

238 CMR: BOARD OF REGISTRATION OF ELECTROLOGISTS

238 CMR 2.00: ADMINISTRATIVE PRACTICES

Section

2.01. General Regulations

2.02: Electrolysis Offices

2.03: Sanitary Regulations for Electrolysis Offices and Schools

2.04: Professional Conduct

2.01: General Regulations

(1) In order to qualify for the State Board examination, a person shall complete the educational and practical curriculum established by the board and the Commissioner of Public Health, and all other requirements as set forth in M.G.L. c. 112, § 87GGG, as amended or revised.

(2) An applicant for the State Board examination shall submit together with his or her application a copy of said applicant's diploma from an accredited high school, or its equivalent, and a letter or a copy of a diploma from an accredited electrolysis school certifying that the student has graduated. An applicant for the March examination must graduate no later than January 31st, and no later than July 31st for the September examination.

(3) All applications for the State Board examination must be received by the Board no later than February 1st for the March examination and no later than August 1st for the September examination.

(4) An applicant for reciprocity examination who fails the State Board examination three times must possess a certificate or diploma from an electrolysis school licensed by the Board in order to qualify for another examination.

(5) An applicant must pass all parts of the State Board examination within three years of his first examination date or take the complete examination (written and practical) over again.

(6) Any electrologist whose license is restricted to galvanic equipment and who wishes to have this restriction removed must satisfactorily pass a practical examination in short-wave epilation and pay a current approved application fee.

(7) Every electrolysis office and electrolysis school shall be opened for inspection to any member or investigator of the Board during business or school hours.

(8) When an inspection of an electrolysis office or electrolysis school is made by any member or investigator of the Board, the owner or person in charge of the said office or school shall sign an inspection slip. Any violation shall be corrected within a period of time determined by the Board. At the end of that period the office or school shall be reinspected.

(9) No licensed electrologist shall refer to, or permit any reference to, his or her license in advertising or promoting any method of hair removal other than electrolysis. It will be a violation punishable by suspension of the electrologist's license.

((10): Reserved)

(11) Any person who has been licensed as a qualified electrologist or a qualified instructor, or any person to whom a license to conduct a school of electrolysis has been issued, who fails to renew such license upon its expiry date, may renew the same upon application therefor and payment of the regular renewal fee at any time within two years after said expiry date. If he fails to renew his license prior to the expiration of said two year period, he shall be required to file an application for reinstatement together with a reinstatement fee. Such fee shall be determined annually under the provisions of M.G.L. c. 7, § 3B.

