



Rhode Island Department of Health

PUBLIC NOTICE

The Director of the Rhode Island Department of Health has determined to amend the rules and regulations listed below to remove the specific dollar value of all fees for licensing, laboratory and administrative services provided by the Department of Health from the individual regulations and reference all such fees to a new consolidated fee regulation (to be promulgated separately). These amendments are proposed pursuant to the authority contained in Public Law 2012-241, enacted by the General Assembly on 15 June 2012, and the relevant sections of the respective professional practice and licensure acts.

The following seventy-five (75) regulations are proposed to be amended:

1. Food Code
2. Rules and Regulations Establishing Educational and Experience Requirements for Registration as a Sanitarian
3. Rules and Regulations for Asbestos Control
4. Rules and Regulations for Bottled Water
5. Rules and Regulations for Certifying Analytical Laboratories
6. Rules and Regulations for Determination of Need for New Health Care Equipment and New Institutional Health Services
7. Rules and Regulations for Lead Poisoning Prevention
8. Rules and Regulations for Licensing Assisted Living Residences
9. Rules and Regulations for Licensing Athletic Trainers
10. Rules and Regulations for Licensing Birth Centers
11. Rules and Regulations for Licensing Chemical Dependency Professionals
12. Rules and Regulations for Licensing Clinical Laboratories and Stations
13. Rules and Regulations for Licensing Clinical Social Workers and Independent Clinical Social Workers
14. Rules and Regulations for Licensing Doctors of Acupuncture and Acupuncture Assistants
15. Rules and Regulations for Licensing Home Nursing Care Providers and Home Care Providers
16. Rules and Regulations for Licensing Hospice Care
17. Rules and Regulations for Licensing Interpreters for the Deaf
18. Rules and Regulations for Licensing Kidney Disease Treatment Centers
19. Rules and Regulations for Licensing Massage Therapists
20. Rules and Regulations for Licensing Mental Health Counselors and Marriage and Family Therapists
21. Rules and Regulations for Licensing Occupational Therapists and Occupational Therapy Assistants
22. Rules and Regulations for Licensing of Hospitals
23. Rules and Regulations for Licensing of Midwives
24. Rules and Regulations for Licensing of Nursing Facilities
25. Rules and Regulations for Licensing of Nursing Home Administrators
26. Rules and Regulations for Licensing Physical Therapists and Physical Therapist Assistants
27. Rules and Regulations for Licensing Psychologists
28. Rules and Regulations for Licensing Rehabilitation Hospital Centers

