

**STATEMENT OF ESTIMATED REGULATORY COSTS**

**Rule**

**Rule 64B8-56.002, F.A.C.**

**Equipment and Devices; Protocols for Laser and Light-Based Devices**

On October 2, 2017, the Florida Board of Medicine (Board) approved the Florida Electrolysis Council's (Council's) recommendation to enter into rulemaking regarding proposed amendments to Rule 64B8-56.002, F.A.C. This rule specifies requirements for Electrologists to provide hair removal services using laser or light-based devices.

**Current Rule Text**

**64B8-56.002 Equipment and Devices; Protocols for Laser and Light-Based Devices.**

(1) The Board of Medicine approves the following equipment and devices for the permanent removal of hair by licensed electrologists if they are used pursuant to requirements established by the Board.

(a) Needle type epilators.

(b) Laser and light-based hair removal or reduction devices cleared by the United States Food and Drug Administration (FDA) for hair removal or reduction.

(2) An electrologist may not use laser or light-based devices for hair removal or reduction unless they:

(a) Have completed training in laser and light-based hair removal and reduction that meets the requirements set forth in subsections 64B8-52.004(2) and (3), F.A.C.;

(b) Have passed the Society for Clinical and Medical Hair Removal test for certification as a Certified Medical Electrologist;

(c) Are using only the laser and light-based hair removal or reduction devices upon which they have been trained; and,

(d) Are operating under the direct supervision and responsibility of a physician properly trained in hair removal and licensed pursuant to the provisions of Chapter 458 or 459, F.S.

(3)(a) The supervising physician, initially upon assuming duties as the supervisor and semiannually thereafter, shall review and inspect the techniques, procedures, and equipment utilized by the electrologist in the performance of laser and light-based hair removal or reduction.

(b) The supervising physician shall ensure that the electrologist has received semi-annual training in the areas of infection control, sterilization, and emergency procedures.

(4)(a) The supervising physician and the electrologist shall develop jointly written protocols regarding the medical condition for individuals to receive laser and light-based hair removal or reduction treatment; specific conditions and the procedure for identifying conditions that require direct evaluation or specific consultation by the physician; treatment of routine minor problems resulting during or from laser and light-based hair removal or reduction; and detailed procedures to be followed in the event of emergency situations developing during the performance of or as a result of laser and light-based hair removal or reduction. These written protocols must be signed, dated, and maintained in a readily available location on the premises where the electrologist practices. One copy shall be maintained by the supervising physician and one copy must be filed with the Department of Health. The written protocols which are kept on the premises of the electrologist will be readily available for inspection and review by agents of the Department of Health. The parties to a protocol must notify the Department within 30 days of the termination of their professional relationship.

(b) The written protocol shall include and require that the initial consultation with each patient must include an examination and assessment by a physician licensed pursuant to Chapter 458 or 459, F.S.

(5) Pursuant to Section 456.072(1)(i), F.S., any physician who knows that any electrologist is engaged in unsafe practice must report that electrologist to the Department of Health immediately.

(6) Any physician who provides supervision to an electrologist must keep the Board informed of the number of electrologists the physician is supervising. No physician is authorized to supervise more than four (4) electrologists at any one time.

*Rulemaking Authority 458.331(1)(v), 478.43(1), (4) FS. Law Implemented 458.331(1)(v), 458.348(3), 478.42(5), 478.43(1), (3), (4) FS. History—New 9-12-01, Amended 2-28-02, 7-23-06, 3-12-08, 11-4-14, 2-15-17.*

## **Summary of Proposed Changes**

The proposed amendments to Rule 64B8-56.002(2)(a), F.A.C., distinguish the requirements for Electrologists to provide laser and light-based hair removal devices dependent upon their pre-licensure training.

Electrologists trained in needle-type epilators only will be required to complete additional continuing education and pass the Society for Clinical and Medical Hair Removal's (SCMHR's) test for certification as a Certified Medical Electrologist (CME).

