

238 CMR: BOARD OF REGISTRATION OF ELECTROLOGISTS

238 CMR 3.00: LICENSURE AND OF ELECTROLYSIS SCHOOLS

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3.01: Purpose

The purpose of 238 CMR 3.00 is to establish specific standards and criteria to be used by the Board of Registration of Electrologists in evaluating the eligibility of electrolysis schools for licensure pursuant to M.G.L. c. 112, § 87LLL.

3.02: Definitions

Academic Institution - means any post-secondary educational institution which offers organized programs of study and which is accredited by the United States Department of Education and/or approved by the New England Association of Schools and Colleges.

Board - means the Board of Registration of Electrologists.

Contact Hour - means a unit of organized learning experience lasting 50 consecutive minutes.

Credit - means a unit of study awarded to a student by an academic institution for successful completion of a course or courses of study offered by that institution, or for successful completion of a course or courses of study offered by another academic institution or proprietary electrolysis school which is deemed equivalent to a course or courses offered by the academic institution awarding the credit. One credit is equal to 12½ hours of didactic training.

Didactic Training - means instruction provided in a classroom setting through lectures, seminars, videotaped presentations and other similar methods.

Electrolysis School - means any organized program of study, offered by an academic institution or proprietary school, in the methods of removing hair from the human body by the application of an electrical current to the hair papilla by means of a needle or any other instrument or device to cause decomposition, coagulation or dehydration of the hair-papilla and thereby permanently remove the hair.

Epilator - means any machine or device used to administer electrical current to a human hair follicle for the purpose of permanently removing human hair.

Faculty - means those employees of an academic institution or proprietary electrolysis school who provide didactic or practical training to the students thereof.

Informed Consent - means agreement by a patient to undergo electrolysis after a full disclosure of the risks and benefits of such treatment, the alternatives to such treatment, and any other information reasonably necessary to allow the patient to make a decision intelligently about whether or not to undergo such treatment.

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Instructor - means a person duly registered by the Board pursuant to M.G.L. c. 112, § 87LLL and who is qualified to provide both didactic and practical training to students enrolled in an electrolysis school.

Junior Student - means those students who have received at least 100, but not more than 200, contact hours of practical training. Such students shall perform leg, arm and body epilation only.

Lecturer - means a person who is not registered as an instructor by the Board, but who has been approved by the Board, pursuant to M.G.L. c. 112, § 87LLL and 238 CMR 3.00, to provide didactic training only to students enrolled in an electrolysis school.

Practical Training - means the hands-on application of electrolysis theory, skills and techniques to patients in a clinical, rather than classroom, setting, under the supervision of a duly licensed instructor.

Primary Student - means those students who have received less than 100 contact hours of practical training. Such students shall perform leg epilation only.

Proprietary Electrolysis School - means any electrolysis school which is owned by a person, partnership, association, corporation, society or other business entity; which is not a part of an academic institution; and which offers an organized program of study in electrolysis.

School License - means a license issued by the Board to an academic institution or proprietary electrolysis school for the operation of an electrolysis school. Such a license shall be *prima facie* evidence that said electrolysis school is in satisfactory compliance with all applicable requirements of M.G.L. c. 112, § 87LLL and 238 CMR 3.00.

Senior Student - means those students who have completed at least 200, but less than 600, contact hours of practical training.

3.03: Establishment of School License Requirement

(1) No person or entity shall operate or maintain any electrolysis school, either as part of an academic institution or as a proprietary electrolysis school, unless said person or entity has obtained a school license from the Board.

(2) A school license may be issued to an electrolysis school which is owned or operated by an academic institution only if that electrolysis school is in satisfactory compliance with all applicable requirements of 238 CMR 3.05 and 238 CMR 3.06.

(3) A school license may be issued to a proprietary electrolysis school only if said electrolysis school is in satisfactory compliance with all applicable requirements of 238 CMR 3.05 and 238 CMR 3.07.

(4) A school license is valid for a period of two years from the date of its issuance, unless otherwise specified by the Board, and may be renewed for like periods thereafter pursuant to 238 CMR 3.09.

(5) A school license is valid only for the location specified in the license and may not be transferred to a new location or owner.

