Draft Minutes

April 8, 2019
Telephone Conference Call
1-888-585-9008
Participant Code 564-341-766 #

Jolynn Greenhalgh, DNP, ARNP, LE
Chair
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.

**Members Present**
- Jolynn Greenhalgh, DNP, ARNP, RE, Chair
- Sarah Gray, Esquire
- Erin Wiedemer, PMP
- Rosanna Bermejo, RE

**Staff Present**
- Allen Hall, Executive Director
- Anna King, Program Administrator
- Bailey Fair, Regulatory Specialist II

**ASSISTANT ATTORNEY GENERAL**
- Rachelle Munson, Esquire

**ADDITIONAL PERSONS PRESENT**
- Sandy Allen, Esquire
- John Pellet, Esquire
- Cherise Morgan, DOH Compliance Officer
- Judy Adams, RE

**10:00 a.m. (ET)**
Call to Order – General Business Meeting

**INDIVIDUAL CONSIDERATIONS**

1. Patricia Howerter, Endorsement Applicant

   Ms. Patricia Howerter was not present and not represented by legal counsel.

   Ms. Patricia Howerter submitted an application for licensure by Endorsement of her Massachusetts electrologist License No. 1099, which was issued on 5/1/1987 and expires 7/31/2019.

   **MOTION:** Ms. Jolynn Greenhalgh moved to require Ms. Patricia Howerter’s personal appearance at one of the next two scheduled council meetings. Ms. Sarah Gray seconded the motion, which carried 4/0.
2. Carlie Quinn, Examination Applicant

Ms. Quinn was present and was not represented by legal counsel.

Ms. Quinn’s application for Electrologist Licensure by Exam is before the Council for consideration of her application. Following further discussion, the council took the following action:

MOTION: Ms. Jolynn Greenhalgh moved to deny the application with an amendment to note that the basis of denial included non-compliance with requirements of a 2018 Department of Health Final Order. Ms. Sarah Gray seconded the motion, which carried 4/0.

LICENSURE RATIFICATION LIST

3. Licensed Electrologists

The Examination Candidate Ratification List was presented to the council for approval.

MOTION: The Council moved to approve the list of examination candidates

REPORT OF ASSISTANT ATTORNEY GENERAL – Rachelle Munson, Esquire

4. Rules Status Report

- Rule 64B8-51.001, F.A.C. – Manner of Application

During the October 2018 Council Meeting, the Council approved proposed changes to Question 1., Personal (Health) History, along with other suggested changes to assist applicants with the licensure process. Thereafter, the Board of Medicine (BOM) approved all proposed changes to the form except the newly proposed Personal (Health) History Questions.

The Council was asked to consider final revisions to the form prior to submission to the Joint Administrative Procedures Committee. The revisions included the addition of checkboxes to Question 5 for identification of the type of pre-licensure training program completed, as well as technical corrections to Questions 10 – 14.

64B8-51.001 Manner of Application.

(1) All persons applying for licensure as an electrologist shall submit a signed application to the Executive Director of the Council on forms provided by the Council and approved and incorporated herein by reference by the Board as Form DH-MQA 1164 entitled State of Florida Electrologist Licensure Application (revised 07-01-2016 04-08-2019), with instructions, which can be obtained from http://www.flrules.org/Gateway/reference.asp?No=Ref-07421, or http://www.floridahealth.gov/licensing-andregulation/electrolysis/. The initial application must be accompanied by the application fee, as set forth in Rule 64B8-51.007, F.A.C.
(2) All applications must include an official transcript from a school of electrology which identifies the credits taken by home study or correspondence courses and those taken in classroom settings. 

Rulemaking Authority 456.013, 478.43(1), (4) FS. Law Implemented 456.013, 456.0635, 478.45, 478.46, 478.47, 478.55 FS. History – New 5-31-93, Formerly 21M-76.001, Amended 11-10-93, Formerly 61F6-76.001, Amended 5-29-96, Formerly 59R-51.001, Amended 12-23-97, 5-28-00, 8-9-01, 2-15-04, 10-31-05, 2-11-08, 5-7-09, 5-13-10, 5-14-13, 11-27-14, 9-8-16.

Ms. Greenhalgh moved the proposed rule language for Rule 64B8-51.001, F.A.C., would not have an adverse impact on small business nor have an economic impact on government or any other entity in excess of $200,000 within one year of the rule being implemented. Ms. Sarah Gray seconded the motion, which carried 4/0.

Ms. Greenhalgh moved the proposed rule language should not be designated as a minor violation for first time offenses. Ms. Sarah Gray seconded the motion, which carried 4/0.

Ms. Greenhalgh moved to approve the application form with amendments to Question 1, Personal (Health) History, Ms. Sarah Gray seconded the motion, carried 4/0.