Electrologists trained in the combined epilator, laser and light-based training curriculum defined in Rule 64B8-53.002, F.A.C., will be required only to successfully pass the combined modality examination for licensure.

## **Proposed Rule Text**

64B8-56.002 Equipment and Devices; Protocols for Laser and Light-Based Devices.

(1) No change.

(2) An electrologist may not use laser or light-based devices for hair removal or reduction only if unless they:

(a) Have completed training in

1. Needle-type epilation and laser and light-based hair removal and reduction that meets the requirements set forth in subsections 64B8-52.004(2) and (3), F.A.C., and (b) hHave passed the Society for Clinical and Medical Hair Removal test for certification as a Certified Medical Electrologist, or;

2. Needle-type epilators combined with laser and light-based hair removal and reduction that meets the curriculum of 64B8-53.002, F.A.C., and have passed a licensure examination approved by the Board in 64B8-51.002, F.A.C., that tests both epilator and laser and light-based modalities;

~~(b)(e)~~ Are using only the laser and light-based hair removal or reduction devices upon which they have been trained; and,

~~(c)(d)~~ Are operating under the direct supervision and responsibility of a physician properly trained in hair removal and licensed pursuant to the provisions of Chapter 458 or 459, F.S.

(3) through (6) No change.

Rulemaking Authority 458.331(1)(v), 478.43(1), (4) FS. Law Implemented 458.331(1)(v), 458.348(3), 478.42(5), 478.43(1), (3), (4) FS. History—New 9-12-01, Amended 2-28-02, 7-23-06, 3-12-08, 11-4-14, 2-15-17, \_\_\_\_\_.

## **Introduction and Rule Development Background**

On December 10, 2014 and February 13, 2015, publicly noticed workshops were held regarding multiple Board rules related to the practice of Electrolysis, including Rule 64B8-56.002, F.A.C. Council-approved providers of 30-hour laser and light-based hair removal continuing education courses (30-hour providers), 320-hour electrolysis training programs (training programs), licensed Florida Electrologists and other interested parties were invited to attend and submit public comments prior to each workshop. The comments and results of each workshop are available on the Council's website at <http://www.floridahealth.gov/licensing-and-regulation/electrolysis/meetings/index.html>.

The focus of the workshops was to determine rule modifications needed to streamline requirements and reduce the financial burden for Electrologists to provide laser and light-based hair removal or reduction services. During the final workshop, the Council and public participants began the process to modify the required pre-licensure training curriculum standards to combine traditional electrolysis (needle-type epilators) and laser and light-based hair removal and reduction, with the goal of having future Electrologists complete only one state licensure examination to be able to immediately offer both services once licensed. Under current requirements, those Electrologists desiring to offer laser hair removal services are required to complete a total of three examinations and an additional 30-hour continuing education course in the laser and light-based hair removal modality.

In preparation of the Statement of Estimated Regulatory Costs (SERC) for corresponding changes to Rule Chapter 64B8-53, F.A.C., Electrolysis Training Programs, which encompasses curriculum standards and equipment requirements for pre-licensure training programs, a survey of training programs was conducted in the Spring of 2015 to obtain information on any anticipated costs related to the potential rule changes to streamline requirements. The results of the survey, as included in that SERC, are provided in Section (d) of this document.

In September 2018, a survey regarding the related proposed amendments to Rule 64B8-56.002, F.A.C., was sent to 23 organizations, including the eighteen (18) combined modality pre-licensure training programs currently approved by the Council, nine (9) of which also currently hold status as 30-hour providers; four (4) additional providers offering only the 30-hour course; and, the SCMHR. A total of eight (8) survey responses were received. Results of the survey are provided in the following Response and Statement.

### **Response and Statement**

In accordance with Section 120.541(1)(a), Florida Statutes, the Department has prepared this Statement of Estimated Regulatory Cost on proposed amendments to Rule 64B8-56.002, F.A.C, Equipment and Devices; Protocols for Laser and Light-Based Devices.

