

The Florida
Electrolysis Council

Draft Minutes

January 11, 2021

Telephone Conference Call

1-888-585-9008

Participant Code 564-341-766 #

Jolynn Greenhalgh, DNP, APRN, RE, Chair
Sarah Gray, Esquire, Vice-Chair

**DEPARTMENT OF HEALTH
ELECTROLYSIS COUNCIL
GENERAL BUSINESS MEETING
BY TELEPHONE CONFERENCE CALL
January 11, 2021**

-MINUTES-

DIAL-IN NUMBER: 1-888-585-9008

When prompted, enter the following conference room number:
564-341-766, 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.

Call to order - General Business Meeting

GENERAL BUSINESS MEETING

1 Ms. Jolynn Greenhalgh, Chair, called the general business meeting to order at approximately
2 8:30 a.m. Those present for all or part of the meeting, included the following:

3 **Members Present**

4 Jolynn Greenhalgh, DNP, APRN, RE, Chair
5 Sarah Gray, Esquire, Vice Chair
6 Rosanna Bermejo, RE

Staff Present

Allen Hall, Executive Director
Anna King, Program Administrator

7 **Member Absent**

8 Gregory Ramer, Consumer Member

9 **ASSISTANT ATTORNEY GENERAL**

10 Mr. Timothy Frizzell, Esquire

11 **OTHERS**

12 Judy Adams, RE

13 **LICENSURE RATIFICATION LIST**

14 1. Licensed Electrologists

15 Ms. Jolynn Greenhalgh moved to ratify the list of licensed Electrologists. Ms. Sarah Gray
16 seconded the motion, which carried 3/0.

17 **RULES REVIEW AND DEVELOPMENT**

18 2. Rules 64B8-52.001, 52.002 and 52.003, F.A.C., Continuing Education

19 During the October 2020 meeting, the Council discussed Rules 64B8-52.002, F.A.C., Definitions
20 and 64B8-52.003, F.A.C., Procedure for Approval of Attendance at Continuing Education
21 Courses, in light of ongoing difficulties for licensees in attending live or in person continuing
22 education (CE) due to the COVID-19 public health emergency.

1 At that meeting, the Council suggested rule amendments to ensure home study hours and
2 online hours are defined and that consideration is given to replacing the term home study with
3 more up-to-date language such as “remote” or “distance learning”. Mr. Frizzell agreed to
4 prepare proposed rule language for consideration during the January 2021 Council meeting.

5 During the January meeting, Mr. Frizzell presented proposed rule text for the Council’s
6 consideration. Following discussion, the Council amended the text as follows:

7 **64B8-52.001 Continuing Education Requirements.**

8 (1) The Legislature and the Council have determined that competency in delivery of electrolysis services is
9 enhanced by continuous updating of knowledge and skills. To this end, continuing education is required as a condition
10 for renewal of licensure of all electrologists without regard to the avenue taken to licensure.

11 (2) Each licensed electrologist shall submit proof satisfactory to the Council of participation in appropriate
12 continuing education. During each biennium, as established by the Department, each licensee must earn 20 contact
13 hours of continuing education except as provided in subsection (3), of this rule. A minimum of 10 contact hours must
14 be completed live through either in-person or through remote or distance learning courses as defined in Rule 64B8-
15 52.002(6), F.A.C. Up to 10 contact hours may be completed as home study hours as defined in Rule 64B8-52.002(4),
16 F.A.C.

17 (3) Those persons certified for licensure during the second year of a biennium are exempt from the continuing
18 education requirements for their first renewal except for the two hour prevention of medical errors course required by
19 Section 456.013, F.S., and subsection 64B8-52.003(4), F.A.C., and the two hour blood-borne disease course including
20 one hour on HIV/AIDS education as required by subsection 64B8-52.003(3), F.A.C. Continuing education
21 requirements must be met for each biennium thereafter.

22 *Rulemaking Authority 478.43(4), 478.50(2), (4)(a), (b) FS. Law Implemented 478.50(4)(a), (b) FS. History—New 6-1-93, Formerly*
23 *21M-77.001, 61F6-77.001, Amended 5-11-95, Formerly 59R-52.001, Amended 5-10-04,_____.*

24 **64B8-52.002 Definitions.**

25 (1) “Appropriate continuing education” means planned offerings designed to enhance learning and promote the
26 continued development of knowledge, skills, and attitudes consistent with contemporary standards for the individual’s
27 electrolysis practice.

28 (2) “Approved” means acceptable to the Council.

29 (3) “Biennium” means a time period of two (2) calendar years, as designated by the Agency.

30 (4) “Home study courses” are those courses which are not provided live and are provided in an asynchronous
31 manner. These courses include, but are not limited to, digital media courses, mail-order courses, courses with pre-
32 recorded video instruction, pre-programed computer courses, smart phone applications, home study, directed study
33 and other self-education courses.

34 (5) “One (1) contact hour” equals a minimum of fifty (50) minutes. One-half (1/2 or .5) contact hour equals a
35 minimum of twenty-five (25) minutes.

36 (6) “Remote or distance learning courses” are those courses which are offered live through electronic
37 communication and are delivered in a manner that monitors attendance, minimizes distractions, and allows for
38 synchronous communication between the instructor and the attendee.

39 (7) “Offering” means a planned educational experience dealing with a specific content based on the stated learner
40 objectives.

41 (8) “Orientation.” – Standard Agency Operation is the means by which electrologists are introduced to the
42 philosophy, goals, policies, procedures, role expectations, physical facilities and special services in a specific work
43 setting. Orientation does not meet the continuing education requirement for the purpose of these rules.

44 (9) “Participation” means sharing in the learning experience in order to achieve the stated learner objectives.

45 *Rulemaking Authority 478.43(4), 478.50(2), (4)(a), (b) FS. Law Implemented 478.50(2), (4)(a), (b) FS. History—New 6-1-93,*
46 *Formerly 21M-77.002, 61F6-77.002, Formerly 59R-52.002,_____.*

47 **64B8-52.003 Procedure for Approval of Attendance at Continuing Education Courses.**

1 (1) During the license renewal period of each biennium, a postcard renewal reminder will be mailed by the
2 Department to each licensee at the last address provided. Failure to receive any notification during this period does
3 not relieve the licensee of responsibility of meeting the continuing education requirements. Renewal of the license
4 will occur according to the procedures described in Rule 64B8-54.001, F.A.C. The licensee must retain such receipts,
5 vouchers, certificates, or other papers as may be necessary to document completion of the appropriate continuing
6 education offerings for a period of not less than 4 years from the date the offering was taken. The Department will
7 verify completion of all required continuing education hours through the licensee's continuing education tracking
8 account at www.cebroker.com upon the licensee's application for renewal of licensure. Failure to document
9 compliance with the continuing education requirements or the furnishing of false or misleading information regarding
10 compliance shall be grounds for disciplinary action pursuant to Section 478.52(1)(a), F.S.

11 (2) All licensees shall be awarded contact hours for attendance at:

12 (a) All offerings that are approved by the Electrolysis Society of Florida (ESF), or the Electrolysis Association of
13 Florida (EAF), or the American Electrology Association, or the Society for Clinical and Medical Hair Removal; or

14 (b) All offerings from other states which are approved by the states' licensing agency or professional electrology
15 organization, which offerings have been approved by the American Electrology Association, or the Society for Clinical
16 and Medical Hair Removal, or any college, university, or post-secondary institution course taken and successfully
17 completed for the first time by the licensee in a subject area relevant to electrolysis. The licensee shall provide
18 verification upon request of the Department.

19 (3) Each licensee must comply with continuing education requirements consisting of:

20 (a) An approved course on HIV/AIDS education to be completed no later than upon the licensee's first renewal.
21 Approved offerings in HIV/AIDS are those that meet the requirements of Section 456.033, F.S. Courses approved by
22 any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.033,
23 F.S., are approved by this council.

24 (b) One hour of each biennium in a course approved by any Board within the Division of Medical Quality
25 Assurance of the Department on blood-borne diseases.

26 (c) Two (2) hours each biennium in a course approved by the Board within the Division of Medical Quality
27 Assurance of the Department on prevention of medical errors, including a study of root-cause analysis, error reduction
28 and prevention, and patient safety.

29 (4) Continuing education per biennium may also include:

30 ~~(a) Up to ten hours of approved home study courses required for license renewal.~~

31 ~~(ab)~~ Up to 2 hours in the area of risk management by attending a Board meeting in which another licensee is being
32 disciplined, or by serving as volunteer expert witness in a disciplinary case.

