

**DEPARTMENT OF HEALTH  
ELECTROLYSIS COUNCIL  
GENERAL BUSINESS MEETING  
October 29, 2012  
9:00 a.m. EST**

**CONFERENCE CALL  
1-888-670-3525**

When prompted, enter the following conference code  
number: **4389078941**, followed by the “#” sign.

Participants in this public meeting should be aware that these proceedings are being recorded  
and that an audio file of the meeting will be posted to the Council's website.

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1 **Council Members Present:**

2 Mr. Jim Scott, Chair  
3 Dr. Jolynn Greenhalgn, Vice Chair  
4 Ms. Susan Manwaring  
5 Dr. Max Wilson

**Staff Present:**

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

6 **Assistant Attorney General**

7 Allison Dudley, Esquire  
8

9 **9:02 a.m.**

10 **Call to Order – General Business Meeting**

11 **ADMINISTRATIVE PROCEEDINGS**

12 **APPLICATIONS FOR INDIVIDUAL CONSIDERATION**

13 **Tab 1. Cynthia Barnett (Examination)**

14 Ms. Barnett's application for licensure by examination was before the Council for review. Ms  
15 Barnett was charged with drug-related charges, which were dismissed after fulfillment of all  
16 requirements. Adjudication was withheld for a separate count of trespassing.

17 **MOTION:** Dr. Jolynn Greenhalgn moved to accept Ms. Barnett's examination application. Mr.  
18 Jim Scott seconded the motion, which carried 4/0.

19 **Tab 2. Jennifer Pysz (Examination)**

20 Ms. Pysz' application for examination was before the Council for review due to a 2008 DUI. As  
21 of September 17, 2012, Ms. Pysz satisfied all requirements pertaining to her charges.

22 **MOTION:** Dr. Jolynn Greenhalgn moved to accept Ms. Pysz' examination application. Mr. Jim  
23 Scott seconded the motion, which carried 4/0.

24 **APPLICANT CERTIFICATION LISTS**

1 **Tab 3. Examination Applicants**

2 **MOTION:** Mr. Jim Scott moved to accept the examination ratification list. Ms. Susan Manwaring  
3 seconded the motion, which carried 4/0.

4 **320-HOUR TRAINING PROGRAM**

5 **Tab 4. IMDS Medical Aesthetics and Support Services Training, LLC**

6 The Council reviewed materials provided by IMDS Medical Aesthetics and Support Services  
7 Training, LLC, in support of their 320-hour training school application.

8 **MOTION:** Following discussion, Mr. Jim Scott moved to accept the 320-hour training program  
9 application. Ms. Susan Manwaring seconded the motion, which carried 4/0.

10 **30-HOUR LASER PROVIDER**

11 **Tab 5. IMDS Medical Aesthetics and Support Services Training, LLC**

12 The Council reviewed materials provided by IMDS Medical Aesthetics and Support Services  
13 Training, LLC, in support of their 30-Hour Laser Continuing Education Provider application.

14 **MOTION:** Dr. Jolynn Greenhalgn moved to accept the 30-hour continuing education program  
15 application. Mr. Jim Scott seconded the motion, which carried 4/0.

16 **RULES REVIEW AND DEVELOPMENT**

17 **Tab 6. Rule 64B8-51.001, F.A.C., Manner of Application**

18 During the August 2012 Council meeting, the Council approved revisions to the Electrologist  
19 licensure application incorporating the following:

- 20
- Addition of questions pursuant to the passage of HB 653 (2012);
  - 21 • Revisions to streamline the application for development of the online version of the  
22 application; and,
  - 23 • Clarifying instructions regarding the mailing address, as it was discussed that some new  
24 licensees listed their training school address and therefore did not receive important  
25 notices such as those for licensure renewal.

26 During the September 2012 Board of Medicine's Electrolysis Committee conference call, the  
27 application was rejected only on the basis of the use of the term "personal" mailing address.  
28 Before the Council for review and approval was updated language to address the Board of  
29 Medicine's concern, as well as additional streamlining measures suggested by the online  
30 application technical team since the August 2012 meeting.

31 Noted corrections to be made:

- 1 • Page 9, bullet 6: change to 120 days
- 2 • Page 16, section 9: expand the “note” section to reveal excluded text.

