This is the beginning of the document, which includes a general business meeting minutes from the Department of Health Electrolysis Council. The meeting was held on August 06, 2012, at 9:00 a.m. EST. The meeting is a conference call with the following conference code number: 4246812343, followed by the “#” sign.

The members present at the meeting include James Scott, Chair; M. Margaret Haley; Dr. Jolynn Greenhalgn; Susan Manwaring; Mr. Max Wilson; and Allison Dudley. The staff present includes Allen Hall, Executive Director; Anna King, Program Operations Administrator; Kim Tillery, Regulatory Specialist II; Lynette Norr; and the Assistant Attorney General.

The meeting begins with a call to order for the General Business Meeting. The minutes include updates on administrative proceedings and individual consideration. For example, Dr. Anthony Filardo was present on the call and requested to re-appear before the Council in anticipation that the case against his Florida Chiropractic License would have been resolved. The Council directed Dr. Filardo to obtain a resolution with the Board of Chiropractic Medicine before the Council would consider his application for licensure.

The minutes also mention Ms. Lauren Chabaud. At the previous meeting, Ms. Chabaud's application was back before the Council for consideration of her examination application. Ms. Chabaud's license was revoked due to non-compliance with the mandatory one-time assessment fee. The one-time assessment was discharged in bankruptcy, leaving a balance of $320.86. It was determined that revocation is not
permanent; therefore, Ms. Chabaud meets the requirements for licensure by examination. The remaining balance of $320.86 is ordered to be paid before licensure is granted. The Council granted Ms. Chabaud six months to satisfy this requirement, or her application will be denied.

MOTION: Mr. Jim Scott moved to accept Ms. Lauren Chabaud’s examination application with the condition that she pays the remaining $320.86 within six months of this meeting. Dr. Jolynn Greenhalgn seconded the motion, which carried 5/0.

04. Susan D. Rose (Endorsement)

Ms. Susan Rose was not present on the call.

Ms. Rose’s application was placed on this agenda for approval. Ms. Rose attended a 650 hour training course in Rhode Island and has successfully passed the IBEC exam given in the state of Rhode Island.

MOTION: Mr. Jim Scott moved to accept/deny Ms. Susan Rose’s endorsement application. Dr. Jolynn Greenhalgn seconded the motion, which carried 5/0.

APPLICANT CERTIFICATION LISTS

05. Examination Applicants

A total of seventy nine (79) names were on the certification list.

MOTION: Dr. Jolynn Greenhalgn moved to accept the list of exam licensees. Mr. Jim Scott seconded the motion, which carried 5/0.

RULES REVIEW AND DEVELOPMENT

06. Rule 64B8-51.001 (1), F.A.C., Manner of Application

HB 653 (2012) modifies s. 456.0635, F.S., revising the grounds under which DOH or corresponding boards and councils are required to refuse to admit a candidate to an examination and refuse to issue or renew a license, certificate, or registration of a health care practitioner. All MQA Boards and Councils are required to update their licensure applications to include revised 456.0635 History questions in accordance with these modifications. The revised initial electrologist licensure application was before the Council for your review.

Several corrections were noted as follows:
1. Ms. Lynette Norr made a technical change to page five, number three; underline the capital A.
2. Ms. Judy Adams made a technical change to page three; hairremovalflorida.com
3. Ms. Sandra Allen made a technical change to page three; CE Broker instructions, cebroker.com has changed the webpage, therefore, the instructions will need to be modified to reflect the changes.
MOTION: Dr. Jolynn Greenhalgn moved to accept the application as proposed. Mr. Jim Scott seconded the motion, which carried 5/0.

MOTION: Mr. Jim Scott moved that the proposed new language would not have an adverse impact on small business. Dr. Jolynn Greenhalgn seconded the motion, which carried 5/0. Mr. Jim Scott moved that 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. Dr. Max Wilson seconded the motion, which carried 5/0.

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. In order to process re-examination applications, staff is now required to enter the applicant’s response to these questions to successfully process the re-take application.