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29. Rules and Regulations for Licensing Respiratory Care Practitioners
30. Rules and Regulations for Licensing Speech Pathologists and Audiologists
31. Rules and Regulations for Licensing Swimming and Wading Pools, Hot Tubs, and Spas
32. Rules and Regulations for Licensure and Discipline of Chiropractic Physicians
33. Rules and Regulations for Limited Medical Registration
34. Rules and Regulations for Radon Control
35. Rules and Regulations for the Certification of Administrators of Assisted Living Residences
36. Rules and Regulations for the Certification of Health Plans
37. Rules and Regulations for the Control of Radiation
38. Rules and Regulations for the Licensing of Freestanding Ambulatory Surgical Centers
39. Rules and Regulations for the Licensing of Freestanding Emergency Care Facilities
40. Rules and Regulations for the Licensing of Nurses and Standards for the Approval of Basic Nursing Education Programs
41. Rules and Regulations for the Licensing of Nursing Service Agencies
42. Rules and Regulations for the Licensing of Organized Ambulatory Care Facilities
43. Rules and Regulations for the Licensing of Podiatrists
44. Rules and Regulations for the Licensing of Radiographers, Nuclear Medicine Technologists, Radiation Therapists and Radiologist Assistants
45. Rules and Regulations for the Licensure and Discipline of Physicians
46. Rules and Regulations for the Licensure of Barbers, Hairdressers/Cosmeticians, Manicurists, Estheticians, and Instructors
47. Rules and Regulations for the Licensure of Clinical Laboratory Science Practitioners
48. Rules and Regulations for the Licensure of Physician Ambulatory Surgery Centers and Podiatry Ambulatory Surgery Centers
49. Rules and Regulations for the Licensure of Physician Assistants
50. Rules and Regulations for the Licensure of Veterinarians
51. Rules and Regulations for the Registration of Body Piercing Technicians and Body Piercing Establishments
52. Rules and Regulations for the Registration of Distributors of Controlled Substances in Rhode Island
53. Rules and Regulations for the Registration of Tanning Facilities
54. Rules and Regulations for the Registration of Tattoo Artists and Tattoo Parlors
55. Rules and Regulations for the Utilization Review of Health Care Services
56. Rules and Regulations Governing Vital Statistics
57. Rules and Regulations Pertaining to Certification of Managers in Food Safety
58. Rules and Regulations Pertaining to Dentists, Dental Hygienists, and Dental Assistants
59. Rules and Regulations Pertaining to Embalmers, Funeral Directors, and Funeral Service Establishments
60. Rules and Regulations Pertaining to Opticians
61. Rules and Regulations Pertaining to Optometrists
62. Rules and Regulations Pertaining to Permits for Screening Programs
63. Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers, and Distributors
64. Rules and Regulations Pertaining to Public Drinking Water
65. Rules and Regulations Pertaining to Rhode Island Certificates of Registration for Nursing Assistants, Medication Aides, and the Approval of Nursing Assistant and Medication Aide Training Programs
66. Rules and Regulations Pertaining to the Certification of Public Drinking Water Supply Treatment and Public Water Supply Transmission and Distribution Operators

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67. Rules and Regulations Pertaining to the Licensing of Dietitians/Nutritionists
 68. Rules and Regulations Pertaining to the Medical Examiner System
 69. Rules and Regulations Pertaining to the Newborn Metabolic, Endocrine, and Hemoglobinopathy Screening Program and the Newborn Hearing Loss Screening Program
 70. Rules and Regulations Pertaining to the Processing and Distribution of Shellfish
 71. Rules and Regulations Prescribing Minimum Standards for Processing, Storage and Transportation of Fish and Fishery Products
 72. Rules and Regulations Related to the Licensure of Hearing Aid Dealers and Fitters
 73. Rules and Regulations Related to the Medical Marijuana Program
 74. Rules and Regulations Related to the Practice of Electrolysis
 75. Rules and Regulations Relating to Emergency Medical Services
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Notice is hereby given in accordance with the provisions of §42-35-3(a)(2) of the Rhode Island General Laws, as amended, that the Director is affording all interested persons the opportunity to submit data, views, or arguments in writing on this matter. Opportunity for public hearing shall be granted if requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members. *Otherwise, no hearing shall be convened.* Should a hearing be requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members, *a hearing shall be scheduled only for the regulation(s) for which the request for hearing was received.* All regulations for which a public hearing is not requested will be filed with the Rhode Island Secretary of State pursuant to Chapter 42-35 of the Rhode Island General Laws, as amended, shortly after the **10 September 2012** deadline (as below).

Such input or requests for public hearing must be received in writing **no later than Monday, 10 September 2012**. Such input or requests should be addressed to: Michael Fine, M.D., Director, Rhode Island Department of Health, Three Capitol Hill, Room #401, Providence, Rhode Island 02908-5097.

In the development of these amendments, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach, duplication, or overlap was identified based upon available information.

Copies of all regulations are available for public inspection in the Cannon Building, Room #201, Rhode Island Department of Health, Three Capitol Hill, Providence, Rhode Island 02908-5097, on the Secretary of State's website: <http://www.sos.ri.gov/rules/>, by calling 401-222-7767, or by e-mail to Bill.Dundulis@health.ri.gov.