33 ~~(be)~~ A maximum of 6 contact hours for the presentation of an electrology related course or program as either the
34 lecturer of the course or program or as the author of the course materials. Each licensee who is participating as either
35 a lecturer or author of an electrology related course or program shall receive credit for the portion of the offering
36 he/she presented or authored up to the total hours awarded for the offering.

37 1. Continuing education credit shall be awarded to a lecturer or author for the initial presentation of each
38 electrology related course or program only; repeat presentations of the same course or program shall not be granted
39 credit.

40 2. In order for a continuing education credit to be awarded to each licensee participating as either lecturer or
41 author, the format of the electrology related course or program must conform with all applicable sections of this rule
42 chapter.

43 3. The number of contact hours to be awarded to each licensee who participates in an electrology related course
44 or program as either a lecturer or author is based on the 50 minute contact hour employed within this rule chapter.

45 *Rulemaking Authority 478.43(1), (4), 478.50(2), (4)(a), (b) FS. Law Implemented 456.013, 456.033, 478.43(4), 478.50(2), (4)(a),*
46 *(b) FS. History—New 6-1-93, Formerly 21M-77.003, 61F6-77.003, Amended 5-11-95, Formerly 59R-52.003, Amended 2-9-98, 2-*
47 *16-99, 2-17-00, 9-21-00, 8-13-02, 4-26-09, 2-28-17, 1-5-20,_____.*

48 **MOTION:** Following discussion, Ms. Greenhalgh moved to approve the proposed rule text as
49 amended. Ms. Gray seconded the motion, which carried 3/0.

1 **MOTION:** Ms. Greenhalgh moved the proposed rule language would not have an adverse
2 impact on small business. Ms. Gray seconded the motion, which carried 3/0.

3 **MOTION:** Ms. Greenhalgh moved there would not be an economic impact on government or
4 any other entity in excess of \$200,000 within one year of the rule being implemented. Ms. Gray
5 seconded the motion, which carried 3/0.

6 **MOTION:** Ms. Greenhalgh moved the proposed rule should not be designated as a minor
7 violation for first time offenses. Ms. Gray seconded the motion, which carried 3/0.

8 **MOTION:** Ms. Greenhalgh moved there should not be a provision to sunset the proposed
9 language. Ms. Gray seconded the motion, which carried 3/0.

10 3. Rule 64B8-55.001, F.A.C., Disciplinary Guidelines

11 During the October 2019 Meeting, the Council determined to have its disciplinary guidelines
12 reviewed to ensure any updates resulting from other rule changes were reflected in same.
13 Section 456.47, Florida Statutes, use of Telehealth to provide services, passed by the
14 Legislature in 2019, also required the establishment of telehealth disciplinary guidelines for all
15 health professions. The Council reviewed drafts at each meeting of 2020 and it was determined
16 Mr. Frizzell would work with Ms. Greenhalgh to present revisions at the January 2021 meeting.

17 During the January 2021 meeting, Mr. Frizzell presented proposed rule text for the Council's
18 consideration. Following discussion, the Council amended the text as follows:

19 **CHAPTER 64B8-55**
20 **DISCIPLINE AND LICENSURE RESTRICTIONS**

21	64B8-55.001	Disciplinary Guidelines
22	64B8-55.002	Citations
23	64B8-55.0021	Discipline of Electrolysis Facilities
24	64B8-55.003	Terms of Probation
25	64B8-55.004	Mediation
26	64B8-55.005	Notice of Noncompliance; Rules Designated as Minor Violations for First Time Offense

27 **64B8-55.001 Disciplinary Guidelines.**

28 (1) Purpose. Pursuant to Section 478.52(1), F.S., the Board provides within this rule disciplinary guidelines which
29 shall be imposed upon applicants or licensees whom it regulates under Chapter 478, F.S., or a telehealth provider
30 registered under section 456.47(4), F.S. The purpose of this rule is to notify applicants, licensees, and telehealth
31 registrants of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate
32 from the guidelines for the stated reasons given within this rule. Each range includes the lowest and highest penalty
33 and all penalties falling between. The range, in ascending order of severity is letter of concern, reprimand, suspension,
34 then revocation. The purposes of the imposition of discipline are to punish the applicants, licensees, or telehealth
35 registrants for violations and to deter them from future violations; to offer opportunities for rehabilitation, when
36 appropriate; and to deter other applicants, licensees, or telehealth registrants from violations.

37 (2) Sexual misconduct in the delivery of electrolysis services is sexual behavior or involvement as defined in Section
38 456.063(1), F.S.

39 (3) Violations and Range of Penalties. In imposing discipline upon applicants, licensees, and telehealth registrants in
40 proceedings pursuant to Sections 120.57(1) and 120.57(2), F.S., the Board shall act in accordance with the following
41 disciplinary guidelines and shall impose a penalty as provided in Section 456.072(2), F.S., within the range
42 corresponding to the violations set forth below. The identification of offenses are descriptive only; the full language
43 of each statutory provision cited must be consulted in order to determine the conduct included.

44 (a) Attempting to obtain a license by bribery, fraud, misrepresentation, or through error of the department or the

1 council. (Sections 478.52(1)(a), 456.072(1)(h), F.S.)

2 1. Obtaining an initial licensure or registration by bribery or fraud.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Revocation and a \$10,000 fine.</u>	<u>Revocation and a \$10,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Revocation.</u>	

3 2. Attempting to renew a license or registration by bribery or fraud.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Revocation with ability to reapply and \$10,000 fine.</u>	<u>Revocation and \$10,000 fine.</u>
<u>SECOND OFFENSE:</u>	<u>Permanent revocation and a \$10,000 fine.</u>	<u>Revocation and a \$10,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Revocation.</u>	

4 3. Obtaining or renewing a license by fraud.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Revocation with ability to reapply and a \$10,000 fine.</u>	<u>Revocation.</u>
<u>SECOND OFFENSE:</u>	<u>Revocation and a \$10,000 fine.</u>	
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Revocation.</u>	

5 4. Obtaining or renewing a license through error of the department or council.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Reprimand to suspension and a \$1,000 fine</u>	<u>Revocation and a \$5,000 fine</u>
<u>SECOND AND SUBSEQUENT OFFENSES</u>	<u>Reprimand to suspension and a \$5,000 fine</u>	<u>Revocation and a \$10,000 fine</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand</u>	<u>Revocation</u>

6 5. Obtaining or renewing a license through negligent misrepresentation

<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>\$250 fine and three (3) hours continuing education on ethics.</u>	<u>Reprimand to Suspension and up to a \$1,000 fine.</u>
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7 (b) Action taken against license by another jurisdiction (Sections 456.072(1)(f) and 478.52(1)(b), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		

<u>FIRST OFFENSE:</u>	<u>Discipline comparable to the minimum first offense which would be imposed if the substantive violation occurred in Florida.</u>	<u>Discipline comparable to the maximum first offense which be imposed if the substantive violation occurred in Florida.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Discipline comparable to the minimum second or subsequent offense which would be imposed if a second or higher substantive violation had occurred in Florida.</u>	<u>Discipline comparable to the maximum second or subsequent offense which would be imposed if a second or higher substantive violation had occurred in Florida.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Letter of concern to revocation as closely as possible to same penalty which would have been imposed if the substantive violation had occurred in Florida.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Letter of concern to revocation as closely as possible to same penalty which would have been imposed if a second or higher substantive violation had occurred in Florida.</u>	<u>Revocation.</u>

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2 (c) Guilt of a Crime directly relating to practice. (Sections 456.072(1)(c) and 478.52(1)(c), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Probation and \$250 fine.</u>	<u>Revocation or denial and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Three (3) years probation with conditions and \$350 fine.</u>	<u>Revocation or denial and \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Suspension and a corrective action plan.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Three (3) years suspension and a corrective action plan.</u>	<u>Revocation.</u>

3 (d) Filing a false report or failing to file a report as required (Section 456.072(1)(l) and 478.52(1)(d), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>NEGLIGENCE: FIRST OFFENSE:</u>	<u>Reprimand and \$500 fine</u>	<u>One (1) year probation and \$5,000 fine</u>
<u>NEGLIGENCE: SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year probation and \$1,000 fine.</u>	<u>Revocation and \$5,000 fine.</u>
<u>FRAUD: FIRST OFFENSE:</u>	<u>One (1) year probation and \$10,000 fine</u>	<u>Revocation and \$10,000 fine</u>
<u>FRAUD: SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and \$10,000 fine.</u>	<u>Revocation and \$10,000 fine.</u>

