

Department of Health
Notice of Rulemaking Hearing
Board of Electrolysis Examiners
Division of Health Related Boards

There will be a hearing before the Tennessee Board of Electrolysis Examiners to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-26-108. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Division of Health Related Board's Conference Room on the Third Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 2:30 p.m. (CDT) on the 3rd day of January, 2007.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

Substance of Proposed Rules

Amendments

Rule 0540-1-.04, Qualifications for Licensure, is amended by deleting paragraphs (3) and (5) but not their subparagraphs and substituting instead the following language, so that as amended, the new paragraphs (3) and (5) but not their subparagraphs shall read:

- (3) To qualify for licensure as an electrologist by reciprocity (licensed in another state), the applicant must:
- (5) To qualify for licensure, internationally educated applicants, in addition to meeting the requirements specified in either Rule 0540-1-.04 (1), (3), (4) or (5), must:

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-26-108, 63-26-111, and 63-26-117.

Rule 0540-1-.04, Qualifications for Licensure, is amended by inserting the following language as new paragraph (2) and renumbering the existing paragraphs (2) through (6) as paragraphs (3) through (7):

- (2) To qualify for licensure as an electrologist without examination and without licensure in another state, the applicant must:
 - (a) Meet the requirements of Rule 0540-1-.04 (1) (a) and (b) and Rule 0540-1-.04 (1) (c) 1.;
 - (b) Provide documentation of having practiced electrology five (5) years or more in a state which does not require a license for such practice by submitting photocopies of paychecks, paycheck stubs, Internal Revenue Service (IRS) Forms W-2 or 1099-Misc., Schedules C or C-EZ for IRS Form 1040, or Schedule K-1 for IRS Form 1065 to verify proof of income (or loss) from the practice of electrology; and

- (c) Cause documentation to be submitted from the certifying agency directly to the Board administrative office that he/she is a Certified Professional Electrologist (CPE) certified by the American Electrology Association, or is a Clinical Certified Electrologist (CCE) or Clinical Medical Electrologist (CME) certified by the Society of Clinical and Medical Electrologists.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-26-108, 63-26-111, 63-26-115, and Public Chapter 742 of the Public Acts of 2006.

Rule 0540-1-.05, Procedures for Licensure, is amended by deleting paragraphs (4) and (7) in their entirety and substituting instead the following language, and is further amended by deleting paragraph (9) but not its subparagraphs and substituting instead the following language, and is further amended by deleting paragraph (11) in its entirety and substituting instead the following language, so that as amended, the new paragraphs (4) and (7), the new paragraph (9) but not its subparagraphs, and the new paragraph (11) shall read:

- (4) An applicant shall pay, at the time of application, the non-refundable application, examination fees and state regulatory fee as provided in Rule 0540-1-.06. Reciprocity (licensed in another state) applicants and applicants for licensure without examination and without licensure in another state shall also pay at the time of application the reciprocity fee as provided in Rule 0540-1-.06.
- (7) Except for limited licensure applicants and applicants for licensure without examination and without licensure in another state, applicants shall cause to be submitted directly to the Board's administrative office from an accredited college or university an official transcript verifying that the general education requirements pursuant to Rule 0540-1-.04 (l) (c) 3. have been met.
- (9) Except for limited licensure applicants, electrology instructor applicants, and applicants for licensure without examination and without licensure in another state, applicants shall cause to be submitted directly from the school of electrology an original letter on the school's letterhead and signed by the program director verifying the applicant has successfully completed the school's course of study. To be acceptable, the school's course of study and curriculum must comply with or be equivalent to Tennessee's electrology school requirements pursuant to T.C.A. § 63-26-111 (4) (A) and (B). If the school no longer exists, the following documentation will be reviewed by the board for acceptability.
- (11) Except for electrology instructor applicants and applicants for licensure without examination and without licensure in another state, applicants shall request that his/her written examination scores, pursuant to Rule 0540-1-.08, be submitted directly to the Board's administrative office from the American Electrology Association or the Society of Clinical and Medical Electrologists.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-26-108, 63-26-111, 63-26-112, 63-26-115, 63-26-119, and Public Chapter 742 of the Public Acts of 2006.

