

Adopt Plc 700, previously effective 12-11-09 as He-P 1300 (doc. #9613) and expired 12-11-17, to read as follows:

CHAPTER Plc 700 ELECTROLOGISTS

Statutory Authority: RSA 314:2, VI; RSA 314:8

PART 701 PURPOSE AND APPLICABILITY

Plc 701.01 Purpose. The purpose of this chapter is to implement RSA 314 relative to regulating the profession of electrology, by establishing requirements for:

- (a) Obtaining and renewing a license to practice electrology;
- (b) Obtaining the reinstatement of a license to practice electrology that has lapsed, expired, or otherwise been rendered inactive or invalid;
- (c) The regulation of the practices of licensed electrologists, including office standards and inspections; and
- (d) The approval of electrology schools in New Hampshire that are not accredited by one of the identified accrediting organizations.

Plc 701.02 Applicability. This chapter shall apply to:

- (a) Any individual who intends to practice or who does actually practice electrology in New Hampshire, except as excluded by RSA 314:1, III(a) or (b), reprinted in the definition of “electrologist” in Plc 702; and
- (b) Any person who operates an electrolysis school in New Hampshire that is not accredited by one or more of the accrediting organizations specified in Plc 708.01 or who wishes to operate an electrolysis school in New Hampshire without obtaining accreditation by one or more of the accrediting organizations specified in Plc 708.01.

PART Plc 702 DEFINITIONS

Plc 702.01 “Advisory committee” means the electrology advisory committee created pursuant to RSA 314:2-a.

Plc 702.02 “Biological indicator test” means a test of the efficacy of sterilization processes and equipment, which uses a commercially-prepared device with a known population of highly-resistant bacterial spores to test the efficacy of sterilization.

Plc 702.03 “Blend” means electrolysis that combines alternating current electrolysis, or thermolysis, and direct current electrolysis, or galvanic.

Plc 702.04 “Didactic, live programming” means an instructor-led program that is available to attendees at the time it is being originally presented. The term includes a program attended remotely using a computer or other audio-visual telecommunications equipment, provided the attendee has an opportunity during the program to ask questions about the material presented that are answered by the instructor.

Plc 702.05 “Electrologist” means “electrologist” as defined in RSA 314:1, III, namely “any person who engages in electrology for compensation, except the following persons: (a) A physician licensed to practice medicine in this state who performs electrology in such practice. (b) A person who engages on behalf of a manufacturer or distributor solely in demonstrating the use of any machine or other article for the purpose of sale, without charge to the person who is the subject of such demonstration.”

Plc 702.06 “Electrology” means “electrology” as defined in RSA 314:1, IV, namely “the process by which hair is removed from the normal skin by the application of an electronic current to the hair root by means of a needle or needles, whether the process employs direct electric current or shortwave alternating electric current.” The term includes “galvanic”, “thermolysis”, and “blend”.

Plc 702.07 “Electrology school” means an institution of learning that has for its purpose, in whole or in part, the teaching of the theory, practice, and modalities of electrolysis.

Plc 702.08 “Electrolysis” means “electrolysis” as defined in RSA 314:1, IV, namely “the process by which hair is removed from the normal skin by the application of an electronic current to the hair root by means of a needle or needles, whether the process employs direct electric current or shortwave alternating electric current.” The term includes “galvanic”, “thermolysis”, and “blend”.

Plc 702.09 “Epilation” means the removal of hair including the roots. Electrolysis is a method of epilation.

Plc 702.10 “Executive director” means the executive director of the office of professional licensure and certification (OPLC) or designee.

Plc 702.11 “Galvanic” means electrolysis by direct current.

Plc 702.12 “Good standing” means that an electrologist has had no deficiencies for which an acceptable plan of correction has not been received and that no administrative action, such as imposition of administrative fines, denial of application, or suspension or revocation of license, has occurred or is pending.

Plc 702.13 “Impetigo” means a surficial skin infection caused by bacteria such as staphylococci or streptococci.

Plc 702.14 “Inspector” means an individual authorized by the executive director to inspect offices and schools to determine compliance with RSA 314 and Plc 700.

Plc 702.15 “Intense pulsed light (IPL)” means an intense pulse of electromagnetic radiation of many different wavelengths that penetrates to the dermis, or the second layer of skin, without harming the epidermis, or top layer of skin. For purposes of this chapter, the term refers to the use of IPL to remove hair.

Plc 702.16 “IPL device” means, for purposes of this chapter, a device that uses IPL to remove hair.

Plc 702.17 “Office” means “office” as defined in RSA 314:1, V, namely “the place of business kept open solely for the business of electrology, or where equipment and facilities for the practice of electrology for compensation are available, as may be authorized by the executive director.”

Plc 702.18 “Plan of correction” means a written representation of a revised policy or practice that reflects how an electrologist will correct a violation of, and come into compliance with, Plc 700 or RSA 314 or such analogous requirements as apply in the jurisdiction asked to provide confirmation of good standing.

Plc 702.19 “Reciprocity” means the recognition of the validity of another jurisdiction’s licensing requirements as being equivalent to or greater than that of New Hampshire’s.

Plc 702.20 “Routine inspection” means an inspection that is not undertaken to investigate a complaint or other information received by the OPLC suggesting that conditions do not meet requirements.

Plc 702.21 “Thermolysis” means electrolysis by alternating current.

Plc 702.22 “Treatment” means electrology or IPL services.

PART Plc 703 ADVISORY COMMITTEE

Plc 703.01 Appointment of Advisory Committee Members.

(a) As required by RSA 314:2-a, the executive director shall appoint 3 electrologists who are licensed in New Hampshire to serve on the advisory committee.

(b) Each of the licensed electrologists appointed to the advisory committee shall:

(1) Have at least 3 consecutive years of experience as an electrologist in New Hampshire; and

(2) Not practice electrology from the same office as, or otherwise be a business associate of, any other current advisory committee member.

(c) After the initial appointments to create staggered terms, and as provided in RSA 314:2-a, each advisory committee member shall:

(1) Be appointed to serve a 3-year term; and

(2) Hold office until a successor is appointed.

(d) As provided in RSA 314:2-a, no advisory committee member shall be appointed for more than 3 consecutive terms.

Plc 703.02 Meetings of Advisory Committee.

(a) The advisory committee shall meet at the call of the executive director.

(b) Meetings of the advisory committee shall be held at the OPLC’s offices in Concord, NH, or in such other location as the executive director determines will be most convenient for the largest number of anticipated attendees.

(c) Notice of meetings shall be provided as required by RSA 91-A.

(d) Records of the advisory committee shall be kept by the OPLC as required by RSA 91-A.

Plc 703.03 Responsibilities of Advisory Committee.

(a) The advisory committee shall have the responsibilities established in RSA 314:2-a.

(b) If requested by the executive director, members of the advisory committee shall sit as part of a panel for an adjudicative hearing conducted pursuant to applicable provisions in Plc 200 and RSA 541-A.

(c) If requested by the executive director, the advisory committee shall assist with an investigation commenced pursuant to RSA 314:9.

PART 704 INITIAL LICENSURE

Plc 704.01 Initial License Application Submission.

(a) Any individual who wishes to engage in the practice of electrolysis in New Hampshire who does not hold a current New Hampshire electrology license shall file an application for an electrologist license in accordance with this section.