Signed this 3rd day of August 2012

Original signed by Michael Fine, MD

Michael Fine, M.D., Director of Health

RULES AND REGULATIONS
RELATED TO THE
PRACTICE OF ELECTROLYSIS
(R-5-32-ELEC)



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Department of Health
May 1998

As amended:

February 2000

January 2002 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

January 2007 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

January 2012 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

August 2012 (Proposed)

COMPILER'S NOTES:

Proposed Additions: Underlined

Proposed Deletions: ~~Strikeouts~~

INTRODUCTION

These *Rules and Regulations Related to the Practice of Electrolysis (R5-32-ELEC)* are promulgated pursuant to the authority conferred under sections 42-35 and 5-32 of the General Laws of Rhode Island, as amended, and are adopted for the purpose of establishing minimum standards for the practice of electrolysis in this state.

Pursuant to the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, consideration was given in arriving at the regulations to: (1) alternative approaches to the regulations; (2) duplication or overlap with state regulations, by referencing all applicable laws; and (3) significant economic impact on small business, as defined in Chapter 42-35 of the General Laws, as amended, which could result from the regulations.

No alternative approach, no known overlap or duplication, nor any significant economic impact was identified. Therefore, these regulations are adopted in the best interest of the health and safety of the public.

These rules and regulations shall supersede all previous *Rules and Regulations Related to the Practice of Electrolysis (R5-32-ELEC)* promulgated by the Rhode Island Department of Health and filed with the Secretary of State.

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Part I *Definitions and Qualifications of Applicants*

Section 1.0 *Definitions*

Wherever used in these rules and regulations, the following terms shall be construed as follows:

- 1.1 “**Act**” means section 5-32 of the Rhode Island General Laws, as amended, entitled “Electrolysis.”
- 1.2 “**Administrator**” means the Administrator of the Division of Professional Regulation at the Rhode Island Department of Health.
- 1.3 “The **Board**” means the Board of Examiners in Electrolysis. The composition of the Board shall be in accordance with the requirements of Chapters 5-26-2 and 5-26-3 of the Rhode Island General Laws, as amended.
- 1.4 “**Division**” means the Division of Professional Regulation at the Rhode Island Department of Health.
- 1.5 “**Department**” means the state of Rhode Island Department of Health, its employees, agents, or assigns.
- 1.6 “**Electrolysis**” means the method of removing hair from the human body by the application of an electrical current to the hair-papilla by means of a needle or needles to cause decomposition or coagulation of the hair-papilla and thus permanently remove the hair.
- 1.7 “**Licensure**” and “**certification**” shall be synonymous for the purposes of the rules and regulations herein.
- 1.8 “**Patient**” means a person who receives electrolysis treatment from a licensed electrologist.

Section 2.0 *Qualification of Applicants*

- 2.1 Certificates to engage in the practice of electrolysis shall be issued to such applicants as comply with the following requirements:
 - 2.1.1 Are citizens or legal residents of the United States and residents of the state of Rhode Island for at least one (1) year.
 - 2.1.2 Have attained the age of eighteen (18) years.
 - 2.1.3 Have graduated from a high school or whose education is the equivalent thereof.
 - 2.1.4 Have satisfactorily completed a course of training and study in electrolysis as a registered apprentice under the supervision of a duly licensed Rhode Island electrologist who is qualified to teach electrolysis to apprentices as set forth in Chapter 5-32-17 of the Rhode Island General Laws, as amended. In addition:
 - a) Such apprenticeship shall include at least six hundred and fifty (650) hours of study and practice in the theory and practical application of electrolysis within a

term of nine (9) months. Said 650-hour apprenticeship shall include instruction and training as stipulated below:

Histology	50 hours
Bacteria, sterilization, and hygiene	100 hours
Dermatology	75 hours
Principles of electricity	25 hours
Anatomy, physiology, and endocrinology	75 hours
Magnification, lighting, and equipment	25 hours
Professional ethics, human relations, and office management	25 hours
Practical training	<u>275 hours</u>
TOTAL	650 hours

b) Such apprentice shall register with the Division upon beginning his/her course of instruction and the licensed person with whom he/she shall serve such apprenticeship shall keep a record of the hours of such instruction and upon the completion of such apprenticeship shall so certify to said Board.

