

1 AN ACT concerning electrology.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Electrologist Licensing Act.

6 Section 5. Purposes. The practice of electrology in the
7 State of Illinois is hereby declared to affect the public
8 health, safety, and welfare and to be subject to regulation
9 and control in the public interest.

10 It is declared to be a matter of public health and
11 concern that the practice of electrology, as defined in this
12 Act, merit and receive the confidence of the public and that
13 only qualified persons be authorized to practice as
14 electrologists in the State of Illinois. This Act shall be
15 liberally construed to best carry out these subjects and
16 purposes.

17 Section 10. Definitions. In this Act:

18 "Department" means the Department of Professional
19 Regulation.

20 "Director" means the Director of Professional Regulation.

21 "Electrologist" means an individual licensed to practice
22 electrology pursuant to the provisions of this Act.

23 "Electrology" means the practice or teaching of services
24 for permanent hair removal utilizing only solid probe
25 electrode type epilation, which may include thermolysis
26 (shortwave, high frequency), electrolysis (galvanic), or a
27 combination of both (superimposed or sequential blend).

28 Section 15. License required. Beginning January 1, 2004,
29 no person shall engage in the practice of electrology or hold

1 himself or herself out as an electrologist in this State
2 without a license issued by the Department under this Act.

3 Section 20. Exemptions. This Act does not prohibit:

4 (1) A person licensed in this State under any other Act
5 from engaging in the practice for which that person is
6 licensed.

7 (2) The practice of electrology by a person who is
8 employed by the United States government or any bureau,
9 division, or agency thereof while in the discharge of the
10 employee's official duties.

11 (3) The practice of electrology included in a program of
12 study by students enrolled in schools or in refresher courses
13 approved by the Department. Nothing in this Act shall be
14 construed to prevent a person functioning as an assistant to
15 a person licensed to practice medicine in all its branches
16 from providing electrology services.

17 Section 23. Scope of practice.

18 (a) The scope of practice of an electrologist is limited
19 to the following:

20 (1) The application of an antiseptic on the area of
21 the individual's skin to which electrology will be
22 applied.

23 (2) The use of a sterile needle/probe electrode
24 type epilation, which includes (i) electrolysis, known as
25 direct current/DC, (ii) thermolysis, known as alternating
26 current/AC, or (iii) a combination of both electrolysis
27 and thermolysis, known as superimposed or sequential
28 blend.

29 (b) Nothing in this Act shall be construed to authorize
30 an electrologist to use surgery including but not limited to
31 the use of any laser technology. An electrologist shall
32 refer to a licensed physician any individual whose condition,

1 at the time of evaluation or service, is determined to be
2 beyond the scope of practice of the electrologist, such as an
3 individual with signs of infection or bleeding.

4 Section 25. Application. Applications for original
5 licenses shall be made to the Department in writing on forms
6 prescribed by the Department and shall be accompanied by the
7 required fee, which is not refundable. The application shall
8 require any information as, in the judgment of the
9 Department, will enable the Department to pass on the
10 qualifications of the applicant for a license. The
11 application shall include evidence of passage of an
12 examination recognized by the Department.

13 Section 30. Qualifications for licensure. A person shall
14 be qualified for licensure as an electrologist if that person
15 has met all of the following requirements:

16 (1) Has applied in writing on the prescribed forms
17 and has paid the required fees.

18 (2) Has not violated any of the provisions of
19 Section 75 of this Act or the rules promulgated under
20 this Act. The Department shall take into consideration
21 any felony conviction of the applicant, but a conviction
22 shall not operate as an absolute bar to licensure.

23 (3) Is at least 18 years of age.

24 (4) Has received his or her high school diploma or
25 equivalent.

26 (5) Has completed a total of 600 hours in the study
27 of electrology over a period of not less than 16 weeks
28 nor more than 2 consecutive years at a program approved
29 by the Department.

30 (6) Has successfully completed an examination
31 approved by the Department that tests the applicant's
32 knowledge of the theory and clinical practice of

1 electrology.