#### **(a) An economic analysis showing whether the rule directly or indirectly:**

##### **1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?**

No. The Council and Board do not believe it is likely that any adverse impacts on economic growth, private sector job creation or employment, or private sector investment will be in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

- |  |   |  |
|--|---|--|
| 1. Is the rule likely to reduce personal income?           | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 2. Is the rule likely to reduce total non-farm employment? | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 3. Is the rule likely to reduce private housing starts?    | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 4. Is the rule likely to reduce visitors to Florida?       | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 5. Is the rule likely to reduce wages or salaries?         | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 6. Is the rule likely to reduce property income?           | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

Based on the 2018 survey results, the majority of small businesses responding indicated the proposed rule amendments would *not* likely have an impact on reducing personal income or wages or salaries. Only one response was received indicating the likelihood of reductions in these categories, however, the respondent did not provide further explanations to support the affirmative response. Additional related survey results are provided in Chart 1 below.

**Chart 1 – Survey Response Regarding SERC Question (a) 1.**

Inquiry	Response
<p><b>Will these rule amendments likely have an impact of reducing any personal income?</b></p>	<ul style="list-style-type: none"> <li>Approximately 88% of respondents indicated there would <i>not</i> be any reduction in personal income. Of those, one (1) respondent indicated the rule amendments will likely increase personal income. Another stated there being potentially fewer continuing education course offerings, those who derive income from leasing space for the offerings would be affected.</li> <li>Only one (1) respondent answered affirmatively to an impact of reducing personal income but did not provide further explanation for that response.</li> </ul>
<p><b>Will these rule amendments likely reduce the number of persons you employ?</b></p>	<ul style="list-style-type: none"> <li>Approximately 88% of respondents indicated there would <i>not</i> be any reduction in the number of persons employed. Of those, one (1) respondent indicated the rule amendments will likely increase the number of persons they employ due to an increase in student enrollment.</li> <li>Only one (1) respondent answered affirmatively to an impact of reducing the number of persons employed but did not provide further explanation for that response.</li> </ul>
<p><b>Will these rule amendments likely reduce wages or salaries?</b></p>	<ul style="list-style-type: none"> <li>Approximately 88% of respondents indicated there would likely not be any reduction in wages or salaries.</li> <li>Only one (1) respondent answered affirmatively to reductions in wages or salaries being likely due to the proposed rule amendments but did not provide any further explanation for that response.</li> </ul>

**Chart 1 – Survey Response Regarding SERC Question (a) 1. (continued)**

Inquiry	Response
<p><b>Will these rule amendments have an economic impact on your business in excess of \$1 million in the aggregate within 5 years of implementation of this rule?</b></p>	<ul style="list-style-type: none"> <li>• 75% of respondents indicated the proposed rule amendments would <i>not</i> have an economic impact on their businesses in excess of \$1 million in the aggregate within 5 years of implementation of this rule.</li> <li>• Two respondents (25%) answered affirmatively to the impact on their business reaching the stated threshold. The SCMHR provided data in other sections of the survey relative to this inquiry, that is provided separately below. The other respondent, a 30-hour provider, did not provide further explanation for its affirmative response.</li> </ul>

**SCMHR Statement of Adverse Impact**

The SCMHR, a 501c6 nonprofit organization, which houses its national office in Madison, Wisconsin, has historically been the only entity recognized by the Board and Council to offer national certification in laser and light-based hair removal. Below is this organization’s 2018 survey response regarding the impact of the proposed amendments.

“SCMHR provides continuing education and certification for electrologists and the changes to the rules already implemented by the Board of Medicine in conjunction with these changes have resulted and will result in a significant decrease of electrologists utilizing the services of SCMHR and other continuing education providers as the number of hours will decrease from 75 hours for certified electrologists over 5 years to no more than 50 hours at the rate of 10 hours per year or a reduction of 5 hours per year of continuing education over the five years for a reduction of 25 hours of continuing education and the lack of a need to maintain certification. The net loss of 25 hours of continuing education and maintenance of certification for each licensee amounts to a total loss of approximately \$360,900 over the five-year period or on average about \$72,180 per year of lost revenue.”