<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Letter of concern.</u>	<u>One (1) year suspension and a corrective action plan.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>Revocation.</u>

1 (e) False, deceptive or misleading advertising. (Section 456.072(1)(m) and 478.52(1)(e), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>NEGLIGENCE: FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Letter of concern and \$500 fine.</u>	<u>One (1) year suspension or denial and \$2,500 fine.</u>
<u>FRAUD: FIRST OFFENSE:</u>	<u>Reprimand and \$10,000 fine</u>	<u>One (1) year suspension or denial and \$10,000 fine</u>
<u>FRAUD: SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and \$10,000 fine.</u>	<u>Revocation and \$10,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Letter of concern.</u>	<u>One (1) year suspension and a corrective action plan.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>Revocation.</u>

2 (f) Unprofessional conduct, failure to conform to acceptable standards. (Sections 478.52(1)(f), F.S., 456.072(3)(b),
3 F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>No actual patient harm: Reprimand and \$250 fine.</u>	<u>No actual patient harm: Reprimand and \$250 fine.</u>
	<u>Actual patient harm: Six (6) months probation and \$1,000 fine.</u>	<u>Actual patient harm: Revocation and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year probation and \$1,000 fine.</u>	<u>Revocation or denial and \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Letter of concern.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>Revocation.</u>

4 (g) Possession, Sale or distribution of illegal or controlled substance. (Section 478.52(1)(g), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Six (6) months suspension and \$1,000 fine.</u>	<u>Revocation or denial and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and \$1,500 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Six (6) months suspension.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT</u>	<u>One (1) year suspension.</u>	<u>Revocation.</u>

<u>OFFENSES:</u>		
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1 (h) Willful failure to report any known violation of Chapter 456 or 478, F.S. (Section 456.072(1)(i) and 478.52(1)(h),
 2 F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Reprimand and \$250 fine.</u>	<u>Probation or denial and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year probation and \$350 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Reprimand.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>Revocation.</u>

3 (i) Repeated or willful violation of rule or disciplinary order. (Section 478.52(1)(i), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Six (6) months suspension and \$1,000 fine.</u>	<u>Revocation and \$2,500 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year probation and \$1,500 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Six (6) months suspension.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>Revocation.</u>

4 (j) Delivery of electrolysis services without an active license. (Section 478.52(1)(j), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Probation and \$250 fine.</u>	<u>Revocation and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year probation and \$350 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Suspension and a corrective action plan.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>Revocation.</u>

5 (k) Employing unlicensed person to practice electrology. (Section 478.52(1)(k), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>One (1) year probation and \$250 fine.</u>	<u>Five (5) years suspension and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and \$1,000 fine.</u>	<u>Five (5) years suspension followed by probation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		

<u>FIRST OFFENSE</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>Five (5) years suspension.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension.</u>	<u>Five (5) years suspension.</u>

1 (l) Failure to perform/comply with legal obligation. (Sections 456.072(1)(k) and 478.52(1)(l), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Reprimand and \$250 fine.</u>	<u>Up to one (1) year probation or denial and \$1,500 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Probation and \$1,000 fine.</u>	<u>Suspension and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Reprimand.</u>	<u>Suspension and a corrective action plan.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Suspension and a corrective action plan.</u>	<u>Suspension.</u>

2 (m) Accepting and performing responsibilities for which licensee knows, or has reason to know, he or she is not
3 competent to perform. (Sections 457.072(1)(o) and 478.52(1)(m), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Six (6) months probation and \$500 fine.</u>	<u>Revocation or denial and \$2,500 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year probation and \$1,000 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Six (6) months suspension and a corrective action plan.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>Revocation.</u>

4 (n) Delegating professional responsibilities to unqualified person. (Sections 456.072(1)(p) and 478.52(1)(n), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Probation and \$250 fine.</u>	<u>Two (2) years suspension or denial and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Six (6) months suspension followed by probation and \$1,000 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Suspension and a corrective action plan.</u>	<u>Two (2) years suspension.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Six (6) months suspension followed by a corrective action plan.</u>	<u>Revocation.</u>

5 (o) Malpractice. (Section 478.52(1)(o), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>

<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Two (2) years probation and \$250 fine.</u>	<u>Revocation or denial and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension followed by probation and \$1,000 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Two (2) years suspension and a corrective action plan.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension followed by a corrective action plan.</u>	<u>Revocation.</u>

1 (p) Judicially determined mental incompetency. (Section 478.52(1)(p), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Probation.</u>	<u>Suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Suspension and a corrective action plan requiring at a minimum that licensee demonstrate ability to practice with reasonable skill and safety.</u>	<u>Revocation.</u>

2 (q) Practicing under a name other than that of licensee. (Section 478.52(1)(q), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>NEGLIGENCE: FIRST OFFENSE:</u>	<u>One (1) year suspension and \$250 fine.</u>	<u>Revocation or denial and \$5,000 fine.</u>
<u>NEGLIGENCE: SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Revocation and \$1,000 fine.</u>	<u>Revocation and \$5,000 fine.</u>
<u>FRAUD: FIRST OFFENSE:</u>	<u>Revocation and \$10,000 fine</u>	
<u>FIRST OFFENSE:</u>	<u>One (1) year suspension.</u>	<u>Revocation.</u>
<u>SECOND OFFENSE:</u>	<u>Revocation.</u>	

3 (r) Inability to practice with reasonable skill and safety because of mental or physical condition or illness or use of alcohol or controlled substances or any other substance which impairs ones ability to practice. (Sections 478.52(1)(r) and 456.072(1)(v), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Probation and \$1,000 fine.</u>	<u>Suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Indefinite suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation and</u>	<u>Revocation and a \$5,000 fine.</u>

	<u>\$1,000 fine.</u>	
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Suspension and a corrective action plan requiring at a minimum that licensee demonstrate ability to practice with reasonable skill and safety.</u>	<u>Revocation.</u>

1 (s) Disclosing identity of or information about a patient. (Section 478.52(1)(s), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>One (1) year suspension and \$250 fine.</u>	<u>Revocation or denial and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Revocation and \$1,000 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>One (1) year suspension.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Revocation.</u>	

2 (t) Practicing permanent hair removal except as described in Section 478.42(5), F.S. (Section 478.52(1)(t), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Two (2) years probation and \$250 fine.</u>	<u>Revocation or denial and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension followed by probation and \$1,000 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Two (2) years suspension and a corrective action plan.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension followed by a corrective action plan.</u>	<u>Revocation.</u>

3 (u) Operating an unlicensed facility. (Section 478.52(1)(u), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST SUBSEQUENT OFFENSES:</u>	<u>Denial or suspension until compliance and \$250 fine.</u>	<u>Revocation and \$2,500 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Revocation</u>	

4 (v) Providing electrolysis or allowing electrolysis to be performed in an unlicensed facility. (Section 478.51(1), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Reprimand and \$250 fine.</u>	<u>Up to one (1) year probation or denial and \$1,500 fine.</u>
<u>SECOND AND SUBSEQUENT</u>	<u>Two (2) years suspension followed</u>	<u>Revocation and a \$5,000 fine.</u>

<u>OFFENSES:</u>	<u>by probation and \$1,000 fine.</u>	
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Two (2) years suspension and a corrective action plan.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension followed by a corrective action plan.</u>	<u>Revocation.</u>

1 (w) Transferring an electrology facility license from the name of the original licensee to another without approval.
2 (Section 478.51(10), F.S.)

