

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 113

ELECTROLOGISTS

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SUBCHAPTER 1

GENERAL PROVISIONS

§16-113-1 Objective. This chapter is intended to clarify and implement chapter 448F, Hawaii Revised Statutes, to the end that the provisions thereunder may best be effectuated and the public interest most effectively served. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-4)

§16-113-2 Definitions. As used in this chapter:

"Apprentice" means a person who is training to become a licensed electrologist, and who is under supervision and direction of a licensed electrologist at an electrology premise that is in compliance with the department of health requirements.

"Electrologist" means any person who for compensation, removes hair from the human body using a needle inserted in the hair follicle and uses direct electric current or shortwave alternating current to destroy the follicle but does not include any hair removal system that does not penetrate the skin.

"Electrology" means the practice of removing hair from the human body using a needle inserted in the hair follicle and using direct electrical current, shortwave alternating current or a combination to disable the follicle but does not include any hair removal system that does not penetrate the skin.

"Electrology experience" means practicing electrology without supervision.

"Electrology premise" means any establishment or place of business where the practice of electrology is engaged or carried on and is the primary purpose of that establishment or business.

"Electrology training" means attendance at a recognized electrology school and/or apprenticing under supervision of a qualified electrologist. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-2)

§16-113-3 Notification of changes. A licensed electrologist shall report to the department the following changes within fifteen days of the changes:

- (1) Change of personal name; and
- (2) Change of address. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-4)

§16-113-4 Display of license. The license shall be conspicuously displayed in the place of business, and evidence of current validation shall be in the possession of the licensee at all times of practice. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-4)

§16-113-5 Duplicate license. Upon written request to the department and payment of a fee, a duplicate license may be issued. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §§448F-4, 436B-15)

§16-113-6 Familiarity with statutes and rules. Every licensee shall become familiar with chapter 448F, HRS, and this chapter. This chapter and chapter 448F, HRS, shall apply to all electrologists in the State of Hawaii, and all electrologists shall at all times comply with this chapter and with all applicable laws of the State, including chapter 321, HRS, and the various counties. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-4)

§16-113-7 Fees. (a) The fees for electrologists shall be as provided in this section:

- (1) Application fee \$ 50
- (2) Examination and other examination related fees as determined by contract between the director and a professional testing service
- (3) Original license fee \$ 25

§16-113-7

- (A) First year of the biennium (original license fee, plus one-half of the biennial renewal fee) \$ 50
- (B) Second year of the biennium (original license fee) \$ 25
- (4) Renewal fee \$ 50
- (5) Restoration fee \$ 50
- (6) Duplicate license fee \$ 15
- (7) Compliance resolution fund:
 - (A) Compliance resolution fund fee \$ 20
 - (B) Annual compliance resolution fund fee \$ 20
 - (C) Biennial compliance resolution fund fee \$ 40
- (b) The application fee is nonrefundable.
- (c) The dishonoring of any check upon first deposit shall result in the assessment of a penalty fee for dishonored checks. [Eff 1/13/94] (Auth: HRS §§448F-4, 436B-15) (Imp: HRS §§448F-4, 436B-15)

SUBCHAPTER 2

QUALIFICATIONS FOR LICENSURE

§16-113-11 Application. A person applying for a license to practice electrology shall:

- (1) File a notarized application form or forms prescribed by the director;
- (2) Be at least eighteen years of age;
- (3) Provide verification of completing the requirements for licensure pursuant to sections 16-113-14, 16-113-15, and 16-113-16 relating to graduation from a school, or 16-113-14, 16-113-15, and 16-113-17 relating to apprenticeship, or 16-113-14, 16-113-15 and 16-113-18;
- (4) Submit the appropriate fees; and
- (5) Be subject to an examination pursuant to section 16-113-19. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-4)

§16-113-12 Filing deadline. To qualify for examination an applicant shall file a completed electrologist application with the department at least seven weeks prior to the examination date as determined by the director. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-4)

§16-113-13 Abandonment of application. An application shall be considered to be abandoned if all requirements, including filing of forms, required documents and payment of fees have not been met within one year from the date first filed. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-4)

§16-113-14 Qualification requirements. A person applying for a license to practice electrology shall:

- (1) Be at least eighteen years of age; and
- (2) Except as provided in paragraph (3) below, comply with the curriculum requirements described in section 16-113-15, and evidence satisfactory completion of the curriculum by:
 - (A) Providing evidence of graduating from a recognized electrology school pursuant to section 16-113-16; or
 - (B) Providing evidence of completing apprenticeship training pursuant to section 16-113-17; or
 - (C) Providing evidence of completing a combination of electrology schooling and apprenticeship training pursuant to section 16-113-18.
- (3) Exceptions:
 - (A) A person who was recognized by the department of health to practice electrology prior to June 25, 1990, shall be issued a license, subject to filing an application prescribed by the director and paying all applicable fees.
 - (B) A person practicing electrology in this State during the period from May 13, 1986, through the effective date of this rule and is able to verify at least one (1) year of experience in the practice of electrology shall be deemed to have satisfied the apprenticeship requirements of section 16-113-17, and shall be subject to section 16-113-11.
 - (C) A person who has electrology training but not in compliance with the curriculum requirements of section 16-113-15, may qualify for licensure by providing verification of at least one (1) year of experience and shall be subject to section 16-113-11. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-4)

§16-113-15 Curriculum requirements for schools and apprenticeships.

(a) Sixty minutes shall constitute one curriculum hour. Clinical training shall be actual hours of practice and shall not include time spent waiting for clients.

§16-113-15

(b) The curriculum of a recognized electrology school shall consist of a minimum of 600 hours, and shall include 200 hours of theoretical training, and 400 hours of clinical training. At least eighty (80) hours of clinical training shall consist of practicing electrology skills in the clinical training subjects using mannequins/models which shall be completed prior to practicing on clients.

(c) The curriculum of apprenticeship training shall consist of a minimum of 800 hours over a period of not less than six (6) months, and shall include 200 hours of theoretical training, and 600 hours of clinical training. At least 120 hours of clinical training shall consist of practicing electrology skills in the clinical training subjects using mannequins/models which shall be completed prior to practicing on clients.

(d) The curriculum of a combined recognized electrology school and apprenticeship training shall consist of a minimum of 700 hours, and shall include 200 hours of theoretical training, and 500 hours of clinical training. At least 100 hours of clinical training shall consist of practicing electrology skills in the clinical training subjects using mannequins/models which shall be completed prior to practicing on clients.

(e) The curriculum for a school, apprenticeship, and combined school/apprenticeship shall include, but not be limited to, the subjects described in "Electrology Curriculum," dated January 11, 1993, and identified as Appendix A, located at the end of this chapter and made a part of this chapter. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-4)

§16-113-16 Electrology school standards; verification. (a) Standards for an electrology school shall consist of:

- (1) Accreditation by a recognized national or regional accrediting agency, or licensure in any U. S. jurisdiction as an electrology school;
- (2) Administration of a clinical practical examination by the school before graduating a student; and
- (3) Theoretical and clinical training in accordance with the curriculum set forth in section 16-113-15.

(b) Verification of graduation from a recognized electrology school shall consist of submittal of:

- (1) Official school transcript, photostatic copy of diploma, certificate or other certified documents from a school meeting the requirements of section (a) above, evidencing completion of the required theoretical and clinical training; or

- (2) Notarized affidavit or statement bearing the official seal of the school or training program certifying to the applicant's satisfactory completion of the required theoretical and clinical training; or
- (3) If the school is no longer in existence, the applicant may submit a sworn notarized affidavit so stating and shall name the school, its address, dates of enrollment and theoretical and clinical training completed, and such other information and documents as the department may deem necessary. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-4)

§16-113-17 Apprenticeship training standards; verification. (a) Standards for apprenticeship training:

- (1) Training of an apprentice shall be accomplished by a licensed electrologist who has at least two years full-time experience as a licensed electrologist;
 - (2) Theoretical and clinical training shall be in accordance with the curriculum set forth in section 16-113-15;
 - (3) The licensed electrologist shall be responsible for the supervision and direction of the apprentice;
 - (4) The apprenticeship training shall occur at an electrology premise that is in compliance with the requirements of the department of health; and
 - (5) The apprenticeship training shall comply with all applicable laws of this State regarding employment and training.
- (b) Verification of completing an apprenticeship training shall be provided on a form prescribed by the director and shall contain:
- (1) The name, license number and original date of licensure of the licensed electrologist under whom the applicant served the apprenticeship training, the street address of the business, the number of completed hours of theoretical training, the number of completed hours of clinical training, and a statement of assigned duties performed by the applicant; and
 - (2) Certification by the licensed electrologist under oath that the applicant completed a course of theoretical and clinical training under the licensed electrologist's supervision and direction over a period of six months and a minimum of 800 hours. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-4)

§16-113-18

§16-113-18 Combined training standards; verification. (a) Standards of combined electrology school and apprenticeship training shall be pursuant to sections 16-113-16 and 16-113-17, respectively.