Rule 0540-1-.06, Fees, is amended by deleting subparagraph (1) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (f) shall read:

- (1) (f) Reciprocity License fee - A non-refundable fee to be paid at the time an application for licensure is filed by reciprocity (licensed in another state) applicants and by applicants for licensure without examination and without licensure in another state. The fee is in addition to the application fee.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-26-108, 63-26-109, 63-26-115, 63-26-117, and Public Chapter 742 of the Public Acts of 2006.

Rule 0540-1-.08, Examinations, is amended by deleting paragraph (1) but not its subparagraphs and substituting instead the following language, so that as amended, the new paragraph (1) but not its subparagraphs shall read:

- (1) Electrologist Examination. An individual seeking licensure as an electrologist, either by examination, limited licensure, or reciprocity (licensed in another state) shall be required to pass each of the following examinations prior to licensure:

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-26-108, 63-26-117, and Public Chapter 742 of the Public Acts of 2006.

Rule 0540-1-.12, Continuing Education, is amended by deleting paragraph (5) in its entirety and substituting instead the following language, and is further amended by inserting the following language as new paragraph (7) and renumbering the existing paragraph (7) as paragraph (8), so that as amended, the new paragraphs (5) and (7) shall read:

(5) Continuing Education for Reactivation of Retired License

- (a) An individual whose license has been retired for one (1) year or less will be required to fulfill continuing education requirements as outlined in this rule as a prerequisite to reactivation. Those hours will be considered replacement hours and can not be counted towards meeting the annual requirements of the following year.
- (b) Along with the reactivation request, any electrologist who applies for reactivation of a license which has been retired for more than one (1) year must submit proof of attendance and completion of ten (10) hours of Board-approved continuing education. The electrologist who has retired his license may receive credit for courses completed during the time the license was retired provided that at least five (5) hours were completed within one (1) year preceding the application for reactivation.

(7) Extension of Time to Complete or Waiver of Continuing Education Requirements

- (a) The Board may grant an extension of the deadline to complete the annual continuing education requirements or the Board may grant a waiver of the need to attend and complete the annual continuing education requirements if it can be shown that compliance is beyond the physical or mental capabilities of the person seeking the extension or waiver.
- (b) Extensions or waivers of the deadline will be considered only on an individual basis and may be requested by submitting the following items to the Board Administrative Office prior to the expiration of the calendar year (December 31) in which the continuing education is due:
 1. A written request for an extension or waiver which specifies the deadline sought to be extended or the requirements sought to be waived, and a written and signed explanation of the reason for the request; and
 2. Any documentation which supports the reason(s) for the extension or waiver request or which is subsequently requested by the Board.
- (c) A waiver or deadline extension approved by the Board is effective only for the calendar year for which either is sought.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-26-108, and 63-26-121.

0540-1-.19 Board Meetings, Officers, Consultants, Records, and Declaratory Orders, is amended by deleting the catchline in its entirety and substituting instead the following language, and is further amended by adding the following language as new paragraphs (9) and (10), so that as amended, the new catchline and the new paragraphs (9) and (10) shall read:

0540-1-.19 Board Meetings, Officers, Consultants, Declaratory Orders, and Screening Panels.

- (9) Screening Panels - The Board adopts, as if fully set out herein, rule 1200-10-1-.13, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the screening panel process.
- (10) The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-138, 63-26-108, and 63-26-123.

Contact who can answer questions concerning this notice of rulemaking hearing, technical contact for disk acquisition, and person who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

The notice of rulemaking set out herein was properly filed in the Department of State on the 19th day of October, 2006. (10-16-06)