3 **MOTION:** Ms. Susan Manwaring moved to accept the proposed rule language with the above  
4 mentioned changes. Mr. Jim Scott seconded the motion, which carried 4/0.

5 **MOTION:** Mr. Jim Scott moved that the proposed new language would not have an adverse  
6 impact on small business. Additionally, the proposed rule amendments would not be likely to  
7 directly or indirectly increase regulatory costs to any entity (including government) in excess of  
8 \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Ms.  
9 Susan Manwaring seconded the motion, which carried 4/0.

10 **Tab 7. Rule 64B8-51.006, F.A.C., Rule Governing Licensure and Inspection of Electrology**  
11 **Facilities**

12 During the August 2012 Council meeting, the Council approved proposed rule language and  
13 revisions to the Electrologist facility licensure application.

14 The proposed rule language sought to clarify questions regarding when an entity providing  
15 electrology services would be required to pursue licensure. Revisions to the facility licensure  
16 application incorporated the following:

- 17 • Addition of questions pursuant to the passage of HB 653 (2012);
- 18 • Addition of sections to more clearly identify the applicant’s business entity type,  
19 ownership information and previous licensure and criminal history; and,
- 20 • Elimination of the Employment Verification Form and related instructions, based on the  
21 proposed rule requiring all facilities to be licensed without regard to whether the licensed  
22 Electrologist would provide services as the employee of a physician or as an  
23 independent contractor.

24 During the September 2012 Board of Medicine’s (BOM) Electrolysis Committee conference call,  
25 the proposed rule language was rejected upon advice that the Electrolysis Council does not  
26 likely have the authority to require physicians’ offices to pursue facility licensure as well as  
27 additional concerns regarding the small business impact on unlicensed entities to pursue  
28 licensure.

29 The Council reviewed updated language from Ms. Dudley, which provided for an exemption to  
30 facility licensure for physicians licensed pursuant to Chapters 458 and 459, Florida Statutes,  
31 who employ licensed electrologists. Staff also proposed separating the one facility licensure  
32 application into two separate forms to clearly distinguish the new facility/ownership application  
33 from the transfer of facility license application.

34 The Council directed Ms. Allison Dudley to amend the proposed draft as follows:

- 35 • Retain proposed paragraph (2)(c);
- 36 • Add to the definition of owner, “subcontractor” with reference to licensees who are  
37 operating in a doctor’s office, but who are not employees of the facility; and

1       • Delete the last sentence of proposed paragraph (2)(c).  
2 The Council also requested that the stricken text under bullet 5 on the first page of the  
3 application instructions be retained.

4 **MOTION:** Ms. Susan Manwaring moved to table the proposed rule language until the next  
5 meeting. Mr. Jim Scott seconded the motion, which carried 4/0.

6 **Tab 8. Rule 64B8-52.003, F.A.C., Procedures for Approval of Attendance at Continuing**  
7 **Education Courses**

8 During the May 2012 meeting, it was clarified that the genesis of the current rule development  
9 was based on an inquiry by an approved 320-Hour training program seeking to be designated  
10 as a technical school in order to be able to qualify, by rule, to provide continuing education  
11 credit to licensees.

12 During August 06 meeting, the Council reviewed and approved proposed draft language  
13 deleting the term “technical school”. This eliminated any possibility for such schools to offer  
14 continuing education credits to licensees.

15 During the September 2012 Board of Medicine’s (BOM) Electrolysis Committee conference call,  
16 the proposed rule language was rejected upon advice that the proposed language would delete  
17 entities that provide a significant number of courses. However, it should be noted that the only  
18 continuing education provider category that was deleted in the proposed language was  
19 “technical schools”. It was suggested by the Committee that the Council consider adding a  
20 reference to “Post-Secondary Institutions”<sup>1</sup> to allow the 320-hour training schools to provide  
21 continuing education courses. Enclosed for the Council’s review was updated rule language  
22 from Ms. Dudley which adds this reference in proposed paragraph (2)(c).

23 The Council would like to see revised language that requires all providers, namely post-  
24 secondary institutions, to go through the same approval process as continuing education  
25 providers. The Council directed Ms. Allison Dudley to draft language to bring back before the  
26 Council at the next meeting.

27 **MOTION:** Mr. Max Wilson moved to table further consideration of the proposed rule language.  
28 Mr. Jim Scott seconded the motion, which carried 4/0.