<u>FIRST OFFENSE:</u>	<u>Revocation of application as an electrologist and revocation of application for facility license. Revocation of facility license to electrologist who accepts or transfers facility license. Revocation of electrology license.</u>	
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3 (x) Sexual Misconduct. (Section 456.063, F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Denial or Six (6) months suspension and \$500 fine.</u>	<u>Revocation and \$10,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Six (6) months suspension.</u>	<u>Revocation.</u>

4 (y) Failure to comply with continuing education requirements. (Sections 456.072(3)(a), 478.50(4), and 478.52(1)(f),
5 F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>See rule 64B8-55.002(4)(n), F.A.C.</u>	
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Up to one (1) year probation, \$1,000 fine, and completion of all incomplete continuing education credits.</u>	<u>Up to one (1) year suspension, a \$2,500 fine, and completion of all incomplete continuing education credits.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>One (1) year suspension and a corrective action plan which requires, at a minimum, completion of all incomplete continuing education credits.</u>	<u>Revocation.</u>

6 (z) Failure to protect clients during treatment from public view. (Section 478.51(3), F.S. and Rule 64B8-
7 51.006(3)(a)1., F.A.C.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SECOND OFFENSES:</u>	<u>See rule 64B8-55.002(4)(d), F.A.C.</u>	
<u>THIRD AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$500 fine.</u>	<u>Suspension until compliance and \$500 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Reprimand.</u>	<u>Suspension and a corrective action plan which requires, at a minimum, compliance.</u>

1 (aa) Failure to have a sink with hot and cold running water within or available to the electrology facility. (Rule 64B8-
 2 51.006(3)(a)2., F.A.C.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SECOND OFFENSES:</u>	<u>See rule 64B8-55.002(4)(d), F.A.C.</u>	
<u>THIRD AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$500 fine.</u>	<u>Suspension until compliance and \$500 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Reprimand.</u>	<u>Suspension and a corrective action plan which requires, at a minimum, compliance.</u>

3 (bb) Failure to provide within or available to the electrology facility, a separate room containing a toilet and sink with
 4 hot and cold running water. (Rule 64B8-51.006(3)(a)2., F.A.C.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SECOND OFFENSES:</u>	<u>See rule 64B8-55.002(4)(e), F.A.C.</u>	
<u>THIRD AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$500 fine.</u>	<u>Suspension until compliance and \$500 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Reprimand.</u>	<u>Suspension and a corrective action plan which requires, at a minimum, compliance.</u>

5 (cc) Failure to conduct electrolysis on a treatment table or treatment chair with a non-porous surface capable of being
 6 disinfected. (Rule 64B8-51.006(3)(a)3., F.A.C.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SECOND OFFENSES:</u>	<u>See rule 64B8-55.002(4)(f), F.A.C.</u>	
<u>THIRD AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$500 fine.</u>	<u>Minimum of one (1) month suspension until compliance and \$500 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Reprimand.</u>	<u>One (1) month suspension and a corrective action plan which requires, at a minimum, compliance.</u>

7 (dd) For all electrology facilities, failure to have any one of the following items/equipment in the facility (the failure
 8 to have any one of the items/equipment shall constitute a separate offense):

- 9 1. Disposable paper drapes or cleaned cloth drapes stored in a closed container or compartment, and used cloths
 10 stored in a separate closed container;
- 11 2. Sanitary waste receptacles for the disposal of used gloves, paper supplies, cotton balls, and other
 12 noninfectious items;
- 13 3. Single use disposable towels;
- 14 4. A treatment lamp, magnifier lamp, or magnifying device capable of being cleaned with disinfectant;
- 15 5. A magnifying device which shall be a magnifier lamp, optical loupe or microscope capable of being cleaned
 16 and disinfected;
- 17 6. Tuberculocidal hospital grade disinfectant detergent registered by the Environmental Protection Agency,
 18 household bleach or wiping cloths pre-saturated with disinfectant for wiping nonporous surfaces;
- 19 7. Betadine, 3% U.S. pharmaceutical grade hydrogen peroxide or 70% isopropyl alcohol or single use wipes

- 1 saturated with 70% isopropyl alcohol;
 2 8. Clean, non-sterile materials such as cotton balls, cotton strips, cotton swabs, gauze pads, and gauze strips;
 3 9. If cloth towels are used:
 4 a. Clean cloth towels prior to use on each client;
 5 b. Clean towels stored in a closed container or compartment, or
 6 c. Used towels stored in a separate closed container;
 7 10. A holding container for soaking and cleaning contaminated instruments; and
 8 11. Non-sterile disposable examination gloves. (Rule 64B8-51.006(3)(a)4., F.A.C.)
 9

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SECOND OFFENSES:</u>	<u>See rule 64B8-55.002(4)(g), F.A.C.</u>	
<u>THIRD AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$350 fine.</u>	<u>Suspension until compliance and \$350 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		<u>Minimum of one (1) month suspension until compliance and \$350 fine</u>
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Reprimand.</u>	<u>Suspension and a corrective action plan which requires, at a minimum, compliance.</u>

- 10 (ee) For facilities with epilator equipment, failure to have any one of the following items/equipment in the facility (the
 11 failure to have any one of the items/equipment shall constitute a separate offense):
 12 1. An FDA registered needle type epilation device in working order;
 13 2. Clean and sterile needles (e.g., probes) and forceps (e.g., tweezers);
 14 3. Needle holder tips;
 15 4. A sharps container for disposal of used needles;
 16 5. A sterilizer which shall be either an autoclave or a dry heat sterilizer and color change indicators for use with
 17 either sterilizer;
 18 6. Quarterly records of sterilizer biological test monitoring which shall be made available to the Department
 19 upon request; and
 20 7. Covered containers for needles and forceps which containers are capable of being cleaned and sterilized. (
 21 Rule 64B8-51.006(3)(b), F.A.C.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SECOND OFFENSES:</u>	<u>See rule 64B8-55.002(4)(h), F.A.C.</u>	
<u>THIRD AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand.</u>	<u>Minimum of one (1) month suspension until compliance and \$350 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Reprimand.</u>	<u>One (1) month suspension and a corrective action plan which requires, at a minimum, compliance.</u>

- 22 (ff) For facilities with laser or light-based equipment, failure to have any one of the following items/equipment in the
 23 facility (the failure to have any one of the items/equipment shall constitute a separate offense):
 24 1. For electrologists who have completed a Council-approved needle-type epilation training program:
 25 a. Proof of certification of 30 hours of continuing education in laser hair removal from a provider approved pursuant
 26 to Rule 64B8-52.004, F.A.C.; and
 27 b. Proof of having passed the Society for Clinical and Medical Hair Removal test for certification as a Certified
 28 Medical Electrologist and completed training pursuant to 64B8-56.002(2)(a)1., F.A.C.
 29 2. For electrologists who have completed a Council-approved combined needle-type epilation, laser and light-based
 30 hair removal training program:

- 1 a. Proof of completion from a combined training program; and
- 2 b. Proof of having passed the epilator and laser and light-based combined exam.
- 3 3. For devices required to be registered, proof of registration for each laser or light-based device in use at the facility
- 4 as required by Section 501.122, F.S.
- 5 4. Written designation of laser safety officer.
- 6 5. A room or rooms specifically designated for use of the laser or light-based equipment which is where all use of
- 7 such equipment shall take place.
- 8 6. Sign on door of laser room identifying when laser or light-based equipment is in use.
- 9 7. Lock on door of laser room.
- 10 8. Protective eyewear capable of being cleaned and disinfected shall be used by all persons in laser room during
- 11 operation of laser or light-based equipment.
- 12 9. Fire extinguisher in vicinity of laser room.
- 13 10. Cold water and ice.
- 14 11. The written protocols required by paragraph 64B8-56.002(4)(a), F.A.C. (Section 478.51(3) Rule 64B8-
- 15 51.006(3)(c), F.A.C.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SECOND OFFENSES:</u>	<u>See rule 64B8-55.002(4)(i), F.A.C.</u>	
<u>THIRD AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$350 fine.</u>	<u>Minimum of one (1) month suspension until compliance and \$350 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Reprimand.</u>	<u>One (1) month suspension and a corrective action plan which requires, at a minimum, compliance.</u>

- 16 (gg) Failure to display any one of the following documents in an area that is visible to the general public entering the
- 17 facility (the failure to have any one of the items/equipment shall constitute a separate offense):
- 18 1. The electrology facility license;
- 19 2. The current license of the electrologist;
- 20 3. The most recent inspection sheet from the Department of Health;
- 21 4. A current copy of Rule 64B8-51.006, F.A.C.;
- 22 5. Appointment book pursuant to 51.006(4)(e), F.A.C. (Section 478.51(3); Rule 64B8-51.006(4), F.A.C.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST, SECOND, AND THIRD OFFENSES:</u>	<u>See rule 64B8-55.002(4)(j), F.A.C.</u>	
<u>FORTH AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$350 fine.</u>	<u>Suspension until compliance and \$350 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Reprimand.</u>	<u>Suspension and a corrective action plan which requires, at a minimum, compliance.</u>

