

## **Chapter 49**

### **(House Bill 215)**

AN ACT concerning

#### **State Board of Nursing – Changes to the Electrology Practice Committee and Licensing Requirements**

FOR the purpose of establishing a certain quorum requirement for the Electrology Practice Committee of the State Board of Nursing; establishing certain requirements for when the Committee is to meet; providing that members of the Committee are entitled to certain compensation as determined by the Board and certain reimbursement for travel; requiring that certain applicants pass and schedule certain national and clinical examinations; extending the period of time the Board has to send certain renewal notices; providing that the Board may send certain renewal notices by electronic means; extending the date on which the Board is to begin requiring criminal history records checks for certain renewal applicants; extending the period of time between criminal history records checks for certain renewal applicants; and generally relating to the State Board of Nursing, the Electrology Practice Committee, and electrologists.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 8–6B–05, 8–6B–08(e), 8–6B–10(b), and 8–6B–14(c) and (k)

Annotated Code of Maryland

(2009 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### **Article – Health Occupations**

8–6B–05.

- (a) There is an Electrology Practice Committee within the Board.
- (b) (1) The Committee consists of five members appointed by the Board.
- (2) Of the five Committee members:
  - (i) Four shall be licensed electrologists or licensed electrology instructors; and
  - (ii) One shall be a consumer member.

(c) Each member of the Committee shall be a citizen of the United States and a resident of the State.

(d) Each electrologist member of the Committee shall have practiced electrology actively in the State for at least 5 years immediately before appointment.

(e) The consumer member of the Committee:

(1) Shall be a member of the general public;

(2) May not be or ever have been:

(i) An electrologist;

(ii) A health care professional; or

(iii) In training to be an electrologist or a health care professional;

(3) May not have a household member who is an electrologist, a health care professional, in training to be an electrologist, or in training to be a health care professional; and

(4) May not:

(i) Participate or ever have participated in a commercial or professional field related to electrology;

(ii) Have a household member who participates in a commercial or professional field related to electrology; or

(iii) Have, or have had within 2 years before appointment, a substantial financial interest in a person regulated by the Board.

(f) (1) The term of a member is 4 years.

(2) The terms of the members are staggered as required by the provisions for members of the Committee on July 1, 2003.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve more than two consecutive full terms.

(6) To the extent practicable, the Board shall fill any vacancy on the Committee within 60 days of the date of the vacancy.

**(G) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE COMMITTEE IS A QUORUM.**

**(H) IN ADDITION TO ANY OTHER MEETING REQUIREMENTS OF THIS TITLE, THE COMMITTEE SHALL MEET:**

**(1) AT THE REQUEST OF THE EXECUTIVE DIRECTOR OF THE BOARD; OR**

**(2) AS NECESSARY TO CONDUCT BOARD BUSINESS.**

**(I) IN ACCORDANCE WITH THE STATE BUDGET, EACH MEMBER OF THE COMMITTEE IS ENTITLED TO:**

**(1) COMPENSATION, AT A RATE DETERMINED BY THE BOARD, FOR EACH DAY, OR PART OF A DAY, ON WHICH THE MEMBER IS ENGAGED IN THE DUTIES OF THE COMMITTEE; AND**

**(2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS.**

**[(g)] (J) (1) The Board may remove a member for incompetence or misconduct.**

**(2) The Board may remove a member who is absent from two successive Committee meetings without adequate reason.**

8-6B-08.

**(e) (1) Except as otherwise provided in this subtitle, [the] EACH applicant shall pass [an examination approved by the Board]:**

**(I) A NATIONAL CERTIFICATION EXAMINATION DEVELOPED BY THE AMERICAN ELECTROLOGY ASSOCIATION OR ITS SUCCESSOR, AS APPROVED BY THE BOARD; AND**

**(II) A CLINICAL EXAMINATION ADMINISTERED BY THE BOARD.**

**(2) APPLICANTS ARE RESPONSIBLE FOR SCHEDULING THE NATIONAL AND CLINICAL EXAMINATIONS.**

8-6B-10.

(b) (1) The Board shall give examinations to applicants [at least once a year, at the times and places that the Board determines].

(2) The Board may give reexaminations to applicants who fail all or part of [the] AN examination [at the times and places that the Board determines].

8-6B-14.

(c) (1) At least [1 month] **3 MONTHS** before [the] A license expires, the Board shall send A **RENEWAL NOTICE** to the licensee, by:

(I) [first-class] **FIRST-CLASS** mail to the last known **MAILING** address of the licensee[.]; **OR**

(II) **ELECTRONIC MEANS TO THE LAST KNOWN ELECTRONIC ADDRESS OF THE LICENSEE.**

(2) [a] A renewal notice [that states] **SHALL STATE:**

[(1)] (I) The date on which the current license expires;

[(2)] (II) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and

[(3)] (III) The amount of the renewal fee.

(k) (1) (i) Beginning January [2008] **2011**, the Board shall begin a process requiring criminal history records checks on selected annual renewal applicants as determined by regulations adopted by the Board in accordance with § 8-303 of this title.

(ii) An additional criminal history records check shall be performed every [10] **12** years thereafter.

(2) On receipt of the criminal history record information of a licensee forwarded to the Board in accordance with § 8-303 of this title, in determining whether to renew a license, the Board shall consider:

- (i) The age at which the crime was committed;
- (ii) The circumstances surrounding the crime;
- (iii) The length of time that has passed since the crime;
- (iv) Subsequent work history;
- (v) Employment and character references; and
- (vi) Other evidence that demonstrates that the licensee does not pose a threat to the public health or safety.

(3) The Board may not renew a license if the criminal history record information required under § 8-303 of this title has not been received.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

**Approved by the Governor, April 13, 2010.**