2 Section 32. Social Security number on license
3 application. In addition to any other information required to
4 be contained in the application, every application for an
5 original, renewal, or restored license under this Act shall
6 include the applicant's social security number.

7 Section 33. Grandfather provision. For a period of 12
8 months after the filing of the original administrative rules
9 adopted under this Act, the Department may issue a license to
10 any individual who, in addition to meeting the requirements
11 set forth in paragraphs (1), (2), (3), and (4) of Section 30,
12 can document employment as an electrologist and has received
13 remuneration for practicing electrology for a period of 3
14 years and can show proof of one of the following: (i) current
15 board certification by a national electrology certifying body
16 approved by the Department; or (ii) completion of 75
17 continuing education units in electrology approved by the
18 Department.

19 Section 35. Powers and duties of the Department.

20 (a) The Department shall exercise the powers and duties
21 prescribed by the Civil Administrative Code of Illinois for
22 the administration of licensing Acts and shall exercise any
23 other powers and duties necessary for effectuating the
24 purposes of this Act.

25 (b) The Department may adopt rules consistent with the
26 provisions of this Act for its administration and enforcement
27 and may prescribe forms that shall be issued in connection
28 with this Act. The rules may include but are not limited to
29 standards and criteria for licensure, professional conduct,
30 and discipline.

1 Section 40. Administrative Procedure Act. The Illinois
2 Administrative Procedure Act is hereby expressly adopted and
3 incorporated in this Act as if all of the provisions of the
4 Illinois Administrative Procedure Act were included in this
5 Act, except that the provision of paragraph (c) of Section
6 10-65 of the Illinois Administrative Procedure Act, which
7 provides that at hearings the licensee has the right to show
8 compliance with all lawful requirements for retention,
9 continuation, or renewal of the license, is specifically
10 excluded. For the purposes of this Act, the notice required
11 under Section 10-25 of the Illinois Administrative Procedure
12 Act is considered to be sufficient when mailed to the last
13 known address of the party.

14 Section 50. Issuance of license. Upon the satisfactory
15 completion of the application and examination procedures, and
16 compliance with the applicable rules of the Department, the
17 Department shall issue an electrologist license to the
18 qualifying applicant.

19 Section 55. Endorsement. Pursuant to the rules of the
20 Department, upon payment of the required fee, an applicant
21 who has been licensed in another state that has substantially
22 the same requirements as those required for licensure under
23 the provisions of this Act may be granted a license as an
24 electrologist.

25 Section 60. Renewal; armed service duty. The expiration
26 date and renewal period for each license issued under this
27 Act shall be set by rule. Renewal shall be conditioned on
28 paying the required fee and meeting other requirements as may
29 be established by rule. All renewal applicants shall provide
30 proof of having met the continuing education requirements
31 approved by the Department consisting of the equivalent of 30

1 continuing education units every 24 months.

2 Any electrologist who has permitted a license to expire
3 or who has a license on inactive status may have the license
4 restored by submitting an application to the Department,
5 filing proof acceptable to the Department of fitness to have
6 the license restored, and paying the required fees. Proof of
7 fitness may include sworn evidence certifying to active
8 lawful practice in another jurisdiction.

9 The Department shall determine, by an evaluation process
10 established by rule, a person's fitness for restoration of a
11 license and shall establish procedures and requirements for
12 restoration.

13 Any electrologist whose license expired while (i) on
14 active duty with the Armed Forces of the United States, or
15 the State Militia called into service or training, or (ii) in
16 training or education under the supervision of the United
17 States preliminary to induction into the military service,
18 may have the license restored without paying any lapsed
19 renewal fees if, within 2 years after honorable termination
20 of service, training or education, the licensee furnishes the
21 Department with satisfactory evidence to the effect that the
22 licensee has been so engaged and that the service, training,
23 or education has been so terminated.