2.1.5 Shall be of good moral character;

2.1.6 Shall be certified by a physician to be free of infectious diseases;

2.1.7 Shall pass the examination given by the Board;

2.1.8 The requirement for training and study provided for in this section shall not apply to trainees registered with the Division prior to May 15, 1969.

2.2 Any person who has successfully completed the training requirements to practice electrolysis in any other state or states, where the requirements are the equivalent to or greater than those of this state and who shall otherwise meet the requirements of the Act and the rules and regulations herein shall be entitled to be licensed under the provisions of the Act and the rules and regulations herein.

2.3 Any person licensed to practice electrolysis in any other state or states, who is, or in good faith intends to become a resident of this state, where the requirements are the equivalent of those of this state and who shall otherwise meet the requirements of the Act and the rules and regulations herein shall be entitled to take said examination, and if he/she shall pass same, upon the payment of a fee of ~~fifty (\$50) dollars, as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*~~ be entitled to be licensed under the provisions of the Act and the rules and regulations herein.

2.4 The provisions of the Act shall not apply to physicians (M.D. or D.O.) licensed to practice in the state of Rhode Island.

2.5 ***Qualifications for Teaching Electrolysis***

In order to qualify as an instructor or to teach electrolysis to apprentices, a practitioner shall meet the following requirements:

- 2.5.1 have been actively engaged as a licensed practitioner of electrolysis for at least five (5) years;
 - 2.5.2 successfully completed a state Board examination specifically designed to evaluate qualifications to teach electrolysis;
 - 2.5.3 be a high school graduate or the equivalent thereof.
- 2.6 A qualified, licensed electrologist shall not register more than one (1) apprentice for each nine (9) month training period.

Section 3.0 ***Examination Requirements and Issuance of Certificates and Fees***

- 3.1 Any person who shall desire to engage in the practice of electrolysis shall submit, in writing, an application for a certificate to engage therein to the Division.
- 3.1.1 Said application shall be accompanied by a fee of ~~eighty dollars (\$80) made payable by check or money order to the General Treasurer, state of Rhode Island,~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.*
- 3.2 Examination of applicants for certificates shall be held at least twice (2) per year in the city of Providence and may be held elsewhere at the discretion of the Division.
- 3.3 The Division shall issue to each person successfully passing the examination, where an examination is required, and who otherwise satisfies the Division of his/her qualifications, a certificate signed by the Administrator of the Division, entitling him/her to practice said business in this state for the annual period stated in the certificate, or until said certificate shall be revoked or suspended, as hereinafter provided.
- 3.4 Every certificate issued hereunder shall specify the name of the person to whom it was issued and shall be displayed prominently in the place of business or employment.
- 3.5 All certificates shall expire on the 30th day of April of each year, unless sooner suspended or revoked, and shall be renewed for the next ensuing year by the Division upon payment to it of an annual renewal fee of ~~twenty-five (\$25) dollars~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* for each such renewal.

Part II *Standards of Practice*

Section 4.0 *Practice of Electrolysis*

- 4.1 The practice of electrolysis shall be engaged in only in a fixed place or establishment which said place or establishment shall be provided with such instruments, implements, and equipment and subject to such sanitary regulation and inspection as said Division may prescribe and shall not be practiced on Sundays or holidays, as defined in Chapter 25-1-1 of the Rhode Island General Laws, as amended.

Inspection of Electrolysis Establishments

- 4.2 Every electrolysis office shall be opened for inspection to any member or designee of the Rhode Island Department of Health, Board of Examiners in Electrolysis during regular business hours.
- 4.2.1 When an inspection of an electrolysis office is made by any member or designee of the Board, the owner or person in charge of said office shall sign an inspection form.
- 4.2.2 Any violation shall be corrected within a reasonable period of time as determined by the Board. At the end of the prescribed period, the office shall be reinspected to ensure compliance.

Section 5.0 *Infection Control Standards*

Any person licensed to practice electrolysis shall conduct his/her practice in such a manner as to prevent the transmission of communicable diseases and in accordance with the standards below.