(b) An applicant for licensure as an electrologist shall submit an “Application for State of New Hampshire License to Practice Electrology” form, dated December 2021, that includes the following:

- (1) The type of application, whether it is for an initial license or license by reciprocity;
- (2) Information identifying the applicant, as follows:
 - a. First name, middle name, and last name;
 - b. Month, date, and year of birth;
 - c. Social security number as required by RSA 161-B:11, VI-a;
 - d. Home mailing address;
 - e. Home telephone number including area code; and
 - f. Personal email address;
- (3) The name and address of the electrology school attended, dates attended, and the total number of hours of instruction received;
- (4) If known, the approximate date the applicant wishes to begin practice in New Hampshire;
- (5) The name of each jurisdiction where the applicant holds or held a license or certificate to practice electrolysis and, for each, the following:
 - a. The number of years the applicant was licensed; and
 - b. The status of the license or certificate, including whether a license or certificate was denied or is active, suspended, or revoked;
- (6) The name, physical address, and telephone number including area code of the office where the applicant intends to work and, if available, the URL of the office’s website and the office’s email address;
- (6) Transcripts from the electrology school from which the applicant graduated to verify that the applicant has completed 1,100 hours of education as required by Plc 704.03(b)(2);
- (7) At least 2 affidavits of professional character from professional associates in the format provided with the application, provided that if the applicant graduated less than one year prior to the time of application, affidavits from faculty members of the electrology school may be submitted;
- (8) If the applicant previously held a license in New Hampshire that was revoked, the plan of correction required by Plc 706.02(d); and
- (9) The applicant's dated signature under the following pre-printed statement:

“By my signature, I attest full compliance with RSA 314 and all corresponding New Hampshire rules and that the information and documentation provided are true, complete, and not misleading to the best of my knowledge and belief. I understand that knowingly providing information that is false or misleading may be grounds for denial, suspension, or revocation of a license.”

(c) The completed application shall be:

- (1) Submitted to the executive director; and

(2) Accompanied by:

- a. The application processing fee established in Plc 1002; and
- b. Unless the applicant is applying under reciprocity, the examination fee as set forth in Plc 1002.

(d) If the application is denied in accordance with Plc 704.03, the application processing fee and examination fee shall not be refunded to the applicant.

Plc 704.02 Licensure By Reciprocity Application Submission.

(a) An applicant who holds a license or registration from another state whose licensing requirements are equivalent to or greater than those specified by RSA 314 and Plc 700 may apply for licensure by reciprocity.

(b) An applicant for licensure by reciprocity shall submit an “Application for State of New Hampshire License to Practice Electrology” form, dated December 2021, that includes the following:

(1) The information and signature required by Plc 704.01(b);

(2) Information from each jurisdiction in which the applicant is licensed or registered to practice electrolysis to show that the applicant is licensed or registered in that state and that the license or registration is in good standing, specifically the following:

- a. The applicant’s license number in that jurisdiction, the date the license was issued, and the expiration date of the license;
- b. Whether the individual was licensed through application and examination or application and reciprocity;
- c. Whether the individual maintained compliance with the jurisdiction’s requirements for electrologists, to the knowledge and belief of the individual providing the information and, if not, an explanation of each deviation; and
- d. Whether any administrative actions were taken against the individual’s license and, if so, an explanation of each such action; and

(3) Proof that the applicant passed a written examination and a practical examination, as required by the state in which the applicant is licensed, that are substantially equivalent to the examinations described under Plc 704.06 and Plc 704.07.

(c) The applicant may use the templates provided with the application to authorize the release of information to the OPLC and to send to the jurisdiction for completion, or may use templates or formats provided by the jurisdiction from which the information is requested.

(d) The completed application shall be submitted to the executive director and be accompanied by the application processing fee established in Plc 1002.

(e) If the applicant meets the requirements of (a) through (d) above, the applicant shall be exempt from:

- (1) Taking the examinations required by Plc 704.05; and
- (2) Paying the examination fee required by Plc 1002.

Plc 704.03 Processing of Applications.

(a) Within 30 days of receipt of an application submitted pursuant to Plc 704.01 or Plc 704.02, the executive director shall either accept the application as being complete or notify the applicant in writing sent to the personal email address provided on the application that the application is incomplete, specifying what the applicant needs to submit to complete the application.

(b) The executive director shall grant a license to any person who:

- (1) Has submitted an application that meets the requirements of Plc 704.01 or Plc 704.02, as applicable;
- (2) As required by RSA 314:3, III(c), has attained not less than 1,100 hours of education in a curriculum that meets the requirements of Plc 708.02;
- (3) Has complied with the examination requirements of Plc 704.05, unless exempt from taking the examinations pursuant to Plc 704.02(d);
- (4) Has not engaged in an action that would result in denial pursuant to RSA 314:6, reprinted in Appendix B; and
- (5) Has demonstrated good professional character as required by RSA 314:3, III(e), as evidenced by the answers to the questions in the application and the affidavits submitted.

(c) The executive director shall notify the applicant of the decision on the application in writing sent to the personal email address provided on the application.

(d) If the executive director determines that the applicant has not demonstrated that all requirements to obtain a license are met and so denies the application, the notice sent pursuant to (c), above, shall inform the applicant that if the applicant wishes to challenge the decision, the applicant shall request a hearing in writing within 30 days, as provided in RSA 314:7, II.

Plc 704.04 Initial Licenses.

(a) Each initial license to practice electrolysis issued by the executive director shall specify:

- (1) The name of the licensee;
- (2) The effective date of the license;
- (3) The license number.

(b) The licensee shall display the current license so as to be visible to clients in the office.

(c) The licensee shall not practice electrolysis outside of an office approved by the executive director.

(d) Licenses issued pursuant to this chapter shall be effective for 2 years unless sooner suspended or revoked pursuant to Plc 706.02.

(e) Initial licensees who will not be practicing at an office that has already been inspected shall allow an inspector to conduct an office inspection prior to opening the office to ensure compliance with Plc 707.01.

Plc 704.05 Examinations For Initial License.

(a) Each applicant applying for an initial license as an electrologist shall take and pass a written examination as provided in Plc 704.06 and a practical examination as provided in Plc 704.07.

(b) A practical examination shall be administered as needed, with a 30-day notice.

(c) Any applicant who fails the written examination or practical examination, or both, who wishes to pursue licensure in New Hampshire may retake the examination(s) once under the same initial application. If the applicant does not pass the examination(s) on the second try, the applicant shall recommence the application process by filing an application for initial licensure as provided in Plc 704.01.

Plc 704.06 Written Examination.

(a) Each applicant for an initial license shall take and pass the state licensing examination offered by the OPLC pursuant to RSA 314.