29 **Tab 9. Rule 64B8-52.004, F.A.C., Requirements for Approval of Training Courses for**  
30 **Laser & Light-Based Hair Removal or Reduction**

31 The Council is currently working on modifications to several sections of this rule including  
32 paragraphs (1)(b) 6., (3) and (4).

33 **Background: Paragraph (1)(b)6. re: Out-of-State 30-Hour Laser CE Provider Applicants**

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<sup>1</sup> In prior meetings, information was provided to the Council where it was determined that the term “technical school” was obsolete and that the Florida Department of Education designation which appeared to replace this term was “Nonpublic Postsecondary Educational Institutions” as referenced in Chapter 1005, Florida Statutes.

1 During the May 2012 meeting, the Council approved draft language to allow 30-hour laser CE  
 2 provider applicants that have facilities located outside of Florida the opportunity to submit other  
 3 documentation to demonstrate compliance with paragraph (1)(b)6. Paragraph (1)(b)6. requires  
 4 that all provider applicants submit a copy of an electrology facility license and the most recent  
 5 Department of Health inspection sheet showing compliance with Rule 64B8-51.006(3)(g), F.A.C.  
 6 During the July 2012 Board of Medicine’s Electrology Committee meeting, it was requested that  
 7 the proposed language be sent back to the Council for review due to concerns about the ability  
 8 of other states to provide “comparable” documentation for this purpose.

9 **MOTION:** Mr. Max Wilson moved to accept the draft language for Rule 64B8-52.004(1)(b)6.,  
 10 F.A.C., as proposed. Dr. Jolynn Greenhalg seconded the motion, which carried 4/0.

11 **MOTION:** Mr. Jim Scott moved that the proposed new language would not have an adverse  
 12 impact on small business. Additionally, the proposed rule amendments would not be likely to  
 13 directly or indirectly increase regulatory costs to any entity (including government) in excess of  
 14 \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Dr.  
 15 Max Wilson seconded the motion, which carried 4/0.

16 **Background: Paragraphs (3) and (4) re: National Certification Requirements for 30-Hour**  
 17 **Laser CE Instructors and Criteria for Approval of National Certification Organizations by**  
 18 **the Council**

19 During the August 2012 meeting, the Council modified and approved draft language to define  
 20 the criteria by which it would review national laser hair removal certification organizations for  
 21 purposes of certifying Florida-licensed electrologists in this modality. Enclosed for the Council’s  
 22 consideration was an updated draft from Ms. Dudley which includes the modifications proposed  
 23 at the last meeting.

24 The Council directed Ms. Allison Dudley to modify paragraph (3) to require that instructors must  
 25 have one year of “post licensure” experience as well as one year of “post certification”  
 26 experience.

27  
 28 The Council also requested modification to proposed paragraph (4)(b)1.b. to read as follows: “  
 29 *b. satisfactorily complete a written examination encompassing the topics in Rule 64B8-*  
 30 *52.004(2)....”*  
 31

32 **MOTION:** Dr. Max Wilson moved to table further consideration of this portion of the draft  
 33 language until the next meeting. Mr. Jim Scott seconded the motion, which carried 4/0.

34 **REPORT OF ASSISTANT ATTORNEY GENERAL, ALLISON DUDLEY**

35 **Tab 10. Rule Status Report**

Rules in Progress								
RULE NUMBER	TITLE	COUNCIL APPROVAL	BOARD APPROVAL	NOTICE OF RULE DEVELOPMENT PUBLISHED	NOTICE OF PROPOSED RULE PUBLISHED	ADOPTION	EFFECTIVE	COMMENTS
64B8-51.001(1)	Manner of Application	Language and SERC vote “No” 5/2/2011;	BOM Approval 6/22/2011 <u>BOM</u> rejected	9/23/2011	12/9/11			Tolled since 2/24/2012. Re-sent 7-day letter 7/13/12 after 5/22/12 letter