Hand Washing Standards

- 5.1 A sink with hot and cold running water shall be located in each treatment room or in an area adjoining the treatment room.
- 5.2 Hands shall be washed before and after each client; before donning gloves; and immediately after gloves are removed.
- 5.3 Hand washing shall include use of germicidal soaps.
- 5.3.1 Bar soaps shall be kept on a rack to allow water to drain.
- 5.3.2 Liquid soap containers shall be disposable; or
- 5.3.3 Reusable liquid soap containers shall be cleaned and refilled with fresh soap at least once (1) per month.
- 5.4 Hand washing technique shall include:
- 5.4.1 Use of germicidal soap and water;
- 5.4.2 Vigorous rubbing together of all surfaces of lathered hands, especially between fingers and fingernail areas, for at least ten (10) seconds;

5.4.3 Thorough rinsing under a stream of hot running water; *and*

5.4.4 Hands dried thoroughly with a clean, disposable paper towel, and faucets turned off with the paper towel.

Standards for the Use of Gloves

5.5 A fresh pair of sterile or non-sterile disposable examination gloves shall be worn during the treatment of each patient.

5.6 Hands shall be washed in accordance with the hand washing standards (in section 5.4 above) before donning gloves and immediately after removing gloves.

5.7 When a treatment session is interrupted, a protective covering shall be used over the gloved hand(s); or gloves must be removed and discarded.

5.8 When gloves are removed during a treatment session, hands shall be washed and a fresh pair of gloves shall be donned.

5.9 Gloves shall be worn during the procedures of mechanical pre-cleaning, cleaning, rinsing, and drying of forceps and tweezers.

5.10 Torn or perforated gloves shall be removed immediately, and hands shall be washed after gloves are removed.

Standards for Cleaning and Sterilizing Instruments

5.11 At all times, only sterile, single-use disposable needles/probes shall be used.

5.12 Instruments, other than needles, used in the electrolysis process shall be disposed of or thoroughly cleaned and sterilized between patients.

5.13 All new instruments shall be cleaned and sterilized before initial use.

5.14 Gloves shall be worn during the mechanical pre-cleaning, cleaning, rinsing, and drying of instruments. Caution shall be taken to avoid needle/forceps stick injuries.

5.15 Instruments contaminated before use (e.g., opened from sterile packet) shall be reprocessed before use.

5.16 Instruments used in the practice of electrolysis shall be sterilized by the following methods:

5.16.1 Dry heat

The following time-temperature relationships are recommended:

- a) 340°F (170°C)-1 hour;
- b) 320°F (160°C)-2 hours.

The above temperatures relate to the time of exposure after attainment of the specific temperature and do not include a heat-up lag time.

- 5.16.2 Moist heat (steam under pressure)--autoclave
- 5.16.3 The following time-temperature relationships are recommended (or other time-temperature relationships recommended by the manufacturer of the instrument):
 - a) fifteen (15) minutes at 121°C (250°F) and fifteen (15) psi (pounds per square inch) for unpackaged instruments/items;
 - b) thirty (30) minutes at 121°C (250°F) and fifteen (15) psi (pounds per square inch) for packaged instruments/items.
- 5.16.4 The above exposure times apply only to the time the material is at temperature and does not include a penetration or heat-up time.
- 5.16.5 Dry heat ovens shall meet Food and Drug Administration (FDA) requirements and shall be cleaned, used, and maintained according to the manufacturer's instructions.
- 5.16.6 Autoclaves (steam under pressure) shall meet Food and Drug Administration (FDA) requirements and shall be cleaned, operated, and maintained according to the manufacturer's instructions.
- 5.16.7 Chemical (i.e., color change) indicators shall be used in each package or container to indicate items have been exposed to a sterilization process.
- 5.16.8 Biological indicators must be used no less than once (1) per month per sterilizer according to the manufacturer's instructions to ensure proper mechanical function and to determine sterilization efficiency.
 - a) Lab reports (related to sterilization efficiency section 5.16.8 above) shall be available for inspection and shall be filed in a permanent sterility assurance file.
- 5.17 Aseptic techniques shall be followed when handling sterilized instruments or items.
- 5.18 The removable tip of epilator needle/probe holders shall be removed after each treatment and cleaned with soap/detergent and water, rinsed, dried, and disinfected by submersion in seventy percent (70%) isopropyl alcohol for at least ten (10) minutes. The non-removable tips of epilator needle/probe holders shall be wiped with a detergent-germicide/disinfectant after each treatment.
- 5.19 The covered container used to hold the alcohol should be emptied daily or whenever visibly contaminated, then cleaned, dried, and refilled with fresh alcohol.