24 Section 65. Inactive status. Any electrologist who
25 notifies the Department in writing on forms prescribed by the
26 Department may elect to place a license on inactive status
27 and shall, subject to rules of the Department, be excused
28 from payment of renewal fees until the Department is notified
29 in writing of the intention to restore the license.

30 An electrologist requesting restoration from inactive
31 status shall be required to pay the current renewal fee and
32 shall be required to follow procedures to restore the license
33 as provided in Section 60 of this Act.

1 An electrologist whose license is on inactive status
2 shall not practice in the State of Illinois.

3 A licensee who engages in practice with a lapsed license
4 or a license on inactive status shall be considered to be
5 practicing without a license, which shall be grounds for
6 discipline under Section 75 of this Act.

7 Section 70. Fees. The Department, by rule, shall
8 establish fees to be imposed for a license application,
9 renewal of a license, restoration of a license other than
10 from inactive status, or for the issuance of a duplicate
11 license, replacement license, or a license that has been lost
12 or destroyed. All fees are non-refundable.

13 Section 75. Grounds for discipline.

14 (a) The Department may refuse to issue or renew and may
15 revoke or suspend a license under this Act, and may place on
16 probation, censure, reprimand, or take other disciplinary
17 action with regard to any licensee under this Act, as the
18 Department may consider proper, including the issuance of
19 fines not to exceed \$5,000 for each violation, for one or any
20 combination of the following causes:

21 (1) Material misstatement in furnishing information
22 to the Department.

23 (2) Violation of this Act or its rules.

24 (3) Conviction of any felony under the laws of any
25 U.S. jurisdiction, any misdemeanor an essential element
26 of which is dishonesty, or any crime that is directly
27 related to the practice of the profession.

28 (4) Making any misrepresentation for the purpose of
29 obtaining a license.

30 (5) Aiding or assisting another person in violating
31 any provision of this Act or its rules.

32 (6) Failing to provide information within 60 days

1 in response to a written request made by the Department.

2 (7) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public.

5 (8) Habitual or excessive use or addiction to
6 alcohol, narcotics, stimulants, or any other chemical
7 agent or drug that results in an electrologist's
8 inability to practice with reasonable judgement, skill,
9 or safety.

10 (9) Discipline by another U.S. jurisdiction or
11 foreign nation if at least one of the grounds for
12 discipline is the same as or substantially equivalent to
13 any of those set forth in this Act.

14 (10) Directly or indirectly giving to or receiving
15 from any person, firm, corporation, partnership, or
16 association any fee, commission, rebate, or other form of
17 compensation for any professional services not actually
18 or personally rendered.

19 (11) A finding by the Department that the licensee,
20 after having his or her license placed on probationary
21 status, has violated the terms of probation.

22 (12) Abandonment of a patient.

23 (13) Willfully making or filing false records or
24 reports in the licensee's practice, including, but not
25 limited to, false records filed with State agencies or
26 departments.

27 (14) Physical illness, including, but not limited
28 to, deterioration through the aging process or loss of
29 motor skill that results in the inability to practice the
30 profession with reasonable judgment, skill, or safety.

31 (15) Gross malpractice resulting in permanent
32 injury or death of a patient.

33 (16) Use of fraud, deception, or any unlawful means
34 in applying for and securing a license as an

1 electrologist.

2 (17) Immoral conduct in the commission of any act,
3 such as sexual abuse, sexual misconduct, or sexual
4 exploitation, related to the licensee's practice.

5 (18) Failure to comply with standards of
6 sterilization and sanitation as defined in the rules of
7 the Department.

8 (b) The Department may refuse to issue or renew or may
9 suspend the license of any person who fails to file a return,
10 to pay the tax, penalty or interest shown in a filed return,
11 or to pay any final assessment of the tax, penalty, or
12 interest as required by any tax Act administered by the
13 Illinois Department of Revenue until the requirements of the
14 tax Act are satisfied.