Ms. Greenhalgh moved to approve the application form without amendments to Question 1, Personal (Health) History, should the Board of Medicine not approve the amendments. Ms. Sarah Gray seconded the motion, carried 4/0.

Ms. Greenhalgh moved the proposed rule language would not have an adverse impact on small business nor have an economic impact on government or any other entity in excess of $200,000 within one year of the rule being implemented. Ms. Sarah Gray seconded the motion, which carried 4/0.

Ms. Greenhalgh moved the proposed rule language should not be designated as a minor violation for the first-time offenses. Ms. Sarah Gray seconded the motion, carried 4/0.

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

Ms. Munson reported that all proposed changes to the rule language were approved by the Board of Medicine. A Notice of Change was processed on March 1, 2019, reflecting a combined exam. Ms. Munson noted the effective date would be April 16, 2019.

64B8-51.002 Licensure by Examination.

(1) Every applicant for licensure as an electrologist by examination shall demonstrate to the Council that the applicant:

(a) through (d) No change.

(e) Has successfully completed the requirements of a Council-approved pre-licensure electrolysis training program consisting of 120 hours of academic training and a minimum of 200 hours of practical application for the epilator-only training program or the combined epilator, laser, and light-based training program consistent with the requirements of Rule 64B8-53.002, F.A.C.

(f) through (g) No change.
(2) The Electrolysis Licensure Examination shall be any national examination pursuant to Section 456.017, F.S. and approved by the Board that tests on the combined epilator, laser, and light-based standards consistent with the requirements of Rule 64B8-53.002, F.A.C. The requirements and standards of the national examination shall comply with the requirements set forth in Rule 64B-1.011, F.A.C., effective 3/19/12, which is incorporated herein by reference, and available from http://www.flrules.org/Gateway/reference.asp?No=Ref__.

(3) Each national examination provider shall set the minimum passing score for its exam.

(4) No change.

Rulemaking Authority 478.43(1), (4) FS. Law Implemented 456.017, 456.0635, 478.45 FS. History–New 5-31-93, Formerly 21M-76.002, 61F6-76.002, Amended 7-11-95, Formerly 59R-51.002, Amended 11-13-97, 2-17-00, 5-28-00, 11-27-14__________.

- Rule 64B8-51.006 F.A.C. – Rule Governing Licensure and Inspection of Electrology Facilities

During the October 2018 Council Meeting, the Council approved changes to the new and transfer of location facility licensure applications. Those changes were also approved by the Board of Medicine. The Joint Administrative Procedures Committee has since requested revisions, which have been updated to the correct versions of both forms. Additionally, the rule specifying the 30-hour CE and CME exemption for persons who completed the combined program and combined exam became effective on March 14, 2019. With that change, Paragraph (3)(c) of the facility rule language requires updating to describe the laser qualification documentation those persons must have available during electrolysis facility inspections. The Council reviewed the following proposed rule text changes:

64B8-51.006 (2)(b), (3)(c) and (6)(b)1., F.A.C., Rule Governing Licensure and Inspection of Electrology Facilities.

(2) Electrology Facility Licensure.

(b) To obtain the license, the applicant shall provide information to the Department as required by this rule on a form provided by the Department and approved and incorporated herein by reference by the Board as Form DH-MQA 1213, entitled “State of Florida Application for Electrolysis Facility Licensure – New Facility or New Ownership” (revised 12-02-2016 04-08-2019), which can be obtained from http://www.flrules.org/Gateway/reference.asp?No=Ref-07894, or the Department at The Florida Department of Health, Electrolysis Council, Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256. The applicant must pay a $100 application fee, which is nonrefundable, $100 inspection fee, $100 licensure fee and a $5.00 unlicensed activity fee.

(3) Electrology Facility Safety and Sanitary Requirements. Paragraph (a) of this subsection applies to all electrolysis facilities regardless of the modalities used. Paragraph (b) of this rule applies to electrolysis facilities where epilators are used. Paragraph (c) of this rule applies to electrolysis facilities where laser or light-based equipment is used.

(c) In addition to those specified in paragraph (3)(a), the requirements to be followed, and materials and equipment to be available at each electrolysis facility where laser or light-based equipment is used for hair removal, are listed below.

1. For electrologists who have completed a Council-approved needle-type epilation training program:
a. Proof of certification of 30 hours of continuing education in laser hair removal from a provider approved pursuant to Rule 64B8-52.004, F.A.C.; and

b. Proof of having passed the Society for Clinical and Medical Hair Removal test for certification as a Certified Medical Electrologist.

2. For electrologists who have completed a Council-approved combined needle-type epilation, laser and light-based hair removal training program:

a. Proof of completion from a combined training program; and

b. Proof of having passed the epilator and laser and light-based combined exam.

(6) Transfer of Ownership or Location of the Electrology Facility.

