

**DEPARTMENT OF HEALTH
ELECTROLYSIS COUNCIL
GENERAL BUSINESS MEETING MINUTES**

**July 18, 2011
9:00 a.m. EST**

CONFERENCE CALL

1-888-808-6959

When prompted, enter the following conference code number: **4246812343**, followed by the “#” sign.

MEMBERS PRESENT

Shelby Owens, Chair
James Scott, Vice Chair
M. Margaret Haley
Audra Kinney
Linda Harvey

STAFF PRESENT

Allen Hall, Executive Director
Anna King, Program Operations Administrator
Greg Ramer, Regulatory Specialist II
Whitney Bowen, Board of Medicine Representative

ASSISTANT ATTORNEY GENERAL

Mike Flury

9:01 a.m. Call to Order – General Business Meeting

ADMINISTRATIVE PROCEEDINGS

INDIVIDUAL CONSIDERATION

01. Angela Easley (Endorsement)

Ms. Angela Easley was present on the call.

Ms. Easley’s application for endorsement has been placed on this agenda for your review and approval. Ms. Easley would like to endorse her current Michigan electrolysis license to Florida.

MOTION: Ms. Audra Kinney moved to accept Ms. Angela Easley’s endorsement application. Ms. Linda Harvey seconded the motion, which carried with four ayes and one nay by Ms. Shelby Owens.

320 HOUR ELECTROLOGY TRAINING PROGRAM

02. Academy of Health & Beauty

Ms. Barbara Reitz, representing Academy of Health & Beauty, was present on the call.

Academy of Health & Beauty (AHB) has submitted materials for approval of their 320 hour electrolysis training program for Florida. They are pending the council’s approval to complete their license requirement with the Commission for Independent Education.

The council raised concerns with the materials presented by AHB:

- The minimum age of a student allowed to take their course was 16 years old, and not 18 years old.
- The description of the FDA Blend Epilator was incorrect.
- There was concerned raised regarding the employment history of the schools instructor, Ms. Karol Villegas.
- There were no instruction materials that related to electrology, only laser hair removal.

Ms. Barbara Reitz waived the 90 day statutory requirement for this application.

MOTION: Ms. Audra Kinney moved to deny Academy of Health & Beauty's 320-hour electrology training program based on the following reasons: 1) minimum age of a student allowed to take their course was 16 years old, 2) incorrect description of the FDA blend epilator, 3) concerned raised regarding the employment history of the schools instructor, 4) no instruction materials related to electrology, only laser hair removal. Mr. James Scott seconded the motion, which carried 5/0.

APPLICANT CERTIFICATION LISTS

03. Examination Applicants

A total of twenty-seven (27) names were on the certification list.

MOTION: Mr. James Scott moved to accept the list of exam licensees. Ms. Margaret Haley seconded the motion, which carried 5/0.

RULES REVIEW AND DEVELOPMENT

04. Rule 64B8-52.003(2), Procedure for Approval of Attendance at Continuing Education Courses

At the February 07, 2011, general business meeting, the council voted to have Ms. Jaime Liang draft amended language for this rule. The new language would remove the words "any technical school" from the rule.

During the May 02, 2011, general business meeting, the council requested Ms. Jaime Liang draft amended language that would remove the reference to technical school and add a reference to rule 64B8-53.001.

Mr. Mike Flury, interterm counsel, has provided the amended language as requested for the council's approval. The amended language reads:

64B8-52.003 Procedure for Approval of Attendance at Continuing Education Courses.

(1) No change.

(2) All licensees shall be awarded contact hours for attendance at all offerings that are approved by the Electrolysis Society of Florida (ESF), ~~or~~ the Electrolysis Association of Florida (EAF), ~~or~~ the American Electrology Association, ~~or~~ the Society of Clinical and Medical Hair Removal, and all offerings from other states which are approved by the states' licensing agency or professional electrology organization which offerings have

been approved by the American Electrology Association, or the Society of Clinical and Medical Hair Removal, or any ~~technical school, college or university course,~~ or course from a Board approved program pursuant to 64B8-53.001, F.A.C., taken and successfully completed for the first time by the licensee in a subject area relevant to electrolysis. The licensee shall provide verification upon request of the Department.