- 23 (hh) Using information from accident reports, or from news sources that use such information for the solicitation of
- 24 people involved in such accidents. (Section 456.072(1)(y))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Reprimand.</u>	<u>Six (6) months probation and/or a fine of up to \$500.</u>

<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year probation and \$1,000 fine.</u>	<u>One (1) year suspension and \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Reprimand.</u>	<u>Six (6) months suspension and a corrective action plan.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>One (1) year suspension.</u>

1 (ii) Testing positive for a drug on employment drug screening. (Section 456.072(1)(aa))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Probation and \$250 fine.</u>	<u>Revocation or denial and \$2,500 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Probation and \$2,500 fine.</u>	<u>Revocation and \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand.</u>	<u>Revocation.</u>

2 (jj) Failure to report, within 30 days a conviction, finding of guilt, or plea of nolo contendere, regardless of
3 adjudication, to a crime, to the board. (Section 456.072(1)(w))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Three (3) months probation and \$500 fine.</u>	<u>Two (2) years suspension and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year probation and \$1,000 fine.</u>	<u>Revocation and \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Three (3) months suspension and a corrective action plan.</u>	<u>Two (2) years suspension.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension followed by a corrective action plan.</u>	<u>Revocation.</u>

4 (kk) Violating any provision of Chapter 478 or 456, F.S., or any rule of the Board or Department. (Section
5 456.072(1)(v))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$250 fine.</u>	<u>Revocation and \$1,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand.</u>	<u>Revocation.</u>

6 (ll) Performing or attempting to perform electrolysis on the wrong patient, a wrong-site procedure, a wrong procedure,
7 an unauthorized procedure, or a procedure that is medically unnecessary or otherwise unrelated to the patient's
8 diagnosis or medical condition. (Section 456.072(1)(bb))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>One (1) year probation and \$1,000 fine.</u>	<u>One (1) year suspension, two (2) years probation and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension, two (2) years probation, and \$5,000 fine.</u>	<u>Revocation and \$10,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>One (1) year suspension followed by a corrective action plan.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension followed by a corrective action plan.</u>	<u>Revocation.</u>

1 (mm) Willfully failing to comply with Section 627.64194 or 641.513, F.S. with such frequency as to indicate a general
2 business practice. (Section 456.072(1)(oo))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Letter of concern and \$500 fine.</u>	<u>Reprimand and \$2,500 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$2,500 fine.</u>	<u>Revocation and \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Letter of concern.</u>	<u>Reprimand.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand.</u>	<u>Revocation.</u>

3 (4) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors
4 present in an individual case, the Council may deviate from the penalties recommended above. The Council shall
5 consider as aggravating or mitigating factors the following:

- 6 (a) Exposure of patient or public to injury or potential injury, physical or otherwise: none, slight, severe, or death;
7 (b) Legal status of license at the time of the offense;
8 (c) The number of counts or separate offenses established;
9 (d) The disciplinary history of the applicant or licensee in any jurisdiction and the length of practice;
10 (e) Pecuniary benefit or self-gain inuring to the licensee;

11 (5) Stipulations or Settlements. The provisions of this rule are not intended and shall not be construed to limit the
12 ability of the Board to dispose informally of disciplinary actions by stipulation, agreed settlement, or consent order
13 pursuant to Section 120.57(4), F.S.

14 (6) Other Action. The provisions of this rule are not intended to and shall not be construed to limit the ability of the
15 Council to pursue or recommend that the Department pursue collateral civil or criminal actions when appropriate.

16 *Rulemaking Authority 456.072, 456.079, 456.47(7), 478.52(4) FS. Law Implemented 456.072, 456.073, 456.079, 456.47(4),*
17 *478.52(4) FS. History—New 11-16-93, Formerly 61F6-80.001, Amended 1-2-95, Formerly 59R-55.001, Amended 2-9-98, 10-12-*
18 *98, 3-1-00, 9-28-00, 5-30-01, 8-8-01, 10-8-02, 7-8-03, 7-18-06, 2-22-17, _____.*

19 **64B8-55.0015 Out-of-State Telehealth Discipline**

20 (1) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon
21 out-of-state telehealth providers registered pursuant to section 456.47(4), F.S., for violation of the below mentioned
22 statutes and rules. For the purposes of this rule, the descriptions of the violations are abbreviated, and the full statute
23 or rule cited should be consulted to determine the prohibited conduct.

<u>VIOLATION</u>	<u>PENALTY RANGE</u>	
	<u>FIRST VIOLATION</u>	<u>SECOND AND SUBSEQUENT VIOLATIONS</u>
<u>(a) Fails to notify the commission of any adverse actions taken against his or her license. (Section 456.47(4)(i), F.S.);</u>	<u>Letter of Concern to suspension and a corrective action plan</u>	<u>Suspension and a corrective action plan to revocation</u>
<u>(b) Has restrictions placed on or disciplinary action taken against his or her license in any state or jurisdiction. (Section 456.47(4)(i), F.S.)</u>	<u>Letter of concern to revocation as closely as possible to same penalty as imposed in other jurisdiction</u>	<u>Letter of concern to revocation as closely as possible to same penalty as imposed in other jurisdiction to revocation</u>
<u>(c) Violates any of the requirements of section 456.47, F.S. (Section 456.47(4)(i), F.S.)</u>	<u>Letter of Concern to suspension and a corrective action plan</u>	<u>Suspension and a corrective action plan to revocation</u>
<u>(d) Commits any act that constitutes grounds for disciplinary action under s. 456.072(1), or s. 478.52(1), F.S.</u>	<u>As stated in rule 64B12-55.001(3), F.A.C.</u>	<u>As stated in rule 64B12-55.001(3), F.A.C.</u>

1 (2) The range of disciplinary action for registered out-of-state telehealth providers shall be, in ascending order of severity:
2 letter of concern, reprimand, suspension, and revocation.

3 (3) A suspension may be for a definite term or may be accompanied by a corrective action plan, as stated in rule 64B5-
4 5.001(1), F.A.C.

5 (4) A suspension for a definite term may be terminated early only upon approval of the Board. A suspension accompanied
6 by a corrective action plan may be lifted upon successful compliance with the corrective action or otherwise determined by the
7 Board.

8 (5) A “corrective action plan” must accompany a suspension and includes rehabilitative provisions established
9 by the Board which are narrowly tailored to address the conduct which resulted in the underlying disciplinary
10 violations. In order to satisfy a corrective action plan, the Registrant must provide proof of successful completion of
11 all provisions to the Board. A corrective action plan may follow a suspension for a definite term and require continued
12 suspension until successful compliance with the corrective action plan. Nothing in this paragraph shall be interpreted
13 as restricting the Board’s ability to impose a suspension for a definite term absent or accompanied by a corrective
14 action plan.

15 Rulemaking Authority 456.47(4), 456.47(7) FS. Law Implemented 456.47(4) FS. History–New _____.

16 **64B8-55.002 Citations.**

17 (1) “Citation” means an instrument which meets the requirements set forth in Section 456.077, F.S., which is served
18 upon a licensee for the purpose of assessing a penalty in an amount established by this rule.

19 (2) In lieu of the disciplinary procedures contained in Section 456.073, F.S., the Department may issue a citation to
20 the subject within six months after the filing of the complaint which is the basis for the citation.

21 (3) All citations include a requirement that the subject correct the violation, if remediable, within a specified period
22 of time not to exceed 60 days, and impose whatever obligations necessary to remedy the offense.

