

# Cross Reference Table: TDLR and DSHS Laser Hair Removal Program Rules

**TDLR Rules are specified in Title 16, Texas Administrative Code (TAC), Chapter 118**

**DSHS Rules are specified in Title 25, Texas Administrative Code (TAC), Chapter 289**

<b>TDLR Rules 16 TAC Chapter 118</b>	<b>DSHS Rules 25 TAC Chapter 289.302</b>	<b>Substantive Changes and Additional Notes</b>	<b>Statutory Authority and Implementation</b>
16 TAC §118.1 Authority.	NONE	N/A	Occ. Code. Chapter 51
16 TAC §118.2. Purpose.	25 TAC §289.302(a) Purpose. 25 TAC §289.302(e) Additional requirements.	Removed references to fees.	H&S Code. §401.510, §401.504
16 TAC §118.3. Scope.	25 TAC §289.302(b) Scope.	Removed language that was redundant and updated references.	H&S Code. §401.504
16 TAC §118.10. Definitions.	25 TAC §289.302(d). Definitions.	Removed: Agency, Administrative Penalty, Hearing, Informal conference, Inspection, LHR, Notice of violation, Order, Preliminary Report, Rules, Severity level, Termination, Violation.  Added: Department  Amended: Commissioner, Director, Direct supervision.	H&S Code. §401.501, §401.5011

<b>TDLR Rules 16 TAC Chapter 118</b>	<b>DSHS Rules 25 TAC Chapter 289.302</b>	<b>Substantive Changes and Additional Notes</b>	<b>Statutory Authority and Implementation</b>
16 TAC §118.20. Prohibitions	25 TAC §289.302(c). Prohibitions.	Removed language that seemed redundant to later sections.	H&S Code. §401.521
16 TAC §118.30. Laser Hair Removal Facility Certificate-- Requirements and Application	25 TAC §289.302 (i) Application requirements for a certificate of LHR registration.	Removed redundant language and process language.	H&S Code. §401.517
16 TAC §118.31. Laser Hair Removal Facility -- Responsibilities	25 TAC §289.302 (p) Responsibilities of LHR facility registrant and  25 TAC §289.302 (u) Termination of certificates of LHR registration.  25 TAC §289.302 (l) Specific terms and conditions of certificates of LHR registration and individual LHR certificates	Removed major provisions regarding the device.	H&S Code. §401.510 H&S Code. §401.517
16 TAC §118.32. Laser Safety Officer--Designation and Responsibilities.	25 TAC §289.302 (n) Requirements for LSOs  25 TAC §289.302 (o) Responsibilities of LSOs	N/A	H&S Code. §401.518 H&S Code. §401.517
16 TAC §118.33. Laser Hair Removal Individual Certificate-- Requirements and Application	25 TAC §289.302 (l) Specific terms and conditions of certificates of LHR registration and individual LHR certificates	Removed internal process from rules.	H&S Code. §401.504, §401.503

<b>TDLR Rules 16 TAC Chapter 118</b>	<b>DSHS Rules 25 TAC Chapter 289.302</b>	<b>Substantive Changes and Additional Notes</b>	<b>Statutory Authority and Implementation</b>
16 TAC §118.33. Laser Hair Removal Individual Certificate-- Requirements and Application (continued)	25 TAC §289.302 (l) Specific terms and conditions of certificates of LHR registration and individual LHR certificates	Removed written documentation requirements.  Updated references - removed written documentation requirements and removed redundant provisions.	H&S Code. §401.505, H&S Code. §401.506, H&S Code. §401.507, H&S Code. §401.508, H&S Code. §401.516, §401.515
16 TAC §118.34. Laser Hair Removal Professionals and Senior Laser Hair Removal Technicians-- Auditing and Supervision Requirements	25 TAC §289.302 (j) Application requirements for an individual LHR certificate.	Updated references.	H&S Code. §401.506 H&S Code. §401.505
16 TAC §118.35. Continuing Education Requirements.	25 TAC §289.302 (r) Continuing education requirements.	Allow flexibility.	H&S Code. §401.5011 Occ. Code. Chapter 51
16 TAC §118.40. License Terms; Renewals	289.302 (t) Expiration of certificates of LHR registration and individual LHR certificates  25 TAC §289.302 (v) Renewal of certificate of LHR registration and individual LHR certificates	Simplified language.	H&S Code. §401.512
16 TAC §118.50. Requirements for Certifying Entities and Examinations	25 TAC §289.302 (mm) Criteria for certifying entities, certification programs, and examinations	Removed rigid requirements.	H&S Code. §401.5011 H&S Code. §402.505