“Since the start of SCMHR’s current fiscal year on 7/1/2018, SCMHR has seen a decrease of 47% in exam applications for certification compared to the same time period in 2017 (7/1/2017– 9/12/2017). This is a direct result of the state’s adoption of a single combined modality licensing exam and the decision to eliminate the need for certification and the 30 hours laser training course for new applicants for licensure who have completed combined modality training.”

**2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?**

No. The Council and the Board do not believe it is likely that any adverse impacts on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

1. Is the rule likely to raise the price of goods or services provided by Florida business?  
 Yes       No
2. Is the rule likely to add regulation that is not present in other states or markets?  
 Yes       No
3. Is the rule likely to reduce the quantity of goods or services Florida businesses are able to produce, i.e. will goods or services become too expensive to produce?  
 Yes       No
4. Is the rule likely to cause Florida businesses to reduce workforces?  
 Yes       No
5. Is the rule likely to increase regulatory costs to the extent that Florida businesses will be unable to invest in product development or other innovation?  
 Yes       No
6. Is the rule likely to make illegal any product or service that is currently legal?  
 Yes       No

The proposed rule amendments are anticipated to have an adverse impact in this category for 30-hour providers and the SCMHR.

Of the five (5) 30-hour providers responding to the survey, 80% indicated they do not anticipate a reduction in the number of prospective applicants and Florida Electrologists who will seek license maintenance and compliance services from their small business. The same percentage of providers indicated their intent to continue to offer these services primarily to actively licensed Electrologists seeking continuing education offerings to complete the regular state licensure renewal.

One (1) 30-hour provider respondent indicated an anticipated reduction in the number of prospective applicants and Florida Electrologists who will seek license maintenance and compliance services from their small business. However, this provider also responded its intent to continue to upgrade continuing education courses for actively licensed Electrologists seeking advanced level knowledge in laser hair removal.

The SCMHR responded that although they will continue to offer both continuing education and certification, the fact that certification is no longer required to use laser and light-based devices in Florida will result in a drop in the number of those seeking certification in Florida to a near negligible number. The SCMHR further stated that requiring only 50 hours of continuing education every five years (calculated at the rate

of 10 hours per year) will lessen the number of continuing education courses individuals seek to complete with their organization by an estimated 5 hours per person per year. The SCMHR commented this will negatively impact their business and other providers.

Additional results of the 2018 survey, relevant to any adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$ 1 million in the aggregate within 5 years after the implementation of the rule, are summarized in Chart 2 below.

**Chart 2 – Survey Response Regarding SERC Question (a) 2.**

Inquiry	Response
<p><b>Is the rule likely to raise the price of goods or services provided?</b></p>	<ul style="list-style-type: none"> <li>• Approximately 63% of respondents indicated the proposed rule amendments would not result in the price of goods or services provided being raised.</li> <li>• Two respondents (25%) answered affirmatively, one being a currently approved training program, which commented the proposed rule amendments would result in a tuition increase.</li> <li>• One (1) respondent indicated they were uncertain whether this would or would not be an impact of the proposed rule amendments.</li> </ul>
<p><b>Is the rule likely to add regulation that is not present in other states or markets?</b></p>	<ul style="list-style-type: none"> <li>• 75% of respondents indicated the proposed rule amendments would not add regulation that is not present in other states or markets. Of those, one indicated implementation of the rule would rank Florida at the very bottom of the training requirements compared to other states allowing Electrologists to use laser and light-based devices.</li> <li>• One respondent (13%), an approved 30-hour provider, answered affirmatively. The respondent indicated that of all 50 states Florida has the most confusing and least followed rules. The respondent also commented that laser has nothing to do with Electrolysis and should not be associated or regulated as or by the Electrolysis Council.</li> <li>• One (1) respondent indicated they were uncertain whether the proposed rule amendments would add regulation that is not present in other states or markets.</li> </ul>