(b) Verification of combined electrology school and apprenticeship training shall be pursuant to sections 16-113-16 and 16-113-17 respectively, and shall consist of a minimum of 700 hours to include 200 hours of theoretical training and 500 hours of clinical training. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-4)

§16-113-19 Examination. A person applying for a license to practice electrology shall achieve a passing score on the electrology examination administered by the department. The department may contract with a professional testing service to administer the examination. The examination shall be designed to test the applicant's theoretical and clinical knowledge at minimum entry level in the practice of electrology. [Eff 1/13/94] (Auth: HRS §§448F-4, 448F-5) (Imp: HRS §§448F-4, 448F-5)

§16-113-20 Reexamination. An applicant who fails to achieve a passing score may repeat the examination any number of times, provided the applicant files the appropriate forms and pays the required fees. [Eff 1/13/94] (Auth: HRS §§448F-4, 448F-5) (Imp: HRS §§448F-4, 448F-5)

§16-113-21 Frequency. Examinations shall be conducted within the State at least once a year. [Eff 1/13/94] (Auth: HRS §§448F-4, 448F-5) (Imp: HRS §§448F-4, 448F-5)

§16-113-22 Passing score. The passing score for the examination shall be 75.00 points. [Eff 1/13/94] (Auth: HRS §§448F-4, 448F-5) (Imp: HRS §§448F-4,448F-5)

SUBCHAPTER 3

LICENSE RENEWALS

§16-113-25 Biennial license renewal. (a) Application for biennial license renewal, regardless of the issuance date of the license, shall be on a form provided

by the department on or before December 31 of each even-numbered year and shall be accompanied by the appropriate fees.

(b) A biennial renewal application transmitted by mail shall be considered filed when due if the envelope bears a postmark of December 31 of each even-numbered year. [Eff 1/13/94] (Auth: HRS §448F-9) (Imp: HRS §448F-9)

§16-113-26 Restoration. (a) Failure to timely renew a license or pay all applicable fees shall cause the license to be automatically forfeited. A license which has been forfeited may be restored within one year after the date of forfeiture upon written application, and payment of all applicable fees including renewal and restoration fees.

(b) Any person who fails to restore their electrologist license within one year from the date of forfeiture shall be required to apply for licensure as a new applicant and meet all licensing requirements unless the director is satisfied that the person's failure is due to circumstances beyond the person's control. [Eff 1/13/94] (Auth: HRS §§448F-4, 448F-9, 436B-14) (Imp: HRS §§448F-4, 448F-9, 436B-14)

SUBCHAPTER 4

STANDARDS OF PRACTICE

§16-113-30 Electrology standards of practice. (a) All instruments used in electrology procedures shall be either disposed of or cleaned and then sterilized between clients.

(b) A proper hygienic environment shall be maintained and infection-control procedures followed to minimize the risk of transmission of infectious diseases. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-4)

§16-113-31 Electrology premise standards. The standards for an electrology premise shall be in compliance with the requirements established by the department of health, to include but not limited to sanitation, safety, sterilization, and adequate facility and equipment to practice electrology. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-4)

§16-113-32

§16-113-32 Electrology equipment. (a) Epilators shall be approved by the Federal Communications Commission (FCC) and conform to Federal Food and Drug Administration (FDA) standards.

(b) Epilators shall be maintained in proper working order.

(c) Optimum timing and intensity shall be used during treatment to effect proper epilation.

(d) An electrologist shall have a professional lamp and magnification, and professional treatment table or chair to administer treatment.

(e) Each patient shall have a clean towel or drape sheet.

(f) An electrologist shall have sterilization equipment on the premise, to include soaking receptacle to cleanse and remove protein residue, and sterile covered containers to hold electrology equipment.

(g) An electrologist shall have closed containers for clean towels or linens, and a separate covered container for soiled materials. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-4)

§16-113-33 Electrology procedure. (a) The electrologist shall provide an explanation of the electrology practice prior to treatment, to include but not limited to:

- (1) Treatment procedure;
- (2) Modality to be used;
- (3) Hair growth cycles;
- (4) Regrowth;
- (5) Follow-up treatment;
- (6) Possible tissue reaction after treatment; and
- (7) Importance of after-treatment care.