(3) – (7) No change.

Rulemaking Authority 478.43(1), (4), 478.50(2), (4)(a), (b) FS. Law Implemented 456.013, 456.033, 478.43(4), 478.50(2), (4)(a), (b) FS. History—New 6-1-93, Formerly 21M-77.003, 61F6-77.003, Amended 5-11-95, Formerly 59R-52.003, Amended 2-9-98, 2-16-99, 2-17-00, 9-21-00, 8-13-02, 4-26-09.

MOTION: Ms. Shelby Owens moved to accept the language as presented in the agenda. Mr. James Scott seconded the motion, which carried 5/0.

MOTION: Mr. James Scott moved that the proposed new language would not have an adverse impact on small business. Additionally, the proposed rule amendments would not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Ms. Shelby Owens seconded the motion, which carried 5/0.

05. Rule 64B8-52.004(3), Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction

During their June 22, 2011, Board of Medicine's Dietetics/Nutrition and Electrolysis committee meeting the amended language from the Electrolysis May 02, 2011, meeting for this rule was approved. Later in the meeting, during discussion of Rule 64B8-56.002(2)(b), the committee requested further action for this rule. They requested this rule be sent back to the Electrolysis council for development of criteria/standards for approving training programs and certifying agencies.

MOTION: Ms. Shelby Owen moved that she would work with legal counsel, Mr. Mike Flury in preparing draft language that would establish requirements for new laser certification providers. This draft language would be brought back to the council for review at the October 03, 2011, meeting. Mr. James Scott seconded the motion, which carried 5/0.

06. Rule 64B8-53.002, Curriculum Standards for Electrolysis Training Programs

During their June 22, 2011, Board of Medicine's Dietetics/Nutrition and Electrolysis committee meeting the amended language from the Electrolysis May 02, 2011, meeting for this rule was approved.

Later in the meeting, Mr. Jon Pellet, Esq., representing Society for Clinical Medicine and Hair Removal, LaserDerm Medspa & Vector Institute of Beauty and Electrolysis was recognized by the Committee. Mr. Pellet raised concerns about the impact the rule amendment would have on small business. He disagreed with the Electrolysis Council's determination that there would be no impact which he based upon lack of research to determine such an impact. A motion was made, seconded and carried unanimously to send the proposed rule back to the Council for research to determine the impact on small business.

Ms. Anna King stated she had contacted the Florida Department of Education's Commission for Independent Education (CIE) regarding the possible cost to the schools if these changes were made. The CIE indicated that all the schools would need to do in order to update their materials is simply add a subliminal information sheet to their current materials indicating the change. And that the cost to the schools would be minimal.

MOTION: Mr. James Scott moved that the proposed new language would not have an adverse impact on small business. Additionally, the proposed rule amendments would not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Ms. Shelby Owens seconded the motion, which carried 5/0.

07. Rule 64B8-56.002(2)(b), Equipment and Devices; Protocols for Laser and Light-based Devices

During the June 22, 2011, meeting of the Florida Board of Medicine's Dietetics-Nutrition and Electrolysis Committee, the Committee recommended that the Council develop criteria for the approval of national laser certification bodies, prior to designating any additional entities for that purpose.

-Minutes from the June 22, 2011 BOM/DN/EO Meeting-

Mr. Tellechea gave a brief summary of the proposed rule change. He stated issues with the rule language not providing criteria/standards for approving certifying agencies. He advised the Committee that before the rule could be approved that it be sent back to the Electrolysis Council for development of such criteria/standards. Mr. Pellet was again recognized by the Committee. He suggested that the Committee take the same action for Tab 5 - Modification of Rule 64B8-52.004(3), F.A.C. – Requirements for Approval of Training Course due to its similarity in not having criteria/standards for approving training programs. The Committee discussed the issues.