Follow-up Procedures for Potential Exposures to HBV, HIV and Other Blood Borne Pathogens

5.19 Persons engaged in the practice of electrolysis shall comply with the Occupational Safety and Health Administration's (OSHA) Blood borne Pathogen Standards of reference 3 in order to protect themselves (and any employees) against occupational exposure to Blood borne pathogens.

5.19.1 Compliance shall include, but not be limited to:

- i) a written exposure control plan;
- ii) staff training;
- iii) engineering and work practice controls;
- iv) adoption of universal precautions;
- v) personal protective equipment;
- vi) hepatitis B vaccinations; and
- vii) a protocol for evaluation in the event that an exposure occurs.

Section 6.0 *Standards for Environmental Control and Housekeeping*

6.1 Offices and treatment rooms shall be clean, well-lighted and well-ventilated.

6.2 Toilet facilities shall be available on the premises.

6.3 Treatment tables and chairs for each patient shall be wiped with a detergent-germicide/disinfectant after each treatment; or if disposable paper drapes are utilized on the treatment tables and chairs, they shall be replaced following each patient.

6.4 Magnifier lamps and treatment lamps shall be wiped with a detergent-germicide/disinfectant after each treatment.

6.5 Environmental surfaces that come into contact with soiled surfaces or clients shall be cleaned according to the following procedure: A hospital-grade disinfectant-detergent registered by the Environmental Protection Agency (EPA) shall be used for cleaning environmental surfaces or a freshly prepared (daily) 1:10 dilution of household bleach and water (¼ cup bleach in two and one-half (2 ½) cups of water). The areas shall be allowed to dry.

6.6 No animals, except seeing eye dogs, hearing dogs, or other animals expressly authorized by law to be in places of public accommodation, shall be permitted in any electrolysis office, treatment room or waiting room.

Waste Disposal Practices

6.7 Any waste generated in the process of performing electrolysis that is defined as regulated medical waste shall be disposed of in accordance with the *Rules and Regulations Governing the Generation, Transportation, Storage, Treatment, Management and Disposal of Regulated Medical Waste in Rhode Island* of reference 1.

6.7.1 This shall include, but is not limited to, single-use disposable needles/probes, which must be disposed of as “sharps” according to the regulations of reference 1 herein.

6.7.2 Items used to clean blood on environmental surfaces shall be treated as regulated medical waste, in accordance with the medical waste regulations.

6.8. Disposable gloves shall be worn during the cleaning of all environmental surfaces.

Section 7.0 *Patient Care Standards*

7.1 Blood and body fluid (universal) precautions shall be consistently applied in the treatment of all patients.

7.2 A medical record of patient visits/treatments shall be maintained by the licensee. A complete past and current health history/assessment shall be obtained from each patient and documented in the medical record prior to treatment. The history/assessment shall be reassessed and updated annually.

7.3 The skin site shall be evaluated prior to each treatment.

7.4 The patient shall be referred to an appropriate health care provider when evaluation of skin surfaces and/or health history/assessment in accordance with electrolysis training so indicates.

Pre- and Post-Treatment of Skin Site

7.5 Before treatment, the skin site shall be cleansed of visible soil using soap and water or a germicidal skin preparation, and wiped with an acceptable antiseptic product (e.g., seventy percent [70%] isopropyl alcohol, iodophor, or other acceptable antiseptic product).

7.6 After treatment, the skin site shall be wiped with an acceptable antiseptic product (e.g., three percent [3%] U.S.P. grade hydrogen peroxide or other similar antiseptic product).