RULE NUMBER	TITLE	COUNCIL APPROVAL	BOARD APPROVAL	NOTICE OF RULE DEVELOPMENT PUBLISHED	NOTICE OF PROPOSED RULE PUBLISHED	ADOPTION	EFFECTIVE	COMMENTS
			<u>updated application August 2012 due to language regarding mailing address</u>					to JAPC
64B-51.002	Licensure by Examination	Language and SERC vote "No" 2/27/12	Next BOM committee meeting  <u>Approved 9/10/12</u>	10/12/12				Submitted to staff 7-13-2012 to schedule with BOM.
64B8-51.006(2)(b)	Rule Governing Licensure & Inspection of Electrology Facilities	Language and SERC vote "No" 2/7/2011	BOM Approval 6/22/2011	9/23/2011	7/27/12			NOC 6/1/2012  Timed out.  Withdrawn and re noticed.
64B8-51.006(3)-(6)	Licensure & Inspection	Language 8/9/2010;  SERC vote "No" 10/3/2011	BOM Approval 12/1/2011	1/15/2010 Withdrawn 6/22/2012				
64B8-52.004	Requirements for Approval of Training Courses							
64B8-54.002(1)	Inactive and Retired Licensure Status	Language 5/11/09;  SERC vote No 10/03/2011	BOM Approval 12/1/2011	3/2/2012	7/27/12			Sent to OFARR 7-13-12
64B8-55.002	Citations	Language 2/15/2010;  SERC vote No 10/03/2011	BOM Approval 12/1/2011	3/2/2012	7/27/12			Sent to OFARR 7-13-12;

**Rules Under Consideration by BOM:**

RULE NUMBER	TITLE	COUNCIL APPROVAL	BOARD APPROVAL	NOTICE OF RULE DEVELOPMENT PUBLISHED	NOTICE OF PROPOSED RULE PUBLISHED	ADOPTION	EFFECTIVE	COMMENTS
64B8-51.006(1)(2)(c)	Rule Governing Licensure & Inspection of Electrology Facilities	Approved language to change definition of facility 8/2012	Board rejected changes – concerned that no authority to require licensure by physicians and need SERC					
64B8-52.003 (2) & (3)	Procedure for Approval of Attendance at Continuing Education Courses	(3) language approved, & SERC vote "No" 2/27/2012 ; (2) language approved and SERC vote "No" 5/21/12	Rejected at September 2012 meeting  See suggestions					Submitted to staff 7-13-2012 to schedule with BOM.

1 **REPORTS**

2 **Tab 11. Jim Scott, Council Chair**

3 Mr. Scott updated the Council with information that the Department of Health's websites were  
4 currently being updated.

5 **Tab 12. Allen Hall, Executive Director**

- 6           • Expenditures By Function  
7           • Cash Balance Report

8 Informational items.

9 **NEW BUSINESS**

10 **Tab 13. Council Member Vacancies**

- 11 **Vice Chair:** Dr. Jolynn Greenhalgn, by Mr. Jim Scott  
12 **ULA Liaison:** Mr. Jim Scott, by Ms. Judy Adams  
13 **Budget Liaison:** Ms. Susan Manwaring, by Ms. Judy Adams  
14 **Education Liaison:** Dr. Max Wilson, by Ms. Judy Adams  
15 **Legislative Liaison:** Dr. Jolynn Greenhalgn, by Ms. Judy Adams

1 **Tab 14. Financial Reports**

- 2 • Revenue/Expenditures/Cash Balances 7/1/11-6/30-12  
3 • Projected Cash Balances MQA Trust Fund  
4 • A Review of the Adequacy of Renewal Fees  
5 • Profession by Profession Revenue and Expenditure Projections  
6 • Historical and Projected Cash Balances

7 **OLD BUSINESS**

8 **Tab 15. August 06, 2012 General Business Meeting Minutes**

9 Noted corrections to be made: Tab 01, refer to Dr. Greenhalgn as “Dr.” instead of “Ms.”

10 **MOTION:** Mr. Jim Scott moved to accept the August 06, 2012 General Business Meeting  
11 Minutes with the above mentioned changes. Dr. Jolynn Greenhalgn seconded the motion, which  
12 carried 4/0.

13 **OTHER BUSINESS AND INFORMATION**

14 **Tab 16. September 10, 2012 Board of Medicine Dietetics/Nutrition and Electrolysis**  
15 **Committee Meeting Minutes**

16 Informational item.

17 **Tab 17. Electrology Staff Recognition**

18 Informational item.

19 **Meeting adjourned at 11:46 a.m.**