

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered by**

\_\_\_\_\_ of \_\_\_\_\_

AMEND House Committee Substitute for House Bill No. 1689, by inserting at the appropriate location the following sections:

"329.190. 1. The state board of cosmetology shall be composed of seven members, including one voting public member and one member who is a licensed school owner pursuant to subsection 1 of section 329.040, appointed by the governor with the advice and consent of the senate. The term of office of each member shall be four years.

2. The members of the board shall receive as compensation for their services the sum set by the board not to exceed fifty dollars for each day actually spent in attendance at meetings of the board, within the state, not to exceed forty-eight days in any calendar year, and in addition thereto they shall be reimbursed for all necessary expenses incurred in the performance of their duties as members of the board.

3. All members, except the public member, shall be

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Action Taken \_\_\_\_\_

Date \_\_\_\_\_

cosmetologists, electrologists, and manicurists duly registered as such and licensed pursuant to the laws of this state, and shall be United States citizens and shall have been residents of this state for at least one year next preceding their appointments and shall have been actively engaged in the lawful practice of cosmetology for a period of at least five years. The public member shall be at the time of the person's appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure. Any member who is a school owner shall not be allowed access to the testing and examination materials nor to attend the administration of the

examinations, except when such member is being examined for licensure.

329.600. For the purposes of sections 329.600 to 329.645, the following terms mean:

(1) "Board", the state board of cosmetology;

(2) "Division", the division of professional registration of the department of economic development;

(3) "Electrologist", a person who engages in the practice of electrolysis;

(4) "Electrolysis or electrology", the permanent removal of hair by destroying the hair-producing cells of the skin and vascular system using equipment and devices which have been approved by and registered with the federal Food and Drug Administration for the removal of hair.

329.605. 1. An applicant applying for licensure as an electrologist shall file a written application, accompanied by the application for licensure fee prescribed in section 329.645, on a form provided by the state board of cosmetology showing to the satisfaction of the board that the applicant:

(1) Is at least eighteen years old; and

(2) Is of good moral character; and

(3) Possesses a high school diploma or a graduate equivalency diploma; and

(4) Has successfully completed at least six hundred hours

of a board-approved, state-licensed electrolysis training school;  
or

(5) Has successfully completed twelve hundred hours of  
board-approved apprentice training.

2. Each applicant for licensure shall successfully pass a  
written examination developed by the board or a national  
examination that has been approved by the board. The  
examinations shall test the applicant's knowledge relating to the  
practice of electrology, including the applicant's professional  
skills and judgment in the use of electrolysis techniques and  
methods, and any other subjects which are useful to determine the  
applicant's fitness to practice. The board may adopt a national  
examination in lieu of any part of the examination required by  
this section. The board shall establish standards for acceptable  
performance.

3. The board shall issue a license to practice electrology  
to any applicant who passes the examination, pays the licensure  
fee as set forth in section 329.645, and otherwise meets the  
requirements of sections 329.600 to 329.645.

4. The board shall conduct licensure examinations at least  
two times a year. The board shall give public notice of the time  
and place of each examination at least sixty days before it is  
administered and shall mail notice of such examination to each  
applicant whose application is timely filed, pursuant to board

rule.

5. The board shall issue a license to any person who has engaged in the practice of electrolysis for two years immediately preceding the effective date of sections 329.600 to 329.645 and otherwise meets the qualifications for licensure.

6. The board shall not issue a license to any applicant who is under investigation in another jurisdiction for an offense which would be a violation of sections 329.600 to 329.645, until such investigation is complete. Upon completion of such investigation and if the applicant is found guilty of such offense, the board shall apply the provisions of section 329.630.

329.610. 1. The board shall issue a license by endorsement to any applicant who submits an application and the required fees as set forth in section 329.645 and who holds an active license or other authority to practice electrology in a jurisdiction whose licensure requirements are determined by the board to be equivalent to the requirements for licensure in this state. If the board determines that an applicant is qualified to receive a license by endorsement, the board may issue the applicant a temporary permit to practice electrolysis until the next board meeting at which license applications are to be considered, but not for a longer period of time. Only one temporary permit shall be issued to an applicant, and it shall not be renewable.

