

DRAFT MINUTES – NOT YET APPROVED BY THE BOARD



NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

Telephone (919) 814-0640 • Fax (919) 981-5068
7001 Mail Service Center
Raleigh, NC 27699-7000
barbers@nc.gov • electrolysis@nc.gov
bbee.nc.gov

DRAFT Minutes for Public Meeting Held April 18, 2023, at 8:30 a.m. Videoconference

Board Members

Sherod Holloway, Board Chairperson, Barber Member
Don Beal, Barber Member
Craig N. Burkhart, MD, Physician Member
Stacy M. Miller, LE, CPE, Electrologist Member
Kristina Proctor, Public Member
Michael T. Swinney, Barber Member
David L. Williams, Barber Member
Margaret Wingate, LE, Electrologist Member
Barber (Vacant)

Executive Director

Dennis Seavers

Counsel to the Board

M. Jackson Nichols

The meeting of the North Carolina Board of Barber and Electrolysis Examiners was called to order at 8:58 a.m., on June 20, 2023.

The following board members were present by video- or teleconference: Sherod Holloway, Don Beal, Craig N. Burkhart, MD; Michael T. Swinney; Margaret Wingate. The following board members were absent: Stacy M. Miller, Kristina Proctor, David L. Williams.

DRAFT MINUTES – NOT YET APPROVED BY THE BOARD

Also in attendance in person were Dennis Seavers, Executive Director, and M. Jackson Nichols, Counsel to the Board.

OPEN SESSION

Ethics awareness and conflict of interest

Mr. Holloway read the statement required by G.S. § 138A-15(e) on ethics awareness and conflicts of interest. No board members indicated that they had any potential or actual conflicts.

Approval of minutes

Dr. Burkhart made a motion to approve the minutes from the April 18, 2023 meeting. Mr. Beal seconded the motion, which passed, 5–0.

Board member	Yes	No	Abstain	Not present
Sherod Holloway	X			
Don Beal	X			
Craig N. Burkhart	X			
Stacy M. Miller				X
Kristina Proctor				X
Michael T. Swinney	X			
David L. Williams				X
Margaret Wingate	X			
Total	5	0	0	3

Mr. Swinney made a motion to approve the closed-session narrative from the April 18, 2023 board meeting. Dr. Burkhart seconded the motion, which passed, 5–0.

Board member	Yes	No	Abstain	Not present
Sherod Holloway	X			
Don Beal	X			
Craig N. Burkhart	X			
Stacy M. Miller				X
Kristina Proctor				X
Michael T. Swinney	X			
David L. Williams				X
Margaret Wingate	X			
Total	5	0	0	3

Administrative hearings

The board held a hearing for LeTeia Jefferson, who had applied for a barber license based on out-of-state credentials. The board staff had determined that she did not qualify for reciprocity under G.S. § 86B-28 and would instead need to get credit for out-

DRAFT MINUTES – NOT YET APPROVED BY THE BOARD

of-state training and make up the difference in hours to meet the minimum 1,528 hours required by North Carolina. Ms. Jefferson appeared by teleconference; she offered testimony and answered questions from the board. Mr. Seavers offered testimony and answered questions from the board.

The board held a hearing for J’Kai Johnson. Mr. Johnson had previously appeared before the board and signed a consent order regarding his qualifications for licensure. However, after signing the consent order, he determined that he would not be able to meet the requirements. He asked the board to modify the consent order. Mr. Johnson appeared by teleconference, offered testimony, and answered questions from the board. Mr. Seavers offered testimony and answered questions from the board.

Felony hearings

The board held a hearing for Christopher Barnes (file #38700) to determine whether his felony criminal history should prevent him from getting a license. Duane Cogdell of the Department of Adults Corrections (NCDAC) was present remotely and offered testimony about Mr. Barnes. Mr. Cogdell answered questions from Mr. Nichols and the board members.

The board held a hearing for Kenneth G. Stanley (file #36283) to determine whether his felony criminal history should prevent him from getting a license. Duane Cogdell of NCDAC offered testimony about Mr. Stanley. Mr. Cogdell answered questions from Mr. Nichols and the board members.

