

240 CMR: BOARD OF REGISTRATION OF COSMETOLOGY AND BARBERING

240 CMR 9.00: ADMINISTRATIVE PRACTICES FOR ELECTROLYSIS

Section

- 9.01: General Regulations for Electrolysis
- 9.02: Electrolysis Offices
- 9.03: Sanitation, Sterilization, Safety, and Disease Prevention for Electrolysis Offices and Schools
- 9.04: Professional Conduct for Electrolysis
- 9.05: Practice of Laser Electrolysis

9.01: General Regulations for Electrolysis

(1) Definitions. For the purposes of 240 CMR 9.00 through 240 CMR 11.00, the following terms shall have the meanings as indicated:

ANSI. The American National Standards Institute.

Board. The Board of Registration of Cosmetology and Barbering.

Electrologist. Any person licensed by the Board to practice Electrolysis.

Electrolysis and Epilation. The method of removing hair from the human body by the application of an electrical current or any other form of energy to the hair-papilla or other source of hair germination by means of a needle or any other instrument or device to cause decomposition, coagulation, dehydration, or other form of tissue destruction, to permanently disable the hair follicle from producing hair, and shall include Laser Electrolysis as defined in 240 CMR 9.01.

Electrolysis School. A school or other institution or program privately owned and conducted for the purpose of teaching electrology, and shall include post-secondary institutions as defined in M.G.L. c. 112, § 87T.

Epilator. A device used to perform Electrolysis.

Informed Consent. 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 an informed decision about whether or not to undergo such treatment.

Laser Electrolysis. Electrolysis performed with Laser Light.

Laser Hair Removal. Using Laser Light before May 3, 2015 to perform hair removal or reduction.

Laser Light. An intense, coherent, directional beam of light produced by stimulated emission of photons; the word laser as used in 240 CMR 9.00 shall mean the acronym for Light Amplification by Stimulated Emission of Radiation.

(2) In order to qualify for the State Board examination, a person shall complete the educational and practical curriculum established by the board, and all other requirements as set forth by the Board pursuant to M.G.L. c. 112, §§ 87T through 87JJ.

(3) An applicant for the State Board examination shall submit, with his or her application, a copy of the applicant's diploma from an accredited high school, or its equivalent or verification of age beyond the age of compulsory school attendance, and a letter or a copy of a diploma from a licensed electrolysis school certifying that the student has graduated.

(4) The practical and written exam shall be available as prescribed by the Board.

(5) An applicant for reciprocity examination who fails the State Board examination three times must obtain approval by the Board before applying to take another examination.

9.01: continued

- (6) An applicant must pass all parts of the State Board examination within three years of his or her first examination date or take the complete examination (written and practical) over again.
- (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 representative of the office or school shall sign an inspection slip.
- (9) No licensed electrologist shall refer to, or permit any reference to, his or her license in advertising or promoting any activity other than electrolysis.
- (10) If the license for a qualified electrologist or a qualified instructor, or to conduct a school of electrolysis has not been timely renewed, the license may be renewed within two years of expiration by filing a Board-approved renewal form and the renewal fee. If the licensee fails to renew his or her license prior to the expiration of the two-year period, he or she shall be required to file an application for reinstatement together with applicable late fees as determined under the provisions of M.G.L. c. 7, § 3B.

9.02: Electrolysis Offices

- (1) An electrologist shall submit to the Board an application for approval, on a form furnished by the Board, at least 30 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. The office shall be inspected and approved by a duly authorized representative of the Board prior to opening for business.
- (2) An electrologist shall notify the Board in writing, including by electronic documentation, at least 30 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. The treatment room or area shall have a door which shall remain closed during treatment of any patient. A treatment room or treatment area may be utilized by other licensed health care professionals or holders of licenses issued by the Board 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 240 CMR 9.03. Only one service may be provided at any given time.
- (4) Every electrologist and electrolysis office shall comply with all applicable regulations of the United States Food and Drug Administration (FDA), the Federal Communications Commission, the Regulations for the Control of Lasers at 105 CMR 121.000: *To Control the Radiation Hazards of Lasers, Laser Systems and Optical Fiber Communication Systems Utilizing Laser Diode or Light Emitting Diode Sources* promulgated by the Massachusetts Department of Public Health, and standards in the most recent version of *American National Standard for Safe Use of Lasers* published by ANSI and referred to as ANSI Z136.1.
- (5) Every electrolysis office shall be equipped with lavatory facilities with hot and cold running water.
- (6) 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.