A motion was made, seconded and carried unanimously for Tab 5 - Modification of Rule 64B8-52.004(3), F.A.C. – Requirements for Approval of Training Course and Tab 8 - Modification of Rule 64B8-56.002(2)(b), F.A.C. – Equipment & Devices; Protocols for Laser & Light-Based Devices to be sent back to the Electrolysis Council for development of criteria/standards for approving training programs and certifying agencies.

Action taken: The Committee voted to send Tab 5 - Modification of Rule 64B8-52.004(3), F.A.C. – Requirements for Approval of Training Course and Tab 8 - Modification of Rule 64B8-56.002(2)(b), F.A.C. – Equipment & Devices; Protocols for Laser & Light-Based Devices back to the Electrolysis Council for development of criteria/standards for approving training programs and certifying agencies

MOTION: Please refer to the notes and motion from Tab 5 of this meeting.

RULES STATUS REPORT

08. Rules Report, Assistant Attorney General Mike Flury

- 64B8-51.001(1) Manner of Application

- History
 - Rule Development Published: N/A
 - Council Approval: 11/08/2010 w/ SERC, New SERC approved 02/07/2011
 - Board Approval: N/A
 - Notice Published: N/A
 - Adopted: N/A
 - Effective: N/A
 - Comments: Committee Approved – To Board of Medicine

- 64B8-51.006(2)(b) Rule Governing Licensure and Inspection of Electrolysis Facilities
 - History
 - Rule Development Published: N/A
 - Council Approval: 11/08/2010 w/ SERC, New SERC approval 02/07/2011
 - Board Approval: N/A
 - Notice Published: N/A
 - Adopted: N/A
 - Effective: N/A
 - Comments: Committee Approved – To Board of Medicine

- 64B8-51.007(3)(4) Fees
 - History
 - Rule Development Published: N/A
 - Council Approval: N/A
 - Board Approval: N/A
 - Notice Published: N/A
 - Adopted: N/A
 - Effective: N/A
 - Comments: Committee Approved – To Board of Medicine

- 64B8-51.006(3)-(6) Rule Governing Licensure and Inspection of Electrolysis Facilities
 - History
 - Rule Development Published: 01/15/2010
 - Council Approval: 02/15/2010
 - Board Approval: 04/09/2010
 - Notice Published: 10/22/2010
 - Adopted: N/A
 - Effective: N/A
 - Comments: Need to be withdrawn.

- 64B8-52.003(2) Procedure for Approval of Attendance at Continuing Education Courses

History

- Rule Development Published: N/A
- Council Approval: 08/09/2010 w/ SERC
- Board Approval: N/A
- Notice Published: N/A
- Adopted: N/A
- Effective: N/A
- Comments: New language for July meeting.

- 64B8-52.004(3) Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction

History

- Rule Development Published: N/A
- Council Approval: 08/09/2010 w/ SERC, app 02/07/2011
- Board Approval: N/A
- Notice Published: N/A
- Adopted: N/A
- Effective: N/A
- Comments: Board of Medicine committee voted to send back to Council re: setting criteria for approving programs.

- 64B8-53.002(1) Curriculum Standards for Electrolysis Training Programs

History

- Rule Development Published: N/A
- Council Approval: N/A
- Board Approval: N/A
- Notice Published: N/A
- Adopted: N/A
- Effective: N/A
- Comments: Board of Medicine Committee voted to refer back to Council for determining economic impact.

- 64B8-54.002 Inactive and Retired Licensure Status

History

- Rule Development Published: 11/13/2009
- Council Approval: 05/11/2009
- Board Approval: 09/30/10 w/ SERC
- Notice Published: 10/22/2010
- Adopted: N/A
- Effective: N/A
- Comments: Needs to be withdrawn.