(6) An academic institution shall immediately notify the Board, in writing, of any sale or transfer of ownership of the academic institution, any change in the identity of the director of the electrolysis school, or any other change in the ownership or management of the academic institution which may significantly affect the operation of the electrolysis school.

(7) A proprietary electrolysis school shall immediately notify the Board, in writing, of any sale, transfer of ownership or other change in the ownership or management of the school.

3.04: Applications for School Licenses - Content and Procedures

- (1) Applications for school licenses shall be made on forms prescribed and furnished by the Board. Said application forms shall be completed in full, and shall be signed, under the pains and penalties of perjury, by the owner, chief executive officer or other appropriate authorized representative of the academic institution or proprietary electrolysis school applying for the license.
- (2) An application for a school license shall be accompanied by all of the following:
 - (a) Such information regarding the ownership and management of the school as the Board may reasonably require, including but not limited to the following:
 1. In the case of an electrolysis school operated by an academic institution, such information shall include, but shall not be limited to: the name, address and telephone number of the academic institution; the name and address of the chief executive officer of that institution; and the name, address and telephone number of the dean, chairperson, or director of the electrolysis school.
 2. In the case of a proprietary electrolysis school, such information shall include, but shall not be limited to: the name, address and telephone number of the owner of the school; and the name, address and telephone number of the director of the school, if different from the owner. Where the owner of the school is a partnership, the name, address and telephone number of each partner shall be provided. Where the owner of the school is a corporation, the name, address and telephone number of each officer and each director of the corporation shall be provided;
 - (b) A copy of a school catalogue or program manual which describes the program of study in the electrolysis school, the content and objectives of each course offered within that program of study, the academic and financial policies and procedures of the school, a list of the facilities and equipment utilized by the school, and a bibliography of all textbooks used in the program of study;
 - (c) A list of the names and qualifications of all faculty members who provide didactic or practical training to students enrolled in the electrolysis school;
 - (d) A blank copy of the form used by the school to obtain the informed consent of a student to serve as a patient for practical training, as required by 238 CMR 3.05(5);
 - (e) A detailed projected floor plan for any and all facilities and areas in which practical training is to be provided;
 - (f) A certificate of occupancy or other appropriate form issued by the appropriate city or town approving the premises for use as a school;
 - (g) In the case of a proprietary electrolysis school, a sample copy of the written contract between the student and the school; and
 - (h) In the case of a proprietary electrolysis school, a copy of the bond required by 238 CMR 3.07(7).
 - (i) A check or money order, made payable to the Commonwealth of Massachusetts, in an amount equal to the application fee established by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B.
- (3) An application for a school license which is incomplete or otherwise unacceptable under 238 CMR 3.00 shall be returned to the applicant with an explanation as to why the application is incomplete or unacceptable. The applicant shall be granted 30 days from the date of receipt of the returned application in which to provide any information or make any changes necessary to make the application complete and acceptable. Failure to submit the requested information by that deadline shall result in denial of the license.

3.05: General Standards for Licensure - All Electrolysis Schools

- (1) Class Hours and Schedules. Every electrolysis school shall maintain regular class hours and a daily schedule of classes. An electrolysis school operated by an academic institution shall submit a copy of its daily class schedule to the Board for review and approval prior to the beginning of each academic semester. A proprietary electrolysis school shall submit a copy of its daily class schedule to the Board for review and approval once every four months.

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(2) Limits on Hours of Instruction.

(a) No student in any electrolysis school shall be required to attend classes or practical training sessions more than five days per week, nor more than six hours per day; except that a primary student, as defined in 238 CMR 3.02, may make up no more than two hours of missed practical training on a sixth day, and a junior or senior student, as defined in 238 CMR 3.02, may make up no more than three hours of missed practical training on a sixth day. Any practical training on the sixth day shall be actual practical work, not observation of practical work done by others.

(b) No primary student, as defined in 238 CMR 3.02, shall be required to devote more than two hours per day to practical training.

(c) No junior or senior student, as defined in 238 CMR 3.02, shall be required to devote more than three hours per day to practical training.