The board held a hearing for Christopher J. Wilson (file #38741) to determine whether his felony criminal history should prevent him from getting a license. Duane Cogdell of NCDAC offered testimony about Mr. Wilson. Mr. Cogdell answered questions from Mr. Nichols and the board members.

Request by Electrolysis Association of North Carolina for approval of continuing education units

The board considered a request from the Electrolysis Association of North Carolina (EANC) for approval of continuing education units (CEUs) under 21 NCAC 06Y .0102 (see Attachment 1). Lesa Wingate of EANC was available during the meeting to address board members’ questions. Mr. Beal made a motion to approve the CEUs, and Ms. (Margaret) Wingate seconded. The motion passed, 5–0.

(Continued on the next page)

DRAFT MINUTES – NOT YET APPROVED BY THE BOARD

Board member	Yes	No	Abstain	Not present
Sherod Holloway	X			
Don Beal	X			X
Craig N. Burkhart	X			
Stacy M. Miller				
Kristina Proctor				
Michael T. Swinney	X			
David L. Williams				
Margaret Wingate	X			
Total	5	0	0	3

Presentation to the board by Amanda Carter

Amanda Carter had submitted a request to address the board, which the board approved. However, Ms. Carter did not appear.

Presentation to the board by David Kirby

David Kirby had submitted a request to address the board, which the board approved. However, Mr. Kirby did not appear.

Rulemaking

Adoption and amendment of permanent rules for the barber industry

The board considered whether to approve an amendment to 21 NCAC 06N .0111 regarding online reporting of student hours and an adoption of 21 NCAC 06N .0116 regarding online submission of temporary permits (see Attachment 2). After discussion and consideration of the public comment, Mr. Beal made a motion to adopt the rules, and Mr. Swinney seconded. The motion passed, 5–0.

Board member	Yes	No	Abstain	Not present
Sherod Holloway	X			
Don Beal	X			
Craig N. Burkhart	X			
Stacy M. Miller				X
Kristina Proctor				X
Michael T. Swinney	X			
David L. Williams				X
Margaret Wingate	X			
Total	5	0	0	3

DRAFT MINUTES – NOT YET APPROVED BY THE BOARD

Proposal of rules for electrology industry

The board considered whether to propose two rules, 21 NCAC 06O .0202 and .0203, that would establish civil penalties for the electrology industry (See Attachment 3). Ms. Wingate made a motion to propose the rules, and Mr. Beal seconded. The motion passed, 5–0.

Board member	Yes	No	Abstain	Not present
Sherod Holloway	X			
Don Beal	X			X
Craig N. Burkhart	X			
Stacy M. Miller				X
Kristina Proctor				X
Michael T. Swinney	X			
David L. Williams				X
Margaret Wingate	X			
Total	5	0	0	3

The board recessed from 10:34 a.m. to 10:41 a.m.

CLOSED SESSION

Mr. Holloway made a motion to go into closed session under G.S. § 143–318.11. Mr. Holloway noted that the board would discuss the case Rodney Bullock c/o Altitude Academy, LLC, v. North Carolina Board of Barber and Electrolysis Examiners and Pitt Community College. Dr. Burkhart seconded the motion, which passed, 5–0.

Board member	Yes	No	Abstain	Not present
Sherod Holloway	X			
Don Beal	X			
Craig N. Burkhart	X			
Stacy M. Miller				X
Kristina Proctor				X
Michael T. Swinney	X			
David L. Williams				X
Margaret Wingate	X			
Total	5	0	0	3

The board entered closed session at 10:44 a.m. The board emerged from closed session at 11:27 a.m.

(Continued on the next page)

DRAFT MINUTES – NOT YET APPROVED BY THE BOARD

OPEN SESSION

Determinations

Mr. Holloway made a motion for Christopher Barnes, Kenneth G. Stanley, and Christopher J. Wilson to be offered a consent order allowing them to get a license, with five years of probation, payment of required fees, and standard terms and conditions. Dr. Burkhart seconded the motion, which passed 5–0.