9.02: continued

(7) Every electrolysis office established or located in a professional office building 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.

(8) Every electrolysis office shall have and maintain in good working condition, appropriate and sufficient equipment including:

- (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) Professional lighting which shall be focused on the treatment area at all times;
- (c) A sufficient supply of sterile professional type forceps to be used in the treatment of patients; and
- (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, the United States Occupational Safety and Health Administration, Regulations for the Control of Lasers, 105 CMR 121.000: *To Control the Radiation Hazards of Lasers, Laser Systems and Optical Fiber Communication Systems Utilizing Laser Diode or Light Emitting Diode Sources*, promulgated by the Massachusetts Department of Public Health, 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 non-disposable equipment shall be subject to the sanitation and sterilization requirements prescribed by the Board.

(9) Every electrologist must conspicuously post a copy of their current individual license at their place of employment, including in each branch office if they maintain more than one office, and while working must have in their physical possession their original license and a government-issued identification card with photograph.

(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 their original license in their physical possession.

9.03: Sanitation, Sterilization, Safety and Disease Prevention for Electrology Offices and Schools

(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) All electrolysis equipment and tools shall be kept in good repair and shall be stored within the electrolysis office or school.
- (c) All medicated creams, lotions and sterilizing solutions shall be labeled as to their contents.
- (d) A closed cabinet or drawer shall be provided for clean towels and linens and separate covered containers for soiled disposable and/or reusable materials.
- (e) No animals except service animals authorized by law to be in places of public accommodation shall be permitted in any electrolysis office, treatment room or waiting room.

9.03: continued

(2) Equipment Sterilization.

(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 or any method recommended by the Center for Disease Control (CDC).

(b) All devices and 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.

(c) Pre-sterilized packaged disposable needles are required for electrolysis.

(d) All electrologists shall use a biological monitoring test kit at least quarterly to insure tools and equipment are disinfected effectively.

(3) Treatment Procedures.

(a) Every electrologist, instructor or student shall wash his or her hands with liquid soap immediately prior to the treatment of any patient, and shall rewash his or her hands with the liquid soap if treatment of that patient is interrupted and contact is made with any contaminated surface or object.

(b) 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 disposable paper products are to be used under the head and the area being treated for each patient

(d) The skin areas of the patient which are to be treated shall be cleaned with skin cleansing products 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; and
6. Eyelids.
7. Areas within the boundaries of the orbital rim of the eye and any part of the eyebrow may not be treated using laser or intense pulsed light technology.

(f) Electrologists shall not treat conditions where electrology procedures are contraindicated by current accepted standards of practice.

(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. Medical conditions for which the patient wears any external or implanted medical object or device;
4. Medical conditions that are treated with drugs having anti coagulant effects; and
5. Medical conditions treated with drugs such as, but not limited to, Isotretinoin and drugs that may create photosensitivity.

(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.

9.03: continued

- (i) Narcotics, alcohol, marijuana and tobacco are prohibited in any electrolysis office, school or other electrolysis facility.
- (j) Electrologists, instructors and students shall wear a professional lab jacket. Professional scrubs are permitted.
- (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 data prescribed by the Board.

9.04: Professional Conduct for Electrolysis

- (1) Electrologists, instructors, lecturers and students shall comply with all applicable patient confidentiality laws.
- (2) No electrologist shall commence treatment before informing the patient of the fee for the treatment. The patient must be informed about the regrowth cycle 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", "R.E.", "Licensed Instructor", or "Registered Instructor".
- (4) Upon change of legal name, the Board must be notified in writing with proof of name change within 30 days. Nothing shall prohibit an electrologist from practicing under his or her premarital name.
- (5) No electrologist shall advertise in an unfair, deceptive or misleading fashion.