7.7 Application of ice in a fresh disposable paper towel in a fresh plastic bag and/or healing cream/lotion/ointment may be applied to the treated skin site at the discretion of the practitioner.

7.7.1 Creams/lotions/ointments shall be kept in clean, covered containers and handled in a sanitary manner.

7.8 The patient shall be given written instructions on the appropriate post-treatment care to promote healing of the treated skin site.

Part III *Sanctions and Penalties/Practices and Procedures/Severability*

Section 8.0 *Sanctions and Penalties*

- 8.1 Any person, firm, corporation or association violating any of the provisions of the Act or the rules and regulations herein shall be deemed to have committed a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed two hundred dollars (\$200) or imprisoned for a period not to exceed three (3) months, or both such fine and imprisonment.
- 8.2 Every person who shall hereafter engage in the practice of electrolysis in Rhode Island without being duly licensed by the Board shall be deemed to be practicing illegally and upon conviction thereof shall be fined not more than twenty-five dollars (\$25) and every day of the continuation of such illegal practice shall be deemed a separate offense.
- 8.3 The Division shall have power to revoke or suspend any certificate of registration issued hereunder for gross unprofessional conduct.
- 8.3.1 Gross unprofessional conduct is defined as including, but not limited to:
- a) The use of any false or fraudulent statement in any document connected with the practice of electrolysis.
 - b) The obtaining of any fee by fraud or willful misrepresentation either to a patient or an insurance plan.
 - c) The willful violation of a privileged communication.
 - d) Knowingly performing any act which in any way aids or assists an unlicensed person to practice electrolysis in violation of the Act.
 - e) The practice of electrolysis under a false or assumed name.
 - f) The advertising for the practice of electrolysis in a deceptive or unethical manner.
 - g) Habitual intoxication or addiction to the use of drugs.
 - h) Willful or repeated violations of any of the rules or regulations of the Department or the violation of any section of the Act.
 - i) Gross incompetence in the practice of his/her profession.
 - j) Repeated acts of immorality or repeated acts of gross misconduct in the practice of his/her profession.
- 8.3.2 Before any certificate shall be suspended or revoked, the holder thereof shall be notified in writing of the charge or charges preferred against him/her and shall have a reasonable time to prepare his/her defense and shall have the right to be represented by counsel and to be heard and to present his/her defense.

- 8.3.3 Any person whose certificate shall be suspended or revoked may apply to have the same reissued and the same may be reissued to him upon a satisfactory showing that the cause for disqualification has ceased.
- 8.3.4 The Division shall have power by its Administrator to summon any person to appear as a witness and testify at any hearing of the Division to examine witnesses, administer oaths and punish for contempt any person refusing to appear or testify. The Division shall serve a copy of its decision or ruling upon any person whose certificate has been revoked or refused.

Section 9.0 ***Rules Governing Practices and Procedures***

All hearings and reviews required under the provisions of Chapter 5-32 of the Rhode Island General Laws, as amended, shall be held in accordance with the *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)* of reference 2.

Section 10.0 ***Severability***

If any provisions of these regulations or the application thereof to any individual, or circumstances is held invalid in a court test, such invalidity shall not affect other provisions or applications of these regulations, which can be given effect without the invalid provision or application, and to this end, the provisions of these regulations are declared to be severable.

Electrolysis_Proposed_August2012.doc
Monday, 30 July 2012

REFERENCES

1. *Rules and Regulations Governing the Generation, Transportation, Storage, Treatment, Management and Disposal of Regulated Medical Waste in Rhode Island (DEM-DAH-MW-01-92)*, Rhode Island Department of Environmental Management, April 1994 and subsequent amendments thereto.
2. *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*, Rhode Island Department of Health, May 1997 and subsequent amendments thereto.
3. *Blood borne Pathogens*, Occupational Safety and Health Administration (OSHA), 29 CFR Part 1910--1000 to end, section 1910.1030, pp.316-326, July 1, 1994.