**Chart 2 – Survey Response Regarding SERC Question (a) 2. (continued)**

Inquiry	Response
<p><b>Is the rule likely to reduce the quantity of goods or services Florida businesses are able to produce, i.e. will goods or services become too expensive to produce?</b></p>	<ul style="list-style-type: none"> <li>• Approximately 63% of respondents indicated the proposed rule amendments were not likely to reduce the quantity of goods or services Florida businesses are able to produce so that the goods or services become too expensive.</li> <li>• Two responded (25%) affirmatively. Extensive comments were received from one of the respondents not holding status as a 30-hour provider or training program. The comments indicated that schools that previously taught traditional electrolysis only, have had to discontinue or adjust programs to comply. Additionally, the commenter indicated its belief that the cost of education would likely rise due to the cost of laser equipment and having physicians on the premises to oversee the hands-on portion of the laser training. Lastly, it was indicated the 30-hour providers would likely see a large decrease in course participants.</li> <li>• One (1) respondent indicated they were uncertain whether the proposed rule amendments would have the stated impact.</li> </ul>
<p><b>Is the rule likely to increase regulatory costs to the extent that Florida businesses will be unable to invest in product development or other innovation?</b></p>	<ul style="list-style-type: none"> <li>• Approximately 63% of respondents indicated the proposed rule amendments were not likely to increase regulatory costs to the extent that Florida businesses will be unable to invest in product development or other innovation. One respondent commented the amendments would likely decrease the cost of doing business.</li> <li>• Two (25%) responded affirmatively. Extensive comments were received from the SCMHR. The SCMHR commented that with a decrease in sales of membership, recertification, exam study guides, exam fees and continuing education, it is unlikely that it will be able to create new continuing education or certification options. Additionally, the SCMHR indicated that benefits to enhance membership and patient safety via its products would no longer be created if the income is not there to sustain or create them.</li> <li>• One (1) respondent indicated they were uncertain whether the proposed rule amendments would have the stated impact and one other respondent failed to provide a response.</li> </ul>

**3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.**

No. The Council and the Board do not believe the proposed amendments are likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.



## **Electrolysis Training Programs**

Electrolysis training programs will not incur any specific regulatory or transactional costs associated with the implementation of the proposed amendments to this rule.

1. Current one-time costs	\$0
2. New one-time costs	\$0
3. Subtract 1 from 2	\$0
4. Current recurring costs	\$0
5. New recurring costs	\$0
6. Subtract 4 from 5	\$0
7. Number of times costs will recur in 5 years	0
8. Multiply 6 times 7	\$0
9. Add 3 to 8	\$0

Because all existing Council-approved training programs were required to comply with corresponding Rule Title 64B8-53, F.A.C., prior to offering the new curriculum standards required as of March 1, 2018, any anticipated regulatory or transactional costs (see Section (d) below) have been incurred under the provisions of that rule and are not anticipated to be reoccurring.

## **30-Hour Providers and SCMHR**

The SCMHR will not incur any regulatory or transactional costs as a result of the proposed rule amendments.

1. Current one-time costs	\$0
2. New one-time costs	\$0
3. Subtract 1 from 2	\$0
4. Current recurring costs	\$0
5. New recurring costs	\$0
6. Subtract 4 from 5	\$0
7. Number of times costs will recur in 5 years	0
8. Multiply 6 times 7	\$0
9. Add 3 to 8	\$0

30-Hour Providers, who choose to continue offering a separate course in laser and light-based hair removal services beyond the current training program requirements, will not incur any new regulatory or transactional costs as a result of the proposed rule amendments. The cost of renewing the providership in order to continue to offer the course will remain the same at \$250 per licensure biennium.

1. Current one-time costs	\$0
2. New one-time costs	\$0
3. Subtract 1 from 2	\$0
4. Current recurring costs	\$0
5. New recurring costs	\$0
6. Subtract 4 from 5	\$0
7. Number of times costs will recur in 5 years	0

- |                       |     |
|-----------------------|-----|
| 8. Multiply 6 times 7 | \$0 |
| 9. Add 3 to 8         | \$0 |

**Department of Health**

The Department would incur nominal transactional costs incurred to implement this rule, as a result of noticing requirements, that would not be in excess of \$1 million in the aggregate within 5 years after the implementation of this rule.