Board member	Yes	No	Abstain	Not present
Sherod Holloway	X			
Don Beal	X			
Craig N. Burkhart	X			
Stacy M. Miller				X
Kristina Proctor				X
Michael T. Swinney	X			
David L. Williams				X
Margaret Wingate	X			
Total	5	0	0	3

Mr. Holloway made a motion to offer LaTeia Jefferson a consent order identical to the first consent order offered to J’Kai Johnson and approved by the board in December 2022. Dr. Burkhart seconded the motion, which passed, 5–0.

Board member	Yes	No	Abstain	Not present
Sherod Holloway	X			
Don Beal	X			
Craig N. Burkhart	X			
Stacy M. Miller				X
Kristina Proctor				X
Michael T. Swinney	X			
David L. Williams				X
Margaret Wingate	X			
Total	5	0	0	3

Mr. Holloway made a motion to allow Mr. Nichols and Mr. Seavers to negotiate a new consent order with J’Kai Johnson. Dr. Burkhart seconded the motion, which passed, 5–0.

Board member	Yes	No	Abstain	Not present
Sherod Holloway	X			
Don Beal	X			
Craig N. Burkhart	X			
Stacy M. Miller				X
Kristina Proctor				X

DRAFT MINUTES – NOT YET APPROVED BY THE BOARD

Michael T. Swinney	X			
David L. Williams				X
Margaret Wingate	X			
Total	5	0	0	3

Mr. Holloway adjourned the meeting at 11:34 a.m.

Minutes approved on _____

Sherod Holloway
Board Chairperson


[External] EANC (4 hours) CEU Approval PART 2

Electrolysis Assoc Of North Carolina

Sat 6/3/2023 12:31 PM

To:Seavers, Dennis <dennis.seavers@nc.gov>

Cc:Margaret Wingate

 4 attachments (850 KB)

Jennifer Jacobs Resume for 2023 CEU.docx; September CEU outline for board approval.docx; NCBEE CEU Application cover page. Dennis Seavers.pdf; NCBEE CEU Application cover page. Jennifer Jacobs.pdf;

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

June 2, 2023

Dennis Seavers, Executive Director
North Carolina Board of Barber and Electrolysis Examiners
7001 Mail Service Center
Raleigh, NC 27699-7000

Dear Mr. Seavers,

EANC would like to present the 2023 Electrology Continuing Education Course of Study Application for 4 Virtual hours to the board for approval **on June 20, 2023**. I've attached two (2) different CEU Study Applications, 4 hour September Course Outline for both speakers and Jennifer Jacobs's resume.

- 1) **Title of Course:** Understanding Your Licensure: Rules/Statutes/ Apprenticeship Program
Speaker: Mr. Dennis Seavers, Executive Director of NC Board of Barber and Electrolysis Examiners
Hours of Study: 2 hours

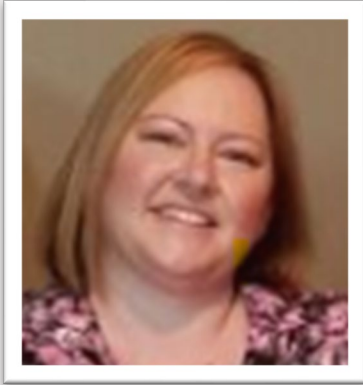
- 2) **Title of Course:** In-Depth Q & A (Part II Probes, Currents, Positioning and Becoming an Instructor)
Speaker: Ms. Jennifer Jacobs, CPE CI
Hours of Study: 2 hours

During the (2) virtual classes, the following will be executed for the record keeping of all participants.

- 1) Each participant must complete an application form, including all vital information. (Name, Address, Business Name/Address, License Number, Email, and Phone Number)
- 2) The participants' full names and faces must be displayed during each class for CEU credit.
- 3) EANC Board will select two monitors to scan all participants every 10 minutes to ensure everyone is visible during each class to receive full CEU credit

Please let me know how to proceed or if more information is needed to complete the CEU approval.