<b>TDLR Rules 16 TAC Chapter 118</b>	<b>DSHS Rules 25 TAC Chapter 289.302</b>	<b>Substantive Changes and Additional Notes</b>	<b>Statutory Authority and Implementation</b>
16 TAC §118.60. Consulting Physician--Responsibilities and Protocols.	25 TAC §289.302 (m) Responsibilities of a consulting physician	N/A	H&S Code. §401.519
16 TAC §118.61. Consulting Physician--Audits of LHR facility Protocols and Operations.	25 TAC §289.302 (m) Responsibilities of a consulting physician.	N/A	H&S Code. §401.519
16 TAC §118.70. Laser Hair Removal Devices--General and Operating Requirements	25 TAC §289.302 (q) Operating requirements  25 TAC §289.302 (l) Specific terms and conditions of certificates of LHR registration and individual LHR certificates	N/A	H&S Code. §401.516, §401.515, §401.518
16 TAC §118.71. Laser Hair Removal Devices--Stolen, Lost, or Missing.	25 TAC §289.302 (gg) Reports of stolen, lost, or missing LHR devices.	N/A	H&S Code. §401.514
16 TAC §118.80. Fees.	25 TAC §289.302 (ff) Fees.	N/A	H&S Code. §401.5011 Occ. Code. Chapter 51
16 TAC §118.90. Administrative Penalties and Sanctions.	VARIOUS	N/A	H&S Code. §401.522, Occ. Code. Chapter 51
16 TAC §118.91. Enforcement Authority.	VARIOUS	N/A	H&S Code. §401.522, Occ. Code. Chapter 51

<b>TDLR Rules 16 TAC Chapter 118</b>	<b>DSHS Rules 25 TAC Chapter 289.302</b>	<b>Substantive Changes and Additional Notes</b>	<b>Statutory Authority and Implementation</b>
16 TAC §118.100. Records Retention Requirements	25 TAC §289.302 (h) Open records and (s) General provisions for records  25 TAC §289.302 (nn) Time requirements for record keeping)	N/A	H&S Code §401.520
16 TAC §118.110. Disclosures and Confidentiality Requirements.	25 TAC §289.302 (h) Open records and (s) General provisions for records	N/A	H&S Code §401.520

**NOTE 1:** The DSHS rules that are not listed in the chart above were not incorporated into the TDLR rules for several reasons:

- 1) TDLR eliminated rules that were already addressed in the Commission's and Department's enabling statute, Occupations Code Chapter 51, and in the procedural rules at 16 TAC Chapter 60, both of which apply to all TDLR programs. Examples include:
  - Late Renewal Timeframes
  - Petitions for Rulemaking
  - Complaints and Alleged Violations
  - Administrative Hearings
  - Enforcement and Disciplinary Actions
  - Provisions Regarding Applicants with Criminal Histories
  - Military Licensing Provisions
- 2) TDLR eliminated rules that are no longer relevant based on differences between the DSHS and the TDLR structures, processes, or procedures;
- 3) TDLR eliminated rules on issues that are addressed by other methods such as the Criminal Conviction Guidelines and the Enforcement Penalty Matrix.
- 4) TDLR eliminated rules that are not supported or authorized by the current statute (with the exception of standard of care and scope of practice rules).

**NOTE 2:** The fees section of the TDLR rules has been reformatted using the fee structure and amounts for programs regulated by TDLR.

TDLR removed program-specific rules and adopted the TDLR standard fees for:

- Dishonored Payment Device (16 TAC §60.82) = \$50.
- Criminal History Determination Letter (16 TAC §60.42) = \$25.
- Late Renewal Fee Schedule (Occ. Code §51.401 and 16 TAC §60.83):
  - Expired 90 days or less = One and one half times the regular renewal fee;
  - Expired 91 days to less than 18 months = Two times the regular renewal fee;
  - Expired 18 months to less than 3 years (with Executive Director's approval) = Two times the regular renewal fee.
- Standardized fee changes for the items above resulted in some TDLR fees being higher and some being lower than the DSHS fees.

TDLR rules also eliminated the following DSHS fees that are not charged by TDLR:

- Subscription and convenience fees for initial and renewal applications processed through Texas Online.
- Fees charged for initial and renewal applications to fund the Office of Patient Protection, Health Professions Council.