



NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS
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URGENT INFORMATON FOR NC ELECTROLOGISTS

FACTUAL BACKGROUND

In 2011, the NC Board of Electrolysis Examiners began monitoring the work of the Joint Administrative Procedures Oversight Committee (APOC) in its review of Occupational Licensing Boards. The review was aimed at better efficiency and accountability of licensing boards, including possible consolidation or elimination of some boards. Due to the shrinking numbers of electrologists in the state, NCBEE felt it was extremely vulnerable to sunset legislation that would repeal its licensure authority. The Board commissioned Dr. Nancy Ledins, retired CPE and then President of Electrolysis Association of North Carolina, to pursue the feasibility of consolidating with a larger occupational licensing board in order to preserve the licensure of electrologists. Solicitations to other boards for the purpose of absorbing the NCBEE were unsuccessful, and the Board continued to monitor the deliberations of the legislative oversight committee.

In fiscal year 2013, the Legislature directed the Program Evaluation Division (PED) to examine the structure, organization, and operation of the state's 55 independent occupational licensing boards and determine whether the total number of boards should be reduced by combining and/or eliminating some boards. In December 2014, the PED released its final report. NCBEE was included on a list of 12 occupational licensing boards for which the examiners did not have sufficient information to recommend a need for continued licensure. Factors such as public harm, complaints, disciplinary or license revocation actions, and licensing requirements in other states were utilized to reach a conclusion that electrolysis regulation may no longer be necessary.

The PED recommended the Legislature to conduct additional review of the 12 boards to evaluate the impact of regulation on licensees and consumers and to consider the appropriate level of regulation. The additional review was to examine extenuating circumstances which might constitute a threat to public health, safety, and welfare *without* licensure of the subject occupation. For example, a low number of complaints received by an occupational licensing authority may be due to the effectiveness of the licensing process or the lack of access to the complaint intake process. An effective licensing process might also help reduce the number of complaints by verifying professional competency and reviewing the criminal history of applicants as a condition of licensure. Conversely, a low number of complaints received by an occupational licensing authority might also be due to limitations on the public's ability to access the complaint intake process.

Another finding of the PED was a recommendation that consolidation of an occupational licensing authority with another regulatory entity might help ensure that necessary resources are available to effectively regulate licensed occupations. Consolidation is appropriate in cases where a board lacks the necessary resources to effectively regulate the occupation.

CUT TO THE CHASE

A sub-committee of the APOC has been conducting the additional review as recommended by the PED and is now considering proposed legislation to the General Assembly to either consolidate or eliminate the 12 boards in question. *A draft proposal was released on March 15, 2016 which recommends repeal of the Electrolysis Practice Act, thereby eliminating the licensure of electrologists and laser hair removal practitioners, effective May of 2017.* This proposal is set to be discussed by the full joint committee on April 5, 2016. If approved, it could be presented to the General Assembly when it reconvenes for its short session on April 25, 2016.

WHY DID THIS HAPPEN

The number of electrologists in North Carolina has reduced drastically from over 200 to only 76 today. It has become increasingly difficult to recruit board members actually willing to do the work required of a regulatory authority. Because of our small numbers, we do not have the funds to hire an executive director as larger boards do. In 2012, the State required all boards to assume more responsibility for managing their financial transactions. Because the NCBEE could not elect a Board member willing to accept the office of Treasurer, we were forced to beg the State Controller's office to take back much of the work they were mandated to transition to us. The Public Member of the Board is a retired non-practitioner with a background in education. Originally, we had hoped to utilize her skill-set to initiate the beginnings of an electrolysis school in the state; however, she recognized that bills have to be paid and reports have to be submitted, so she volunteered to fill the vacant Treasurer position. Licensure is a wonderful asset, but with that benefit come the responsibility and accountability of a bona fide state agency.

While the eventual licensure of laser practitioners added revenue to our budget, the cost of protracted discussions regarding initial licensure and administrative rules that would meet our statutory obligations left the Board in a negative position with respect to that income stream. Regrettably, the continued friction and disagreement between NCBEE board members has resulted in the Board's pre-occupation with the implementation of laser modality regulation from 2007 until the present. The two groups have failed to come together over these many years for the benefit of the industry.

When first becoming aware of being on the Legislature's radar in 2011, there was some common effort to find a resolution before being faced with sunset legislation; however, continued disharmony as a result of various charges filed against the NCBEE and its non-laser Board members (*all found to be without merit and dismissed*) caused unnecessary distractions that ultimately prevented the Board from responding timely and substantively to the PED. A strong justification for continued licensure could have been mounted sooner if differences could have been held in abeyance for the greater good.

The PED sent its final report to a former Board member at her personal email address, rather than to the Board's official address, and it was well into 2015 before NCBEE became aware of the PED findings. NCBEE decided that it needed to respond immediately to defend the ill-conceived notion that electrolysis deregulation should be considered. Board members were asked to provide feedback to then Chairman Melissa Brown to consolidate into a response. An excellent summary of the issues was also e-mailed to Chairman Brown and Board members by former AEA Executive Director, Terri Petricca, but it is not known whether Chairman Brown submitted it or any other response to the APOC for consideration. Upon Brown's unexpected resignation in December 2015, the remaining members of the Board realized immediate action was required, as a final recommendation by the APOC was likely imminent.

In January 2016 the APOC reported that it had already proposed consolidation or elimination of 6 of the 12 boards being subjected to additional review. On January 31, 2016, the Board, led by newly elected Chairman Ronda Jones, approved a resolution and recommendations to voluntarily surrender the Board to the State of NC in order to encourage and facilitate the APOC's decision towards consolidating rather than eliminating the NCBEE. Although a detailed document was presented along with the resolution making "A Case for Licensure" to APOC in February, we learned that a sub-committee of the main APOC ultimately determined last week that the Electrolysis Practice Act should be repealed, thus ending the licensure of electrologists and laser hair practitioners by May, 2017.

WHAT YOU CAN DO

It is critical that electrologists bombard the members of the APOC with responses to the sub-committee's recommendation to repeal licensure. Three attachments are included with this message to assist you with your responses. These materials are also posted to the Board's newly renovated web site www.ncbee.com. **Your contact with APOC members need to happen over the next two weeks.**

1. **Client Petition** – make copies of this document and ask your clients to support continued licensure for electrologists with their signatures. Send completed copies of petitions to members of the Joint Legislative Administrative Procedures Oversight Committee members, *particularly* if your representative is a member of the Committee. Practitioners in Wake, Guilford, and Mecklenburg counties, please note there is more than one member from your county that sits on this committee. For your convenience a contact list of Committee members is included with other information. Make as many copies as needed and send with Pattern Letter provided for you below.
2. **Contact List** – The contact list provides the names, e-mail addresses, mailing addresses, and phone numbers for Committee members. Ask clients if they would be willing to send an e-mail or make a phone call.
3. **Pattern Letter** – this is a go-by to use for your letters and e-mails.

FINAL THOUGHTS

Our predecessor electrologists worked tirelessly to secure licensure almost 25 years ago. By this dedicated effort, the profile and respect of the profession has been raised. We all have enjoyed referrals from the medical community and other reliable sources because we are trained to provide safe and competent care as we serve the consumers of North Carolina.

North Carolina CANNOT regress NOW!
Your ACTION is NEEDED to save your license