Thank you for your time,
Lesia Wingate, LE
EANC President



JENNIFER LEIGH JACOBS, CPE CI

Electrologist/Instructor

448 W 19TH Street, Ste 483
Houston, Texas 77008

EDUCATION

- Académie Dectro Photoepilation Accredited Instructor, Quebec City, Canada 2019
- Académie Dectro Electroepilation Accredited Instructor, Quebec City, Canada 2019
- Académie Dectro Photoepilation and Photorejuvenation Certification, Montreal, Canada 2017
- International Board of Electrologists Certification, Orlando, Florida 2014
- Tattoo Vanish Inc Tattoo Removal Certification, Las Vegas, Nevada 2014
- Académie Dectro Electroepilation Certification, Houston, Texas 2008
- Sam Houston State University Bachelor of Arts, Huntsville, Texas 2000

EXPERIENCE

- January 2019-Present (Instructor)
Academy for Advanced Electrolysis Studies
Electroepilation/ Photoepilation/
Photorejuvenation
- 2022 – Present (Electrologist)
Electrolysis Specialists of Texas
- 2012 – 2022 (Electrologist)
My Bare Lady Electrolysis & IPL
- 2008 – 2012 / 2020 - 2021 (Electrologist)
International Beauty Center



North Carolina Board of Electrolysis Examiners

2 Centerview Drive, Pinehurst Building, Suite 60

Greensboro, North Carolina 27407

Office: 336-856-1010 | Email: ncbeexam@att.net | www.ncbee.com

ELECTROLOGY CONTINUING EDUCATION COURSE OF STUDY APPLICATION

Dear Applicant,

Thank you for your request for a Continuing Education Course of Study application. The requirements for application are pursuant to the statutes, rules, and regulations set forth by the NC General Assembly and the NC Board of Electrolysis Examiners (NCBEE). Please read the rules and instructions prior to applying.

Please note that all Home Study courses listed on the NCBEE website are pre-approved.

Every effort will be taken to process your application in a timely manner. If you have any questions please contact the NCBEE at the information listed above. We look forward to working with you in North Carolina.

Requirements for Application (21 NCAC 19 .0702)

This is not a comprehensive listing of the rules related to application. Please refer as noted above.

- Application must be submitted two months in advance of the course registration date.
- A change in subject matter, length, or instructor of a course requires re-approval by the NCBEE.
- **An incomplete or partial application packet will be rejected by the NCBEE.**

Instructions for Completing PDF form

- The application is an interactive PDF. This means you can click directly onto a field and enter the required information. If you hover over the field with your cursor, a detail of the required information will be displayed.
- Please enter all information and SAVE the PDF file to your computer. There are two options for submitting:
 - print the saved document and send a scanned copy to the NCBEE email :
ncbeexam@att.net
 - or, print the saved document and mail to the NCBEE at:
2 Centerview Drive, Pinehurst Building, Suite 60
Greensboro, North Carolina 27407
- Please note you may need to install the latest version of Adobe Reader XI® to save your completed application in PDF format. Free download click: [Adobe Reader XI Link](#)



ELECTROLOGY CONTINUING EDUCATION COURSE OF STUDY APPLICATION

Date: _____

Sponsoring Entity: _____

Name of Speaker: _____

According to 21 NCAC 19.702 (b), this form must be used for each individual speaker/lecturer.

Title of Course: _____

Location of Course: _____

Date of Course: _____

Hours of Study: _____

Course Objective(s) and Content:

Instructor/Lecturer Background (CV can be attached to application):

Learning Outcome(s):

To obtain a copy of the N.C.G.S § 88-A Electrolysis Practice Act and 21 NCAC Chapter 19 rules refer to the North Carolina Board of Electrolysis Examiners (NCBEE) at www.ncbee.com



North Carolina Board of Electrolysis Examiners

2 Centerview Drive, Pinehurst Building, Suite 60

Greensboro, North Carolina 27407

Office: 336-856-1010 | Email: ncbeexam@att.net | www.ncbee.com

ELECTROLOGY CONTINUING EDUCATION COURSE OF STUDY APPLICATION

Dear Applicant,

Thank you for your request for a Continuing Education Course of Study application. The requirements for application are pursuant to the statutes, rules, and regulations set forth by the NC General Assembly and the NC Board of Electrolysis Examiners (NCBEE). Please read the rules and instructions prior to applying.