(b) The written examination shall cover the following topics:

(1) Anatomy and physiology of skin and hair;

(2) Infection control, including:

a. Handwashing and use of gloves;

b. Cleaning and sterilization of instruments;

c. Cleaning and disinfection of items, and other safety precautions;

d. Environmental control and housekeeping;

e. Patient considerations;

f. Hepatitis B (HBV) vaccination;

g. Follow-up procedures for potential exposures to HBV, HIV, and other blood-borne pathogens; and

h. Transmittable diseases;

(3) Clinical observation and applications, including:

a. Health history;

b. Evaluation and assessment;

c. Explanation of infection control and electrology procedures;

d. Treatment plan/referral;

e. Informed consent;

f. Patient/client concerns/anxieties;

g. Sensitivity/tolerance level;

h. Positioning, draping, and lighting/magnification;

- i. Skin preparation;
 - j. Selection of modality, instruments, needle, and forceps;
 - k. Insertions;
 - l. Balancing time and intensity;
 - m. Post-treatment;
 - n. Antisepsis of treated area;
 - o. Home-care instruction; and
 - p. Documentation;
- (4) Electrical operations, including:
- a. Electrolysis by galvanic, direct current (DC);
 - b. Thermolysis by shortwave, high frequency, alternating current (AC); and
 - c. Blend by combination of DC and AC;
- (5) Equipment and supplies, including:
- a. Proper use and maintenance of equipment; and
 - b. Basic principles of electricity; and
- (6) Professional, ethical, and legal considerations.
- (d) To pass the written examination, the applicant shall correctly answer 70 percent or more of the questions.

Plc 704.07 Practical Examination.

- (a) The practical examination shall be administered as provided in RSA 314.
- (b) For the practical examination, the applicant shall provide:
- (1) His or her subject on which to demonstrate the electrolysis treatment; and
 - (2) All electrology equipment required.
- (c) The applicant shall demonstrate both galvanic and thermolysis during the practical examination.
- (d) Each applicant shall be observed twice throughout the examination by each individual who is administering the examination in the performance of an electrolysis treatment on his or her subject.
- (e) Each applicant shall receive a 30-minute block of time for being tested.
- (f) Together, the examiners shall watch the set-up, treatment, after-treatment care, and break-down of equipment and materials for each applicant.

(g) The practical examination shall test each skill as set forth in Table 700.1 below:

Table 700.1 Practical Examination Skills

Category	Skill
STANDARD PRACTICES	Washing or sanitizing of hands and wearing gloves in good condition in accordance with Plc 707.03(c) through (f)
	Completed case/medical history card available for review
	Provides eye shields in accordance with Plc 707.03(b)(1)
	Uses pillow and table coverings appropriately
	Disposes of hair in sanitary way once removed from follicle
	Proper disposal and/or cleaning of treatment items in accordance with Plc 707.04
NEEDLES	Uses appropriate needle size for facial/body area and hair type
	Needle kept clean and in good condition in accordance with Plc 707.03(g) and (h)
INSERTION	Demonstrates proper stretching
	Does not pierce the skin
	Is at a proper angle and depth
INTENSITY/TIMING/EPILATION RESULTS	Current set to prevent any damage to the surface of the skin
	Current set strong enough to release hair with bulb intact
	Timing set properly for hair and bulb to be removed intact
	Hair, including the bulb, is released from the follicle without any signs of pulling

(h) The skills demonstrated by each applicant, as set forth in Table 700.1, above, shall be evaluated and scored as follows:

- (1) Each skill demonstrated with consistent accuracy shall be scored with 6 points;
- (2) Each skill demonstrated without consistent accuracy shall be scored with 4 points;
- (3) Each skill demonstrated incorrectly shall be scored with 2 points; and
- (4) Each skill demonstrated with potential for harming the client, or not demonstrated at all, shall be scored with 0 points.

(i) A passing score on the practical examination shall be at least 74 points out of a possible 90 points.

(j) The applicant’s final score on the practical examination shall be an average of the total scores given by each examiner, if more than one individual administers the examination.

PART Plc 705 RENEWALS; CONTINUING EDUCATION

Plc 705.01 Application for Renewal of Electrologist License.

(a) At least 60 days prior to the expiration of an electrology license, the executive director shall:

- (1) Notify, via email sent to the personal email address of record, each licensee whose license is expiring that the license is due to expire; and
 - (2) Include with the written notice a registration code for the licensee to use to renew on-line.
- (b) If a licensee does not receive a registration code as provided in (a), above, the licensee shall contact the OPLC to obtain a registration code.
- (c) If the licensee wishes to renew, the licensee shall submit to the executive director, using the on-line system available at <https://forms.nh.gov/license/Login.aspx>, at least 30 days prior to the expiration of the license, the following:
- (1) The information and certification specified in Plc 705.03;
 - (2) Proof of having met the continuing education requirements of Plc 705.06 as provided in Plc 705.03(b);
 - (3) Copies of the results of each biological indicator test performed during the licensing period as required by Plc 707.06, obtained throughout the licensing period; and
 - (4) The renewal application processing fee required by Plc 1002.
- (d) The renewal application processing fee shall not be refundable.

Plc 705.02 Processing of Renewal Applications.

- (a) Within 30 days of receipt of an application submitted pursuant to Plc 705.01, the executive director shall accept the application as being complete or notify the applicant in writing sent to the personal email address provided on the application that the application is incomplete, specifying what the applicant needs to submit to complete the application.
- (b) An application for renewal shall be approved if:
- (1) The application contains all the information and certification required by Plc 705.03(a) and the documentation of continuing education required by Plc 705.03(b);
 - (2) The applicant is in compliance with Plc 700 and RSA 314;
 - (3) The applicant has not engaged in an act that would result in denial pursuant to RSA 314:6; and
 - (4) The applicant has demonstrated good professional character as required by RSA 314:3, III(e), as evidenced by the answers to the questions on the application.
- (c) The executive director shall notify the applicant of the decision on the application in writing sent to the personal email address provided on the application.
- (d) If the executive director determines that the applicant has not demonstrated that all requirements to renew a license are met and so denies the application, the notice sent pursuant to (c), above, shall inform the applicant that if the applicant wishes to challenge the decision, the applicant shall request a hearing in writing within 30 days, as provided in RSA 314:7, II.
- (e) A renewal license shall be effective for 2 years from the date of expiration of the prior license unless sooner suspended or revoked pursuant to Plc 706.02.

Plc 705.03 Requirements for Renewal Applications.

- (a) The information and certification required by Plc 705.01(c)(1) shall be as follows:
- (1) The applicant's personal email address, home mailing address, and county of residence;
 - (2) The applicant's home telephone number or other personal telephone number including area code;
 - (3) The name of each electrolysis business at which the applicant practices and, for each:
 - a. The electrolysis business address, telephone number including area code, and email address; and
 - b. Whether the applicant is an employee, a subtenant subletting space, an independent contractor, or the owner of the electrolysis business;
 - (4) Whether the applicant has ever had any disciplinary action taken against his or her license and, if so, an explanation of each such action; and
 - (5) A certification that the information provided on or with the application is true, complete, and not misleading.
- (b) Documentation of having met the continuing education requirements of Plc 705.06 shall be:
- (1) For a course, lecture, workshop, or presentation, a certificate that shows:
 - a. The name of course, lecture, workshop, or presentation;
 - b. The date the applicant completed or attended the course, lecture, workshop, or presentation;
 - c. The location of course, lecture, workshop, or presentation;
 - d. The name and address of the sponsor of the event; and
 - e. The number of continuing education hours; and
 - (2) For a published professional electrology article or book:
 - a. The name, topic, and length of the article or book or, if the article or book has been published on-line, the URL of the article or book;
 - b. The date of publication of the article or book; and
 - c. The name and address of the publisher of the article or book and, if available, the URL of the publisher's website and the publisher's email address.

Plc 705.04 Failure to Renew License; Reinstatement.

- (a) An electrologist who fails to timely file an application to renew the license shall not practice electrolysis in New Hampshire until he or she has obtained a license in accordance with RSA 314 and Plc 700.
- (b) An electrologist whose license has been expired for not more than one year who wishes to have the license reinstated shall apply to renew the license in accordance with Plc 705.01, including meeting the continuing education requirements of Plc 705.06.