15 (c) The determination by a circuit court that a licensee
16 is subject to involuntary admission or judicial admission as
17 provided in the Mental Health and Developmental Disabilities
18 Code operates as an automatic suspension. The suspension
19 will end only upon a finding by a court that the patient is
20 no longer subject to involuntary admission or judicial
21 admission, the issuance of an order so finding and
22 discharging the patient, and the recommendation of the
23 Committee to the Director that the licensee be allowed to
24 resume his or her practice.

25 Section 80. Dishonored checks. A person who issues or
26 delivers a check or other order to the Department that is not
27 honored on 2 occasions by the financial institution upon
28 which it is drawn because of insufficient funds on account,
29 the account is closed, or a stop payment has been placed on
30 the check or order shall pay to the Department, in addition
31 to the amount owing upon the check or other order, a fee of
32 \$50. If the check or other order was issued or delivered in
33 payment of a renewal fee, and the person whose license has

1 lapsed continues to practice as an electrologist without
2 paying the renewal fee and the \$50 fee required under this
3 Section, an additional fee of \$100 shall be imposed. The
4 fees imposed by this Section are in addition to any other
5 penalties imposed by this Act for practice without a license.
6 The Department shall notify the person whose license has
7 lapsed, within 30 days after the discovery of the lapse, that
8 the individual is engaged in unauthorized practice as an
9 electrologist, and of the amount due to the Department,
10 including the lapsed renewal fee and all other fees required
11 by this Section. If, after the expiration of 30 days after
12 the date of notification, the person whose license has lapsed
13 seeks a current license, he or she must apply to the
14 Department for restoration of the license and pay all fees
15 due to the Department. The Department may establish a fee
16 for the processing of an application for restoration of a
17 license that allows the Department to pay all costs and
18 expenses incident to the processing of the application. The
19 Director may waive the fees due under this Section in
20 individual cases where he or she finds that the fees would be
21 unreasonable or unnecessarily burdensome.

22 Section 85. Violations; injunctions.

23 (a) If any person violates any provision of this Act,
24 the Director may, in the name of the People of the State of
25 Illinois through the Attorney General of the State of
26 Illinois or the State's Attorney of any county in which the
27 action is brought, petition for an order enjoining the
28 violation or for an order enforcing compliance with this Act.
29 Upon the filing of a verified petition in court, the court
30 may issue a temporary restraining order, without notice or
31 bond, and may preliminarily and permanently enjoin the
32 violation. If it is established that the person has violated
33 or is violating the injunction, the Court may punish the

1 offender for contempt of court. Proceedings under this
2 Section shall be in addition to, and not in lieu of, all
3 other remedies and penalties provided by this Act.

4 (b) If a person practices as an electrologist or holds
5 himself or herself out as an electrologist without being
6 licensed under the provisions of this Act, then any licensed
7 electrologist, any interested party, or any person injured
8 thereby may, in addition to the Director, petition for relief
9 as provided in subsection (a) of this Section.

10 (c) Whenever, in the opinion of the Department, a person
11 violates any provision of this Act, the Department may issue
12 a rule to show cause why an order to cease and desist should
13 not be entered against that person. The rule shall clearly
14 set forth the grounds relied upon by the Department and shall
15 provide a period of 7 days after the date of the rule to file
16 an answer to the satisfaction of the Department. Failure to
17 answer to the satisfaction of the Department shall cause an
18 order to cease and desist to be issued immediately.

19 Section 90. Investigations; notice and hearing.

20 (a) The Department may investigate the actions of an
21 applicant or a person holding or claiming to hold a license.

22 (b) Before refusing to issue or renew a license or
23 disciplining a licensed electrologist, the Department shall
24 notify in writing the applicant or the licensee of the nature
25 of the charges and that a hearing will be held on the date
26 designated, which shall be at least 30 days after the date of
27 the notice. The Department shall direct the applicant or
28 licensee to file a written answer to the Department under
29 oath within 20 days after the service of the notice and
30 inform the applicant or licensee that failure to file an
31 answer will result in default being taken against the
32 applicant or licensee and that the license may be suspended,
33 revoked, placed on probationary status, or other disciplinary

1 action may be taken, including limiting the scope, nature, or
2 extent of business as the Director may deem proper. Written
3 notice may be served by personal delivery or certified or
4 registered mail sent to the respondent at the most recent
5 address on record with the Department.