- |  |                   |
|--|-------------------|
| 1. Current one-time costs                      | \$0               |
| 2. New one-time costs                          | \$1,000, or below |
| 3. Subtract 1 from 2                           | \$1,000           |
| 4. Current recurring costs                     | \$0               |
| 5. New recurring costs                         | \$0               |
| 6. Subtract 4 from 5                           | \$0               |
| 7. Number of times costs will recur in 5 years | 0                 |
| 8. Multiply 6 times 7                          | \$0               |
| 9. Add 3 to 8                                  | \$1,000           |

No additional costs would be incurred due to the proposed amendments. The cost of regulating compliance with the proposed rule amendments would be handled within existing resources of the Department of Health.

**Licensed Electrologists**

Currently, the costs associated with complying with this rule require all licensed Electrologists, who would like to use laser or light-based devices for hair removal or reduction, incur the expense of completing a 30-hour continuing education course on laser and light-based hair removal and reduction, as well as two examinations to achieve the CME credential through the SCMHR. The proposed rule amendments would require Electrologists trained in the traditional needle-type epilator only curriculum continue to incur the costs of compliance described in Chart 3 on the following page.

**Chart 3 – Regulatory and Other Transactional Costs for Traditionally Trained Electrologists**

<b>Training Type Completed by Prospective Electrologist</b>	<b>IBEC Licensure Exam Cost<sup>1</sup></b>	<b>30-Hour Continuing Education Course Cost (Average)<sup>2</sup></b>	<b>National Credential (CME) Cost<sup>3</sup></b>	<b>Totals</b>
Needle-Type Epilator Training Only: Member of SCMHR	\$180.00	\$1,350.00	\$350.00	<b>\$1,880.00</b>
Needle-Type Epilator Training Only: Non-SCMHR Member	\$180.00	\$1,350.00	\$550.00	<b>\$2,080.00</b>

1. Current one-time costs	\$1,880.00	\$2,080.00
2. New one-time costs	\$0	\$0
3. Subtract 1 from 2	\$1,880.00	\$2,080.00
4. Current recurring costs	\$0	\$0
5. New recurring costs	\$0	\$0
6. Subtract 4 from 5	\$0	\$0
7. Number of times costs will recur in 5 years	0	0
8. Multiply 6 times 7	\$0	\$0
9. Add 3 to 8	\$1,880.00	\$2,080.00

The proposed rule amendments, however, are expected to significantly reduce costs going forward, by requiring prospective Electrologists to receive training in both epilator, laser and light-based hair removal under the curriculum standards effective in Rule 64B8-53.002, F.A.C., as of March 1, 2018. The estimated cost to comply for these individuals is as described in Chart 4 below. The proposed rule amendments are anticipated to result in a 90.4% reduction in regulatory and transactional costs for Electrologists trained and examined in both modalities.

**Chart 4 – Regulatory and Other Transactional Costs for Combined Training Program Graduates**

<b>Training Type Completed by Prospective Electrologist</b>	<b>IBEC Licensure Exam Cost<sup>1</sup></b>	<b>30-Hour Continuing Education Course Cost (Average)<sup>2</sup></b>	<b>National Credential (CME) Cost<sup>3</sup></b>	<b>Totals</b>
Combined Epilator, Laser & Light Based Hair Removal Training	\$180.00	0.00	0.00	<b>\$180.00</b>

<sup>1</sup> For persons requiring a study guide for the IBEC examination, there would be an additional cost ranging between \$95-\$115 dependent upon the exam version selected. Kirby, Patsy. "IBEC Study Guide." *IBEC Study Guide*, American Electrology Association, 17 May 2018, <http://professionals.electrology.com/continuing-education/ibec-study-guide.html>.

<sup>2</sup> Average based on course prices listed at <https://courses.cebroker.com/search/fl/electrologist> as of May 2018.