(c) An electrologist whose license has been expired for more than one year who wishes to obtain a license shall apply for an initial electrologist license in accordance with Plc 704.01, including retaking the written and practical examinations required by Plc 704.05.

Plc 705.05 Licensee Obligations.

(a) All licensees shall notify the executive director within 30 days when a change of home or office address or change in personal email address occurs.

(b) All licensees shall:

- (1) Know when his or her license is due to expire; and
- (2) File an application for renewal at least 30 days prior to the expiration of the current license in accordance with Plc 705.01.

(c) The licensee shall display the current license so as to be visible to clients in the office.

Plc 705.06 Requirement for Continuing Education.

(a) As required by RSA 314:5, licensed electrologists shall complete a minimum of 10 hours of continuing education in each 2-year license period, 5 hours of which shall be in didactic, live programming.

(b) Continuing education shall:

- (1) Meet the requirements in Plc 705.07; and
- (2) Be completed prior to the expiration date of the license.

(c) Certificates and documents constituting evidence of continuing education hours shall be:

- (1) Retained by the licensee for not less than 4 years; and
- (2) Subject to inspection by the executive director or an inspector.

(d) If, in a single licensing period, a licensee earns more than 5 hours of continuing education in live, didactic programming and the total hours earned exceed 10 hours, the licensee may carry the excess live programming hours forward into the next licensing period, provided that:

- (1) No more than 3 hours shall be carried forward; and
- (2) Documentation of the hours carried forward shall be submitted when the hours are used, even if the documentation was previously submitted for use of some of the hours represented.

Plc 705.07 Specific Continuing Education Requirements.

(a) At least 2 hours of the required 5 hours of didactic, live programming shall be earned during each licensing period in any one or more of the following topics:

- (1) Infection control;
- (2) Blood-borne pathogens and communicable diseases;
- (3) Universal precautions;
- (4) HIV/AIDS;
- (5) Sanitation or sterilization;

(6) Infectious skin diseases; or

(7) Bacteriology.

(b) In addition to (a), above, at least 2 hours of the required 5 hours of didactic, live programming shall be obtained in any one or more of the following topics:

(1) Electrology theory including:

a. Dermatology;

b. Endocrinology;

c. Electricity;

d. Histology;

e. Neurology; or

f. Angiology;

(2) Technical and clinical aspects of electrolysis, including:

a. Galvanic;

b. Thermolysis;

c. Blend;

d. Tools and equipment; or

e. Electrology-related products;

(3) Electrology research;

(4) Ethical or legal aspects of practicing electrolysis; or

(5) Electrolysis consultation and case history.

(c) In addition to (a) and (b), above, the remaining one hour, if any, of the required 5 hours of didactic, live programming shall be obtained in any one or more of the following topics:

(1) Anatomy;

(2) Physiology;

(3) Transgender issues;

(4) Health issues of practitioners;

(5) Health issues of clients;

(6) A cardiopulmonary resuscitation (CPR) course given by an American Heart Association or American Red Cross qualified instructor with a maximum of 3 hours to be granted per licensing period;

(7) Management, administration, and supervision of a business practice, with a maximum of 3 hours to be granted per licensing period, which:

a. Relates directly to the operation of an electrolysis business; and

- b. Does not include instruction on computer skills; or
- (8) The proper use of IPL devices.
- (d) The remaining 5 hours of continuing education shall be obtained in any of the topics listed in (a) through (c), above.
- (e) Individualized and home study continuing education activities shall be as follows:
 - (1) Home study electrology courses including professional journals that require the successful completion of a written examination;
 - (2) Electrology programs available on-line that require the successful completion of a written examination;
 - (3) Authorship of a published professional electrology article or book, for which credit for contact hours shall be considered by the advisory committee on an individual basis; or
 - (4) An original presentation by the licensee of a paper, essay, or formal lecture relating to electrology to a group of fellow professionals, for which the presenter shall receive 2 hours for each hour of presentation.
- (f) Except for (c)(6) and (d)(3) above, all continuing education programs specified in (a) through (e) above shall be sponsored by:
 - (1) The American Electrology Association;
 - (2) The New Hampshire Electrolysis Association;
 - (3) A hospital or physician;
 - (4) An electrology school that is accredited by an accrediting organization listed in Plc 708.01 or approved pursuant to Plc 708.05(a); or
 - (5) A college or post-secondary institution accredited by a regional or professional agency recognized by the U.S. Secretary of Education.

PART Plc 706 PROCEDURES; DISCIPLINARY SANCTIONS; ADMINISTRATIVE FINES

Plc 706.01 Rules of Practice and Procedure.

- (a) The rules in Plc 200 shall govern procedures for:
 - (1) The receipt of misconduct complaints and the investigation thereof;
 - (2) The conduct of disciplinary hearings;
 - (3) Waivers;
 - (4) Voluntary surrender of licenses; and
 - (5) Any other procedures not included in this chapter.
- (b) As provided in RSA 314:7, VII, rehearings and appeals of an order of the executive director to deny, suspend, or revoke a license or impose a fine shall be made under RSA 541.

Plc 706.02 Procedures for Imposing Discipline.

(a) If the executive director, after investigation conducted pursuant to Plc 200, determines that credible evidence exists that a licensee has violated a requirement of RSA 314 or Plc 700, the executive director shall initiate a disciplinary proceeding pursuant to Plc 200.

(b) After notice and an opportunity for a hearing, the executive director shall:

(1) Issue a reprimand, if the violation was committed negligently, the licensee has no prior history of violations, and no harm was threatened or caused by the violation;

(2) Require the licensee to participate in a program of continuing education in the area or areas in which the licensee was found to be deficient, if the violation was committed unknowingly, the licensee has no prior history of violations, and no harm was threatened or caused by the violation;

(3) Suspend the license, if the violation was committed negligently, no serious harm was threatened or caused by the violation, and the licensee has been found to have committed one or more additional violations within the preceding 2 years; or

(4) Revoke the license, if the violation was committed recklessly or knowingly or if serious harm was caused by the violation.

(c) As part of a suspension, the executive director shall require the licensee to prepare and submit a plan of correction to address each violation that provided a basis for the disciplinary proceeding.

(d) If a license is revoked, any subsequent application for licensure shall include a plan of correction that addresses each violation that provided a basis for the disciplinary proceeding.

Plc 706.03 Administrative Fines.

(a) The executive director shall issue a written notice to any individual proposed to be subjected to an administrative fine that notifies the individual:

(1) Of the violation(s) for which the administrative fine is proposed;

(2) Of the amount of the proposed administrative fine;

(3) That the individual may request a hearing prior to the imposition of the fine; and

(4) Of the deadline for requesting a hearing, which shall be no sooner than 20 days from the date of the notice.

(b) If the recipient of the notice requests a hearing, the hearing shall be conducted in accordance with the provisions in Plc 200 and RSA 541-A that govern adjudicative proceedings.

(c) The individual may choose to waive the right to a hearing and pay the proposed fine, in which case the fine shall be paid to and received by the executive director within 30 days of receipt of the notice.

