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**POLICY BULLETIN 2015-1:
LICENSURE REQUIREMENTS FOR LASER HAIR REMOVAL**

Effective May 4, 2015, the legal definition of “electrolysis” includes methods of hair removal using forms of energy that can include laser light. 2014 Acts c. 236 (the “New Law”), at §§ 36-37 and 43-44 (amending G.L. c. 112, §§ 87EEE-87OOO and 87T-87KK). Under the New Law, the authority and functions of the Board of Registration of Electrologists (“Board”) will be merged into a new Board of Registration of Cosmetology and Barbering (“New Board”). 2014 Acts c. 236, §§ 11, 18, and 36-37.

The Board finds that improper use of laser electrolysis equipment can cause skin burns and permanent eye injury, including blindness. Therefore, the Board voted at its meeting on March 23, 2015, to adopt the following Policy regarding qualifications for the practice of Laser Electrolysis, applicable to licensed electrologists and applicants for licensure, to protect the public from such potential injury.

Only licensed Electrologists who comply with this Policy may practice Laser Electrolysis. This Policy is in effect as of May 4, 2015, and will remain in effect only until the date on which the next amendments to the Board’s regulations take effect.

The terms of this Policy are in no way intended to supersede the Board’s current regulations except as to Laser Electrolysis. The New Law requires that all orders, rules, regulations, licenses and approvals issued by the Board before the effective date of the New Law on May 4, 2015, shall continue and shall be enforced until superseded, revised, or rescinded by the New Board. 2014 Acts c. 236, §§ 43-44.

Policy No. 2015-01

A. General Requirements.

- (1) **Definitions.** For the purposes of this Policy, the terms Contact Hour, Credit, Didactic Training, Electrolysis School, and Instructor shall have the meanings set forth in 238 CMR 3.02, and the following terms shall have the meanings indicated below. No attempt is made to define ordinary words that are used in accordance with their established dictionary or statutory meaning except where necessary to avoid misunderstanding.
 - (a) **ANSI** means the American National Standards Institute, a non-profit organization that prepares and publishes standards including standards for laser safety.
 - (b) **Board** means the Board of Registration of Electrologists and its successor Board of Cosmetology and Barbering pursuant to Chapter 236 of the Acts of 2014.



- (c) **Electrologist** means any person licensed by the Board to practice Electrolysis.
 - (d) **Electrolysis** means the method of removing hair from the human body by the application of an electrical current or any other form of energy to the hair-papilla or other source of hair germination by means of a needle or any other instrument or device to cause decomposition, coagulation, dehydration, or other form of tissue destruction, to permanently disable the hair follicle from producing hair.
 - (e) **Epilator** means a device used to perform Electrolysis.
 - (f) **Laser Light** means an intense, coherent, directional beam of light produced by stimulated emission of photons; the word laser as used in this Policy shall mean the acronym for Light Amplification by Stimulated Emission of Radiation.
 - (g) **Laser Hair Removal** means using Laser Light before May 4, 2015 to perform hair removal or reduction.
 - (h) **Laser Electrolysis** means Electrolysis performed with Laser Light.
- (2) In order to qualify for the State Board examination, a person shall complete the educational and practical curriculum established by the Board and all other requirements as set forth by the Board pursuant to M.G.L. c. 112, §§ 87T-87JJ, as amended or revised.

B. Electrolysis Offices.

- (1) Every Electrolysis office shall comply with all applicable regulations of the United States Food and Drug Administration (“FDA”), the Federal Communications Commission, the Regulations for the Control of Lasers at 105 CMR 121.000 promulgated by the Massachusetts Department of Public Health, and standards in the most recent version of *American National Standard for Safe Use of Lasers* published by ANSI and referred to as ANSI Z136.1.
- (2) An Electrologist shall maintain a complete record of receipt, transfer, and disposal for each device used for Electrolysis and Laser Electrolysis, which shall be in writing or capable of being reproduced in written form, and shall, at a minimum, contain the following data:
- (a) Manufacturer’s name;
 - (b) Model and serial number of the device;
 - (c) Date of the receipt, transfer, or disposal;
 - (d) Name and address of person the device was received from, transferred to, or to whom the device was transferred for disposal; and
 - (e) Name of the person recording the information.

C. Sanitation, Sterilization, Safety and Communicable Disease Precautions for Electrolysis Schools and Offices.

- (1) Equipment Sterilization Precautions:
- (a) Prior to equipment sterilization, the surfaces of all treatment tables, Epilators, and other instruments which may come in direct contact with a patient shall be cleaned of

organic material through the use of an ultrasonic cleaning device or any method recommended by the Center for Disease Control (CDC).