1 (4) The Board designates the following as citation violations:

(a) Failure to provide satisfaction including the costs incurred within 45 days of receipt of the Department's notification of a check dishonored for insufficient funds.	(a) A \$100.00 fine.
(b) Failure to notify the Department of a change of address within sixty days. (Section 456.035(1), F.S.; Rule 64B8-50.008, F.A.C.)	(b) A \$100.00 fine.
(c) Failure to keep an electrology facility clean, sanitary, and well lit; allowing for circulation of air sufficient to eliminate objectionable odors. (paragraph 64B8-51.006(3)(a), F.A.C.)	(c) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine.
(cd) Failure to protect clients during treatment from public view. have four fixed, permanent walls physically connected to the electrology facility floor at least six feet tall from the floor. (subparagraph Rule 64B8-51.006(3)(a)1., F.A.C.)	(cd) 1. First time violation – a \$150.00 fine 2. Second time violation – a \$300.00 fine. 3. Third and subsequent violations – See rule 64B8-55.001(3)(z), F.A.C.
(e) Failure to have required locking doors. (subparagraph 64B8-51.006(3)(a)1., F.A.C.)	(e) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine.
(df) Failure to have a sink with hot and cold running water within or available to the electrology facility. (Rulesubparagraph 64B8-51.006(3)(a)2., F.A.C.)	(df) 1. First time violation – a \$150.00 fine, 2. Second time violation – a \$300.00 fine. 3. Third and subsequent violations – See rule 64B8-55.001(3)(aa), F.A.C.
(eg) Failure to provide, within or available to the electrology facility on the premises or in the same building, a separate room containing toilet and lavatory facilities sink with hot and cold running water. (paragraph 64B8-51.006(3)(ae)2., F.A.C.)	(g) 1. First time violation – a \$150.00 fine, 2. Second time violation – a \$300.00 fine. 3. Third and subsequent violations – See rule 64B8-55.001(3)(bb), F.A.C.
(h) Animals in the room wherein electrolysis is performed except those trained to assist the hearing impaired, visually impaired or physically impaired. (paragraph 64B8-51.006(3)(d), F.A.C.)	(h) First time violation – a \$150.00 fine, 2. second time violation – a \$300.00 fine. 3. Third and subsequent violations – See rule 64B8-55.001(3)(ee), F.A.C.
(f) Failure to conduct electrolysis on a treatment table or treatment chair with a non-porous surface capable of being disinfected	(f) 1. First violation – \$150.00 fine 2. Second violation – \$300.00 fine 3. Third and subsequent violations – See rule 64B8-55.001(3)(cc), F.A.C.
(g) Failure to have any one of the following items/equipment in the facility (the failure to have any one of the items/equipment shall constitute a separate citation) (Rule 64B8-51.006(3)(a), F.A.C.):	
(g)1.a. Disposable paper drapes or sanitary cloth drapes stored in a closed container or compartment. b. Single use disposable towels. c. A treatment lamp or magnifier lamp capable of being cleaned with disinfectant. d. A magnifying device which shall be a magnifier lamp, optical loupe or microscope capable of being cleaned and disinfected. e. Tuberculocidal hospital grade disinfectant detergent registered by the Environmental Protection Agency, household bleach or wiping cloths pre-saturated with disinfectant for wiping nonporous surfaces. f. Betadine, 3% U.S. pharmaceutical grade hydrogen	(g)1. - 1. First violation – \$50.00 fine 2. Second violation – \$100.00 fine 3. Third and subsequent violations – See rule 64B8-55.001(3)(dd), F.A.C.

<p>peroxide or 70% isopropyl alcohol or mapped single use wipes saturated with 70% isopropyl alcohol.</p> <p>gh. Clean, non-sterile materials such as cotton balls, cotton strips, cotton swabs, gauze pads, and gauze strips.</p> <p>hi. If cloth towels are used:</p> <ol style="list-style-type: none"> 1. Clean cloth towels prior to use on each client; 2. Clean towels stored in a closed container or compartment, or 3. Used towels stored in a separate closed container. <p>j. Non-sterile disposable examination gloves.</p> <p>k. If protective wear is used, the protective gear must be capable of being cleaned with disinfectant</p>	
<p>(gj)2. a. Sanitary waste receptacles for the disposal of used gloves, paper supplies, cotton balls, and other non infectious items.</p> <p>b. A holding container for soaking and cleaning contaminated instruments.</p> <p>e. Failure to maintain an appointment book.</p>	<p>(gj) 2. - 1. First violation – \$150.00 fine</p> <p>2. Second violation –\$300.00 fine</p> <p>3. Third and subsequent violations – See rule 64B8-55.001(3)(ddgg), F.A.C.</p>
<p>(hk) For facilities with epilator equipment, failure to have any one of the following items/equipment in the facility (the failure to have any one of the items/equipment shall constitute a separate citation) (Rule 64B8-51.006(3)(b), F.A.C.):</p>	
<p>(hk)1. a. Needle holder tips.</p> <p>b. Covered containers for needles and forceps which containers are capable of being cleaned and Sterilized.</p>	<p>(hk)1. 1. First violation – \$50.00 fine</p> <p>2. Second violation –\$100.00 fine</p> <p>3. Third and subsequent violations – See rule 64B8-55.001(3)(eehh), F.A.C.</p>
<p>(hk)2. a. An FDA registered needle type epilation device in working order.</p> <p>b. Clean and sterile needles (e.g. probes) and forceps (e.g. tweezers).</p> <p>c. A sharps container for disposal of used needles.</p> <p>d. A sterilizer which shall be either an autoclave or a dry heat sterilizer and color change indicators for use with either sterilizer.</p> <p>e. <u>Unless the facility is new, quarterly records of sterilizer biological test monitoring which shall be made available to the Department upon request.</u></p>	<p>(hk)2. 1. First violation – \$150.00 fine</p> <p>2. Second violation –\$300.00 fine</p> <p>3. Third and subsequent violations – See rule 64B8-55.001(3)(eehh), F.A.C.</p>
<p>(ij) For facilities with laser or light-based equipment, failure to have any one of the following items/equipment in the facility (the failure to have any one of the items/equipment shall constitute a separate citation) (Rule 64B8-51.006(3)(c), F.A.C.):</p>	
<p>(ij)1.a. <u>Written designation of laser safety officer.</u></p> <p>b. <u>Appropriate sign on door of laser room identifying when laser or light-based equipment is in use.</u></p> <p>c. <u>Cold water and ice.</u></p> <p>d. <u>Lock on door of laser room.</u></p> <p>e. <u>Fire extinguisher in vicinity of laser room.</u></p>	<p>(ij) 1. a. – 1. First violation - \$150 fine</p> <p>2. Second violation - \$300 fine</p> <p>3. Third and subsequent violations – see rule 64B8-55.001(3)(ffjj), F.A.C.</p>
<p>(ij)2. <u>Written protocols that are signed, dated, maintained in a readily available location on the premises where the electrologist practices, and filed with the Department of Health as required by rule 64B8-56.002(4)(a), F.A.C.</u></p>	<p>(ij)2. – 1. First violation - \$200 fine</p> <p>2. Second violation - \$400 fine</p> <p>3. Third and subsequent violations - see rule 64B8-55.001(3)(ffjj), F.A.C.</p>
<p>(ij)3.a. <u>At least one piece of properly registered laser equipment located within the electrology facility.</u></p>	<p>(ij)3. – 1. First violation - \$300 fine</p> <p>2. Second violation - \$600 fine</p>

b. Protective eyewear for all persons in laser room during operation of laser.	3. Third and subsequent violations - see rule 64B8-55.001(3)(ff#), F.A.C.
(i)4. a. Proof of completion of 30 hours of post-licensure education or proof of combined training b. Proof of having passed the Society for Clinical and Medical Hair Removal test for certification as a Certified Medical Electrologist for all electrologists using laser or light-based equipment in the facility and completed training pursuant to 64B8-56.002(2)(a)1., F.A.C.	(i)4. – 1. First violation - \$500 fine 2. Second violation - \$1,000 fine 3. Third and subsequent violations - see rule 64B8-55.001(3)(ff#), F.A.C.
(jm) Failure to display any one of the following documents in an area that is visible to the general public entering the facility (the failure to display any one of the documents shall constitute a separate citation) (Rule 64B8-51.006(4), F.A.C.): 1. The electrology facility license. 2. The current license of the electrologist. 3. The most recent inspection sheet from the Department of Health. 4. A current copy of Rule 64B8-51.006, F.A.C. 5. An appointment book.	(jm) 1. First violation – \$50.00 fine 2. Second violation – \$100.00 fine 3. Third violation - \$200.00 fine 4. Fourth and and subsequent violations – 64B8-55.00(ggij)
2. Clean and sterile needles (e.g. probes) and forceps (e.g. tweezers). (subparagraph 64B8-51.006(3)(e)2., F.A.C.)	
3. Sanitary waste receptacles for the disposal of used gloves, paper supplies, cotton balls, and other non infectious items. (subparagraph 64B8-51.006(3)(e)6., F.A.C.)	
4. A sharps container for disposal of used needles. (subparagraph 64B8-51.006(3)(e)8., F.A.C.)	
5. A sterilizer which shall be either an autoclave or a dry heat sterilizer and color change indicators for use with either sterilizer. (subparagraph 64B8-51.006(3)(e)17., F.A.C.)	
6. Monthly records of sterilizer biological test monitoring which shall be made available to the Department upon request. (subparagraph 64B8-51.006(3)(e)18., F.A.C.)	
7. A holding container for soaking and cleaning contaminated instruments. (subparagraph 64B8-51.006(3)(e)19., F.A.C.)	
(j) Failure to maintain an appointment book. (paragraph 64B8-51.006(4)(c)(3)(f), F.A.C.)	(j) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine.
(k) Failure to display any one of the following documents in an area that is visible to the general public entering the facility (the failure to display any one of the documents shall constitute a separate citation):	(k) First time violation – a \$50.00 fine, second time violation – a \$100.00 fine, third time violation – \$200.00 fine.
1. The electrology facility license. (subparagraph 64B8-51.006(3)(b)1., F.A.C.)	
2. The current license of the electrologist. (subparagraph 64B8-51.006(3)(b)2., F.A.C.)	
3. The most recent inspection sheet from the Department	