(d) Fines for violations of RSA 314 and Plc 700 shall be imposed in accordance with the following schedule:

(1) For submitting false or fraudulent information on or with an application, the fine shall be \$2,000;

(2) For falsification of a license to practice electrology, the fine shall be \$2,000;

- (3) For practicing electrology outside the confines of the office or offices approved by the executive director, the fine shall be \$700 per occurrence;
- (4) For any violation of Plc 707.07 relative to prohibited treatment, the fine shall be \$700 per violation;
- (5) For practicing electrology in New Hampshire without a New Hampshire license, the fine shall be \$2,000;
- (6) For failing to notify the executive director within 30 days of a change in home or office address or personal email address as required by Plc 705.05(a), the fine shall be \$270;
- (7) For refusing to allow an electrology office inspection, the fine shall be \$770;
- (8) For failing to make available the original continuing education records as required by Plc 705.06(c)(2), the fine shall be \$270;
- (9) For failing to make available the original results of each biological indicator test, in accordance with Plc 707.06(e), the fine shall be \$270;
- (11) For failure to perform semiannual biological indicator tests on each sterilizer, in accordance with Plc 707.06(a) and (b), the fine shall be \$1,000 for each test missed;
- (12) For using sterilization equipment after a biological indicator test failure prior to correcting the malfunction and obtaining a passing test in violation of Plc 707.05(c) and Plc 707.06(c), the fine shall be \$2,000 per use; and
- (13) For failure to disclose information requested by the executive director to enable the executive director to determine compliance with RSA 314 and Plc 700 during an investigation, the fine shall be \$770.

(e) If the executive director believes a fine is appropriate for a violation that is not included in (d), above, the amount of the fine to be sought shall be scaled to reflect the scope and severity of the violation based on:

- (1) How much the violation deviated from the requirement;
- (2) Whether the violation was committed negligently, recklessly, or intentionally; and
- (3) The extent of harm or potential for harm that occurred.

(f) As provided in RSA 314:13, II, the imposition of an administrative fine shall not preclude the imposition of further penalties or administrative actions under RSA 314.

PART Plc 707 OFFICE, SCHOOL, AND PRACTICE REQUIREMENTS; SANITATION; INSPECTIONS

Plc 707.01 Office and School Requirements.

(a) All offices and schools shall provide the following:

- (1) A treatment table or chair with a non-porous surface that has no rips or tears and is cleaned after each use;
- (2) Uncontaminated hot and cold water under pressure piped to a lavatory bowl or sink located in or within 15 feet of the treatment room;
- (3) Single use, disposable eye shields for each client or sanitized and disinfected reusable eye shields;

- (4) Lavatory facilities, ventilated and readily available;
 - (5) A separate and private treatment room that is completely closed off from another room or waiting area that provides opportunity for confidential conversation that is non-audible to others;
 - (6) A closable cabinet or drawer for clean towels and linens;
 - (7) Single use, disposable needles;
 - (8) Forceps; and
 - (9) Sterilization equipment that allows or will allow the office or school to meet the sterilization requirements of Plc 707.05.
- (b) All storage cabinets and work areas in offices and schools shall be constructed of such material to afford proper sanitation.
- (c) All offices and schools shall be:
- (1) Heated to at least 68 degrees Fahrenheit;
 - (2) Ventilated in a manner that exposes the office to fresh air;
 - (3) Sanitary so that there is no visible dirt, dust, or mildew;
 - (4) Orderly so that furniture, equipment, and records are arranged in a pattern that does not interfere with the ability of students, clients, and licensees, as applicable, to move around the school or office without obstacle; and
 - (5) Electrical lighting that is sufficient for the electrologist to demonstrate a treatment to students or to perform a treatment on clients.
- (d) All electrolysis and IPL equipment at schools and offices shall be kept in safe working order and be either:
- (1) Certified by the American National Standards Institute (ANSI); or
 - (2) Approved by the federal Food and Drug Administration (FDA).
- (e) Astringents, creams, lotions, and cleaning and sterilizing solutions at schools and offices shall be labeled as to their contents.
- (f) No animals, except service animals as defined in RSA 167-D:1, reprinted in Appendix B, shall be allowed in an office or school.
- (g) All offices and schools shall be in compliance with all applicable local building, electrical, plumbing, and fire codes.

Plc 707.02 Recordkeeping Requirements.

- (a) Electrologists shall obtain and maintain a complete record of each client's treatment.
- (b) Records of treatment to be obtained prior to treatment shall include, for each client, the client's:
 - (1) Name, address, telephone number including area code, and date of birth;

- (2) Informed consent to treatment, obtained by having the client sign to affirm receipt of information regarding the procedure and possible side effects;
- (3) Medical history and physical condition, which shall be updated every 6 months that treatment is provided and include:
 - a. Any allergies;
 - b. Any condition specified under Plc 707.07;
 - c. Whether the client wears any external or implanted medical object or device; and
 - d. History of previous treatment for hair removal;
- (c) Records of treatment to be maintained, whether electrolysis or IPL, shall include:
 - (1) Month, day, and year of each treatment;
 - (2) Area being treated;
 - (3) All settings and modality used;
 - (4) Duration of each treatment;
 - (5) After-treatment preparations applied on each date of treatment; and
 - (6) The client's reaction(s), if any, to treatment and after-treatment preparations.
- (d) Records of treatment shall be kept confidential.

Plc 707.03 Treatment Procedures.

- (a) Prior to treatment, an electrologist shall explain the following to the client:
 - (1) The procedure;
 - (2) Recommended after-treatment care; and
 - (3) Possible side effects of treatment.
- (b) Prior to treatment, the electrologist shall:
 - (1) Provide an eye shield that is either a new single-use eye shield or a reusable eye shield that has been cleaned as required by Plc 707.04; and
 - (2) Cleanse the skin site to be treated with an antiseptic solution.
- (c) Immediately prior to and after each treatment, the electrologist shall wash his or her hands with:
 - (1) Soap and water; or
 - (2) An alcohol-based hand rub that contains at least 60% alcohol.
- (d) If the electrologist's hands are visibly soiled, the electrologist shall wash his or her hands with soap and water.
- (e) Electrologists shall use a fresh, single-use pair of nonsterile disposable examination gloves during the performance of any treatment.

(f) If a treatment is interrupted, gloves shall be removed and discarded, hands shall be washed, and a fresh pair of gloves shall be used.

(g) Electrologists shall use only single-use, pre-sterilized, disposable needles.

(h) Electrologists shall use needle caps during each treatment.

(i) The treatment table or chair shall be clean at all times.

(j) The headrest or pillow on the treatment table or chair shall be covered with fresh linen, paper towel, or other disposable paper drape prior to use by each client.

(k) If any part of the body other than the face is being treated, the treatment table or chair shall be covered with fresh linen or disposable paper drape prior to use by each client.

Plc 707.04 Post-Treatment Sanitation Requirements.

(a) All comfort accessories shall be cleaned after each use.

(b) After each use, client-reusable eye shields shall be cleaned with detergent and water, then rinsed and dried.

(c) Soiled disposable items shall be discarded into a covered container lined with a plastic bag, securely fastened when ready for disposal, and disposed daily into the regular trash.

(d) Disposable or damaged needles and forceps shall be placed in puncture-resistant containers for disposal in accordance with Env-Sw 904.

(e) All metallic instruments that come in contact with a client shall be sterilized in accordance with Plc 707.05 after each use and placed in a sanitary environment such as a closed cabinet or storage drawer for storage.