- 64B8-55.0021 Discipline of Electrolysis Facilities

History

- Rule Development Published: 11/13/2009 Re-Published

- Council Approval: 08/03/2009, amended language w/ SERC 02/07/2011
 - Board Approval: 10/13/2009
 - Notice Published: N/A
 - Adopted: N/A
 - Effective: N/A
 - Comments: Committee Approved – To Board of Medicine
- 64B8-55.002 Citations
 - History
 - Rule Development Published: 01/15/2010
 - Council Approval: 02/15/2010 w/ SERC
 - Board Approval: 09/30/10 no SERC needed
 - Notice Published: 10/22/2010
 - Adopted: N/A
 - Effective: N/A
 - Comments: Needs to be withdrawn.
 - 64B8-56.002(2)(b) Equipment and Devices; Protocols for Laser and Light-Based Devices
 - History
 - Rule Development Published: No
 - Council Approval: N/A
 - Board Approval: N/A
 - Notice Published: N/A
 - Adopted: N/A
 - Effective: N/A
 - Comments: Board of Medicine Committee voted to send back to Council re: setting criteria for approving programs.

REPORTS

09. Shelby Owens, Council Chair

Informational Item

10. Allen Hall, Executive Director

- Expenditures By Function
- Cash Balance Report

Informational Item

NEW BUSINESS

11. Long Range Planning Survey Results

Informational Item

12. SB 146 – Jim King Keep Florida Working Act

The Legislature passed and the Governor signed SB 146 the “Jim King Keep Florida Working Act” amending s. 112.011, F.S. Among other provisions, the law requires the Department to submit a report by December 31, 2011 and every four years thereafter listing all laws or rules “**that disqualify from employment or licensure persons who have been convicted of a crime and have completed any incarceration and restitution to which they have been sentenced for such crime**”.

The Department is requesting each Board conduct a review of their laws and rules to determine if any provisions exist that would automatically disqualify an applicant. It is not necessary to reference 456.0635 (SB 1986) as the Department will take note of this.

Each Board is being asked to put on the record a vote that indicates the outcome of the review.

Sample motions could be:

The Board of _____ does not have any laws or rules that would disqualify persons with prior convictions from employment or licensure.

The Board of _____ does have laws or rules that would disqualify persons with prior convictions from employment or licensure. The laws or rules are _____. (Provide references)

MOTION: Ms. Shelby Owens moved the council does not have any laws or rules that would disqualify persons with prior convictions from employment or licensure. Mr. James Scott seconded the motion, which carried 5/0.

13. HB 155 – Privacy of Firearm Owner

This Legislation prohibits a licensed health care practitioner or licensed health care facility from intentionally entering any disclosed information concerning firearm ownership into a patient’s health record if the information is not relevant to the patient’s medical care or safety, or the safety of others. Additionally, licensed health care providers and health care facilities are:

- prohibited from inquiring whether oral or written, about the ownership of firearms or ammunition unless the information is relevant to the patient’s medical care or safety, or the safety of others;
- prohibited from discriminating against a patient based upon whether a patient exercises his or her constitutional right to own and possess firearms or ammunition; and
- mandated to respect a patient’s right to own or possess a firearm and refrain from harassing a patient about firearm ownership during an examination.

Each Board/Council is being asked to decide whether (1) violation of this new law falls under “failure to comply with a legal obligation” and therefore, the current disciplinary guideline rule that each Board/Council has for this violation would apply, or (2) if the current disciplinary guideline rule needs to be amended.

Please review the attached Legislation and your disciplinary guideline rule and indicate if your current rule is sufficient or if you think that a rule amendment is needed. Some Boards have reviewed the issue and have determined that “failure to comply with a legal obligation” was sufficient and a rule change was not needed. However, each Board/Council needs to make this determination.

MOTION: Ms. Shelby Owens moved that the council’s current rules are sufficient to comply with HB 155. Mr. James Scott seconded the motion, which carried 5/0.