6 If the applicant or licensee fails to file an answer
7 after receiving notice, the license may, in the discretion of
8 the Department, be suspended, revoked, or placed on
9 probationary status, or the Department may take whatever
10 disciplinary action it deems proper including imposing a
11 civil penalty, without a hearing if the act or acts charged
12 constitute sufficient ground for such action under this Act.

13 At the time and place fixed in the notice, the Department
14 shall proceed to hear the charges, and the parties or their
15 counsel shall be accorded ample opportunity to present such
16 statements, testimony, evidence, and argument as may be
17 pertinent to the charges or to their defense. The Department
18 may continue a hearing from time to time.

19 Section 95. Stenographer; transcript. The Department,
20 at its expense, shall preserve a record of all proceedings at
21 the formal hearing of any case involving the refusal to issue
22 or renew a license or the discipline of a licensed
23 electrologist. The notice of hearing, complaint, and all
24 other documents in the nature of pleadings, written motions
25 filed in the proceedings, the transcript of testimony, the
26 report of the hearing officer, and the order of the
27 Department shall be the record of the proceeding.

28 Section 100. Required testimony. Upon application of
29 the Department or its designee, or of the person against whom
30 proceedings pursuant to Section 70 of this Act are pending,
31 any circuit court may enter an order requiring the
32 attendance of witnesses and their testimony, and the

1 production of documents, paper, files, books, and records in
2 connection with any hearing or investigation. The court may
3 compel obedience to its order by proceedings for contempt.

4 Section 105. Subpoena power; oaths. The Department has
5 power to subpoena and bring before it any person in this
6 State and to take testimony either orally, by deposition, or
7 both, with the same fees and mileage and in the same manner
8 as prescribed by law in judicial proceedings in civil cases
9 in circuit courts of this State.

10 The Director and hearing officers may administer oaths to
11 witnesses at any hearing that the Department is authorized to
12 conduct under this Act and any other oaths required or
13 authorized to be administered by the Department.

14 Section 110. Findings and recommendations. At the
15 conclusion of the hearing, the hearing officer shall present
16 to the Director a written report of its findings and
17 recommendations. The report shall contain a finding of
18 whether or not the accused applicant or licensee violated
19 this Act or failed to comply with the conditions required in
20 this Act. The hearing officer shall specify the nature of
21 the violation or failure to comply, and shall make its
22 recommendations to the Director.

23 The report of the findings and recommendations of the
24 hearing officer shall be the basis for the Department's order
25 of refusal or for the granting of licensure unless the
26 Director determines that the hearing officer's report is
27 contrary to the manifest weight of the evidence, in which
28 case the Director may issue an order in contravention of the
29 hearing officer's report. The finding is not admissible in
30 evidence against the applicant or licensee in a criminal
31 prosecution brought for the violation of this Act, but the
32 hearing and finding are not a bar to a criminal prosecution

1 brought for the violation of this Act.

2 Section 115. Hearing officer. The Director has the
3 authority to appoint an attorney duly licensed to practice
4 law in this State to serve as the hearing officer in an
5 action for refusal to issue or renew a license or for the
6 discipline of a licensed electrologist. The hearing officer
7 shall have full authority to conduct the hearing. The
8 hearing officer shall report his or her findings and
9 recommendations to the Director.

10 Section 120. Motion for rehearing. In any case
11 involving the refusal to issue or renew a license, or the
12 discipline of a licensee, a copy of the hearing officer's
13 report shall be served upon the respondent by the
14 Department, either personally or as provided in this Act for
15 the service of the notice of hearing. Within 20 days after
16 service, the respondent may present to the Department a
17 motion in writing for a rehearing which shall specify the
18 particular grounds for rehearing. If no motion for rehearing
19 is filed, then upon the expiration of the time specified for
20 filing a motion, or if a motion for rehearing is denied, then
21 upon denial, the Director may enter an order in accordance
22 with the recommendation of the hearing officer. If the
23 respondent orders from the reporting service, and pays for a
24 transcript of the record within the time for filing a motion
25 for rehearing, the 20-day period within which a motion may be
26 filed shall commence upon the delivery of the transcript to
27 the respondent.

