MEMBERS PRESENT
Shelby Owens, Chair
James Scott, Vice Chair
M. Margaret Haley
Audra Kinney

STAFF PRESENT
Allen Hall, Executive Director
Anna King, Program Operations Administrator
Kim Tillery, Regulatory Specialist II

MEMBERS ABSENT
Susan Manwaring

ASSISTANT ATTORNEY GENERAL (AAG)
Lynette Norr

9:05 a.m. Call to Order – General Business Meeting

01. Welcome to New Council Member: Ms. Susan Manwaring

Ms. Manwaring was not present on the call.

ADMINISTRATIVE PROCEEDINGS

INDIVIDUAL CONSIDERATION

02. Ricardo Sabates (Examination)

Dr. Sabates was present on the call.

Dr. Sabates’ application and request for temporary permit was before the Council to be reviewed for the following reasons:

Dr. Sabates’ medical license was suspended for a period of four years with a probationary period of six years. The Council was provided with documents relating to the discipline of his medical license.

Upon inquiry by the Council, Dr. Sabates assured the members the Council of his awareness of the standard of care required for practice as an Electrologist and indicated he would follow the rules and mandates set forth by the Council. Dr. Sabates also stated his understanding of the requirement for direct supervision of electrologists who perform laser hair removal and indicated that Dr. Benjamin Sharpe will supervise him
and conduct all initial consultations until the licensee’s own medical license is restored next year.

**MOTION:** Mr. James Scott moved to accept Dr. Ricardo Sabates’ examination application. Ms. Audra Kinney seconded the motion, which carried 3/1. Ms. Margaret Haley opposed.

**03. Tanya Culver (Examination)**

Ms. Tanya Culver was present on the call.

Ms. Culver’s application is before the Council’s review for the following reason:

Ms. Culver responded yes to question number 9 on the licensure application regarding previous criminal history. Provided for the Council’s review were documents relating to Ms. Culver’s criminal history.

**MOTION:** Shelby Owens moved to accept Ms. Tanya Culver’s examination application. Jim Scott seconded the motion, which carried 3/1. Ms. Margaret Haley opposed.

**04. Joanie Gonella (Endorsement)**

Ms. Joanie Gonella was not present on the call.

Ms. Gonella’s application for endorsement was placed on this agenda for the review of the Council. Ms. Gonella would like to endorse her current California electrolysis license to Florida.

**MOTION:** Mr. Jim Scott moved to accept Ms. Joanie Gonella’s endorsement application. Ms. Audra Kinney seconded the motion, which carried 4/0.

**30 HOUR LASER PROVIDER**

**05. ANTON AESTHETICS ACADEMY, INC**

Anton Aesthetics Academy, Inc., was not present nor otherwise represented on the call.

Anton Aesthetics Academy, Inc. is before the Council for approval of their 30 hour laser training course.

**MOTION:** Mr. Jim Scott moved to accept Anton Aesthetics Academy, Inc. 30 Hour Laser Program. Ms. Shelby Owens seconded the motion, which carried 4/0.

**APPLICANT CERTIFICATION LISTS**

**06. Examination Applicants**
A total of one hundred six (106) names were on the certification list.

MOTION: Mr. Jim Scott moved to accept the list of exam licensees. Ms. Shelby Owens seconded the motion, which carried 4/0.

RULES REVIEW AND DEVELOPMENT

07. Rule 64B8-51.002, F.A.C., Licensure by Examination

The re-examination application has been updated to incorporate questions pertaining to Section 456.0635, F.S., Medicaid fraud; disqualification for license, certificate, or registration. The questions added are the same as those currently required on the initial electrologist licensure application under Section 456.0635 History.

Any time changes are made to a Council form; the revision of the form must be noted and incorporated in rule. Provided for the Council’s consideration was the updated form, as well as proposed rule language which incorporated the form into rule.

The Council directed Ms. Norr to amend the rule language to incorporate the revised form.

MOTION: Ms. Shelby Owens moved to accept the proposed rule language. Ms. Audra Kinney seconded the motion, which carried 4/0.

MOTION: Ms. Shelby Owens 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. Mr. Jim Scott seconded the motion, which carried 4/0.

08. Rules 64B8-52.003(2) & (3), F.A.C., Procedure for Approval of Attendance at Continuing Education Courses

The Council Office has received questions from licensees, as well as the Department’s continuing education audit unit, requesting clarification concerning the HIV/AIDS requirement in Rule 64B8-52.003(3)(b), F.A.C.

Ms. Norr indicated that she consulted with the Board of Medicine’s attorney, who clarified that this was intended to only be a one-time continuing education (CE) requirement for new licensees. Other licensees are only required to take a one (1)-hour blood-borne disease course for renewal each licensure biennium. The Council agreed that the rule language should be modified to reflect such. The following modification was proposed to the current language:

(3) HIV/AIDS and blood-borne disease continuing education requirements.