2. If the board determines that an applicant is qualified

for licensure by examination except for passage of the examination and has applied for the next scheduled examination, the board may issue the applicant a nonrenewable temporary permit to practice electrology under the supervision of a licensed electrologist until notification of the results of the examination. The temporary permit of a person who fails such examination is automatically revoked upon notification of the examination results, and the applicant shall cease the practice of electrology immediately upon receipt of such notice. An applicant with a temporary permit who passes such examination may continue to practice under such temporary permit until the next meeting of the board at which license applications are to be considered. As used in this subsection, "supervision" means responsible control by a licensed electrologist who provides the initial direction in developing a treatment plan and also periodically inspects the permittee's implementation of such plan which shall not be altered by the permittee without the prior consultation and approval of the supervisor. The supervisor shall be available to consult with and direct a permittee in an emergency and the supervisor shall be on the premises while the permittee is delivering electrolysis services.

329.615. Only persons who are licensed according to sections 329.600 to 329.645 shall use the title "electrologist", "registered electrologist", or the abbreviation "RE." No person

shall practice electrology or hold himself or herself out as an electrologist in this state unless the person has been issued a license by the board and holds an active license pursuant to the requirements of sections 329.600 to 329.645. A licensee shall display his or her license in a conspicuous location in the licensee's place of practice and provide it to the division or the board upon request.

329.620. 1. The board shall provide by rule a method for biennial license renewal at fees set forth in section 329.645. A license that is not renewed at the end of the biennium prescribed by the board automatically reverts to delinquent status. The board shall adopt rules establishing procedures, criteria, and fees as set forth in section 329.645 for reactivation of an inactive license.

2. A licensee shall file with the board the address of his or her primary place of practice within the state prior to engaging in practice and shall notify the board of any change in this address prior to the change.

3. An application for license renewal shall be accompanied by proof of the successful completion of one continuing education unit every two years, with one unit equaling ten hours, or proof of successfully passing a reexamination for licensure within the immediately preceding biennium which meets the criteria established by the board. Both the continuing education and

reexamination shall contain education on blood-borne diseases.  
The board shall approve criteria for, and content of,  
electrolysis training programs and continuing education courses  
required for licensure and renewal. Continuing education  
programs shall be approved by the board.

329.625. 1. No electrology facility shall be permitted to  
operate without a facility license issued by the board. The  
facility license shall be displayed in a conspicuous place within  
the facility and shall be made available upon request of the  
board.

2. The board shall adopt rules governing the licensure and  
operations of such facilities, personnel, safety and sanitary  
requirements, and the licensure application and granting process.

3. Any person, firm, or corporation desiring to operate an  
electrology facility in the state shall submit to the board an  
application and the necessary application fee as set forth in  
section 329.645. Upon receiving the application, the board may  
cause an investigation to be made of the proposed electrology  
facility.

4. When an applicant fails to meet all the requirements  
provided in sections 329.600 to 329.645, the board shall deny the  
application in writing and shall list the specific requirements  
not met. No applicant denied licensure because of failure to  
meet the requirements shall be precluded from reapplying for

licensure. When the board determines that the proposed electrology facility has met the requirements set forth in this section, the board shall grant the license upon payment of the initial licensure fee.

5. An initial inspection of a licensed facility shall be conducted within sixty days of initial licensure. A renewal inspection of a licensed facility shall be conducted not less than once per biennium or as deemed required by the board.

6. No license for operation of an electrology facility shall be transferred from the name of the original licensee to another facility, but may be transferred from one location to another only upon approval by the board, which approval shall not be unreasonably withheld.

7. Renewal of license registration for electrology facilities shall be accomplished pursuant to rules adopted by the board.

329.630. 1. The following acts constitute grounds for denial or revocation of a license:

(1) Obtaining or attempting to obtain a license by bribery, fraud, or knowing misrepresentation;

(2) Having a license or other authority to deliver electrolysis services revoked, suspended, or otherwise acted against, including denial of licensure, in another jurisdiction;

(3) Being convicted or found guilty of, or entering a plea

of nolo contendere to, regardless of adjudication, a crime, in any jurisdiction, which directly relates to the practice of electrology;

(4) Willfully making or filing a false report or record, willfully failing to file a report or record required for electrologists, or willfully impeding or obstructing the filing of a report or record required by sections 329.600 to 329.645 or inducing another person to do so;

(5) Circulating false, misleading, or deceptive advertising;

(6) Unprofessional conduct, including any departure from, or failure to conform to, acceptable standards related to the delivery of electrolysis services;

(7) Engaging or attempting to engage in the illegal possession, sale, or distribution of any illegal or controlled substance;

(8) Willfully failing to report any known violation of sections 329.600 to 329.645;

(9) Willfully or repeatedly violating a rule adopted pursuant to sections 329.600 to 329.645, or an order of the board or division previously entered in a disciplinary hearing;

