Electrolysis Examiners and NC Board of Barber Examiners will merge as of January 1, 2023. This topic will be discussed at length at the end of the agenda after other business is considered.

Meeting Minutes - The minutes of the May 13, 2022 and May 26, 2022 meetings were unanimously approved.

Treasurer Report – Poole gave a financial report as of July 1, 2022.

7/1/21 opening fund balance	\$72,443.12
Receipts for FY 22-23	25,575.00
Disbursements	23,736.36
6/30/22 closing fund balance	\$74,281.70

OLD BUSINESS

Universal Laser Supervisory Agreement – In his audit of existing laser supervisory agreements, Dr. Burkhart determined that none were in compliance with NCBEE rules. A universal document was developed which will constitute a contract between NCBEE and the Supervising Physician of each laser practitioner. The document was distributed via DocuSign, and all practitioners are now in compliance.

Mandatory 93-B Training – Burkhart, Miller and Dunn are still needing this training. Nichols will provide this training to Burkhart and Miller within the next week.

GPEA Continuing Education – The Board considered and approved three virtual modules to be given by Stephanie Shields, presenter from Arizona.

Scope of Practice – Nichols reported to the Board the current enforcement actions available for categories of practitioners. Lawsuits requesting injunctions is the remedy for *unlicensed* practitioners. For *licensed* practitioners doing out of scope procedures, the Board may take disciplinary action. For actions of supervising physicians, a report to the NC Medical Board is the remedy. Seavers noted that civil penalties may also be pursued, but the Board needs to work on identifying these and making rules to include. Miller will be submitting a complaint on an unlicensed practitioner in her area.

Laser Renewals – this process is essentially complete for the 2022-23 licensure period. Certificates have been mailed with the exception of two licensees still needing to submit continuing education documentation/fees. 2022 inspections are also nearing completion.

Continuing Education Home Studies – the following SCMHR courses were approved and will be included on the website:

IPL Essentials: A Comprehensive Look at Client Care, Treatment, and Technology Options

Consultations: Important Questions to Ask When Dealing with Laser Clients

Comparative Review: Today's Laser Hair Removal Technology

Laser and IPL Burns: Now What?

Laser Safety in the Workplace:

Patient Photography: (capture and use of before/after photos)

Working with Doctors and Medical Directors:

Theory Instruction for Laser Hair Removal/Pre & Post Treatment Care:

The Fitzpatrick Skin Typing course was not approved as some topics appear outdated.

Rules Update – The proposed rule changes discussed at the last meeting were published in the NC Register on July 15, 2022. The process now calls for a public hearing to receive comments. This hearing is scheduled for August 1, 2022 at 10:00 a.m. Access instructions will be posted on the website. On September 14, 2022, the Board will meet at 7:30 p.m. to consider the feedback obtained during the 60-day comment period which runs from July 13 through September 13, 2022.

Annual Reports-Magas briefly explained the following state reports that have been filed:

- Self-assessment of Internal Controls
- Report to Joint Legislative Oversight Committee, Secretary of State, Attorney General and Office of State Management and Budget
- Fee Report
- Dept. of Commerce Report on Licensee Data
- Department of Revenue Report on Licensees

Office Space Lease – The current lease on the office in Greensboro is set to expire December 31, 2022. In light of the merger of NCBE and NC Barber Board Examiners, the office space will be released as soon as arrangements are finalized to transfer records, office furniture, and mail/phone forwarding.

Electrologist Testing – one applicant is being tested in August, with one or two later this fall. The clinical test has recently been updated to reflect a more realistic approach to current practice and testing methods.

Merger of NCBE and NCBBE – Nichols and Seavers gave a brief comparative overview of the following:

Statute – law enacted by the General Assembly

Rule – implementation guidance for statutes, adopted by boards, has same force as statute

Position statement – non-binding clarification issued by boards/agencies on gray areas

Declaratory ruling - binding decision

Permanent rule – agency-proposed, reviewed by RRC, adopted after public comment

Temporary rule – place holder for 270 days until permanent rule is adopted

A summary of HB792 was previously distributed to board members outlining the status of the merger of NCBE and NCBBE, which has now been passed into law by the General Assembly. The Governor's signature is expected shortly. An e-mail announcing the passage of the bill was sent to all practitioners, resulting in a number of questions. The bulk of these questions must be tabled until after rule making is concluded. That process ironed out many of the specific questions posed by practitioners. The NCBBE will be responsible for proposing rules needed to merge the two boards, with input from NCBE.

Existing statutes for electrologists and barbers remain mostly intact, and NCBE will move away from administrative duties and more towards governance issues. NCBE needs to develop rules for its apprentice program, a new provision in the statute. As well, rules for civil penalties to enforce the new statute and rules must be adopted.

Seavers took the opportunity to thank past Chair's Ronda Jones and Cheryl Delaney for their efforts early on to secure another occupational licensing board with which NCBE could combine.

Public Comments – Lilliana Guarino asked about the process for licensure application. Wingate advised that she and Susan Magas need to discuss the requirements.

Elections – The following officers were unanimously elected for terms effective immediately:

Chairman – Margaret Wingate
Vice-chair – Dr. Craig Burkhart
Treasurer – Charlene Poole

Schedule Meeting – the next scheduled meetings are:

Public Hearing on August 1, 2022 at 10:00 a.m.

Rules Feedback consideration on September 14, 2022 at 7:30 p.m.

There being no further business, the meeting was adjourned at 11:33 a.m.

Approved 09.14.2022