(a) Each new licensee is required to complete no later than upon first renewal an approved course on HIV/AIDS education. Approved offerings in HIV/AIDS are those that meet the requirements of Section 465.033, F.S. Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health
pursuant to Section 456.033, F.S., are approved by this Council.

**ACTION TAKEN:** The Council voted to have Ms. Norr modify the language.

**MOTION:** Mr. Jim Scott moved to accept the rule language. Ms. Audra Kinney seconded the motion, which carried 4/0.

**MOTION:** Ms. Shelby Owens moved to accept the rule development. Mr. Jim Scott seconded the motion, which carried 4/0.

**MOTION:** Ms. Shelby Owens 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. Mr. Jim Scott seconded the motion, which carried 4/0.

Mr. Jon Pellet, Esquire, requested that proposed modifications to Rule 64B8-52.003(2), F.A.C., previously approved by the Council on July 18, 2011, be brought back before the Council for discussion regarding other amendments to the rule proposed by the Board of Medicine on September 30, 2011, as follows:

(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.

During the discussion, information was provided to explain that the reference to “technical school” was previously approved for deletion, as it was found that the Department of Education appears to now refer to such programs as “non-public postsecondary schools”. It was also clarified that the original purpose of the Council’s modification was based upon inquiry from one of the approved 320-hour electrolysis training programs seeking to offer CE courses for licensees, but not being allowed to do so by CE Broker, due to uncertainty about whether these programs fell under the “technical school” category.

Additionally, there was discussion about whether CE courses taken through these schools should be required to seek approval through one of the national organizations currently referenced in this rule.

**Motion:** Ms. Shelby Owens moved to table the discussion until all members were present on the call. Ms. Margaret Haley seconded the motion which carried 4/0.
MOTION: Ms. Shelby Owens moved to have Ms. Norr draft language to discuss at the next meeting. Mr. Jim Scott seconded the motion, which carried 4/0.

09. RULES REVIEW AND/OR DEVELOPMENT

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

At the July 18, 2011, general business meeting, the Council voted to have the Council chair, Ms. Shelby Owens, work with assistant attorney general, Mr. Mike Flury, in developing language that would establish requirements for new laser certification providers.

[- Minutes from July 18, 2011 -]

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.

During discussion, the Council agreed that the exam questions should be centered on the specific topic that certification is being sought for, and should also include ethics, sanitation and record keeping. Language should also be added to specify that organizations must apply to the Council for approval.

Ms. Judy Adams, with the Electrology Society of Florida (ESF), mentioned that if there are other professions that have established criteria, the Council could possibly mimic some of their standards. It was mentioned that the Board of Massage has national examination standards which staff may seek to obtain to assist the Council in establishing its criteria.

MOTION: Ms. Shelby Owens moved to have staff research other professions for similar criteria. Mr. Jim Scott seconded the motion, which carried 4/0.

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

Ms. Norr advised that this rule is on hold because it relates to Rule 64B8-52.004(3), Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction. The rule has not yet been noticed, so there is no barrier preventing the Council from working on criteria language.

Additionally, Council staff sought to obtain verification as to whether the Council would like to affirm its decision to abandon previously proposed language that would require
licensees to obtain “current certification” by a national credentialing organization in order to be able to provide laser hair removal services. The Council was provided with the official minutes of the Board of Medicine’s committee regarding their December 1, 2011 action on this rule, as well as previously reviewed information.

Following discussion, the Council took the following action:

MOTION: Ms. Shelby Owens moved to drop the issue and leave the certification language as is. Ms. Margaret Haley seconded the motion, which carried 4/0.

MOTION: Ms. Shelby Owens moved to approve the removal of “and the board.” Ms. Margaret Haley seconded the motion, which carried 4/0. The revised draft language should read as follows:

(b) Have been certified in the use of laser and light-based devices for the removal or reduction of hair by a national certification organization approved by the Council and the Board;

MOTION: Ms. Shelby Owens 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. Mr. Jim Scott seconded the motion, which carried 4/0.

11. Rules Report, Assistant Attorney General, Lynette Norr

- 64B8-51.001(1) Manner of Application

  History
  o Rule Development Published: 9.23.11
  o Council Approval: 5.2.11
  o Board Approval: 6.22.11
  o Notice Published: 12.9.11
  o Adopted: Pending
  o Effective: Pending
  o Comments:
    Ms. Norr discussed concerns raised by the Joint Administrative Procedures Committee (JAPC) regarding this rule development. Staff also brought to the Council’s attention that statutory authority could not be found to require that applicants respond to the “Practice Employment” section under question 7 of the electrologist licensure application.

  MOTION: Ms. Shelby Owens moved to remove the practice employment question from the application. Mr. James Scott seconded the motion, which carried 4/0.