2.02: Electrolysis Offices

- (1) An electrologist shall notify the board in writing, by certified mail, at least 21 days prior to the opening of any new office, opening of any branch office, change of office location or purchase of any fully-equipped office. Said office shall be inspected and approved by a duly authorized representative of the Board prior to the opening of said office for business.
- (2) An electrologist shall notify the Board in writing, by certified mail, at least 21 days prior to the closing of any office, any change of employment, retirement from practice, or departure from the Commonwealth of Massachusetts for a period of time which will extend beyond the expiration date of his or her current license.
- (3) Every electrolysis office shall have a treatment room or rooms, or other enclosed or partitioned treatment area, which affords privacy during treatment and is not visible to any person other than the treating electrologist. Said treatment room or area shall have a door with a lock which shall remain closed and locked during treatment of any patient. A treatment room or treatment area may be shared with other licensed healthcare professionals who are subject to sterilization and sanitation requirements which, in the opinion of the Board, are at least substantially equivalent to those set forth in 238 CMR 2.03.
- (4) Every electrolysis office shall be equipped with toilet facilities, and handwashing facilities with hot and cold running water, as follows:
 - (a) All electrolysis offices shall have toilet facilities which meet all applicable requirements of state and local laws and regulations in an easily-accessible location which can be reached without passing through any private living quarters or any area in which the services of another profession, business or trade are actually performed;
 - (b) All electrolysis offices established prior to May 8, 1980 and which have not been relocated since that date shall have handwashing facilities with hot and cold running water in an easily-accessible location which can be reached without passing through any private living quarters or any area in which the services of another profession, business or trade are actually performed;
 - (c) Any electrolysis office established in, or relocated to, any private dwelling place, house, condominium, apartment or other residential premises on or after May 8, 1980 shall have handwashing facilities with hot and cold running water in the treatment room, or in a room immediately adjacent to the treatment room which can be reached without passing through any portion of any private living quarters;
 - (d) Any electrolysis office established in, or relocated to, a professional office building, department store, mall or other commercial space on or after May 8, 1980 shall have handwashing facilities with hot and cold running water in the treatment room. Portable sinks shall not be used in such offices.
- (5) Every electrolysis office established or located in any private dwelling place, house, condominium, apartment or other residential premises shall have a separate passageway leading from the treatment room or area directly to the street or other public way such that a patient can enter or leave the treatment area without passing through any portion of any private living quarters.
- (6) Every electrolysis office established or located in a professional office building, department store, mall or other commercial premises shall have a waiting area separate and distinct from the treatment room or area. Such electrolysis offices may share said waiting area with any other profession, business, trade or activity, but shall provide a means of entry and exit which does not require a prospective patient to pass through any area in which the services of another profession, business or trade are actually performed.
- (7) Every electrolysis office shall be equipped with the following:
 - (a) A professional treatment table or chair which shall be used solely for the purpose of electrolysis treatment, unless the patient is physically incapacitated and unable to be so treated;
 - (b) A professional lamp which shall be focused on the treatment area at all times;
 - (c) A sufficient supply of professional type forceps to be used in the treatment of patients;

2.02: continued

- (d) Epilators and other devices, instruments, implements and other equipment reasonably necessary for the practice of electrolysis. All epilators, devices and instruments shall conform to all applicable rules and regulations of the Federal Food and Drug Administration and shall be approved by the Federal Communications Commission (FCC) to the extent that such approval is required by federal law or regulations.
 - (e) All such equipment shall be subject to the sanitation and sterilization requirements prescribed by the Board.
- (8) Every electrologist shall display his or her license in a conspicuous place in his or her principal office. Where an electrologist maintains more than one office, he or she shall display a photocopy of his or her license in a conspicuous place in each branch office maintained by him or her.
- (9) No animals, except seeing eye dogs, hearing dogs, or other animals expressly authorized by law to be in places of public accommodation, shall be permitted in any electrolysis office, treatment room or waiting room.
- (10) An electrologist may make a house or hospital call, but only if the patient is physically incapacitated. In such a case, the electrologist shall:
- (a) Use a portable FCC approved epilator which also conforms to all applicable regulations of the Federal Food and Drug Administration;
 - (b) Use appropriate sterilized professional instruments and proper lighting equipment;
 - (c) Use a portable kit containing appropriate and necessary sterilizing solutions and before and after-treatment medications; and
 - (d) Carry a wallet-size registration certificate on his or her person.

2.03: Sanitation, Sterilization, Safety and Communicable Disease Precautions for Electrology Schools and Offices