(3) Faculty-Student Ratios for Practical Training. Every electrolysis school shall maintain a ratio of faculty to students during all practical training sessions sufficient to ensure that at least one registered instructor is present at all times for each 12 students engaged in practical training.

(4) Awarding Credit for Practical Training. An electrolysis school may award practical training contact hours to a student for practical training time spent as a patient or observer at a ratio of one contact hour for every two hours actually spent as a patient or observer, up to a maximum of 30 contact hours of practical training credit. Any student in the practical training facility or area who is serving as a patient or observer may receive only practical training contact hours.

(5) Informed Consent Required for Student Patients. Every electrolysis school must obtain written informed consent from any student who serves as a patient for practical training purposes before said student may serve as a patient. The school shall maintain a copy of the informed consent form signed by each such student on file and shall make such documentation available to a duly authorized representative of the Board upon request.

(6) Public Notice of Practical Training Work. Every electrolysis school shall display, in conspicuous places in its practical training facility or area, at least two signs with display lettering at least two inches in height, which shall read as follows:

"ALL WORK IN THIS SCHOOL IS PERFORMED BY STUDENTS".

(7) Physical Facilities.

(a) Every electrolysis school shall be large enough to accommodate its student body, faculty members and staff, and shall provide separate areas of sufficient size for classroom instruction and practical training respectively.

(b) Every electrolysis school shall provide adequate heating, lighting and ventilation.

(c) Every electrolysis school shall provide each student with a separate locker for the student's personal belongings.

(d) Every electrolysis school shall provide toilet and sanitary facilities for men and women in accordance with the State Plumbing Code (248 CMR 2.00 *et seq.*).

(e) Every electrolysis school shall comply with all sanitation and sterilization requirements set forth in 238 CMR 2.03.

(f) Every electrolysis school shall comply with all applicable state and federal laws, including but not limited to laws regarding accessibility for disabled persons.

(g) Every electrolysis school shall specify the maximum number of students which can be accommodated in its practical training area at any one time, and shall provide a number of patient care stations in that practical training area sufficient to ensure a ratio of one patient care station for every three students.

(8) Equipment. Every electrolysis school shall provide, and maintain in good working order, an adequate quantity of modern professional equipment for its students. Every electrolysis school shall submit a list of its equipment to the Board for approval, and shall notify the Board in writing of any and all additions, subtractions or changes in that list. Only epilators which are approved by the Federal Communications Commission (to the extent that such approval is required by Federal Law or regulations) and which meet the requirements of the Federal Food and Drug Administration may be

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used by electrolysis schools for training students.

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(9) Libraries. Every electrolysis school shall maintain, and make available for student use, a library area containing at least one complete set of required course textbooks, reference books and other required reading materials on theory and training for every 12 students enrolled in the school. Every electrolysis school shall submit a list of the books and reading materials contained in its library area to the Board at the time of initial licensure and at the time of each license renewal.

(10) Student Identification and Insignia.

(a) All students in an electrolysis school shall wear identification which clearly indicates the student's name and whether the student is a primary student, junior student or senior student.

(b) If an electrolysis school issues insignia to be used by its students, the school shall submit a copy of the insignia used to the Board.

(11) Advertising. An electrolysis school may properly advertise itself as such, but shall not represent itself or hold itself out to the public as an electrolysis office or otherwise engage in any advertising which is false, deceptive or misleading.

(12) Private Practice Prohibited.

(a) No electrolysis school, or any portion of the premises used for the operation of the school, shall be used for the private practice of electrolysis by the owner, any member of the school faculty or staff, or any other registered electrologist.

(b) No electrolysis school shall directly or indirectly accept any remuneration or impose any charge for any services rendered by its students, but may impose a reasonable and nominal charge for equipment maintenance and materials used, which shall not exceed the actual costs of such maintenance and materials.

3.06: Special Standards for Licensure - Electrolysis Schools Operated by Academic Institutions

(1) Minimum Required Program of Study. An electrolysis school owned or operated by an academic institution, as defined in 238 CMR 3.02, shall maintain a program of study consisting of not less than 40 credits of didactic training, plus 600 contact hours of practical training.