<sup>3</sup> The Certified Clinical Electrologist (CCE) exam is a prerequisite for the Certified Medical Electrologist (CME) exam. The costs indicated are the combined total for completing both exams dependent upon whether the candidate is a member of the SCMHR. For persons requiring a study guide for the examinations, there would be an additional cost of \$125. Certification – The Society for Clinical and Medical Hair Removal. (n.d.). Retrieved May 17, 2018, from <https://www.scmhr.org/certification/>.

1. Current one-time costs	\$1,880.00
2. New one-time costs	\$180.00
3. Subtract 1 from 2	(\$1,700.00)
4. Current recurring costs	\$0
5. New recurring costs	\$0
6. Subtract 4 from 5	\$0
7. Number of times costs will recur in 5 years	0
8. Multiply 6 times 7	\$0
9. Add 3 to 8	(\$1,700.00)

**(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.**

1. Cost to the department of implementing the proposed rule:

- None. The department intends to implement the proposed rule within its current workload, with existing staff.
- Minimal.
- Other.

2. Cost to any other state and local government entities of implementing the proposed rule:

- None. This proposed rule will only affect the department.
- Minimal.
- Other.

3. Cost to the department of enforcing the proposed rule:

- None. The department intends to enforce the proposed rule within its current workload with existing staff.
- Minimal.
- Other.

4. Cost to any other state and local government of enforcing the proposed rule:

- None. This proposed rule will only affect the department.
- Minimal.
- Other.

5. Good faith estimates (transactional costs) likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the proposed rule.

- None. This proposed rule will only affect the department.
- Minimal.
- Other – as described below.

The number of individuals likely to be required to comply with the proposed rule amendments will include current and prospective Electrologist professionals desiring to offer laser and light-based hair removal services.

### **General Description: Current Electrologists**

Electrologists who completed an approved 320-hour pre-licensure training program in needle-type epilator hair removal only, will continue to be required to complete an approved 30-hour continuing education course in laser and light-based hair removal or reduction as well as successfully complete the examinations required for national certification as a CME through the SCMHR. This group would include currently licensed Electrologists, who may determine to add the laser modality to their practice in the future.

### **Good Faith Estimate**

The Florida Department of Health, Division of Medical Quality Assurance's (MQA's) last published annual report<sup>4</sup> indicates there were over 1,640 licensed Electrologists in fiscal year 2016-2017. Of that number, approximately 168 licensed Electrologists had the required protocols on file indicating practice in laser hair removal at that time. Given these figures, it is estimated that potentially over 1,470 Electrologists, not having the required protocols on file with the Department to provide laser and light-based hair removal, would be required to comply with this rule if they determined to add this modality in the future.

### **General Description: Prospective Electrologists**

Students matriculating through an approved 320-hour combined epilator, laser and light-based hair removal pre-licensure training program will be positively impacted by compliance with the proposed rule amendments. This group will immediately be able to provide both modalities of hair removal service after completion of the licensure process.

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<sup>4</sup> Florida Department of Health, Division of Medical Quality Assurance, Annual Report & Long-Range Plan, Fiscal Year 2016-2017

## **Good Faith Estimate**

MQA's last published annual report indicates 187 Electrologist licenses were issued in fiscal year 2016-2017. During the current fiscal year through September 26, 2018 (1<sup>st</sup> quarter), the MQA New Licensure Report<sup>5</sup> indicates 77 combined program graduates have completed the requirements for licensure. Given this current trend, it is estimated that by the end of the current fiscal year, approximately 308 combined program graduates will have been licensed as Electrologists and will be required to comply with the proposed amendments to this rule.