(b) The electrologist shall have a complete case history of each patient to include but not limited to:

- (1) Name, address, telephone number, and date of birth;
- (2) Medical history and current update;
- (3) Prior history of controlling or removing hair;
- (4) Condition of tissue before treatment and any subsequent change;
- (5) Pattern and structure of hair growth and significant subsequent change;
- (6) Date of each treatment;
- (7) Area of treatment; and
- (8) Duration of treatment.

(c) The electrologist shall ensure the following during electrology treatments:

- (1) Use of only approved modalities (electrolysis, thermolysis, or the blend);

- (2) Practice in a department of health approved premise;
 - (3) Washing of hands with soap and warm water immediately before and after treating a patient;
 - (4) Use of a clean drape between patient and electrologist wherever body contact is made;
 - (5) Use of a sterile needle and forcep for each patient;
 - (6) Cleansing the patient's skin area with approved antiseptic solution;
 - (7) Mucous membranes, external auditory canal of the ear, and moles are not to be treated without written approval of a licensed physician;
 - (8) Eyelash hairs are not to be treated;
 - (9) Treatment is limited only to areas that are not infected with a contagious disease or skin malignancy; and
 - (10) All containers shall be distinctly and correctly labeled to disclose their contents.
- (d) The electrologist shall only use appropriate antiseptic applications after treatment.
- (e) The electrologist shall provide homecare instructions to each patient following treatment. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-4)

§16-113-34 Advertisement. (a) An electrologist shall be identified in advertisements, brochures, and promotional material by the name indicated on the license pocket identification card. All advertisements, brochures, and promotional materials printed by or caused to be printed shall include the license number of the electrologist.

(b) An electrologist shall not misrepresent one's title, qualification, and affiliation in an advertisement. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-7)

§16-113-35 Limitations on license. In disciplining a licensee in a proceeding under section 448F-7, HRS, the director may, in addition to any other disciplinary actions authorized by law, impose one or more of the following actions:

- (1) Enrollment in additional educational and training courses;
- (2) Performance of public service;
- (3) Supervision by a licensed electrologist;
- (4) Evaluation prior to return to practice;
- (5) Limitation of the licensee's practice; and

- (6) Subject to an examination. [Eff 1/13/94] (Auth: HRS §448F-4)
(Imp: HRS §448F-7)

SUBCHAPTER 5

HEARINGS

§16-113-39 Denial. In the event an application is denied, the director shall notify the applicant in writing of the action, which shall include a concise statement of the reasons and a statement informing the applicant of the right to a hearing if so desired. [Eff 1/13/94] (Auth: HRS §436B-24) (Imp: HRS §436B-24)

§16-113-40 Demand for hearing. Any person whose application has been denied by the director shall be entitled to a hearing, provided that a demand for a hearing is filed with the director within sixty days of the date of the letter informing the applicant of the denial of the application. [Eff 1/13/94] (Auth: HRS §436B-24) (Imp: HRS §436B-24)

§16-113-41 Proceedings on demand for hearing. If a demand for hearing is filed within the time prescribed, the director shall order a hearing upon notice, which shall be conducted in accordance with the provisions of chapter 91, HRS, and chapter 16-201, HAR, relating to contested cases. [Eff 1/13/94] (Auth: HRS §436B-24) (Imp: HRS §436B-24)

§16-113-42 Administrative practice and procedure. The rules of practice and procedure for electrologists shall be as provided in chapter 16-201, the rules of practice and procedure of the department, which are incorporated by reference and made a part of this chapter. [Eff 1/13/94] (Auth: §§436B-24, 91-2) (Imp: HRS §§436B-24, 91-2)

§16-113-43 Severability. If any section of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this chapter and applicability thereof to other persons and circumstances shall not be affected. [Eff 1/13/94] (Auth: HRS §448F-4) (Imp: HRS §448F-4)

The Department of Commerce and Consumer Affairs adopted Chapter 16-113, relating to electrologists on November 12, 1993, following a public hearing held on the same date, after public notices were given in the Honolulu Advertiser, the Kauai Times, the Maui News, the Hawaii Tribune-Herald, and the West-Hawaii Today on October 10, 1993.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ Clifford K. Higa
CLIFFORD K. HIGA
Director of Commerce and Consumer Affairs

APPROVED AS TO FORM: Date: 12/13/93

/s/ James C. Paige
Deputy Attorney General

APPROVED: Date: 1/3/94

/s/ John Waihee
JOHN WAIHEE
Governor of Hawaii

January 3, 1994
Filed

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Adoption of Chapter 16-113
Hawaii Administrative Rules

November 12, 1993

SUMMARY

Chapter 16-113, Hawaii Administrative Rules, entitled "Electrologist" is adopted.