of Health. (subparagraph 64B8 51.006(3)(b)3., F.A.C.)	
4. A current copy of Rule 64B8 51.006, F.A.C. (subparagraph 64B8 51.006(3)(b)4., F.A.C.)	
(l) Failure to have any one of the following items/equipment (the failure to have any one of the items/equipment shall constitute a separate violation):	(l) First time violation — a \$50.00 fine, second time violation — a \$100.00 fine, third time violation — \$200.00 fine.
1. Needle holder tips. (subparagraph 64B8 51.006(3)(c)3., F.A.C.)	
2. A treatment table or chair with a nonporous surface capable of being disinfected. (subparagraph 64B8 51.006(3)(c)4., F.A.C.)	
3. Disposable paper drapes or sanitary cloth drapes stored in a closed container or compartment. (subparagraph 64B8 51.006(3)(c)5., F.A.C.)	
4. Single use disposable towels. (subparagraph 64B8 51.006(3)(c)7., F.A.C.)	
5. A treatment lamp or magnifier lamp capable of being cleaned with disinfectant. (subparagraph 64B8 51.006(3)(c)9., F.A.C.)	
6. A magnifying device which shall be a magnifier lamp, optical loupe or microscope capable of being cleaned and disinfected. (subparagraph 64B8 51.006(3)(c)10., F.A.C.)	
7. Tuberculocidal hospital grade disinfectant detergent registered by the Environmental Protection Agency, household bleach or wiping cloths presaturated with disinfectant for wiping nonporous surfaces. (subparagraph 64B8 51.006(3)(c)11., F.A.C.)	
8. If eye shields are used, eye shields capable of being cleaned with disinfectant. (subparagraph 64B8 51.006(3)(c)12., F.A.C.)	
9. Covered containers for needles and forceps which containers are capable of being cleaned and Sterilized. (subparagraph 64B8 51.006(3)(c)13., F.A.C.)	
10. Betadine, 3% U.S. pharmaceutical grade hydrogen peroxide or 70% isopropyl alcohol or mapped single use wipes saturated with 70% isopropyl alcohol. (subparagraph 64B8 51.006(3)(c)14., F.A.C.)	
11. Clean, non-sterile materials such as cotton balls, cotton strips, cotton swabs, gauze pads, and gauze strips. (subparagraph 64B8 51.006(3)(c)15., F.A.C.)	
12. Laundered and sanitized cloth towels stored in a closed container or compartment. (subparagraph 64B8 51.006(3)(c)16., F.A.C.)	
13. A covered sanitary container for holding used cloth towels. (subparagraph 64B8 51.006(3)(c)16., F.A.C.)	
14. Non-sterile disposable examination gloves. (subparagraph 64B8 51.006(3)(c)20., F.A.C.)	
(km) Failure to comply with continuing education	(nm) First time and subsequent violations – \$500 fine;

requirements. (Rule 64B8-52.002, F.A.C.)	and completion of all incomplete continuing education credits.
(ln) Providing electrolysis services in an unlicensed facility.	(on) First time and subsequent violations – \$250 fine.
(me) Permitting an unlicensed person to provide electrolysis services.	(pe) First time and subsequent violations – \$250 fine.
(np) Providing electrolysis services with a delinquent license or null/void license.	(qp) First time and subsequent violations – \$250 fine.
(oe) Unprofessional conduct, failure to conform to acceptable standards.	(re) First time and subsequent violations where no actual patient harm occurred – \$250 fine.
(pf) Failure to timely pay required fees and fines.	(sf) First time and subsequent violations, a \$250 fine.
(qs) Advertising any discounted or free service without including the required statement, Section 456.062, F.S.	(ts) A First and subsequent violations - \$100.00 fine.
(5) The Board designates the following as electrology citations violations in laser or light based hair removal. Failure to have:	
(a) Written designation of laser safety officer. (subparagraph 64B8-51.006(3)(e)(g)4., F.A.C.)	First time violation \$150, Subsequent violations \$300
(b) Appropriate sign on door of laser room identifying when laser or light based equipment is in use, as required by ANSI Standard Z136.1-2000, in effect on June 1, 2006; available from American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, N.Y. 10036. (subparagraph 64B8-51.006(3)(e)(g)5., F.A.C.)	First time violation \$150, Subsequent violations \$300.
(c) Cold water and ice. (subparagraph 64B8-51.006(3)(e)10.(g)9., F.A.C.)	First time violation \$150, Subsequent violation \$300
(d) Lock on door of laser room. (subparagraph 64B8-51.006(3)(g)6., F.A.C.)	First time violation \$150, Subsequent violation \$300.
(e) Fire extinguisher in vicinity of laser room. (subparagraph 64B8-51.006(3)(e)9.(g)8., F.A.C.)	First time violation \$150, Subsequent violation \$300.
(f) Written protocols that are signed, dated, and maintained in a readily available location on the premises where the electrologist practices. (paragraph 64B8-56.002(4)(a), F.A.C.)	First time violation \$200, Subsequent violation \$400.
(g) Copy of protocols filed with the Department of Health. (paragraph 64B8-56.002(4)(a), F.A.C.)	First time violation \$200, Subsequent violation \$400.
(h) Professional liability coverage that includes coverage for incidents arising from laser usage in an amount not less than \$100,000. (paragraph 64B8-56.006(4)(c), F.A.C.)	First time violation \$250, Subsequent violation \$500
(i) At least one piece of properly registered laser equipment located within the electrology facility. (subparagraph 64B8-51.006(3)(e)(g)3., F.A.C.)	First time violation \$300, Subsequent violation \$600.
(j) Protective eyewear for all persons in laser room during operation of laser. (subparagraph 64B8-51.006(3)(e)8(g)7., F.A.C.)	First time violation \$300, Subsequent violation \$600.
(k) Proof of completion of 30 hours of post licensure education. in laser hair removal for all electrologists using laser equipment in the facility. (Rule 64B8-52.004, F.A.C.)	First time violation \$500, Subsequent violation \$1,000.
(l) Proof of having passed the Society for Clinical and Medical Hair Removal test for certification as a Certified	First time violation \$500, Subsequent violation \$1,000.

Medical Electrologist for all electrologists using laser or light based equipment in the facility and completed training pursuant to 64B8-56.002(2)(a)1., F.A.C. (paragraph 64B8-56.002(2)(b), F.A.C.)	
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1 (56) In addition to the penalties established in this rule, the Department shall recover the costs of investigation. The
2 penalty specified in the citation shall be the sum of the penalty established by this rule plus the Department’s cost of
3 investigation.

4 (67) If the subject disputed any matter contained in the citation, within thirty days after service, the Department shall
5 follow the procedure set forth in Section 456.073, F.S. Otherwise, the citation shall become a final order of the Board.

6 *Rulemaking Authority 456.077(1), (2), 478.51(3) FS. Law Implemented 456.072(3), (4), 456.077(1), (2), 478.51, 478.52 FS.*
7 *History—New 11-16-93, Formerly 61F6-80.002, Amended 1-2-95, Formerly 59R-55.002, Amended 11-13-97, 10-12-98, 2-11-01,*
8 *2-20-02, 11-12-02, 7-16-03, 2-12-07, 2-15-17,_____.*

9 **MOTION:** Following discussion, Ms. Greenhalgh moved to approve the proposed rule text with
10 edits. Ms. Gray seconded the motion, which carried 3/0.