Please note that all Home Study courses listed on the NCBEE website are pre-approved.

Every effort will be taken to process your application in a timely manner. If you have any questions please contact the NCBEE at the information listed above. We look forward to working with you in North Carolina.

Requirements for Application (21 NCAC 19 .0702)

This is not a comprehensive listing of the rules related to application. Please refer as noted above.

- Application must be submitted two months in advance of the course registration date.
- A change in subject matter, length, or instructor of a course requires re-approval by the NCBEE.
- **An incomplete or partial application packet will be rejected by the NCBEE.**

Instructions for Completing PDF form

- The application is an interactive PDF. This means you can click directly onto a field and enter the required information. If you hover over the field with your cursor, a detail of the required information will be displayed.
- Please enter all information and SAVE the PDF file to your computer. There are two options for submitting:
 - print the saved document and send a scanned copy to the NCBEE email :
ncbeexam@att.net
 - or, print the saved document and mail to the NCBEE at:
2 Centerview Drive, Pinehurst Building, Suite 60
Greensboro, North Carolina 27407
- Please note you may need to install the latest version of Adobe Reader XI® to save your completed application in PDF format. Free download click: [Adobe Reader XI Link](#)



ELECTROLOGY CONTINUING EDUCATION COURSE OF STUDY APPLICATION

Date: _____

Sponsoring Entity: _____

Name of Speaker: _____

According to 21 NCAC 19.702 (b), this form must be used for each individual speaker/lecturer.

Title of Course: _____

Location of Course: _____

Date of Course: _____

Hours of Study: _____

Course Objective(s) and Content:

Instructor/Lecturer Background (CV can be attached to application):

Learning Outcome(s):

To obtain a copy of the N.C.G.S § 88-A Electrolysis Practice Act and 21 NCAC Chapter 19 rules refer to the North Carolina Board of Electrolysis Examiners (NCBEE) at www.ncbee.com

TITLE OF COURSE: UNDERSTANDING YOUR LICENSURE: RULES/ STATUES/
APPRENTICESHIP PROGRAM

2- HOUR OF STUDY: WITH DENNIS SEAVERS, EXECUTIVE DIRECTOR OF NC
BOARD OF BARBER & ELECTROLYSIS EXAMINERS

Course Objectives:

- I. First Hour:
 - a. Introduction of the New Administration
 - i. What to expect
 - ii. How the administration is different from the past administration
 - iii. For questions and concerns ...who should the licensee contact?
 - b. Board Meetings
 - i. What to expect
 - ii. How meetings are conducted
 - iii. When meeting dates are set
 - c. Complaints, Concerns, or Issues
 - i. Who should be contacted
 - ii. What information should be provided
 - iii. If an issue needs to be brought to the board for review, what action does the licensee need to take
 - d. What's new in the licensure
- II. Second Hour:
 - a. Introduction of the Apprenticeship Program
 - b. Reviewing the rules and what is expected
 - c. How to apply as a student, apprentice, and/or an instructor
 - d. Q & A

Learning Outcome for the Electrologist: Mr. Seavers will give a thorough understanding of our new administration, proper procedures, and any changes within our Rules and Statues. This will be extremely helpful for all licensees in the state. Many Electrologists have been interested in the Apprenticeship Program and what is involved, and a wonderful opportunity to get specific answers.