(a) The didactic training shall include, at a minimum:

1. Six credits in histology and hair structure, with emphasis on hair and skin structure;
2. Eight credits in the fundamentals of bacteriology, sterilization and hygiene;
3. Two credits in the principles of electricity, the modalities of electricity used in electrolysis, and its effects and uses;
4. Eight credits in basic dermatology;
5. Ten credits in physiology, with an emphasis on endocrinology;
6. Two credits in equipment for electrolysis, with an emphasis on approved electrolysis machines and the equipment necessary for operation of an electrolysis office;
7. Four credits in professional conduct and office management.

(b) The required minimum of 600 contact hours of practical training shall extend over a period of not less than ten months and shall include training in epilation techniques; demonstrations of proper electrolysis treatment procedures for the legs, arms, face (including hairline and eyebrow shaping) and all other areas of the body not specifically prohibited by 238 CMR 2.03(3)(e) and 238 CMR 2.03(3)(f); and student "hands-on" participation in mastering the ability to apply and utilize such treatment procedures properly.

(2) Faculty Qualifications.

(a) A course of didactic training in a required subject area, as set forth in 238 CMR 3.06(1), which is offered by an academic department within the general sciences division or liberal arts division of an academic institution may be taught to students enrolled in the electrolysis school by an appropriate accredited member of the faculty of that academic department. Said faculty member shall be deemed an approved lecturer for that course by the Board, within the meaning of M.G.L. c. 112, § 87LLL and 238 CMR 3.08.

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(b) A course of didactic training in a required subject area, as set forth in 238 CMR 3.06(1), which is not offered by any academic department within the general sciences division or liberal arts division of an academic institution shall be taught to students enrolled in the electrolysis school by a person who has been duly registered by the Board as an instructor, pursuant to 238 CMR 3.08(1), or approved by the Board as a lecturer pursuant to 238 CMR 3.08(2).

(c) All courses of practical training offered by an electrolysis school which is owned or operated by an academic institution shall be taught by a person who has been duly registered by the Board as an instructor pursuant to 238 CMR 3.08(1).

(3) Student Records.

(a) Within ten days after the beginning of each academic year, or within ten days after the enrollment of a new class, whichever comes sooner, an electrolysis school owned or operated by an academic institution shall submit the following information to the Board:

1. The name, address, telephone number, date of enrollment, and day or evening student status of each student enrolled in the school, recorded on the letterhead stationery of the school;
2. A certificate for each student, signed by a registered physician or other licensed health care professional qualified and duly authorized by law to perform physical examinations, stating that said student appears to be free from any and all contagious or communicable diseases and has had all vaccinations which may be required by applicable state or federal law; and
3. A statement, signed by the student, stating that he or she has received a copy of the statutes, rules and regulations governing electrologists, and that he or she is aware that he or she must have a high school diploma or its equivalent and have attained the age of 18 in order to qualify for licensure as an electrologist in the Commonwealth.

(b) Every electrolysis school which is owned or operated by an academic institution shall maintain an academic transcript for each student enrolled in the school. Said transcripts shall indicate the name of the student, the name of each course of didactic training taken by the student, the number of credits earned by the student for completion of that course, and the grade received by the student for that course. Said transcripts shall also record the number of contact hours of practical training completed by that student in each academic semester or quarter.

(c) Any and all student records established and maintained pursuant to 238 CMR 3.06(3)(a) shall be made available, upon request and with the written consent of the student to whom the records pertain, to any duly authorized representative of the Board for inspection at any time during regular business hours.

(4) Probationary Policy. Every electrolysis school owned or operated by an academic institution shall have a written policy regarding placement of students on probationary status for academic or other reasons, and shall furnish a copy of said policy to the Board.

(5) Display of License. Every electrolysis school owned or operated by an academic institution shall display its school license in a conspicuous place near the entrance of the facility or building in which students enrolled in the school obtain their practical training.

3.07: Special Standards for Licensure - Proprietary Electrolysis Schools

(1) Minimum Required Course of Study. Every proprietary electrolysis school shall maintain a program of study consisting of not less than 1100 contact hours of didactic and practical training, extending over a period of not less than ten months, as set forth below:

(a) Said program of study shall provide at least 500 contact hours of didactic training and at least 600 contact hours of practical training.