(f) All equipment and materials used by an electrologist shall be in safe and sanitary order and so maintained and operated as to preclude any physical danger or hazard to client or electrologist.

(g) Soiled linens shall be placed in a separate container or hamper prior to being washed and dried.

Plc 707.05 Equipment Sterilization.

(a) Prior to equipment sterilization, the surfaces of all instruments shall be cleansed of organic material by an ultrasonic cleaning device, rinsed, and dried.

(b) Forceps and caps shall be soaked in a protein-dissolving solution after each treatment, prior to cleaning with the ultrasonic cleaning device.

(c) Only sterilization equipment that passed the most recent biological indicator test shall be used.

(d) Sterilization of instruments shall be accomplished by any one of the following:

(1) An autoclave sterilizer, which shall be set and operated according to the standard cycle for the specific autoclave sterilizer used; or

(2) A dry heat sterilizer oven, which shall have a temperature monitoring device as part of the sterilizer.

(e) A dry heat sterilizer shall be used by placing instruments individually in dry heat wrappers or unpackaged in small multiples in cleaned, dried stainless steel or heat-tempered glass containers that have well-fitting lids and then placed into the sterilizer for:

- (1) At least 2 hours at 320 degrees Fahrenheit;
- (2) At least one and one half hours at 335 degrees Fahrenheit; or
- (3) At least one hour at 340 degrees Fahrenheit.

(f) If instruments are unpackaged but not used within 24 hours, the instruments shall be resterilized prior to use.

(g) Cold chemical sterilizers, gas sterilizers, and bead sterilizers shall not be used.

(h) Any instrument that becomes contaminated shall not be used until sterilized in accordance with (a) through (g) above.

(i) If an IPL device is used, it shall be disinfected using an EPA-registered disinfectant according to the manufacturer's direction.

Plc 707.06 Biological Indicator Testing.

(a) Biological indicator tests shall be performed semiannually on each sterilizer.

(b) Biological indicator testing shall be performed at least 4 months apart unless done to confirm corrective action in accordance with (c), below.

(c) Sterilization equipment that fails a biological indicator test shall not be used unless and until the conditions that caused the failure have been corrected and another biological indicator test has been performed to confirm that the corrective actions were successful.

(d) The original results of each biological indicator test, passing or failing, shall be kept on file in the electrology office where the sterilizer is located and retained for 4 years.

(e) The original results of all biological indicator tests shall be subject to inspection by the executive director or an inspector.

Plc 707.07 Certain Treatment Prohibited.

(a) Electrologists shall not perform electrolysis or IPL on the following areas of the body:

- (1) Mucous membranes; and
- (2) Breasts of a woman who is nursing.

(b) Electrologists shall not treat the following conditions:

- (1) Warts;
- (2) Ingrown eyelashes;
- (3) Spider veins, meaning a branch growth of dilated capillaries that can resemble a spider web near the surface of, and visible through, the skin; and
- (4) Skin tags, meaning tiny benign protrusions of the skin on the neck, armpits, upper trunk, and body folds.

(c) Electrologists shall not perform electrolysis or IPL on areas with the following conditions:

- (1) Herpes in its active stage;

- (2) Skin malignancy; and
 - (3) Any type of infected or inflamed area other than an ingrown hair.
- (d) Electrologists shall not perform electrolysis or IPL on a person with impetigo or any other contagious skin disease.
- (e) Electrologists shall not perform electrolysis or IPL on a client with any of the following conditions, except upon receipt of written authorization from the client's physician:
- (1) Diabetes;
 - (2) Cardiac disorders treated with a pacemaker;
 - (3) Coagulation disorders;
 - (4) Disorders treated with drugs that have anticoagulant effects;
 - (5) Moles for which the client is requesting treatment;
 - (6) Cochlear implants; and
 - (7) Pregnancy.
- (f) If a pregnant woman has written authorization from her physician that treatment may be performed, thermolysis shall be the only modality used.
- (g) Any licensee who has not had training on IPL devices as part of his or her school curriculum who wishes to use IPL shall first take and pass at least a 30-hour course specific to IPL. Proof of the curriculum or course shall be submitted to the executive director prior to using IPL therapy.

Plc 707.08 Office Inspections.

- (a) Upon receipt of an application for initial or renewal licensure that indicates the applicant or licensee, as applicable, intends to practice at an office that has not been approved by the executive director, the executive director shall request an inspector to inspect the school to determine compliance with Plc 707.01.
- (b) Subsequent to the initial inspection under (a), above, each office shall be subject to a routine inspection not more frequently than once per calendar year.
- (c) The inspector shall contact the applicant or licensee, as applicable, to schedule a time for the initial or subsequent routine inspection.
- (d) The inspector shall:
- (1) Inspect all areas of the office that are or will be used by clients and that are or will be used by licensees and other staff for related activities, such as sterilization of implements and storage of materials, to determine compliance with Plc 707.01; and
 - (2) Prepare a written report for the executive director that:
 - a. Identifies the date, time, and length of the inspection; and
 - b. Describes the conditions observed in sufficient detail for the executive director to determine whether the requirements of Plc 707.01 are met.

Plc 707.09 Actions After Office Inspections.

(a) The executive director shall approve an office after an initial inspection if the report provided by the inspector allows the executive director to determine that the office meets the requirements of Plc 707.01.

(b) If the report provided by the inspector after an initial inspection identifies one or more conditions that do not meet the applicable requirement(s), the executive director shall notify the applicant or licensee, as applicable, of the deficiencies and explain that the office will not be approved unless the deficiencies are corrected.

(c) If approval is denied pursuant to (b), above, the applicant or licensee, as applicable, shall:

(1) Notify the executive director in writing when corrections have been made; and

(2) Allow the inspector to re-inspect the office to confirm that corrections have been made.

(d) If the report provided by the inspector after a subsequent routine inspection identifies one or more conditions that do not meet the applicable requirement(s), the executive director shall notify the licensee of the deficiencies and:

(1) If the conditions do not threaten the health or safety of persons entering the office, set a deadline for the licensee to submit a plan of correction, which deadline shall not be sooner than 20 days from the date of the notice; or

(2) If the conditions do threaten the health or safety of persons entering the office, commence a proceeding to suspend or revoke the license under Plc 706.02.

PART Plc 708 ELECTROLOGY SCHOOL APPROVALS AND REQUIREMENTS

Plc 708.01 Approved Electrology Schools. Any electrology education program that meets the curriculum requirements of Plc 708.02(a)-(e) and is accredited by one or more of the following shall be deemed to be an approved electrology school for purposes of obtaining licensure in New Hampshire:

(a) The National Accrediting Commission for Career Arts & Sciences (NACCAS);

(b) The Accrediting Commission of Career Schools and Colleges (ACCSC); and

(c) The Council on Occupational Education (COE).

Plc 708.02 Electrology School Curriculum and Instructors.

(a) Electrology schools approved by the executive director shall provide and maintain a course of study of at least 1,100 hours extending over a period of not less than 10 months.

(b) The 1,100 hour course of study shall include 700 hours of academic study and 600 hours of practical training.

(c) The 700 hours of academic study shall meet the requirements specified in Table 700.2, below:

Table 700.2 Academic Curriculum

Subject	Hours
Histology and hair structure with special consideration given to hair and skin	75 hours
The fundamentals of bacteriology, sterilization, and hygiene	100 hours
The principles of electricity and its effects and uses	25 hours

Subject	Hours
Basic dermatology	100 hours
Physiology, with special consideration given to endocrinology	125 hours
Machines and equipment for an electrolysis office	25 hours
Professional conduct and office management	70 hours

(d) The 600 hours of practical training shall include epilation whereby the instructor teaches thermolysis, galvanic, and blend treatment of all areas of the body that are not prohibited by Plc 707.07, by demonstration and student hands-on participation.