TITLE OF COURSE: IN-DEPTH Q&A ON PROBES, CURRENTS, POSITIONING, AND BECOMING AN INSTRUCTOR
2 -HOURS OF STUDY: WITH JENNIFER JACOBS, CPE CI

Course Objectives:

- I. First Hour:
 - a. Diving into the in-depth questions from her previous studies on probes, current releases, and modern position learned on August 26, 2023, approved program
- II. Second Hour:
 - a. Guidance in the Apprenticeship Program
 - i. **Becoming an instructor:** what to consider
 - ii. **As a business owner:** what to consider when teaching under the Apprenticeship Program

Learning Outcome for the Electrologist: In the last training session approved for August, Ms. Jacobs introduced many new and different variables when practicing Electrology. This extension of training will allow the opportunity to apply new ideas and styles into their daily practice. She will answer any questions and help guide the Electrologist through their troubleshooting. This is a unique chance for the Electrologists to learn and improve their “*newly developed*” skills and knowledge.

The Apprenticeship Program is an exciting new realm for licensure. Ms. Jacobs, as a certified instructor and business owner, has the knowledge, skill, and experience to complement the program North Carolina has adopted.

*Total Hours Requesting approval:
4 Hours Virtual Learning in September 2023*



NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: June 12, 2023

SUBJECT: Rulemaking—barber permanent rules

At its February 28, 2023 meeting, the board proposed two permanent rules for the barber industry. The public-comments period for the rules ended on June 2, and the board will decide whether to adopt these rules at its June 20, 2023 meeting.

BACKGROUND

The rules are attached to this memo. Below is a brief summary of the purpose of the rules.

Online student hours reporting—amendment to 21 NCAC 06N .0111

Within a few months, the board will have a system for barber schools to submit student hours online directly into our licensing database. This project will drastically reduce work for the board staff and reduce data entry for the schools. It also will help us more quickly identify errors (whether ours or the school's) in the hours recorded. Finally, the system will automatically notify schools that have missed their deadlines to improve school compliance with reporting requirements.

Given the benefits of online reporting, the board staff believes it's in the board's interest to require schools to enter data through the online system. The amendment would set that requirement. The board should keep in mind that there's a waiver rule that would allow schools with special circumstances to request authorization to submit hours in paper form. However, I believe the project has been designed in such a way that schools will find the online reporting to be much easier than paper forms.

The amendment makes a few additional changes:

- The amendment reduces the amount of data that schools must provide. Although schools still must maintain much of the data, the amendment focuses on essential data and thus helps reduce time that schools spend entering data.
- Schools will still submit paper forms for instances when students terminate enrollment. That way, the data can be entered into our system quickly, without waiting for the monthly report.

Online submission of temporary permits—adoption of 21 NCAC 06N .0116

Under G.S. § 86B-27, the board can issue temporary permits for barber-related application in various circumstances. In 2022, the board unveiled an online system for requesting and issuing temporary permits. Under this system:

- Individuals can use an easy-to-use online form, which is optimized for mobile devices, to submit a request.
- Individuals can decide whether they want to receive their temporary permits by mail or email.
- The staff has an online workflow for tracking requests and making determinations about whether to approve or deny them.
- An automated process notifies requestors that the requests have been received and, after the determination is made, what the outcome is. If an individual asks to receive the temporary permit by email, the automated approval email will attach a PDF copy of the temporary permit, which the individual can print out.
- There's a tracking system that allows staff members, including inspectors in the field, to determine whether temporary permits have been altered or counterfeited.

The system has worked well, and the staff recommended that the board require all requests for temporary permits to come through that system. There are several advantages to having all requests received online, including:

- Improved tracking by the office staff, allowing them to look up requests and permits more easily;
- Having all requests and permits in a single repository;
- More efficient handling of requests;
- Faster response time; and
- Easier access to information by field inspectors.

PUBLIC COMMENTS

The board received one public comment, and the attached email summarizes the comments. No one attended the board's public hearing. Under the Administrative Procedure Act, the board must fully consider the public comment before adopting or amending the rules.

BOARD ACTION AND FUTURE STEPS

1. After fully considering the public comment, the board should decide whether it still wishes to adopt and amend the rules.
2. The board may adopt and amend the rules at its June 20 meeting.
3. If the board takes that action, the Rules Review Commission will determine whether to approve them.
4. The rules will go into effect no sooner than August 1, 2023. For the barber-school reporting, there will be a delayed effective date to make sure the new system is working and any issues have been resolved. There will also be time for communication with and training for the schools so they have time to prepare.