9.05: Practice of Laser Electrolysis

- (1) Eligibility of Licensees to Practice Laser Electrolysis. A person licensed by the Board before May 3, 2015 to practice electrolysis who has practiced Laser Hair Removal under the supervision of a physician may apply to the Board for approval to practice Laser Electrolysis by filing the following documentation with the Board at least 30 days before beginning to practice Laser Electrolysis:
 - (a) Satisfactory written proof, in the form of a letter signed by a physician, that the licensee actively practiced Laser Hair Removal under the supervision of that physician for a minimum of two consecutive years immediately preceding the application; and
 - (b) A certificate of completion of a course or courses in Laser Hair Removal or Laser Electrolysis approved by the Board with a minimum of 15 Contact Hours.
- (2) Eligibility of Licensees Who Have Not Practiced Laser Hair Removal. A person licensed by the Board as an electrologist who has not practiced Laser Hair Removal may petition the Board for approval to practice Laser Electrolysis by filing with the Board a certificate of completion of a course or courses approved by the Board, which shall include the topics required by the Board and a minimum of 20 Contact Hours of Practical Training and ten Contact Hours of Didactic Training in Laser Electrolysis.
- (3) Continuing Education Credit. The Credits or Contact Hours of instruction in Laser Electrolysis obtained pursuant to 240 CMR 9.05(2) shall qualify for continuing education requirements of 240 CMR 11.01: *Continuing Education Requirements* for one license renewal period.
- (4) Applicants for Instructor - Qualification in Laser Electrolysis. A person may be registered as an Instructor in Laser Electrolysis if he or she meets the requirements of 240 CMR 10.06: *Licensure of Instructors and Approval of Lecturers* and submits the following to the Board with his or her application:
 - (a) Satisfactory written proof, in the form of a letter signed by a physician, that the licensee actively practiced Laser Hair Removal under the supervision of that physician for a minimum of two consecutive years immediately preceding the application;

9.05: continued

- (b) A certificate of completion of a course or courses in Laser Electrolysis approved by the Board and a minimum of 40 Contact Hours of Practical Training and 20 Contact Hours of Didactic Training; and
 - (c) A passing grade on the instructor licensing examination prescribed by the Board.
- (5) Licensed Instructors - Qualification in Laser Electrolysis. A person licensed by the Board as an Instructor before May 3, 2015 who has practiced Laser Hair Removal under the supervision of a physician may petition the Board for approval to give instruction in Laser Electrolysis by filing with the Board at least 30 days prior to beginning to give such instruction:
- (a) Satisfactory written proof, in the form of a letter signed by a physician, that the licensee actively practiced Laser Hair Removal under the supervision of that physician for a minimum of two consecutive years immediately preceding the application; and
 - (b) A certificate of completion of a course or courses approved by the Board, which shall include a minimum of 40 Contact Hours of Practical Training and 20 Contact Hours of Didactic Training.
- (6) Equipment. All equipment used for Laser Electrolysis shall:
- (a) Comply with all applicable rules and regulations of the FDA and OSHA;
 - (b) Be approved by the Federal Communications Commission to the extent that such approval is required by federal law or regulations; and
 - (c) Comply with Regulations for the Control of Lasers, 105 CMR 121.000: *To Control the Radiation Hazards of Lasers, Laser Systems and Optical Fiber Communication Systems Utilizing Laser Diode or Light Emitting Diode Sources*, promulgated by the Massachusetts Department of Public Health.
- (7) Standards for Licensure or Approval of Schools. In order to retain licensure, Electrolysis Schools shall submit to the Board a copy of the school catalogue or program manual for approval, which shall include a minimum of 40 Contact Hours of Practical Training and 20 Contact Hours of Didactic Training in Laser Electrolysis within the 1100-hour program for Massachusetts licensure.

REGULATORY AUTHORITY

240 CMR 9.00: M.G.L. c. 112, §§ 87T through 87V, and 87X through 87KK.