

ILLINOIS REGISTER

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

The Department of Financial and Professional Regulation is posting these proposed amendments in an effort to make the public aware of possible changes that may have an impact on the profession.

The general public may submit written comments to the Department during the first 45 day public comment period. Any suggested changes will be considered by the Department and the appropriate Board.

These proposed amendments will be published in the July 30, 2010 Illinois Register. The 45 day comment period will end September 13, 2010.

Please submit written comments to Craig Cellini as stated in the attached notice.

THESE PROPOSED CHANGES ARE NOT IN EFFECT AT THIS TIME AND THE ADOPTED RULES MAY DIFFER FROM THOSE ORIGINALLY PUBLISHED.

- 1) Heading of the Part: Electrologist Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1246
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1246.40	Amendment
1246.50	Amendment
1246.70	Amendment
1246.80	Amendment
- 4) Statutory Authority: Implementing the Electrologist Licensing Act [225 ILCS 412/33 and 35(b)] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].
- 5) A complete description of the subjects and issues involved: Provides that licensees are not required to complete CE for the 1st license renewal after issuance of original license. Original rule language only addresses the 2008 license renewals and not subsequent renewals. This rule clarifies that all licensees are exempt from CE requirements for their first license renewal. The fee for restoring a lapsed license is also being increased due to the considerable time and resources involved in their processing.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None

ILLINOIS REGISTER

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governments.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Those providing the services of electrologists.
- B) Reporting, bookkeeping, or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Electrology skills are required.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

The full text of the Proposed Amendments begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1246

ELECTROLOGIST LICENSING ACT

Section

1246.10	Qualifications for Licensure
1246.20	Examination
1246.30	Application for Licensure by Acceptance of Examination
1246.40	Fees
1246.50	Endorsement
1246.60	Standards of Sterilization and Sanitation
1245.70	Continuing Education
1246.80	Renewals
1246.90	Restoration
1246.100	Inactive Status
1246.105	Granting Variances
1246.110	Dishonorable, Unethical or Unprofessional Conduct

AUTHORITY: Implementing the Electrologist Licensing Act [225 ILCS 412] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 29 Ill. Reg. 3873, effective February 22, 2005; amended at 29 Ill. Reg. 18815, effective November 4, 2005; amended at 34 Ill. Reg. _____, effective _____.

Section 1246.40 Fees

The following fees shall be paid to the Division and are not refundable:

- a) Application Fees.
The fee for application for a license as an electrologist is calculated at \$125.
- b) Renewal Fees.
The fee for the renewal of a license as an electrologist shall be calculated at \$62.50 per year.
- c) Examination.

ILLINOIS REGISTER

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Applicants for examination shall be required to pay, either to the Division or to the designated testing service, a fee covering the cost of the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Division or the designated testing service, shall result in the forfeiture of the examination fee.

- d) General Fees.
- 1) The fee for the restoration of a license other than from inactive status is \$5020 plus payment of all lapsed renewal fees ~~not to exceed \$500~~.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.
 - 4) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 5) The fee for a roster of persons licensed as electrologists in this State shall be the actual cost of producing the roster.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 1246.50 Endorsement

- a) An applicant for licensure as an electrologist who is licensed under the laws of another state shall file an application with the Division that shall include:
- 1) Documentation certifying that applicant meets the education requirements set forth in Section 1246.10(b);
 - 2) Documentation from the jurisdiction of original licensure and the state by which the applicant is currently licensed, stating whether the file on the applicant contains any disciplinary actions taken or pending, and the applicant's license number;

ILLINOIS REGISTER

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 3) Proof of successful completion of the examination; and
- 4) ~~Complete work history; and~~ 5) The required fee.
- b) The Division shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination then in force in this State and whether the applicant has otherwise complied with the Act.
- c) The Division shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 1246.70 Continuing Education

For the April 2010 renewal and every renewal thereafter, in order to renew a license, the licensee shall be required to complete 30 hours of continuing education. One Continuing Education Unit (CEU) is defined as 10 contact hours of participation in a qualifying an organized continuing education activity~~experience~~.

- a) Qualifying continuing education activities are the following:
 - 1) courses offered or approved by the American Electrology Association or its affiliates;
 - 2) courses offered or approved by the Society for Clinical & Medical Hair Removal, Inc.;~~hospital or medical school sponsored educational offerings, provided the coursework is related to health issues of practitioners; and~~
 - 3) credit-bearing college courses and other post-graduate classes for continuing education credit offered at a regionally accredited academic institution, provided the coursework is in a subject area relevant to electrolysis; ~~clearly related to electrology theory, technical and clinical aspects of electrolysis and, electrology research, ethical or legal aspects of practicing electrolysis or health issues of electrologists.~~
 - 4) hospital or medical school sponsored educational offerings, provided the subject area is relevant to electrolysis; and

ILLINOIS REGISTER

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 5) courses from another state that are approved by that state's licensing agency or professional electrology organization, provided the coursework is in a subject area relevant to electrolysis.
- b) Continuing education activities shall meet the following requirements:
- 1) the activity involves face-to-face instruction or a home study program;
 - 2) the provider implements a mechanism to monitor and document physical attendance at such instruction or to verify licensee completion in the case of a home study program;
 - 3) the provider retains written records for a period of 3 years from the participant's actual successful completion of the activity, including but not limited to: content description; instructor; date of activity; location of activity; list of participants; participant's evaluation of instruction presented; and number of contact hours; and
 - 4) the provider issues a certificate of completion after the participant's successful completion of the activity. The certificate shall include the participant's name, provider's name, title or subject area of the activity, date and location of attendance, and number of contact hours completed.
- c) Certification of CE Requirements
- 1) Each renewal applicant shall certify on the renewal application full compliance with CE requirements as stated in subsections (a) and (b) above.
 - 2) A renewal applicant is not required to complete continuing education for the first renewal following the issuance of the original license.
 - 3) The Division may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance (e.g., certificate of attendance or completion). Evidence shall be required in the context of the Division's~~Department's~~ random audit in accordance with Section 60 of the Act.

ILLINOIS REGISTER

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- d) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division a renewal application along with the required fee, a statement setting forth the facts concerning non-compliance and a request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Division finds, from such affidavit or any other evidence submitted, that extreme good cause has been shown for granting a waiver, the Division shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
 - 2) Extreme hardship shall be determined on an individual basis and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness documented by a statement from a currently licensed physician;
 - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; and
 - D) Any other similar extenuating circumstance.
 - 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Division.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 1246.80 Renewals

- a) The first renewal date for licensure under the Electrologist Licensing Act [225 ILCS 412] (Act) shall be April 30, 2008. Thereafter, every license issued under the Act shall expire on April 30 of even numbered years. The holder of the license may renew the license during the month preceding the expiration date by

ILLINOIS REGISTER

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

paying the required fee and proof of 30 hours of continuing education in accordance with Section 1245.70.

- b) It is the responsibility of each license holder to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee.
- c) Practice on an expired license shall be considered the unlicensed practice of electrology and subject to discipline or other penalties set forth in Section 75 of the Act.
- d) A renewal applicant is not required to complete continuing education for the first renewal following the issuance of the original license.

(Source: Amended at 34 Ill. Reg. _____, effective _____)