1 21 NCAC 06N .0111 is proposed for amendment as follows:

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

21 NCAC 06N .0111 FORM BAR-10

(a) The Form BAR-10 is a report that shall be filed monthly by the ~~manager of the~~ school for each student enrolled in barber school. It requires the following:

- (1) the name of the school submitting the report;
- (2) the ~~name and date of enrollment of the student;~~ student's name;
- (3) the month and year for which the report is filed; and
- ~~(4) the dates and hours of the student's absences;~~
- ~~(5)~~(4) the ~~dates and~~ number of hours of the student's attendance; student attended during the month and year for which the report is filed.
- ~~(6) the number of patrons served for clinical services; and~~
- ~~(7) the subject matter covered in practical and theory courses.~~

(b) The school shall submit Form BAR-10 ~~shall be submitted~~ to the Board ~~over the signature of the manager of the school and co-signed by the student.~~ online at the website address listed in 21 NCAC 06A .0102.

(c) ~~If~~ Notwithstanding the requirement in Paragraph (b) of this Rule to submit the Form BAR-10 online, if a student completes his or her course of study, drops out of school, or transfers to another school, the barber school shall ~~return~~ submit a paper version of the Form BAR-10 to the Board:

- (1) within five business days; or
- (2) within 30 days if the student's enrollment ends during the effective period of a state of emergency declared by the Governor.

Authority G.S. 86B-38

1 21 NCAC 06N .0117 is proposed for adoption as follows:

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

21 NCAC 06N .0117 REQUEST FOR TEMPORARY PERMIT

(a) An individual who wishes to request a temporary permit shall submit the following information using the form available at the website listed in 21 NCAC 06A .0102:

- (1) the requester’s name, mailing address, phone number, and email address;
- (2) if the requester attended a North Carolina barber school, the name of the school;
- (3) the type of license application the requester has submitted; and
- (4) the name, permit number, and physical address of the barbershop where the requester would like to work.

(b) Except as set forth in Paragraph (c) of this Rule, the Board shall not accept requests for temporary permits submitted in paper form.

(c) If an individual wishes to submit a request for a temporary permit in paper form because he or she cannot submit the request online, the individual shall submit a paper version of the form in Paragraph (a) to the address listed in 21 NCAC 06A .0102, along with an explanation for why the request cannot be submitted online. The Board shall determine whether good cause exists for the individual not to submit a request online. For the purpose of this Rule, “good cause” means that the applicant could not have submitted the request online as set forth in Paragraph (a) of this Rule due to circumstances such as disability or lack of access to a computer or mobile device.

Authority G.S. 86B-2; 86B-27

Seavers, Dennis

From: Patsy A. McCoy
Sent: Wednesday, April 5, 2023 10:37 AM
To: Seavers, Dennis
Subject: [External] Re: Public comments for 37:19 NCR 1953

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Mr. Seavers,

What a great job you did in understanding my concerns. You have my permission to post it.

Thanks,

Patsy A McCoy
Barber School Coordinator/Instructor
Continuing Education Division



Join Our Family. Build Your Future.
133 James Sprunt Drive
Kenansville, NC 28349

From: Seavers, Dennis <dennis.seavers@nc.gov>
Sent: Wednesday, April 5, 2023 10:09 AM
To: Patsy A. McCoy
Subject: Public comments for 37:19 NCR 1953

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. McCoy,

Thank you for calling me with public comments for the rules published at 37:19 NCR 1953, particularly the amendment to 21 NCAC 06N .0111. Below is my understanding of your comments; please let me know if I got anything incorrect.

- You have concerns about responsibility if the phrase “manager of the” is removed from Paragraph (a). You were concerned that no one could be held responsible at the school if the hours are wrong, and you believe that there is a risk that no one will take responsibility.
- You don’t believe that the language in an existing rule, 21 NCAC 06F .0102(b) (“The barber school manager is responsible for the school’s compliance with ... the rules in [Subchapter F], whether present on the school premises or not”), is not adequate. You pointed out that by removing the reference to the manager in 21 NCAC 06N .0111, an argument could be made that the board was absolving the manager of responsibility.
- You believe that it is important for the rule to clearly identify responsibility because school hours are such a fundamental record.
- You suggested that the board restore the language or provide some method by which the school can designate the responsible person (e.g., file a letter on school letterhead if the manager is on extended leave).