(10) Engaging in the delivery of electrolysis services without an active license;

(11) Employing an unlicensed person to practice

electrology;

(12) Failing to perform any statutory or legal obligation placed upon an electrologist;

(13) Accepting and performing professional responsibilities which the licensee knows, or has reason to know, he or she is not competent to perform;

(14) Delegating professional responsibilities to a person the licensee knows, or has reason to know, is unqualified by training, experience, or licensure to perform;

(15) Gross or repeated malpractice or the inability to practice electrology with reasonable skill and safety;

(16) Judicially determined mental incompetency;

(17) Practicing or attempting to practice electrology under a name other than his or her own;

(18) Being unable to practice electrology with reasonable skill and safety because of a mental or physical condition or illness, or the use of alcohol, controlled substances, or any other substance which impairs one's ability to practice. For any electrologist who is suspected of conduct in violation of this subdivision, the board:

(a) May, upon probable cause, compel a licensee to submit to a mental or physical examination by physicians designated by the board, and the cost of an examination shall be borne by the licensee, and his or her failure to submit to such an examination

constitutes an admission of the allegations against him or her, consequent upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond his or her control;

(b) Shall afford any licensee who is disciplined under this subdivision, an opportunity, at reasonable intervals, to demonstrate that he or she can resume the practice of electrology with reasonable skill and safety; and

(c) Shall not use the record of any proceeding under this subdivision or an order entered under this subdivision against a licensee in any other proceeding;

(19) Disclosing the identity of or information about a patient without written permission, except for information which does not identify a patient and which is used for training purposes in an approved electrolysis training program;

(20) Practicing or attempting to practice any permanent hair removal except as described in section 329.600; or

(21) Operating any electrolysis facility unless it has been duly licensed as provided in sections 329.600 to 329.645.

2. If the board finds any person in violation of any of the grounds set forth in subsection 1 of this section, including conduct that would constitute a substantial violation of subsection 1 of this section which occurred prior to licensure,

the board may impose one or more of the following penalties:

(1) Denial of the application for licensure;

(2) Revocation or suspension of the license;

(3) An administrative fine not to exceed five thousand dollars for each separate offense;

(4) Placement of the licensee on probation for a specified time and subjecting the licensee to such conditions as the board determines necessary, including, but not limited to, requiring treatment, continuing education courses, reexamination, or working under the supervision of a licensed electrologist;

(5) Issuance of a reprimand to the licensee; or

(6) Restriction on a licensee's practice.

3. The board shall not issue or reinstate a license to a person deemed unqualified by the board until the board is satisfied that such person has complied with any terms and conditions of the board and the licensee can safely practice electrology.

4. The board may, by rule, establish guidelines for the disposition of disciplinary cases involving specific types of violations. The guidelines may include minimum and maximum fines, periods of supervision on probation, or conditions upon probation or reissuance of a license.

329.635. A person is guilty of a class A misdemeanor if such person:

(1) Practices or attempts to practice electrology or hold himself or herself out to be an electrologist without holding an active license;

(2) Practices or attempts to practice electrology under a name other than his or her own name;

(3) Uses or attempts to use a revoked or suspended license or the license of another person;

(4) Obtains or attempts to obtain a license by bribery, fraud, or knowing misrepresentation;

(5) Employs an unlicensed person to practice electrology;

(6) Practices or attempts to practice any permanent hair removal except as described in section 329.600.

329.640. Sections 329.600 to 324.645 shall not apply to the delivery of electrolysis services by:

(1) A physician licensed pursuant to chapter 334, RSMo; or

(2) A student delivering electrolysis services to another in an approved electrolysis training program under the direct supervision of a licensed electrologist.

329.645. 1. The board shall establish by rule the collection of fees for the following purposes:

(1) License application fee: a fee not to exceed one hundred dollars;

(2) Examination fee: a fee not to exceed three hundred dollars;

(3) Initial licensure fee: a fee not to exceed one hundred dollars;

(4) Renewal fee: a fee not to exceed one hundred dollars biennially;

(5) Reactivation fee: a fee not to exceed one hundred dollars;

(6) Inspection fee for facility: a fee not to exceed one hundred dollars biennially.

2. The board shall not charge more than the actual cost incurred for the implementation of sections 329.600 to 329.645.

3. All fees collected pursuant to this section shall be deposited in the state board of cosmetology fund established in section 329.240.

4. No rule or portion of a rule promulgated pursuant to the authority of sections 329.600 to 329.645 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.;"  
and

Further amend said title, enacting clause and intersectional references accordingly.