14. Proposed Meeting Dates for 2012

All dates are on a Monday.

- December 05, 2011
- February 27, 2012
- May 21, 2012
- August 06, 2012
- October, 29, 2012

Ms. Linda Harvey addressed the council stating she would not be seeking re-appointment and that her last meeting would be the October 03, 2011, meeting.

MOTION: Ms. Shelby Owens moved to approve the December 05, 2011, meeting date. Ms. Margaret Haley seconded the motion, which carried 5/0.

MOTION: Ms. Shelby Owens moved to approve the 2012 meeting dates. Mr. James Scott seconded the motion, which carried 5/0.

OLD BUSINESS

15. Additional Laser Instructor: Ellen Jewell (J&S Surgical Services)

At the May 05, 2011, meeting, John Mills with J&S Surgical Services, LLC, submitted a request to add another instructor, Ms. Ellen Jewell, to his 30-hour laser course. The council voted to deny his request since Ms. Jewell did not hold a current CME certification.

Since that meeting Ms. Jewell has received a current CME certification. Mr. Mills has re-submitted her name to be approved as another laser instructor.

MOTION: Mr. James Scott moved to approve Ms. Ellen Jewell as a laser instructor for J&S Surgical Services. Ms. Linda Harvey seconded the motion, which carried 5/0.

16. May 02, 2011, General Business Meeting Minutes

MOTION: Ms. Linda Harvey moved to approve the meeting minutes. Mr. James Scott seconded the motion, which carried 5/0.

17. June 22, 2011, Dietetics/Nutrition and Electrolysis Meeting Minutes

Informational Item

OTHER BUSINESS AND INFORMATION

18. MQA Legislative Summary

Informational Item

19. Final Orders from Board of Medicine Regarding Electrologist

- Ekaterini Katechis
- Susan Marie Parker
- Elaine Westman (case 1)
- Elaine Westman (case 2)

Informational Item

20. PRN Monthly Report – March 2011

Informational Item

ADJOURNMENT

MOTION: Mr. James Scott moved to adjourn the meeting at 10:25 a.m. Ms. Audra Kinney seconded the motion, which carried 5/0.

EXAM RADIFICATION NAMES

Name	File #	Complete	Temp #
1. Bigelow, Janet	2398	06/28/11	2242
2. Castrillon, Elisa	2385	05/19/11	2231
3. Chavez, Mayra	2377	05/19/11	2234
4. Gane, Sanda	2400	06/29/11	2240
5. Gugel, William	2384	05/12/11	2232
6. Gutierrez, Andrea	2397	06/29/11	2243
7. Hall, Majorie	2376	05/05/11	2229
8. Jani, Enkeleda	2369	05/19/11	N/A
9. Jones, Tiffany	2402	06/29/11	2239
10. Kern, Chloe	2391	06/08/11	2237
11. Langevin, Suzanne	2396	06/08/11	N/A
12. Mayeux, Wendy	2383	05/19/11	2233
13. McNally, Goldie	2379	05/05/11	2228
14. O'Brien, Michael	2392	06/08/11	2392
15. Page, Jennifer	2389	06/08/11	2389
16. Salazar, Lorena	2386	05/20/11	2386
17. Thompson, Natalie	2378	05/05/11	2230
18. Tobin, Sharon	2390	06/08/11	N/A
19. Uken, Jenet	2399	06/07/11	2399
20. Zubizarreta, Christina	2381	05/05/11	N/A

Addendum List

1. Goldstein, Sarah	2417	07/14/11	2252
2. Grinson, Cindee	2414	07/14/11	2249
3. Lopez, Mercedes	2429	07/14/11	N/A
4. Maffettone, Patricia	2418	07/14/11	2418
5. Olavarrieta, Arelis	2430	07/14/11	N/A
6. Parris, Heather	2429	07/14/11	2250
7. Rivero, Raisa	2420	07/14/11	N/A