(b) An electrology facility license may be transferred from one location to another only upon approval by the Department which approval shall be granted upon compliance with all requirements set out below in subparagraphs 1. through 3. Only the licenses for electrology facilities which have passed inspection at the original location are eligible for transfer to another location. In order to begin practice at the new location, the electrology facility license holder must first perform all of the following procedures:

1. File a completed application for transfer prior to the date of the transfer on a form prescribed by the Department, and approved and incorporated herein by reference by the Board as Form DH5018-MQA-07/2016, entitled “State of Florida Application for Transfer of Electrolysis Facility Location” (revised 04-08-2019), which can be obtained from http://www.flrules.org/Gateway/reference.asp?No=Ref-07896, or the Department at the Florida Department of Health, Electrolysis Council, Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256, which application must be processed by the Council office,

Ms. Greenhalgh moved to approve rule text. Ms. Sarah Gray seconded the motion, which carried 4/0.

Ms. Greenhalgh moved the proposed rule language would not have an adverse impact on small business nor have an economic impact on government or any other entity in excess of $200,000 within one year of the rule being implemented. Ms. Sarah Gray seconded the motion, which carried 4/0.

Ms. Greenhalgh moved the proposed rule language should not be designated as a minor violation for first time offences. Ms. Sarah Gray seconded the motion, which carried 4/0.

• Rule 64B8-52.003, F.A.C. – Procedure for Approval of Attendance at Continuing Education Courses

During the October 15, 2018 General Business Meeting, the Electrolysis Council approved the following proposed rule text to update the continuing education rule:

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

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

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

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

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

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

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

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

(4) Continuing education per biennium may also include:

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

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

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

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), (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, 2-16-99, 2-17-00, 9-21-00, 8-13-02, 4-26-09, 2-28-17.

- Rule 64B8-56.002, F.A.C., Equipment and Devices; Protocols for Laser and Light-Based Devices

Ms. Rachelle Munson provided a letter from JAPC inquiring regarding the non-refundable application processing fee. Ms. Munson indicated she would address the fee issue in her response to JAPC. Additionally, JAPC requested that the rule language in Paragraph (2)(a) 2. be updated to make reference to the curriculum “standards” of rule 64B8-53.002, F.A.C.

Ms. Munson presented the proposed rule text below for the Council’s consideration:

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

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

(a) Have completed training in:

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

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, 3-14-19.
Ms. Greenhalgh moved to approve proposed rule text. Ms. Sarah Gray seconded the motion, which carried 4/0.

Ms. Greenhalgh moved the proposed rule text would not have an adverse impact on small business nor have an economic impact on government or any other entity in excess of $200,000 within one year of the rule being implemented. Ms. Sarah Gray seconded the motion, which carried 4/0.

Ms. Greenhalgh moved the proposed text language should not be designated as a minor violation for first time offenses. Ms. Sarah Gray seconded the motion, which carried 4/0.

Mr. Allen Hall left the meeting at 11:38 a.m.
Ms. Sarah Gray left the meeting at 11:39 a.m.

REPORTS

5. Council Chair – Jolynn Greenhalgh, DNP, ARNP
   • Other Council Members:

     Ms. Munson mentioned the upcoming May 31, 2019 Annual MQA Board Chairs/Vice-Chairs meeting. Ms. King mentioned that due to the unavailability of the Council Chair and Vice-Chair, Council Member, Ms. Rosanna Bermejo, RE, would be in attendance at the meeting.

6. Executive Director – Allen Hall
   • Cash Balance Report
   • Expenditures by Function Report
   Informational item only

NEW BUSINESS

7. Proposed 2020 Council Meeting Dates
   Ms. Greenhalgh moved to approve proposed 2020 dates with 10:00 a.m. EST, with note that the times could potentially change as more information is obtained around work schedules as the meetings grow nearer. Ms. Sarah Gray seconded the motion, which carried 3/0.
OLD BUSINESS

8. January 14, 2019 Electrologist Council Meeting Minutes

Ms. Greenhalgh and Ms. Wiedemer moved to approve the minutes, which carried 3/0.

9. Meeting Times for Remainder of 2019

- July 1st, 2019 for 10:00 a.m. EST
- October 7th for 2:00 p.m. EST

Ms. Greenhalgh and Ms. Wiedemer moved to approve remainder of 2019 meeting times, which carried 3/0.

OTHER BUSINESS AND INFORMATION

10. December 6, 2018, Board of Medicine Rules and Legislative Committee Minutes

The Board of Medicine’s Rules and Legislative Committee Minutes were included for the Council’s information.

11. February 2019, Board of Medicine General Business Meeting Minutes

The Board of Medicine’s General Business Meeting Minutes were included for the Council’s information.

12. Electrolysis Staff Recognition

Informational item.