**(c) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses.**

### **Analysis of the Impact on Small Businesses**

The estimated number of small businesses that would be subject to the rule:

- |  |  |                                  |
|--|--|----------------------------------|
| <input checked="" type="checkbox"/> 1-99 | <input type="checkbox"/> 100-499         | <input type="checkbox"/> 500-999 |
| <input type="checkbox"/> 1,000-4,999     | <input type="checkbox"/> More than 5,000 |                                  |
| <input type="checkbox"/> Unknown         |  |                                  |

Small businesses impacted by the proposed rule amendments would include the eighteen (18) combined modality pre-licensure training programs currently approved by the Council, nine (9) of which also currently hold status as 30-hour providers; four (4) additional providers offering only the 30-hour course; and, the SCMHR.

An analysis of the impact on these small businesses is as detailed in the preceding sections of this SERC. Although comments were received by the SCMHR, and one currently approved 30-hour provider, indicating the proposed impact of this rule could reach the \$1 million threshold within 5 years of implementation, the majority of responders, which included currently approved training programs and 30-hour providers, responded to that inquiry in the negative.

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<sup>5</sup> Florida Department of Health, Division of Medical Quality Assurance, New License Issued Report Dxl515 for 6501-Electrologists, 1<sup>st</sup> Quarter, Generated 9/26/2018,

### **Lower Impact Alternatives**

- No good faith written proposals for a lower cost regulatory alternative to the proposed rule were received.

In the last four (4) years, the Council and the Board have convened workshops and general business meetings, as well as conducted surveys, to provide opportunities for small businesses potentially impacted by this rule to provide full information and financial details on any anticipated adverse impacts or alternatives to the proposed rule. With limited responses received over this period, neither the Council nor Board has received any good faith written proposals for a lower cost regulatory alternative related to the proposed rule amendments.

The Council and Board, in seeking to implement this and related rules, believe the advantages of streamlining requirements for Electrologist practitioners, by diversifying pre-licensure training and reducing the professionals' current burden to provide laser and light-based hair removal services, far outweighs any adverse impacts identified by a small number of businesses.

### **Analysis of the Impact on Small Counties and Small Cities**

- There is no small county or small city that will be impacted by this proposed rule.

The Council and Board of Medicine are unaware of any adverse impacts the proposed rule amendments would have on small cities and counties.

A summary of the locations for those responding to the Council's September 2018 survey are identified below. One hundred percent (100%) of survey respondents indicated they were not aware of any city or county-wide adverse impacts that would result from implementation of the proposed rule amendments.

<b>City</b>	<b>County</b>	<b>Number of Small Business Respondents</b>
Coral Springs	Broward	1
Madison (WI)	Dane	1
Pensacola	Escambia	1
Tampa	Hillsborough	1
Denver (CO)	Jefferson	1
Hialeah	Miami-Dade	1
Homestead	Miami-Dade	1
Orlando	Orange	1
East Palatka	Putnam	1

**(d) Any additional information that the agency determines may be useful.**

**Results of Spring 2015 Florida Electrolysis Council Survey  
to Pre-Licensure Training Programs as Reported in Statement of Estimated  
Regulatory Costs re: Rule 64B8-53.002, F.A.C., Electrolysis Training Programs**

Existing electrolysis training schools, which also offer the 30-hour laser and light-based hair removal continuing education course, will incur nominal costs associated with updating the curriculum and corresponding information in catalogs and websites. As a result of currently being a provider of the laser course, all the required equipment and training materials should already be available to merge into the existing electrolysis training program.

As of the Spring of 2015, approximately nine (9) of the twenty-five (25) approved training programs at that time did not offer the 30-hour laser and light-based hair removal training course. These schools will incur additional costs associated with acquiring laser and related equipment and supplies; labor to develop, test and implement the laser portions of the curriculum; recruiting qualified laser instructors, or, developing and implementing training in laser for existing instructors.

Based on a 2015 Florida Electrolysis Council survey of existing electrolysis training programs, the majority of all responders indicated compliance with the rule would cost \$5,000 or less. Forty percent (40%), however, indicated costs to comply could fall between \$6,000 - \$10,000. Using the highest cost in that range, multiplied times the nine epilator-only schools that would likely incur the most expense to comply, the estimated one-time cost for this transition is \$90,000 in the aggregate within the next five years.