MOTION: Mr. Jim Scott moved to accept the application as proposed. Dr. Jolynn Greenhalgn seconded the motion, which carried 5/0.

08. RULES REVIEW AND/OR DEVELOPMENT

Rules 64B8-51.006, F.A.C., Rule Governing Licensure & Inspection of Electrology Facilities

HB 653 (2012) modifies s. 456.0635, F.S., revising the grounds under which DOH or corresponding boards and councils are required to refuse to admit a candidate to an examination and refuse to issue or renew a license, certificate, or registration of a health care practitioner. All MQA Boards and Councils are required to update their licensure applications to include revised 456.0635 History questions in accordance with these modifications. The revised electrology facility application form was enclosed for the Council’s review and approval for incorporation of the revised form into rule.

Staff made a verbal correction that the licensure verification form will be removed along with bullet four on the instructions.

In addition, the Council was previously asked to consider whether it would like to update the rule language to clarify when a facility license is required. Ms. Norr presented the following drafted language for the Council’s approval:
Proposed Language

64B8-51.006 Rule Governing Licensure and Inspection of Electrology Facilities.

(1) Definitions. An electrology facility is that portion of any establishment or place wherein a person licensed pursuant to Chapter 478 is practicing electrolysis. An electrology facility may be part of a residence.

(2) Electrology Facility Licensure.

(a) No one may operate an electrology facility without a license to do so from the Department of Health.

(b) To obtain the license, the applicant shall provide information to the Department as required by this rule on a form provided by the Department and approved and incorporated herein by reference by the Board as Form DH-MQA 1213, entitled “Application for Electrolysis Facility Licensure,” effective 11/09, which can be obtained from the Council at The Florida Department of Health, Electrolysis Council, Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256, and available on the web at: http://www.doh.state.fl.us/mqa. The applicant must pay a $100 application fee, which is nonrefundable, $100 inspection fee, $100 licensure fee and a $5.00 unlicensed activity fee.

(c) The responsibility for a facility licensure lies with the owner of an electrology facility. The term “owner” means the person, sole proprietor, partnership, limited partnership, firm, or corporation that operates the electrolysis facility.

(3) Electrology Facility Safety and Sanitary Requirements.

(a) An electrology facility shall be clean, sanitary, and well-lit. It shall also allow for circulation of air sufficient to eliminate odors.

A technical correction was made for 2(b), lines three and four, removing the blank for the date and changing “effective to revised.”

Effective dates were discussed and it was determined that May 31, 2014 would be an acceptable date for this rule to take effect.

Several methods of notification were also discussed such as: post cards and emails.

MOTION: Mr. Jim Scott moved to accept the proposed language. Dr. Jolynn Greenhalgh seconded the motion, which carried 5/0.

MOTION: Mr. Jim Scott moved that the proposed new language would not have an adverse impact on small business. Dr. Jolynn Greenhalgh seconded the motion, which carried 5/0. Mr. Jim Scott moved that 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. Dr. Jolynn Greenhalgh seconded the motion, which carried 5/0.

09. Rule 64B8-52.004 (1) (b) (6), F.A.C., Requirements for Approval of Training Courses for Laser and Light- Based Hair Removal or Reduction

This rule was back before the Council for clarification of the modified language per the Board of Medicine’s request. The Council tabled this discussion and directed Ms. Allison Dudley to modify the language per the Board of Medicine’s request, and bring it back before the Council at the next meeting.
10. Rule 64B8-52.004(3) and (4), Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction

The Council is currently seeking to finalize draft rule language to establish criteria to approve national organizations for the purpose of certifying licensed Electrologists in the area of laser hair removal, as required by Rule 64B8-56.002(2)(b), Florida Administrative Code.

Ms. Lynette Norr brought the drafted language before the Council for approval based upon the recommendations made by the Council at the May 21, 2012 meeting.