11 **MOTION:** Ms. Greenhalgh moved the proposed rule language would not have an adverse
12 impact on small business. Ms. Gray seconded the motion, which carried 3/0.

13 **MOTION:** Ms. Greenhalgh moved there would not be an economic impact on government or
14 any other entity in excess of \$200,000 within one year of the rule being implemented. Ms. Gray
15 seconded the motion, which carried 3/0.

16 **MOTION:** Ms. Greenhalgh moved portions of the proposed rule should be designated as a
17 minor violation for first time offenses. Ms. Gray seconded the motion, which carried 3/0.

18 **MOTION:** Ms. Greenhalgh moved there should not be a provision to sunset the proposed
19 language. Ms. Gray seconded the motion, which carried 3/0.

20 **REPORT OF ASSISTANT ATTORNEY GENERAL – Mr. Timothy Frizzell, Esquire**

21 4. Rule Status Report

Ms. Frizzell presented the following rule status report:

Rule Number	Rule Title	Dates Rule Language Voted On by Council	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B8-56.002	Equipment and Devices; Protocols for Laser and Light-Based Devices.	November 2020	12/04/2020	12/28/2020	07/24/2020	01/07/2020		
64B8-51.006	Rule Governing Licensure and Inspection of Electrology Facilities	October 2020	12/04/2020	12/28/2020	01/07/2020			
64B8-51.001	Manner of Application	July and October 2020	12/04/2020	12/28/2020	09/21/2020	01/08/2021		

1 Mr. Frizzell reported that Rule 64B8-56.002, F.A.C., regarding direct supervision via telehealth
2 for Electrologist laser and light-based hair removal practitioners, was approved with
3 amendments at the December 2020 Board Meeting. The final proposed text is as follows:

4 **64B8-56.002 Equipment and Devices; Protocols for Laser and Light-Based Devices.**

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

7 (a) Needle type epilators.

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

10 (2) An electrologist may use laser or light-based devices for hair removal or reduction only if they:

11 (a) Have completed training in:

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

15 2. Needle-type epilators combined with laser and light-based hair removal and reduction that meets the curriculum
16 standards of Rule 64B8-53.002, F.A.C., and have passed a licensure examination approved by the Board in Rule 64B8-
17 51.002, F.A.C., that tests both epilator and laser and light-based modalities;

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

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

22 1. For the purposes of this rule direct supervision and responsibility shall require the supervising physician be on
23 the premises where laser hair removal is being performed or supervising the electrologist by means of telehealth as
24 defined by section 456.47(1)(a), F.S., provided that:

25 a. The physician supervising by means of telehealth is located within 150 miles of the electrologist; and

26 b. The supervision is conducted in such a way as to allow continuous synchronous communication between the
27 electrologist and the supervising physician.

28 2. Any electrologist who has been previously disciplined by the Board of Medicine shall not be eligible for
29 supervision by means of telehealth until permitted to do so by Order of the Board of Medicine upon demonstration by
30 the electrologist that they are able to practice safely with supervision by means of telehealth.

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

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

36 (4)(a) The supervising physician and the electrologist shall develop jointly written protocols regarding:

37 1. ~~T~~The medical condition for individuals to receive laser and light-based hair removal or reduction treatment;

38 2. ~~S~~Specific conditions and the procedure for identifying conditions that require direct evaluation or specific
39 consultation by the physician;

40 3. ~~T~~Treatment of routine minor problems resulting during or from laser and light-based hair removal or reduction;

41 4. ~~H~~Health issues or other conditions which would disqualify the use of supervision by means of telehealth for
42 individual patients;

43 5. ~~S~~Safety limits and processes to ensure that direct supervision via telehealth is done in a safe manner; and

44 6. ~~D~~Detailed procedures to be followed in the event of emergency situations developing during the performance
45 of or as a result of laser and light-based hair removal or reduction, including emergency procedures to use when
46 supervision is conducted by means of telehealth.

47 (b) These written protocols must be signed, dated, and maintained in a readily available location on the premises
48 where the electrologist practices. One copy shall be maintained by the supervising physician and one copy must be
49 filed with the Department of Health. The written protocols which are kept on the premises of the electrologist will be
50 readily available for inspection and review by agents of the Department of Health. The parties to a protocol must
51 notify the Department within 30 days of the termination of their professional relationship.

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

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

5 (6) Any physician who provides supervision to an electrologist must keep the Board informed of the number of
6 electrologists the physician is supervising. No physician is authorized to supervise more than four (4) electrologists at
7 any one time whether in person or by means of telehealth.

8 *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),*
9 *(4) FS. History—New 9-12-01, Amended 2-28-02, 7-23-06, 3-12-08, 11-4-14, 2-15-17, 3-14-19, 11-10-19,_____.*

10 **REPORTS, IF ANY**

11 5. Council Chair – Jolynn Greenhalgh, DNP, APRN, RE

12 ○ Other Council Members

13 Ms. Greenhalgh thanked Mr. Frizzell and other previous attorneys for their work on the
14 disciplinary guidelines. She reminded everyone to be vigilant with regard to COVID-19
15 precautions. She mentioned the Department of Health has CDC guidelines posted. More
16 information is available at <https://floridahealthcovid19.gov/>.

17 6. Executive Director - Allen Hall

- 18 ● Cash Balance Report
- 19 ● Expenditures by Function Report

20 Informational Item

21 **OLD BUSINESS**

22 7. October 5, 2020, Electrolysis Council Meeting Minutes

23 Ms. Greenhalgh moved to approve the October 5, 2020, minutes. Ms. Gray seconded the
24 motion, which carried 3/0.

25 8. November 4, 2020, Electrolysis Council Meeting Minutes

26 Ms. Greenhalgh moved to approve the November 4, 2020, minutes. Ms. Gray seconded the
27 motion, which carried 3/0.

28 9. Professional Council Member Vacancies

29 There is currently one (1) professional member vacancy on the Council and another impending
30 due to Ms. Greenhalgh's second term having expired July 9, 2020. Ms. Greenhalgh continues to
31 serve until a successor is appointed.

1 **NEW BUSINESS**

2 10. Financial Reports

3 Mr. Hall presented the annual reports prepared by the Division of Medical Quality Assurance's
4 budget analyst for the Council's information.

5 11. 2021 Delegation of Authority

6 Ms. Greenhalgh moved to approve the delegation of authority presented. Ms. Gray seconded
7 the motion, which carried 3/0.

8 12. 2021 Conviction Record Guidelines

9 Ms. Greenhalgh moved to approve the conviction record guidelines. Ms. Gray seconded the
10 motion, which carried 3/0.

11 13. 2021 Officer Elections

12 Ms. Greenhalgh moved to accept the officers and liaison noted below. Ms. Gray seconded the motion,
13 which carried 3/0.

- 14 • Ms. Jolynn Greenhalgh – Chair & Legislative Liaison
- 15 • Ms. Sarah Gray – Vice-Chair and Unlicensed Activity Liaison
- 16 • Ms. Rosanna Bermejo – Education Liaison
- 17 • Mr. Greg Ramer – Budget Liaison

18 14. 2022 Meeting Dates

19 Ms. Greenhalgh moved to approve the following 2022 meeting dates. Ms. Gray seconded the
20 motion, which carried 3/0.

- 21 • January 10
- 22 • April 11
- 23 • July 11
- 24 • October 3

25 **OTHER BUSINESS AND INFORMATION**

26 15. December 3, 2020, Board of Medicine Rules/Legislative Committee Meeting

27 Informational Item

28 **OTHER**

29 Ms. Judy Adams, RE, addressed the Council regarding the telehealth supervision amendments
30 to Rule 64B8-56.002, F.A.C. Mr. Frizzell is taking actions to move the rule through the required
31 processes and expects that, without any unforeseen obstacles, the rule could go into effect
32 within 90 days or sometime in March 2021. Ms. King indicated notice would be updated on the
33 Council's website and sent out to licensees once the updated rule is in effect.

34 Ms. Adams asked whether there would be guidance on how Electrologists should implement the
35 new provisions in practice. There was discussion regarding the need to update protocols

- 1 between the Electrologist and Supervising Physician according to the new requirements. Mr.
- 2 Frizzell and Council staff will discuss means by which to ensure the new requirements are
- 3 clarified.

- 4 The meeting adjourned at approximately 9:42 a.m.