(b) The 500 contact hours of didactic training shall include:

1. A minimum of 75 contact hours of didactic training in histology and hair structure, with emphasis on hair and skin structure;
2. A minimum of 100 contact hours of didactic training in the fundamentals of bacteriology, sterilization and hygiene;
3. A minimum of 25 contact hours of didactic training in the principles of electricity, the modalities of electricity used in the practice of electrolysis, and the effects and uses of electricity in electrolysis;

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4. A minimum of 100 contact hours of didactic training in basic dermatology;
 5. A minimum of 125 contact hours of didactic training in physiology, with an emphasis on endocrinology;
 6. A minimum of 25 contact hours of didactic training on approved types of electrolysis machines and equipment necessary for proper operation of an electrolysis office; and
 7. A minimum of 50 contact hours of didactic training on professional conduct and office management.
- (c) The required minimum of 600 contact hours of practical training shall include training in epilation techniques; demonstrations of proper electrolysis treatment procedures for the legs, arms, face (including hairline and eyebrow shaping) and all other areas of the body not specifically prohibited by 238 CMR 2.03(3)(e) and 238 CMR 2.03(3)(f); and student "hands-on" participation in mastering the ability to apply and utilize such treatment procedures.
- (2) Faculty Qualifications.
- (a) All courses of didactic training in a required subject area, as set forth in 238 CMR 3.07(1)(b), shall be taught to students enrolled in a proprietary electrolysis school by a person who has been duly registered by the Board as an instructor, pursuant to 238 CMR 3.08(1), or by a person who has been approved by the Board as a lecturer pursuant to 238 CMR 3.08(2).
 - (b) All courses of practical training offered by a proprietary electrolysis school shall be taught by a person who has been duly registered by the Board as an instructor, pursuant to 238 CMR 3.08(1).
- (3) Student Records.
- (a) Within ten days after the enrollment of each student or class of students, a proprietary electrolysis school shall submit the following information to the Board:
 1. The name, address, telephone number, date of enrollment, and day or evening student status of each student enrolled in the school, recorded on the letterhead stationery of the school;
 2. A certificate for each such student, signed by a duly registered physician or other licensed health care professional qualified and duly authorized by law to perform physical examinations, stating that said student appears to be free from any and all contagious or communicable diseases and has had all vaccinations which may be required by applicable state or federal law; and
 3. A statement, signed by the student, stating that he or she has received a copy of the statutes, rules and regulations governing electrologists, and that he or she is aware that he or she must have a high school diploma or its equivalent and have attained the age of 18 years in order to qualify for licensure as an electrologist in the Commonwealth.
 - (b) Every proprietary electrolysis school shall maintain a written academic transcript for each student, which shall include the name of the student, the name of each course of didactic training taken by that student, the grade received by the student for each course of didactic training completed by that student, the number of contact hours of didactic training in each subject area completed by that student each week, and the number of contact hours of practical training completed by that student each week.
 - (c) Any and all student records established and maintained pursuant to 238 CMR 3.07(3) shall be made available, upon request and with the written consent of the student to whom the records pertain, to any duly authorized representative of the Board for inspection at any time during regular business hours.
- (4) Probationary Policy. Every proprietary electrolysis school shall have a written policy regarding placement of students on probationary status for academic or other reasons, and shall submit a copy of said policy to the Board.

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(5) Contracts With Students. Every proprietary electrolysis school shall enter into a written contract with each student enrolled in said school. Said contract shall, at a minimum, specify the terms and conditions on which the student is enrolled; the amount of tuition and fees being paid to the school by that student; the conditions under which said student may receive a refund of his or her tuition and fees if he or she leaves school; and the manner in which tuition is paid and refunds of tuition are made. A copy of said contract shall be given to the student at the time of his or her enrollment.

(6) Display of School License. Every proprietary electrolysis school shall display its school license in a conspicuous place near the main entrance to the school.

(7) Bond Requirement. Every proprietary electrolysis school shall obtain and maintain a bond, approved by the Board, in the sum of \$1,000.00 per student. Failure to obtain such a bond or keep it in effect shall be grounds for revocation of, or refusal to renew, said school's license.

3.08: Registration of Instructors and Approval of Lecturers(1) Registration of Instructors.