(e) If an electrology school elects to teach IPL, it shall provide a minimum of 30 hours of training on an IPL device.

(f) Each instructor to be used at a school approved under Plc 708.05 shall be an electrologist who:

- (1) Is currently licensed in New Hampshire;
- (2) Is certified as a certified professional electrologist (CPE) by the American Electrology Association; and
- (3) Has not less than 5 years of experience as a licensed electrologist.

Plc 708.03 Requests for Electrology School Approval.

(a) The owner of an electrology school requesting approval from the executive director shall submit to the executive director the following information:

- (1) The owner's name, address, telephone number including area code, and letter stating the owner's intent of opening an electrology school in New Hampshire;
- (2) The name, address, and telephone number including area code of the school and, if available, the URL of the school's website and the school's email address;
- (3) Information sufficient to demonstrate that the school will meet the requirements of Plc 707.01;
- (4) A list of all electrology and sterilization equipment the school will use, including the type and manufacturer of each device;
- (5) The maximum number of students the school intends to instruct at any one time;
- (6) A copy of the curriculum the school intends to use;
- (7) For each instructor, the individual's name, email address, license number, number of years of experience, and CPE credential;
- (8) The owner's signature and date signed.

(b) The owner's signature shall constitute certification that:

- (1) The information submitted is true, complete, and not misleading to the best of the owner's knowledge and belief; and
- (2) The owner understands that the submittal of information that is false, incomplete, or misleading constitutes grounds to deny approval or to revoke any approval that is issued based on the information.

(c) The owner shall submit the completed application with the application processing fee established in Plc 1002 to the executive director not less than 30 days prior to the desired opening date, provided that the owner shall not open the school unless and until approval is obtained.

Plc 708.04 Inspection of School Required for Initial Approval.

(a) Upon receipt of an application to approve an electrolysis school as provided in Plc 708.03, the executive director shall request an inspector to inspect the school to determine compliance with Plc 707.01.

(b) The inspector shall contact the applicant to schedule a time for the inspection.

(c) The inspector shall:

(1) Inspect all areas of the school that are or will be accessible by students, instructors, or clients if used as part of demonstrations, or any combination thereof, to determine compliance with Plc 707.01; and

(2) Prepare a written report for the executive director that:

a. Identifies the date, time, and length of the inspection; and

b. Describes the conditions observed in sufficient detail for the executive director to determine whether the requirements of Plc 707.01 are met.

Plc 708.05 Processing of School Approval Requests.

(a) The executive director shall grant approval for the school if:

(1) All information and the fee required by Plc 708.03 is submitted, and the submitted information demonstrates that:

a. The curriculum meets the requirements of Plc 708.02(a)-(e); and

b. The instructors meet the qualifications specified in Plc 708.02(f); and

(2) The report submitted by the inspector allows the executive director to determine that the school meets or will meet the requirements of Plc 707.01.

(b) If the executive director is unable to determine that the criteria in (a), above, are met, the executive director shall notify the applicant in writing of the reason(s) why approval cannot be granted and provide an opportunity for the applicant to have a hearing pursuant to the provisions of Plc 200 and RSA 541-A that apply to adjudicative proceedings.

Plc 708.06 School Approvals; Obligations of Owners.

(a) Initial and renewal school approvals shall be valid only for the owner and location named on the application, and shall not be transferable to a new owner or new location.

(b) Initial and renewal school approvals issued on or after the 2022 effective date of this chapter shall be valid for 5 years unless sooner suspended or revoked pursuant to Plc 708.10.

(c) An electrology school approved pursuant to Plc 708.05 or renewed pursuant to Plc 708.09 shall be subject to a routine inspection not more frequently than once each calendar year.

(d) The owner of a school approved pursuant to Plc 708.05 or renewed pursuant to Plc 708.09 shall notify the executive director in writing of any change in the curriculum or instructors within 30 days of the change.

(e) The owner of a school approved pursuant to Plc 708.05 or renewed pursuant to Plc 708.09 shall notify the executive director in writing of any decision to close the school prior to notifying its current students of the decision, provided that if there are no current students, the executive director shall be notified within 30 days of closing the school.

Plc 708.07 Application to Renew Electrology School Approval.

(a) The owner of an electrology school that has been approved pursuant to Plc 708.05 70who wishes to continue to operate as an approved electrology school shall submit the information and signature required in (b), below, and the application processing fee established in Plc 1002, to the executive director not less than 30 days prior to the expiration of the current approval.

(b) An applicant to renew an electrolysis school approval shall submit to the executive director the following:

- (1) The owner's name, address, telephone number including area code, and letter stating the owner's intent to continue operating an electrology school;
- (2) The name, address, and telephone number including area code of the school, and, if available, the URL of the school's website and the school's email address;
- (3) Information sufficient to demonstrate that the school meets the requirements of Plc 707.01;
- (4) A list of all electrology and sterilization equipment the school uses, including the type and manufacturer of each device;
- (5) The maximum number of students the school intends to instruct at any one time;
- (6) A copy of the curriculum the school uses or intends to use;
- (7) For each instructor, the individual's name, email address, license number, number of years of experience, and CPE credentials; and
- (8) The owner's signature and date signed.

(c) The owner's signature shall constitute certification that:

- (1) The information submitted is true, complete, and not misleading to the best of the owner's knowledge and belief; and
- (2) The owner understands that the submittal of information that is false, incomplete, or misleading constitutes grounds to deny approval or to revoke any approval that is issued based on the information.

Plc 708.08 Inspection of School Required for Renewal.

(a) Upon receipt of an application to renew a school approval as provided in Plc 708.07, the executive director shall request an inspector to inspect the school to determine compliance with Plc 707.01.

(b) The inspector shall contact the owner of the school to schedule a time for the inspection.

(c) The inspector shall:

(1) Inspect all areas of the school that are or will be accessible by students, instructors, or clients if used as part of demonstrations, or any combination thereof, to determine compliance with Plc 707.01; and

(2) Prepare a written report for the executive director that:

a. Identifies the date, time, and length of the inspection; and

b. Describes the conditions observed in sufficient detail for the executive director to determine whether the requirements of Plc 707.01 are met.

(d) If the inspector is unable to complete the inspection and written report prior to the expiration of the school's approval, the approval shall continue in effect as provided in RSA 541-A:30, I until final action has been taken on the renewal application.

Plc 708.09 Processing of School Approval Renewals.

(a) The executive director shall renew the approval for the school if:

(1) All information required by Plc 708.07 is submitted, and demonstrates that:

a. The curriculum meets the requirements of Plc 708.01(a)-(e); and

b. The instructors meet the qualifications specified in Plc 708.01(f); and

(2) The report submitted by the inspector allows the executive director to determine that the school meets the requirements of Plc 707.01.

(b) If the executive director determines that one or more of the criteria in (a), above, are not met but that the requirements could be met and that, on balance, the school is providing instruction that will allow its students to meet the requirements for licensure, the executive director shall issue a conditional renewal to the school that:

(1) Identifies each requirement that needs to be addressed; and

(2) Establishes, in consultation with the school owner, the time frame within which corrections will be made.