28 Section 125. Rehearing on order of Director. Whenever
29 the Director is not satisfied that substantial justice has
30 been done in the revocation, suspension, or refusal to issue
31 or renew a license, the Director may order a rehearing.

1 Section 130. Order or certified copy as prima facie
2 proof. An order or a certified copy thereof, over the seal
3 of the Department and purporting to be signed by the
4 Director, shall be prima facie proof:

5 (1) that the signature is the genuine signature of
6 the Director; and

7 (2) that the Director is duly appointed and
8 qualified.

9 This proof may be rebutted.

10 Section 135. License restoration. At any time after the
11 suspension or revocation of a license the Department may
12 restore it to the accused person, unless after an
13 investigation and a hearing the Department determines that
14 restoration is not in the public interest.

15 Section 140. Surrender of license. Upon the revocation
16 or suspension of any license, the licensee shall immediately
17 surrender the license to the Department, and if the licensee
18 fails to do so, the Department has the right to seize the
19 license.

20 Section 145. Temporary suspension. The Director may
21 temporarily suspend the license of an electrologist without a
22 hearing, simultaneously with the institution of proceedings
23 for a hearing under Section 90 of this Act, if the Director
24 finds that evidence in his or her possession indicates that
25 continuation in practice would constitute an imminent danger
26 to the public. In the event that the Director temporarily
27 suspends a license without a hearing, a hearing by the
28 Department must be held within 30 days after the suspension
29 has occurred, and concluded without appreciable delay.

30 Section 150. Administrative Review Law. All final

1 administrative decisions of the Department are subject to
2 judicial review under the Administrative Review Law and its
3 rules. The term "administrative decision" is defined as in
4 Section 3-101 of the Code of Civil Procedure.

5 Proceedings for judicial review shall be commenced in the
6 circuit court of the county in which the party applying for
7 review resides. If the party is not a resident of this State,
8 venue shall be in Sangamon County.

9 Section 155. Certification of record. The Department
10 shall not be required to certify any record to the court,
11 file any answer in court, or otherwise appear in any court in
12 a judicial review proceeding unless there is filed in the
13 court, with the complaint, a receipt from the Department
14 acknowledging payment of the costs of furnishing and
15 certifying the record. Failure on the part of the plaintiff
16 to file a receipt in court is grounds for dismissal of the
17 action.

18 Section 160. Penalties. A person who is found to have
19 knowingly violated any provision of this Act is guilty of a
20 Class A misdemeanor. On conviction of a second or subsequent
21 offense the violator is guilty of a Class 4 felony.

22 Section 165. Deposit of fees and fines. All of the fees
23 and fines collected under this Act shall be deposited into
24 the General Professions Dedicated Fund.

25 Section 170. Home rule. The regulation and licensing of
26 electrologists are exclusive powers and functions of the
27 State. A home rule unit may not regulate or license
28 electrologists. This Section is a denial and limitation of
29 home rule powers and functions under subsection (h) of
30 Section 6 of Article VII of the Illinois Constitution.

1 Section 900. The Regulatory Sunset Act is amended by
2 changing Section 4.24 as follows:

3 (5 ILCS 80/4.24)

4 Sec. 4.24. Acts ~~Act~~ repealed on January 1, 2014. The
5 following Acts are ~~Act-is~~ repealed on January 1, 2014:

6 The Electrologist Licensing Act.

7 The Illinois Public Accounting Act.

8 (Source: P.A. 92-457, eff. 8-21-01.)

9 Section 999. Effective date. This Act takes effect on
10 January 1, 2003.