(a) A person may be registered as an instructor in the field of electrolysis and electrology, pursuant to M.G.L. c. 112, § 87LLL, if he or she meets all of the following requirements:

1. He or she holds a current, valid license to practice as an electrologist in the Commonwealth of Massachusetts, issued by the Board;
2. He or she submits satisfactory written proof that he or she has been actively engaged in the practice of electrolysis for at least the last five consecutive years preceding the date of his or her application for registration as an instructor; and
3. He or she attains a passing grade on an instructor licensing examination prescribed by the Board.

(b) Any person seeking to be registered as an instructor shall submit an application for such registration on forms prescribed and furnished by the Board. Said application shall be signed by the applicant under the pains and penalties of perjury, and shall be accompanied by such written documentation of the applicant's qualifications as the Board may reasonably require in order to determine whether the applicant meets the requirements set forth in 238 CMR 3.08(1)(a). Such application shall also be accompanied by a check or money order, made payable to the Commonwealth of Massachusetts, for the amount of the instructor's licensure fee as established by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B.

(c) Said registration as an instructor shall be valid for a period of two years from the date of its issuance, and may be renewed for like periods of two years upon completion of a renewal application prescribed and furnished by the Board and payment of the renewal fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B.

(d) A person who is duly registered as an instructor shall devote all of his or her time, while on the premises of the electrolysis school, to teaching the theory and practice of electrolysis, and shall not, while on the premises of said school, engage in the private practice of electrolysis.

(2) Approval of Lecturers.

(a) A person who does not qualify for registration as an instructor pursuant to 238 CMR 3.08(1) may be approved by the Board to serve as a lecturer and provide didactic training in a specific subject area, provided that he or she meets one of the following requirements:

1. He or she possesses a bachelor's degree, or the equivalent thereof, in the field or subject area in which he or she proposes to provide didactic training, from a degree-granting college or university accredited by the United States Department of Education or the Commonwealth of Massachusetts; or
2. He or she possesses a current, valid adult or secondary school teaching certificate or credential, issued by the Commonwealth of Massachusetts or any other state or territory of the United States, which authorizes him or her to teach in the field or subject area in which he or she proposes to provide didactic training; or

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3. He or she has had at least five years of experience in a profession, trade, industry or occupation which requires regular use of the knowledge and skills which he or she proposes to teach to students at the electrolysis school, and, where applicable, possesses a current, valid license to practice said profession, trade or occupation issued by the Commonwealth of Massachusetts or any other state or territory of the United States; or
 4. He or she otherwise demonstrates to the satisfaction of the Board that he or she, by virtue of education, practical experience or any combination thereof, possesses sufficient knowledge of the subject matter which he or she proposes to teach to students at the electrolysis school.
- (b) Notwithstanding the provisions of 238 CMR 3.08(2)(a), an accredited member of the general sciences or liberal arts faculty at an academic institution shall be approved by the Board as a lecturer for a course or courses in any one of the subject areas specified in 238 CMR 3.06(1) if the course or courses in question are offered by an established academic department of the academic institution in question and the person in question is a member of the faculty of that academic department.
- (c) Application for approval of a person as a lecturer pursuant to 237 CMR 3.08 shall be made by the electrolysis school seeking to employ said lecturer, on forms prescribed and furnished by the Board. Said application shall be signed by the prospective lecturer under the pains and penalties of perjury, and shall be accompanied by such written documentation of the prospective lecturer's qualifications as the Board may reasonably require in order to determine whether the applicant meets the requirements of 238 CMR 3.08(2)(a), together with a check or money order made payable to the Commonwealth of Massachusetts for the fee prescribed by the Executive Office of Administration and Finance, pursuant to M.G.L. c. 7, § 3B.
- (d) Approval as a lecturer pursuant to 238 CMR 3.08(2) shall be valid for a period of two years from the date of its issuance, and may be renewed thereafter for like periods of two years upon completion of a renewal application form prescribed and furnished by the Board, together with a check or money order made payable to the Commonwealth of Massachusetts for the fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B.
- (e) A person who has been approved as a lecturer pursuant to 238 CMR 3.08(2) shall provide didactic training only, and only in the subject area for which he or she has been approved. Said person shall not provide practical training to electrolysis school students, nor shall such person engage in the practice of electrolysis.