If there are other schools that share this view or have other comments on the proposed rules, please encourage them to submit comments. They will be important for the board to consider.

Dennis

Dennis Seavers
Executive Director
NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS
(919) 814-0641 (Office)
(919) 981-5068 (Fax)
7001 Mail Service Center
Raleigh, NC 27699-7000
www.barbers.nc.gov | www.ncbee.com
barbers@nc.gov | electrolysis@nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

"Think Green" before printing this e-mail.

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Act and shall be disclosed to third parties when required by Chapter 132 of the North Carolina General Statutes.



NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: June 12, 2023

SUBJECT: Rulemaking—electrology civil penalties

Attached to this memo are two rules for the board to propose through the permanent rulemaking process. The board will consider the rules at its June 20, 2023 meeting.

The rules establish new civil penalties as follows:

- \$5,000 for an individual engaging in electrology or laser hair practice without a license. This amount is the maximum allowed by law.
- Various civil penalties for electrology or laser hair practice schools. Please note that these are for “traditional” schools, not electrology apprenticeship programs. The civil penalties will depend on the nature of the offense and whether the offense has occurred before. The civil penalties cover the following actions:
 - Unlicensed operation of a school;
 - Failure to maintain proper records;
 - Falsifying records;
 - Failing to submit records;
 - Failing to comply with facility requirements; and
 - Failing to comply with the appropriate student-to-instructor ratio.

The board previously proposed these rules through temporary procedures. Commission counsel for the Rules Review Commission believed that the rules did not meet the criteria for temporary procedures, so the board withdrew them. The board can instead propose them through the “normal” permanent rulemaking process.

BOARD ACTION AND FUTURE STEPS

1. If the board still wishes to adopt the rules, it will propose them at the June 20, 2023 meeting.
2. After publication in the North Carolina Register, a 60-day comment period will begin.

3. After the comment period, the board will review any public comments and decide whether it wishes to adopt the rules.
4. If adopted, the Rules Review Commission will determine whether to approve them.

1 21 NCAC 06O .0202 is proposed for adoption as follows:

2
3 **21 NCAC 06O .0202 UNLICENSED PRACTICE**
4 The presumptive civil penalty for an individual engaging in the practice of electrology or laser, light source, or pulsed-
5 light treatments without a license is \$5,000.

6
7 *Authority G.S. 86B-10; 86B-52*

1 21 NCAC 06O .0203 is proposed for adoption as follows:

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

21 NCAC 06O .0203 SCHOOLS

(a) The presumptive civil penalty for an individual operating a school of electrology or laser, light source, or pulsed-light treatments without certification pursuant to G.S. 86B-67:

- (1) 1st offense \$300.00
- (2) 2nd offense \$400.00
- (3) 3rd offense \$500.00

(b) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments failing to maintain records required by this Chapter:

- (1) 1st offense \$200.00
- (2) 2nd offense \$250.00
- (3) 3rd offense \$500.00

(c) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments falsifying records required by 21 NCAC 06X .0105 and 21 NCAC 06X .0108 is \$500.00.

(d) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments failing to submit records required by this Chapter:

- (1) 1st offense \$200.00
- (2) 2nd offense \$350.00
- (3) 3rd offense \$500.00

(e) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments failing to comply with the facility requirements as set forth in 21 NCAC 06X .0106 and .0107:

- (1) 1st offense \$250.00
- (2) 2nd offense \$400.00
- (3) 3rd offense \$500.00

(f) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments failing to comply with the student-instructor ratio set forth in 21 NCAC 06X .0110:

- (1) 1st offense \$250.00
- (2) 2nd offense \$400.00
- (3) 3rd offense \$500.00

Authority G.S. 86B-10; 86B-67; 86B-68