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

The Electrolysis Council will approve laser and light-based hair removal or reduction continuing education training courses upon application if the following requirements are met:

(1) Continuing education providers seeking initial approval by the Council shall pay a fee of $250, and shall complete and submit to the Council the application form entitled “Application for Laser and Light Based Hair Removal or Reduction Continuing Education Provider”, form DOH/MQA/EO/LASER/CEU/07/23/01, which is hereby incorporated by reference and became effective July 23, 2001, copies of which may be obtained from the Council office at 4052 Bald Cypress Way, BIN C-05, Tallahassee, Florida 32399-3255. Continuing education providers seeking renewal of provider status shall also pay a $250 fee each biennium. To receive Council approval, a continuing education program:

(a) Should be submitted for the Council’s approval not less than 60 days nor more than 360 days prior to the date the offering is scheduled;

(b) Shall have its sponsor submit to the Council at least the following:

1. A statement of the educational goals and objectives of the program;

2. A detailed course outline or syllabus, including such items as method of instruction, testing materials, if any;

3. A current curriculum vitae of the course instructor(s);

4. The procedure to be used for recording attendance of those attendees seeking to apply for continuing education credit and the procedure for certification by the course’s registrar of attendance;

5. A sample certificate of completion; and

6. A copy of the electrology facility license and the most recent Department of Health inspection sheet from the location where the continuing education training course is offered demonstrating compliance with paragraph 64B8-51.006(3)(g), F.A.C.

(2) The course consists of thirty (30) hours of instruction, which may include 15 hours of home-study didactic training, in the use of laser and light-based hair removal or reduction devices, including:

(a) Biology of hair;

(b) Laser and light-based device terminology;

(c) Basic electricity;

(d) Laser and light-based hair removal physics, including:

1. The theory of traditional light.

2. The theory of coherent light.

3. The electromagnetic spectrum.

4. The different types of laser and light-based hair removal devices.

5. The history of laser and light-based device development.
6. The history of medical laser and light-based device development.
7. Understanding photonic principles and how a laser and light-based device works.
   (e) Safety and precautions, including:
   1. Federal and quasi-federal regulatory agencies and their roles in safety.
   2. Treatment room considerations.
   3. Eye safety for the operator and the patient.
   4. Fire safety.
   (f) Laser and light based tissue interaction, including:
   1. Grothus draper law.
   2. Reflection, transmission, scatter and absorption.
   3. The melanin and hemoglobin absorption curve at various hair removal device wavelengths.
   4. Depth of penetration and wavelength.
   5. Possible effects of absorption of light energy.
   6. Selective photothermolysis, including:
      a. Wavelength.
      b. Pulse duration.
      c. Energy fluence.
      d. Spot size.
   (g) Sanitation;
   (h) Fitzpatrick skin typing;
   (i) The patient intake form;
   (j) The consultation;
   (k) Proper documentation of patient case history and consent forms;
   (l) Pre-treatment patient preparation including test spot considerations and the Nikolski sign;
   (m) Treatment contra-indications including the recognition of disease conditions of the skin;
   (n) Handpiece and spot size considerations;
   (o) Fluence setting;
   (p) Stretch technique;
   (q) Use of grid stamp;
   (r) Post-treatment procedures, including:
      1. Application of ice and medication.
   2. Instructions to patients.
   (s) Expected outcomes including erythema and edema;
   (t) Possible adverse outcomes;
   (u) Follow-up care;
   (v) The concept of using needle-type epilators to complement laser and light-based hair removal or reduction devices; and
   (w) At least five (5) hours of hands-on experience with laser and light-based devices to include hair removal or reduction from all areas of the body.
(3) The instructors of each laser and light-based hair removal course must be currently certified and have one year of post-certification experience. Verifiable documentation, including the instructor's work experience in laser applications and certification from a national certification organization approved by Board and Council, of this experience must be submitted to the Council with the application.
(4) A national certification organization must meet the following criteria to be
approved by the Council and Board:

(a) The Certifying Entity:

1. Must be a non-governmental organization such as a society or association, whose members participate in, or have interest in, the field of laser hair removal.
2. Must make its membership available to the general public nationwide that is not restricted because of race, color, religion, age, national origin, or disability.
3. Must have a certification program open to nonmembers as well as members.
4. Must be an incorporated, nationally recognized organization in good standing that is involved in setting national standards of practice within its fields of expertise.
5. Must have an adequate staff, a viable system for financing its operations, and a policy- and decision-making review board.
6. Must have a set of written organizational by-laws and policies that provide adequate assurance of lack of conflict of interest and a system for monitoring and enforcing those by-laws and policies.
7. Must have a committee, whose members can carry out their responsibilities impartially, to review and approve their certification guidelines and procedures, and to advise the organization’s staff in implementing the certification program.
8. Must have written procedures describing all aspects of its certification program, maintain records of the current status of an individual’s certification and the administration of its certification program.
9. Must have procedures to ensure that certified individuals are provided due process with respect to the administration of a certification program, including the process of becoming certified and any sanctions imposed against certified individuals.
10. Must have procedures for proctoring examinations, including qualifications for proctors. These procedures shall ensure that the individuals proctoring each examination are not employed by the same company or corporation (or a wholly-owned subsidiary of such company or corporation) as any of the examinees.
11. Must exchange information about certified individuals with the Council and other certifying entities and allow periodic review of its certification program and related records by the Council.
12. Must provide a description to the Council of its procedures for choosing examination sites and for providing an appropriate examination environment.

(b) The Certification Program:

1. Must require applicants for certification to:
   a. receive training in the topics specified in subsection 64B8-52.004(2) F.A.C.,
   b. satisfactorily complete a written examination covering these topics, and
   c. passage of a laser examination encompassing only items relating to laser and light-based hair removal.
2. Must include procedures to ensure that all examination questions are protected from disclosure.
3. Must include procedures for denying an application and revoking, suspending, and reinstating a certificate.
4. Must provide a certification period of not less than 3 years nor more than 5 years.
5. Must include procedures for renewing certifications and, if the procedures allow renewals without examination, require evidence of recent full-time employment and continuing education credits as specified in subsection 64B8-51.006(3)(g)1.
F.A.C.

6. Must provide a timely response to inquiries, by telephone or letter, from members of the public, about an individual’s certification status.

(c) Examination:

1. Shall be designed to test an individual’s knowledge and understanding of at least the topics specified in subsection 64B8-52.004(2) F.A.C.

Specific Authority 456.025(7), 478.43 FS. Law Implemented 456.025(7), 478.42(5), 478.43(3), 478.50 FS. History–New 10-3-00, Amended 12-24-01, 12-26-02, 8-17-04, 7-3-06, 2-18-09, ______-_______-12.

There was discussion relating to (4)(b)(1)(b)-(c), and it was decided that (b) and (c) will be combined to read: “..satisfactorily complete a written examination covering the topics in 64B8-52.004(2)F.A.C. including laser and light based hair removal.”

MOTION: Dr. Max Wilson moved to accept the proposed language as modified. Dr. Jolynn Greenhalg seconded the motion, which carried 5/0.

MOTION: Mr. Jim Scott moved that the proposed new language would not have an adverse impact on small business. Dr. Jolynn Greenhalg seconded the motion, which carried 5/0. Mr. Jim Scott moved that 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. Dr. Jolynn Greenhalg seconded the motion, which carried 5/0.

RULES STATUS REPORT


Rules Approved by BOM and in Progress:

- 64B8-51.001(1) Manner of Application
  
  History
  - Rule Development Published: 9/23/2011
  - Council Approval: 5/2/11
  - Board Approval: 6/22/2011
  - Notice Published: 7/27/12
  - Adopted: N/A
  - Effective: N/A
  - Comments: Tolled since 2/24/12, re-sent 7-day letter on 7/13/12 after 5/22/12

  letter to JAPC.