- (1) Sanitation and Safety: All electrolysis offices, schools and treatment rooms must comply with the following:
- (a) The office, school or treatment room shall be adequately lighted, well ventilated, clean, orderly and sanitary.
 - (b) The floor of the treatment room must have a covering that can be cleaned or washed. Window drapes, blinds and shades shall be kept clean.
 - (c) All electrolysis equipment shall be kept in good repair.
 - (d) All medicated creams, lotions and sterilizing solutions shall be labeled as to their contents.
 - (e) A closed cabinet or drawer shall be provided for clean towels and linens and separate covered containers for soiled disposable and/or reusable materials.
 - (f) No animals except seeing eye dogs shall be allowed in the office or treatment room.
 - (g) Needles and forceps shall be stored within the electrolysis office or school.
- (2) Equipment Sterilization Precautions:
- (a) Prior to equipment sterilization, the surfaces of all treatment tables, epilators and other instruments which may come in direct contact with a patient shall be wiped clean of organic material through the use of either an ultrasonic cleaning device, a solution consisting of at least 70% alcohol by volume, or a solution of household chlorine bleach as recommended by the Center for Disease Control (CDC).
 - (b) All devices, needles and other instruments which may come in direct contact with a patient shall be sterilized by:
 1. Use of an autoclave or dry heat sterilizer, to be set and operated according to the standard cycle, as set forth in the manufacturer's operating instructions; or
 2. Use of any other method or means of sterilization which has been approved by the Center for Disease Control (CDC) and which meets all applicable requirements of state and federal laws and regulations, including but not limited to all applicable regulations of the United States Occupational Safety and Health Administration (OSHA) and the Massachusetts Department of Public Health.

2.03: continued

- (c) Any instrument which is dropped on the floor or which otherwise becomes contaminated shall not be used unless it is first properly resterilized.
- (d) Presterilized packaged disposable needles may properly be used for electrolysis.

(3) Treatment/Procedural Precautions:

- (a) Every electrologist, instructor or student shall wash his or her hands with an antiseptic soap immediately prior to the treatment of any patient, and shall re-wash his or her hands with such antiseptic soap if treatment of that patient is interrupted and contact is made with any contaminated surface or object.
- (b) In addition to the requirements of 238 CMR 2.03(3)(a), an electrologist, instructor or student shall follow universal precautions, as defined by the Center for Disease Control (CDC), and shall comply with all applicable requirements of state and/or federal laws and regulations, including but not limited to the regulations of the United States Occupational Safety and Health Administration and the Massachusetts Department of Public Health, while treating any patient.
- (c) Clean tissues, paper towels or freshly laundered towels are to be used under the head and the area being treated for each patient, and are to be placed in position before the patient is permitted to recline on the chair or table on which he or she will be treated. The treatment table or chair shall be kept clean at all times.
- (d) The skin areas of the patient which are to be treated shall be cleaned with water and an antiseptic solution prior to treatment.
- (e) Areas of the body which shall not be treated by electrolysis are:
 1. Mucous membranes.
 2. External auditory canal of the ear.
 3. Areolae and nipples of the breasts.
 4. Breasts of nursing women.
 5. Tissues of the nostrils.
 6. Eyelids.
- (f) Electrologists shall not treat conditions where electrology procedures are contraindicated by current accepted standards of practice. Such conditions include:
 1. Warts.
 2. Moles.
 3. Ingrown eyelashes.
 4. Spider telangiectasias and angiomas.
 5. Cutaneous papilloma (skin tags).
 6. Impetigo or any other contagious skin disease.
 7. Skin malignancy.
 8. Any area which appears to be infected or inflamed.
- (g) An electrologist may treat patients with certain conditions if he or she first obtains written authorization to do so from the patient's physician. Such conditions include:
 1. Diabetes mellitus.
 2. Hair in moles.
 3. Cardiac disorders for which the patient has a pacemaker.
 4. Coagulation disorders and/or disorders which are treated with drugs having anti-coagulant effects.
- (h) Prior to initiating any treatment, an electrologist, instructor or student must provide the patient with an explanation of the nature of the treatment or procedure to be performed, the potential benefits and risks of undergoing said treatment, the nature of any after-treatment care to be provided, the cost of said treatment, and any other information reasonably necessary to allow the patient to make a decision intelligently about whether or not to undergo said treatment. Following such explanation, the electrologist, instructor or student shall obtain, and document in writing, the consent of the patient before initiating any treatment.
- (i) Smoking by electrologists, instructors, students, lecturers or patients during treatment is prohibited.
- (j) Electrologists, instructors and students shall be neat and clean in appearance. During office hours, an electrologist, instructor or student shall wear a clean professional uniform, white professional top, white laboratory coat or white jacket over appropriate attire, and shall wear low-heeled shoes and stockings. Fingernails shall be clean and trimmed.