(c) If the executive director is unable to determine that the criteria in (a), above, are met, and determines that there are so many requirements that are not met that the school is not providing instruction that will allow its students to meet the requirements for licensure, the executive director shall provide written notice to the owner that:

(1) Denies the renewal application;

(2) Explains the reason(s) why approval cannot be granted; and

(3) Informs the owner that to contest the denial, a hearing must be requested within 30 days of the date of the notice.

(d) A denial shall become final if a hearing is not requested within 30 days of the date of the notice sent pursuant to (c), above.

Plc 708.10 Initiation of Investigations; Proceedings to Suspend, Revoke, or Impose Conditions on School Approval.

(a) The executive director shall initiate an investigation of an electrology school approved under these rules whenever it receives credible information that the school:

- (1) Has violated any requirement applicable to obtaining or renewing a school approval; or
- (2) Has not maintained required health and safety standards relative to electrology.

(b) If the investigation conducted pursuant to (a), above, produces credible evidence that a violation of any applicable requirement has occurred, the executive director shall initiate a disciplinary proceeding in accordance with the applicable provisions of Plc 200 and RSA 541-A to suspend, revoke, or impose conditions on the approval in accordance with (c) through (h), below.

(c) If the hearing conducted in accordance with (b), above, proves by a preponderance of the evidence that the violation(s) on which the proceeding was based did in fact occur, the executive director shall impose conditions on the approval to minimize the opportunities for the school to commit additional or repeat violations if, for each violation:

- (1) The violation was committed negligently or unknowingly; and
- (2) The school has not been the subject of an investigation or disciplinary proceeding for the same or a similar violation within the preceding 2 years.

(d) If conditions are imposed pursuant to (c), above, the owner may request the conditions to be removed upon presenting proof to the executive director that:

- (1) The school has complied with all conditions for not less than 2 years; and
- (2) No repeat or additional violations have occurred in that time.

(e) If the hearing conducted in accordance with (b), above, proves by a preponderance of the evidence that the violation(s) on which the proceeding was based did in fact occur, the executive director shall suspend the approval conditional on correcting the violation(s) if, for each such violation:

- (1) The violation was committed negligently or unknowingly; and
- (2) The school has been the subject of one or more investigations that did not lead to discipline being imposed for the same or a similar violation within the preceding 2 years.

(f) If an approval is suspended pursuant to (e), above, the owner may request the approval to be reinstated after correcting all violations.

(g) If the hearing conducted in accordance with (b), above, proves by a preponderance of the evidence that the violation(s) on which the proceeding was based did in fact occur, the executive director shall revoke the approval if, for any such violation:

- (1) More than one violation of requirements designed to protect student or client health and safety were committed recklessly or knowingly; or
- (2) The school has been the subject of 2 or more disciplinary proceedings that resulted in sanctions being imposed for the same or any similar violation within the preceding 2 years and so many requirements are not being met that the school is not providing instruction that will allow its students to meet the requirements for licensure.

(h) If the precise criteria for action described in (e) or (g), above, are not met, but the violation(s) proved at the hearing or not contested by the school were committed negligently, recklessly, or knowingly and posed a substantial threat of harm to clients, students, or instructors, or any combination thereof, the executive director shall suspend the approval and require the school to prepare and submit a plan of correction.

(i) If an approval is suspended pursuant to (h), above, the owner may request the approval to be reinstated after complying with the plan of correction.

PART Plc 709 STANDARDS OF PRACTICE

Plc 709.01 Applicability of Standards.

(a) The standards in this part shall apply to each individual who applies to be licensed under RSA 314 or who is licensed under RSA 314 and to each owner of, and instructor at, a school approved under Plc 708.05 or renewed under Plc 708.09.

(b) Violations of these standards shall constitute unprofessional conduct that subjects the violator to disciplinary proceedings pursuant to Plc 706.

Plc 709.02 Professional Standards. Each person to whom these standards apply shall:

- (a) Comply with RSA 314 and Plc 700;
- (b) Obey in good faith, and within any time periods specified, any disciplinary or remedial orders issued by the executive director, including orders requiring the payment of administrative fines;
- (c) Interact with students, colleagues, and clients with honesty and integrity;
- (d) Maintain schools and offices to be sanitary and hygienic;
- (e) Use professional products designed or manufactured for use in electrology according to manufacturer's directions;
- (f) Not perform any service that is outside the practice of electrology or outside the scope of the licensee's training;
- (g) Not misrepresent professional qualifications or credentials; and
- (h) Hold confidential any information disclosed by a client regarding medical conditions.

Plc 709.03 Ethical Standards. Each person to whom these standards apply shall:

- (a) Not aid or abet, directly or indirectly, the practice of anyone who is not duly licensed;
- (b) Not advertise claims that are misleading, untrue, or unsupportable by facts;
- (c) Cooperate with inspections and with lawful investigations by the executive director;
- (d) Maintain sexual boundaries by:
 - (1) Refraining from any behavior that exploits the practitioner-client relationship in a sexual way; and
 - (2) Avoiding any behavior that is sexual or sexually demeaning, or that could be reasonably interpreted as such, even when initiated by or consented to by the client or a colleague;
- (e) Not engage in hazing or sexual, verbal, or physical harassment of clients or colleagues;

(f) Not discriminate based on age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability, or national origin; and

(g) Comply with all local, state, and federal labor laws.

Appendix A: State Statutes Implemented

Rule(s)	State Statute(s) Implemented
Plc 700 (see below for additional/specific provisions)	RSA 314; RSA 310-A:I-d, II(d)
Plc 703	RSA 314:2-a
Plc 704	RSA 314:2, I; RSA 314:3
Plc 705	RSA 314:2, II; RSA 314:5
Plc 706.01	RSA 541-A:16, I; RSA 310-A:1-d, II(h)(2); RSA 314:2, V; RSA 314:9
Plc 706.02	RSA 314:2, III; RSA 314:6
Plc 706.03	RSA 314:2, VII; RSA 314:13
Plc 707	RSA 314:2, VI; RSA 314:8, VIII & XVIII
Plc 708	RSA 314:2, VI; RSA 314:3, III(c); RSA 314:8, XVI
Plc 709	RSA 314:2, VI; RSA 314:8, VII

Appendix B: Statutory Provisions

RSA 167-D:1, IV. “Service animal” means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition.

Source. 2011, 170:2, eff. Jan. 1, 2012. 2014, 66:3, eff. Jan. 1, 2015.

RSA 314:6 Denial, Suspension, or Revocation of License. – The executive director may deny, suspend or revoke a license if it is determined after hearing that such applicant or licensee:

I. Has made a materially false statement or concealed a material fact in connection with application for licensure.

II. Has had a license issued under this chapter revoked or suspended previously.

III. Has been found guilty of fraud or fraudulent practices, or has used dishonest or misleading advertising.

IV. Has practiced electrology in an office or offices other than as stated on the license, or has not maintained the office or offices according to rules adopted under RSA 314:8, VIII.

V. Has violated ethical or professional standards for the practice of electrology, as provided for in rules adopted under RSA 314:8, VII.

VI. Has failed to comply with any other provision of this chapter or any rules adopted by the executive director.

Source. 1994, 202:2. 1995, 310:183, eff. Nov. 1, 1995. 2015, 276:90, eff. July 1, 2015.