3.09: Renewal of School Licenses

- (1) A license issued to an electrolysis school pursuant to 238 CMR 3.02 shall be valid for a period of two years from the date of its issuance.
- (2) On or before the expiration date of its license, an electrolysis school shall apply for renewal of said license. Such application shall be made on forms prescribed and furnished by the Board, and such application shall be accompanied by such information as the Board may reasonably require in order to determine whether the school remains in satisfactory compliance with 238 CMR 3.00. Such application for renewal shall also be accompanied by a check or money order, made payable to the Commonwealth of Massachusetts for the amount of the license renewal fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B.
- (3) In the event that an electrolysis school allows its school license to lapse, said electrolysis school may apply for renewal of said license, as prescribed in 238 CMR 3.09(2), but shall be required to pay a late fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B in addition to the normal license renewal fee. The Board may also require said electrolysis school to provide any or all of the information required for an initial school license application, as set forth in 238 CMR 3.04.

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3.10: Inspection of Schools

(1) No license shall be issued to any electrolysis school pursuant to the provisions of 238 CMR 3.00 unless said school has first been inspected by a duly authorized representative of the Board and found to be in satisfactory compliance with all applicable provisions of 238 CMR 3.00 and any other applicable local, state and federal laws and regulations.

(2) No license issued to any electrolysis school pursuant to the provisions of 238 CMR 3.00 may be renewed unless said school has first been inspected by a duly authorized representative of the Board and found to be in satisfactory compliance with all applicable provisions of 238 CMR 3.00 and any other applicable local, state and federal laws and regulations. In the event that said inspection cannot be completed prior to the scheduled expiration date of said school's license, said license shall continue in full force and effect until such time as the inspection has been completed and the Board has made a final determination regarding renewal of that license.

(3) In addition to the foregoing, a duly authorized representative of the Board shall have the right to inspect any electrolysis school, or any portion thereof, including but not limited to any portion of the physical premises and/or any records maintained by said school, at any time during regular business hours with or without prior notice. Such inspections shall be for the purpose of determining whether the school is in compliance with the requirements of 238 CMR 3.00 and other applicable Board regulations. An electrolysis school shall make available any and all records or information requested by said duly authorized representative of the Board unless the material in question is specifically protected from disclosure by applicable state or federal law.

3.11: Revocation or Suspension of School Licenses

The Board may, by majority vote, revoke, suspend, cancel or refuse to renew a school license issued to any electrolysis school pursuant to 238 CMR 3.00 if, after an adjudicatory hearing conducted pursuant to M.G.L. c. 30A and 801 CMR 1.00 *et seq.*, the Board finds that:

- (1) The school has violated any provision of M.G.L. c. 112, §§ 87EEE through 87OOO; or
- (2) The school has violated any provision of 238 CMR 3.00; or
- (3) The school has obtained, or attempted to obtain, a school license or the renewal thereof by fraud, deceit, misrepresentation or the use of false or forged evidence of any kind; or
- (4) The school has violated any other state or federal laws or regulations, including but not limited to state or federal laws or regulations pertaining to financial aid programs for students.

3.12: Revocation or Suspension of Instructor Registration or Lecturer Approval

The Board, by majority vote, may revoke, suspend, cancel or refuse to renew any instructor's registration or lecturer's approval issued pursuant to 238 CMR 3.08 if, after an adjudicatory hearing conducted pursuant to M.G.L. c. 30A, the Board finds that:

- (1) Said instructor or lecturer is not in compliance with any applicable requirement of 238 CMR 3.08; or
- (2) Said instructor or lecturer has obtained, or attempted to obtain, said registration or approval by fraud, deceit, misrepresentation or the use of false or forged evidence of any kind; or

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3.12: continued

(3) Said instructor or lecturer has violated any other state or federal laws or regulations, including but not limited to state or federal laws or regulations pertaining to financial aid programs for students.

REGULATORY AUTHORITY

M.G.L. c. 13, § 58; c. 112, §§ 87LLL and 87MMM.

NON-TEXT PAGE