  MOTION: Ms. Shelby Owens moved to remove the declaration under penalty of perjury referenced in the “Statement of Applicant” section under question 15 of the application, as per JAPC’s suggestion. Mr. James Scott seconded the motion, which carried 4/0.
**MOTION:** Ms. Shelby Owens 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. Audra Kinney seconded the motion, which carried 4/0.

- **64B8-51.006(2)(b)** Rule Governing Licensure and Inspection of Electrolysis Facilities
  
  History
  - Rule Development Published: 9.23.11
  - Council Approval: 2.7.11
  - Board Approval: 6.22.11
  - Notice Published: 3.2.12
  - Adopted: Pending
  - Effective: Pending
  - Comments: None

- **64B8-51.007(3)(4)** Fees
  
  History
  - Rule Development Published: 9.23.11
  - Council Approval: 5.2.11
  - Board Approval: 6.22.11
  - Notice Published: 12.16.11
  - Adopted: Pending
  - Effective: Pending
  - Comments: None

- **64B8-52.003(2)** Procedure for Approval of Attendance at Continuing Education Courses
  
  History
  - Rule Development Published: 5.14.10
  - Council Approval: 7.18.11
  - Board Approval: 9.30.11
  - Notice Published: 12.16.11
  - Adopted: Pending
  - Effective: Pending
  - Comments: None

- **64B8-52.004(3)(4)** Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction
  
  History
  - Rule Development Published: Pending
  - Council Approval: 10.3.11
  - Board Approval: 12.1.11
  - Notice Published: Pending
  - Adopted: Pending
As discussed earlier, staff will research other professions’ criteria.

- **64B8-53.002(1) Curriculum Standards for Electrolysis Training Programs**
  - History
    - Rule Development Published: Pending
    - Council Approval: 12.511
    - Board Approval: Pending
    - Notice Published: Pending
    - Adopted: Pending
    - Effective: Pending
    - Comments: To be sent to BOM for March 5, 2012 committee meeting.

- **64B8-54.002(1) Inactive and Retired Licensure Status**
  - History
    - Rule Development Published: Scheduled for 3.2.12
    - Council Approval: 5.11.09
    - Board Approval: 12.1.11
    - Notice Published: Pending
    - Adopted: Pending
    - Effective: Pending
    - Comments: None

- **64B8-55.002 Citations**
  - History
    - Rule Development Published: Scheduled for 3.2.12
    - Council Approval:
    - Board Approval: 12.1.11
    - Notice Published: Pending
    - Adopted: Pending
    - Effective: Pending
    - Comments: None

- **64B8-55.0021 Discipline of Electrolysis Facilities**
  - History
    - Rule Development Published: 11.13.09
    - Council Approval: 2.7.11
    - Board Approval: 6.2.11
    - Notice Published: 1.13.12
    - Adopted: Pending
    - Effective: None

- **64B8-56.002(2)(b) Equipment and Devices; Protocols for Laser and Light-Based Devices**
  - History
1. Rule Development Published: On Hold
2. Council Approval: 10.3.11
3. Board Approval: Tabled 12.1.11
4. Notice Published:
5. Adopted: Pending
6. Effective: Pending
7. Comments: Discussed earlier, removing “and the Board.”

12. Review of Sunshine Law

Ms. Norr provided a brief refresher of the Sunshine law.

REPORTS

13. Shelby Owens, Council Chair

Ms. Shelby Owens had no reports.

14. Allen Hall, Executive Director

- Expenditures By Function
  Report was provided and an update was given.
- Cash Balance Report
  Report was provided and an update was given.
- Notification of SB 1330 (2012) and HB 381 (2012) - relating to proposal for indirect supervision of electrologists providing laser hair removal service; no action on either bill reported.

NEW BUSINESS

15. Discussion: Long Distance Supervision of Temporary Electrologist Licensees

Section 478.46(2), F.S., Temporary Permits, requires the following of licensed electrologists who have agreed to supervise a temporary permittee:

- Provision of the initial direction in developing a treatment plan;
- Periodic inspection of the permittee’s implementation of the plan;
- Consultation and approval of any proposed alterations of the plan prior to implementation;
- The availability of the supervisor to consult with and direct the permittee in an emergency, although the supervisor does not have to be on the premises while the permittee is delivering electrolysis services.

In processing an application for facility licensure, an issue of concern was raised regarding the ability for a temporary permittee to own and provide services in a facility, where no other licensed electrologists would be employed, and the supervising licensee would be more than 20 miles away from the facility site.
Staff requested the Council’s consideration of the appropriateness of supervision of a temporary permittee, when the distance between the supervisor and permittee appears to be significant. There was also discussion regarding the possibility for a temporarily permitted applicant to continuously put off sitting for the examination, because there are currently no limitations on the timeframe in which a temporary permittee must pass the examination.