(2) Treatment/Procedural Precautions:

- (a) Areas within the boundaries of the orbital rim of the eye, and including any part of the eyebrow, shall not be treated by Laser Electrolysis.
- (b) Electrologists shall not treat conditions where electrolysis procedures are contraindicated by current accepted standards of practice. Such conditions include but are not limited to:
 - 1. Warts.
 - 2. Moles.
 - 3. Ingrown eyelashes.
 - 4. Spider telangiectasias and angiomas.
 - 5. Cutaneous papilloma (skin tags).
 - 6. Impetigo or any other contagious skin disease.
 - 7. Skin malignancy.
 - 8. Any area which appears to be infected or inflamed.
- (c) An Electrologist may treat patients with certain conditions if he or she first obtains written authorization to do so from the patient's physician. Such conditions include but are not limited to:
 - 1. Diabetes mellitus.
 - 2. Hair in moles.
 - 3. Medical conditions for which the patient wears any external or implanted medical object or device.
 - 4. Medical conditions that are treated with drugs having anti-coagulant effects.
 - 5. Medical conditions treated with drugs that may create photosensitivity.
- (d) Prior to initiating any treatment, an Electrologist, instructor or student must provide the patient with an explanation of the nature of the Electrolysis treatment or procedure to be performed, the potential benefits and risks of undergoing said treatment, the nature of any after-treatment care to be provided, the cost of said treatment, and any other information reasonably necessary to allow the patient to make a decision intelligently about whether or not to undergo said treatment. Following such explanation, the Electrologist, instructor or student shall obtain, and document in writing, the consent of the patient before initiating any treatment.
- (e) An Electrologist shall maintain a complete patient record and case history on each patient, which shall be in writing or capable of being reproduced in written form, and shall, at a minimum, contain the following data:
 - 1. The name, address, telephone number and date of birth of the patient.
 - 2. The patient's medical history and physical condition.
 - 3. The types of hair and/or skin, if other than normal.

4. Documentation of the patient's informed consent to treatment, as required by 238 CMR 2.03(3)(h).
5. The date of each treatment.
6. The area upon which treatment was performed.
7. The patient's reaction to treatment.
8. The duration of the equipment use for the area being treated.
9. The setting of the equipment used for the area being treated.
10. Any allergies the patient may have.
11. Whether the patient is a diabetic.
12. Whether the patient wears any external or implanted medical object or device.
13. Whether the patient has any medical condition that is treated with drugs having anti-coagulant effect or that may create photosensitivity, and, if so, what medication, if any, the patient is taking for said medical condition.
14. Physician authorization for treatment, if required.
15. History of previous treatment for hair removal received by the patient.

D. Professional Conduct.

All applicants and licensees must review and comply with the requirements of 238 CMR 2.04 in preparing for and implementing the practice of Laser Electrolysis.

E. Practice of Laser Electrolysis.

- (1) Eligibility of Licensees to Practice Laser Electrolysis. A person licensed by the Board before May 4, 2015 who has practiced Laser Hair Removal under the supervision of a physician may petition the Board for approval to practice Laser Electrolysis on or after May 4, 2015, by filing the following documentation with the Board at least 30 days prior to beginning to practice Laser Electrolysis:
 - (a) Satisfactory written proof, in the form of a letter signed by a physician, that the licensee actively practiced Laser Hair Removal under the supervision of that physician for a minimum of two (2) consecutive years preceding the date on which such licensee begins to practice Laser Electrolysis, and such documentation shall include but need not be limited to:
 1. The number of patients treated within that two years;
 2. The types of Laser Hair Removal performed, the parts of the body treated, and the number of treatments performed;
 3. A description of the type of equipment used, including the manufacturer's name and the model name of each such device used;
 4. Descriptions of negative outcomes for which claims were made for injury, damages, or disciplinary complaints, and any incidents that were required to be reported to the FDA; and
 - (b) A certificate of completion of a course or courses in Laser Electrolysis approved by the Board with a minimum of two (2) Credits for a course governed by 238 CMR

3.06 or fifteen (15) Contact Hours for a course governed by 238 CMR 3.07, which shall include but not be limited to the following topics:

1. Laser Light physics;
2. Types of Laser Electrolysis equipment;
3. Safety and precautions;
4. Pre-treatment care;
5. Eye protection;
6. Treatment protocols;
7. Proper operation of Laser Electrolysis equipment;
8. Tissue interaction;
9. Post-treatment care;
10. Photosensitive drugs and disorders;
11. The requirements for the practice of Electrolysis contained in the Board's regulations;
12. Applicable standards in the most recent version of *American National Standard for Safe Use of Lasers in Health Care* by ANSI, known and referred to as ANSI Z136.3; and
13. Applicable requirements of the United States Food and Drug Administration and Federal Communications Commission, and the Regulations for the Control of Lasers at 105 CMR 121.000 promulgated by the Massachusetts Department of Public Health.