2.03: continued

(k) An electrologist shall maintain a complete, patient record and case history on each patient, which shall be in writing or capable of being reproduced in written form, and shall, at a minimum, contain the following data:

1. The name, address, telephone number and date of birth of the patient.
2. The patient's medical history and physical condition.
3. The types of hair and/or skin, if other than normal.
4. Documentation of the patient's informed consent to treatment, as required by 238 CMR 2.03(3)(h).
5. The date of each treatment.
6. The area upon which treatment was performed.
7. The patient's reaction to treatment.
8. The duration of the equipment use for the area being treated.
9. The setting of the equipment used for the area being treated.
10. Any allergies the patient may have.
11. Whether the patient is a diabetic.
12. Whether the patient wears a pacemaker.
13. Whether the patient has any type of coagulation disorder or other disorder which is treated with drugs having an anti-coagulant effect, and, if so, what medication, if any, the patient is taking for said disorder.
14. Physician authorization for treatment, if required.
15. History of previous treatment for hair removal received by the patient.

2.04: Professional Conduct

- (1) No electrologist shall reveal the identity or any part of the case history of any patient to any third party without the patient's written permission.
- (2) No electrologist shall commence treatment before informing the patient of the fee for such treatment. The patient must be informed about the regrowth pattern of his or her hairs.
- (3) No electrologist shall list after his or her name any descriptive title indicating electrology other than "Registered Electrologist", "Licensed Electrologist", "Electrologist", "R.E.", "Licensed Instructor", or "Registered Instructor".
- (4) All persons who practice electrolysis shall do so under their legal names only. Upon change of legal name, the Board must be notified in writing with proof of name change within five days. A new certificate must be requested with the accompanying fee within ten days. The old certificate must be returned in person. Nothing shall prohibit an electrologist from practicing under her maiden name.
- (5) Any electrologist who wishes to become incorporated as a professional corporation shall obtain from and file the necessary forms with the Secretary of State and the Board of Registration of Electrologists accompanied by the necessary fee in compliance with M.G.L. c. 156A, § 15.
- (6) No electrologist shall advertise in an unfair, deceptive, or misleading fashion.
- (7) An electrologist may advertise truthful information pertaining to:
 - (a) His or her name, address, and telephone number.
 - (b) Office and other hours of availability.
 - (c) Date of admission to practice.
 - (d) Schools attended, with dates of graduation, degrees and other scholastic distinctions.
 - (e) Public or quasipublic offices.
 - (f) Military services.
 - (g) Post of honor.
 - (h) Electrologists authorships and teaching positions.
 - (i) Memberships and offices in professional licenses.
 - (j) Foreign language ability.
 - (k) Credit cards or other credit arrangements are accepted.
 - (l) Any specialties or area of concentration recognized by the Board of Registration of Electrologists.
 - (m) Factual personal information pertaining to his or her background and practice.

238 CMR: BOARD OF REGISTRATION OF ELECTROLOGISTS

2.04: continued

(8) An electrologist may advertise truthful information pertaining to the availability, nature and terms of routine electrolysis services. For purposes of 238 CMR 2.00, "routine electrolysis services" shall mean those services ordinarily performed by the electrologist for which a predetermined fixed, standard hourly contingency rate may reasonably and accurately be stated. An advertisement for such services shall disclose fully any conditions or contingencies upon which said rate is based, and any work normally associated with such service for which an additional rate must be paid.

(9) All electrologists shall perform fully all advertised services at their advertised rates, and shall otherwise comply with all representations in any advertisement. Advertised rates shall remain in effect for 30 days after the appearance of an advertisement unless the advertisement contains a statement that the rates shall remain in effect for a lesser time.

REGULATORY AUTHORITY

238 CMR 2.00: M.G.L. c. 112, § 87MMM.

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