The Council indicated that it did not see the need for a limitation of distance between an electrology supervisor and temporary permittee as the supervision could be done electronically with today’s technology. There did not appear to be any concerns with violating The Health Insurance Portability and Accountability Act (HIPPA) as long as personal information is not transmitted. The Council agreed that there should be a one year maximum to take the exam or the temporary permit will be revoked.

**MOTION:** Ms. Margaret Haley moved to develop language for a one year time limit for an applicant to sit for the IBEC exam after a temporary permit is issued to include a provision for individuals to petition for an extension if unless special circumstances arise. Ms. Shelby Owens seconded the motion, which carried 4/0.

### 16. Election of Officers

**New Appointments:**

Chair: Jim Scott  
Vice Chair: Audra Kinney  
U/A Liaison: Shelby Owens  
Budget Liaison: Margaret Haley  
Education Liaison: Audra Kinney  
Legislative Liaison: Margaret Haley  

All votes carried 4/0.

### 17. Delegation of Authority

**MOTION:** Ms. Shelby Owens moved to approve the delegation of authority. Mr. Jim Scott seconded the motion, which carried 4/0.

### OLD BUSINESS

### 18. December 05, 2011 General Business Meeting Minutes

Staff made a verbal correction on line number 242 of Mr. Jim Scott’s title from “Ms.” to “Mr.”
MOTION: Ms. Shelby Owens moved to approve the meeting minutes, as amended. Mr. Jim Scott seconded the motion, which carried 4/0.

NEW BUSINESS

Ms. Margaret Haley brought up the topic of Patient Brokering and Social Media (fee splitting.) Ms. Haley will send information for staff to provide for Ms. Norr’s research on this topic.

MOTION: Ms. Shelby Owens moved request staff to research topic. Mr. Jim Scott seconded the motion, which carried 4/0.

OTHER BUSINESS AND INFORMATION

19. December 01, 2011, Board of Medicine Dietetics/Nutrition and Electrolysis Meeting Minutes

Informational item.

20. December 02, 2011 Board of Medicine Disciplinary Action re: Sharona Arviv, EO License No. 1336

Informational item.

21. Electrology Staff Recognition

Informational Item

ADJOURNMENT

MOTION: Ms. Shelby Owens moved to adjourn the meeting at 11:25 a.m. Ms. Margaret Haley seconded the motion, which carried 4/0.

EXAMINATION CANDIDATES TO BE APPROVED

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4. Chery, Barbara  2536  12/09/11  2536
5. Christy, Roza  2491  08/05/11  2298
6. Clark, Deana  2587  01/13/12  N/A
7. Coggins, Nicole  2484  07/11/11  2269
8. Concolino, Brandi  2595  01/26/11  2392
9. Corbin, Alexa  2413  1/25/12  N/A
10. Coullias, Nicole  2557  1/25/12  2384
11. Domenech, Liza  2508  11/14/11  2344
12. Donohue, Stephanie  2575  01/23/12  N/A
13. Dorsey, Sandra  2489  08/02/11  2296
14. Dunn, Tracy  2588  12/29/11  N/A
15. Febles, Rebeca  2572  12/21/11  N/A
16. Feldman, Shara  2533  12/14/11  2351
17. Fernandez, Monica  2511  11/08/11  2343
18. Fields, Barbara  2534  12/14/11  2353
19. Fleming, Audrey  2543  12/16/11  N/A
20. Forton, Genilde  2540  01/20/12  N/A
21. Garcia, Jaclyn  2451  06/28/11  2302
22. Garcia, Maria  2568  12/20/11  N/A
23. Garcia, Rosavin  2490  08/03/12  2297
24. Genta, Alicia  2552  12/20/11  N/A
25. Gilman, Norma  2545  1/5/2011  N/A
26. Glickman, Janine  2373  12/05/11  N/A
27. Golden, Rosanna  1828  02/03/12  N/A
28. Grochol, Samantha  2533  01/20/12  2380
29. Gutierrez, Andrea  2397  06/07/11  2243
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31. Heredia, Stephanie  2526  12/06/11  2347
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33. Hill, Theresa  2577  01/12/12  2372
34. Jimenez, Blanca  2531  12/13/11  N/A
35. Kavlakian, Caroline  2597  01/04/12  2379
36. Killian, Brittany  2581  01/24/12  N/A
37. Kolber, Linda  2567  01/12/12  N/A
38. Kucinski, Emily  2569  12/20/11  2354
39. Lee, Melissa  2593  01/03/12  N/A
40. Levi, Ronit  2542  12/29/11  2355
41. Maldonado, Syreeta  2566  01/11/12  2371
42. Mandujano, Margarita  2318  02/06/12  N/A
43. Manzanilla, Martha  2510  11/08/11  2342
44. March, Claudia  2519  12/12/11  N/A
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