- (2) Eligibility of Licensees Who Do Not Meet the Requirements of Paragraph 5(1) of this Policy. A person licensed by the Board before May 4, 2015 who cannot demonstrate that he or she meets the requirements of Paragraph 5(1) of this Policy may petition the Board for approval to practice Laser Electrolysis by filing with the Board a certificate of completion of a course or courses approved by the Board, which shall include the topics required by Paragraph 5(1)(b) of this Policy and a minimum of:
- (a) Two (2) Credits of Practical Training and one (1) Credit of Didactic Training in Laser Electrolysis for a course governed by 238 CMR 3.06; or
 - (b) Twenty (20) Contact Hours of Practical Training and ten (10) Contact Hours of Didactic Training in Laser Electrolysis for a course governed by 238 CMR 3.07.

- (3) Continuing Education Credit. The Credits or Contact Hours of instruction in Laser Electrolysis obtained pursuant to Paragraphs 5(1) or 5(2) of this Policy shall qualify for continuing education requirements of 238 CMR 4.01 for one license renewal period.

- (4) Applicants – Qualifications in Laser Electrolysis. A person not previously licensed by the Board shall complete a program of study prescribed by either 238 CMR 3.06 or 238 CMR 3.07, which shall include the topics required by Paragraph 5(1)(b) of this Policy and a minimum of:
- (a) Three (3) Credits of Practical Training and two (2) Credits of Didactic Training in Laser Electrolysis for programs governed by 238 CMR 3.06; or
 - (b) Forty (40) Contact Hours of Practical Training and twenty (20) Contact Hours of Didactic Training in Laser Electrolysis for programs governed by 238 CMR 3.07.

- (5) Applicants for Instructor – Qualification in Laser Electrolysis. A person may be registered as an Instructor in Electrolysis after May 4, 2015 if he or she meets the requirements of 238 CMR 3.08 and submits the following to the Board with his or her application:
- (a) Satisfactory written proof, in the form of a letter signed by a physician, that the licensee actively practiced Laser Hair Removal under the supervision of that physician for a minimum of two (2) consecutive years preceding the date on which such licensee wishes to be registered as an Instructor, including all information required by Paragraph 5(1)(a)(1)-(4) of this Policy;
 - (b) A certificate of completion of a course or courses in Laser Electrolysis approved by the Board, which shall include the topics required by Paragraph 5(1)(b) of this Policy and a minimum of:
 - 1. Three (3) Credits of Practical Training and two (2) Credits of Didactic Training for programs governed by 238 CMR 3.06, or
 - 2. Forty (40) Contact Hours of Practical Training and 20 Contact Hours of Didactic Training, for programs governed by 238 CMR 3.07; and
 - (c) A passing grade on the instructor licensing examination prescribed by the Board.
- (6) Licensed Instructors – Qualification in Laser Electrolysis. A person licensed by the Board as an Instructor before May 4, 2015 who has practiced Laser Hair Removal under the supervision of a physician may petition the Board for approval to give instruction in Laser Electrolysis on or after May 4, 2015, by filing with the Board at least 30 days prior to beginning to give such instruction:
- (a) Satisfactory written proof, in the form of a letter signed by a physician, that the licensee actively practiced Laser Hair Removal under the supervision of that physician for a minimum of two (2) consecutive years preceding the date on which such licensee wishes to be registered as an Instructor, including all information required by Paragraph 5(1)(a)(1)-(4) of this Policy; and
 - (b) A certificate of completion of a course or courses approved by the Board, which shall include the topics required by Paragraph 5(1)(b) of this Policy and a minimum of:
 - 1. Three (3) Credits of Practical Training and two (2) Credits of Didactic Training, in Laser Electrolysis for programs governed by 238 CMR 3.06, or
 - 2. Forty (40) Contact Hours of Practical Training and twenty (20) Contact Hours of Didactic Training for programs governed by 238 CMR 3.07,
- (7) Equipment. All equipment used for Laser Electrolysis shall:
- (a) Comply with all applicable rules and regulations of the FDA and OSHA;
 - (b) Be approved by the Federal Communications Commission to the extent that such approval is required by federal law or regulations; and
 - (c) Comply with *Regulations for the Control of Lasers*, 105 CMR 121.000, promulgated by the Massachusetts Department of Public Health.
- (8) Standards for Licensure or Approval of Schools. In order to retain licensure on and after May 4, 2015, Electrolysis Schools shall submit to the Board the most recent version of

American National Standard for Safe Use of Lasers in Health Care published by ANSI and referred to as ANSI Z136.3, together with a copy of the school catalogue or program manual, which shall include the topics required by Paragraph 5(1)(b) of this Policy and a minimum of:

- (a) Three (3) Credits of Practical Training and two (2) Credits of Didactic Training in Laser Electrolysis for programs governed by 238 CMR 3.06; or
- (b) Forty (40) Contact Hours of Practical Training and twenty (20) Contact Hours of Didactic Training in Laser Electrolysis for programs governed by 238 CMR 3.07.

REGULATORY AUTHORITY

238 CMR 2.00-4.00: M.G.L. c. 112, §§ 87T-87KK; 2014 Mass. Acts c. 236, § 43-44.