- 64B8-51.006(2)(b) Licensure and Inspection of Electrolysis Facilities
  
  History
  - Rule Development Published: 9/23/2011
  - Council Approval: 2/7/11
  - Board Approval: 6/22/2011
  - Notice Published: 8/3/12
  - Adopted: N/A
  - Effective: N/A
  - Comments: Rule timed out; withdrawn and re-noticed.
64B8-51.006(3)-(6)  Licensure and Inspection of Electrolysis Facilities

History
- Rule Development Published: 8/3/12
- Council Approval: 8/9/2010
- Board Approval: 12/1/2011
- Notice Published: 8/3/12
- Adopted: N/A
- Effective: N/A
- Comments: Rule timed out; withdrawn and re-noticed.

64B8-54.002(1)  Inactive Licensure Status; Reactivating of Licensure, Delinquent Renewal

History
- Rule Development Published: 3/2/2012
- Board Approval: 12/1/2011
- Notice Published: 7/27/2012
- Adopted: N/A
- Effective: N/A
- Comments: Sent to OFARR 7/13/12

64B8-55.002  Discipline and Licensure Restrictions

History
- Rule Development Published: 3/2/2012
- Council Approval: 2/15/2012
- Board Approval: 12/1/2011
- Notice Published: 7/27/2012
- Adopted: N/A
- Effective: N/A
- Comments: Sent to OFARR 7/13/2012

Rules Under Consideration by the Board of Medicine:

64B8-51.002  Licensure By Examinaton

History
- Rule Development Published: N/A
- Council Approval: 2/27/2012
- Board Approval: Next BOM meeting.
- Notice Published: N/A
- Adopted: N/A
- Effective: N/A
- Comments: Submitted to staff 7/13/12 to schedule with BOM.

64B8-52.003(2) & (3)  Procedure for Approval of Attendance at Continuing Education Courses

History
- Rule Development Published: N/A
Rules Under Discussion by the Council:

- **64B8-52.004(1) Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction**
  
  History
  
  - Rule Development Published: N/A
  - Council Approval: 5/21/2012
  - Board Approval: 7/9/2011
  - Notice Published: N/A
  - Adopted: N/A
  - Effective: N/A
  - Comments: Council is currently modifying language.

- **64B-52.004(3) & (4) 64B8-52.004(1) Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction**
  
  History
  
  - Rule Development Published: N/A
  - Council Approval: 5/21/2012
  - Board Approval: N/A
  - Notice Published: N/A
  - Adopted: N/A
  - Effective: N/A
  - Comments: N/A

- **64B8-56.002 Equipment and Devices; Protocols for Laser and Light-Based Devices**
  
  History
  
  - Rule Development Published: N/A
  - Council Approval: 2/27/2012
  - Board Approval: N/A
  - Notice Published: N/A
  - Adopted: N/A
  - Effective: N/A
  - Comments: Rule on hold until 64B8-52.004(4) is completed.

**REPORTS**

12. Jim Scott, Chair

None.

13. Allen Hall, Executive Director

- Expenditures by Function
- Cash Balance Report
NEW BUSINESS

14. Proposed December 03, 2012 Meeting Date

MOTION: Mr. Jim Scott moved to accept the December 03, 2012 date. Dr. Jolynn
Greenhalgn seconded the motion, which carried 5/0.

OLD BUSINESS

15. December 05, 2011 General Business Meeting Minutes

Staff made a verbal correction to Tab 3; “endorsement application.”

MOTION: Mr. Jim Scott moved to approve the meeting minutes as amended. Dr. Jolynn
Greenhalgn seconded the motion, which carried 5/0.

16. Staff Research: Patient Brokering and Social Media

Informational item.

17. Annual Regulatory Plan

Informational Item

OTHER BUSINESS AND INFORMATION

18. July 09, 2012, Board of Medicine Dietetics/Nutrition and Electrolysis Meeting Minutes

Informational Item

19. Board of Medicine Disciplinary Action re: Tara Carolyn Levy

Informational Item

20. Electrology Staff Recognition

Informational Item

ADJOURNMENT

MOTION: Mr. Jim Scott moved to adjourn the meeting at 12:02 p.m. Dr. Jolynn
Greenhalgn seconded the motion, which carried 5/0.