

The Florida
Electrolysis Council

Draft Minutes

April 19, 2021

Telephone Conference Call

1-888-585-9008

Participant Code 564-341-766 #

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

**DEPARTMENT OF HEALTH
ELECTROLYSIS COUNCIL
GENERAL BUSINESS MEETING
BY TELEPHONE CONFERENCE CALL
APRIL 19, 2021**

-DRAFT 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.

8:30 a.m. (ET)

Call to Order – General Business Meeting

1 **Ms. Jolynn Greenhalgh, Chair, called the general business meeting to order at**
2 **approximately 8:31 a.m. Those present for all or part of the meeting, included the**
3 **following:**

4 **Members Present**

5 Jolynn Greenhalgh, DNP, APRN, RE, Chair
6 Sarah Gray, Esquire, Vice Chair
7 Rosanna Bermejo, RE
8 Gregory Ramer, Consumer Member

Staff Present

Allen Hall, Executive Director
Anna King, Program Operations Administrator
Claudia Alford, Council Regulatory Specialist

9 **ASSISTANT ATTORNEY GENERAL**

10 Mr. Timothy Frizzell, Esquire

11 **OTHERS PRESENT**

12 Ms. Judy Adams, RE, Legislative Liaison,
13 Electrolysis Society of Florida

14 **INDIVIDUAL CONSIDERATIONS**

15 1. Chris Amanda Bellanger, Examination

16 Ms. Bellanger was not present nor represented by legal counsel.

17 Ms. Bellanger's application for Electrologist Licensure by Examination was before the Council
18 for consideration.

19 **MOTION:** Following discussion, Ms. Greenhalgh moved to require Ms. Bellanger make a
20 personal appearance before the Council, pursuant to Section 456.013(3)(c), F.S., for further
21 consideration of her application. Section 456.013(3)(c), F.S., provides that in considering
22 applications for licensure, the board may require a personal appearance of the applicant. If that
23 applicant fails to appear before the board at either of the next two regularly scheduled board

1 meetings, the application for licensure shall be denied. Mr. Ramer seconded the motion, which
2 carried 4/0.

3 2. Christopher Duasso, Examination

4 Mr. Duasso was not present nor represented by legal counsel.

5 Mr. Duasso's application for Electrologist Licensure by Examination was before the Council for
6 consideration.

7 **MOTION:** Following discussion, Ms. Greenhalgh moved to approve Mr. Duasso's application for
8 Electrologist Licensure by Examination. Mr. Ramer seconded the motion, which carried 4/0.

9 3. Maria Rodriguez Bango's Examination

10 Ms. Rodriguez-Bango was present but not represented by legal counsel.

11 Ms. Rodriguez-Bango's application for Electrologist Licensure by Examination was before the
12 Council for consideration.

13 **MOTION:** Following discussion, Ms. Greenhalgh moved to approve Ms. Rodriguez-Bango's
14 application for Electrologist Licensure by Examination. Mr. Ramer seconded the motion, which
15 carried 4/0.

16 **LICENSURE RATIFICATION LIST**

17 4. Licensed Electrologists

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

19 **MOTION:** Following discussion, Ms. Greenhalgh moved to approve the list of examination
20 candidates for Florida Electrologist Licensure. Mr. Ramer seconded the motion, which carried 4/0.

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

22 5. Rule Status Report

23 Mr. Frizzell presented the status of the following rules:

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	01/07/20	02/19/2021	03/11/2021
64B8-51.006	Rule Governing Licensure and Inspection of Electrology Facilities	October 2020	12/04/2020	12/28/2020	01/07/2020	01/22/21 01/28/21 – Japc letter	02/22/2021	03/14/2021

						02/03/21 – Attorney Response		
64B8-51.001	Manner of Application	July and October 2020	12/04/2020	12/28/2020	09/21/2020	01/08/21 01/14/21 – Japc letter 01/19/21 – Attorney Response	02/19/2021	03/11/2021
64B8-52.001 64B8-52.002 64B8-52.003	Continuing Education Requirements Definitions Procedure for Approval of Attendance at Continuing Education Courses	January 2021	02/05/2021	03/01/2021	03/18/2021	04/07/2021		
64B8-55.001	Disciplinary Guidelines	January 2021	02/05/2021	04/02/2021				
64B8-55.0015 64B8-55.002	Out-of-State Telehealth Discipline	January 2021	02/05/2021					

1 **Final Rule Text - Recently Effective Rules**

2 **64B8-56.002 Equipment and Devices; Protocols for Laser and Light-Based Devices.**

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

5 (a) Needle type epilators.

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

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

9 (a) Have completed training in:

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

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

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

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

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

1 a. The physician supervising by means of telehealth is located within 150 miles of the electrologist; and
2 b. The supervision is conducted in such a way as to allow continuous synchronous communication between the
3 electrologist and the supervising physician.

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

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

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

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

13 1. The medical condition for individuals to receive laser and light-based hair removal or reduction treatment;
14 2. Specific conditions and the procedure for identifying conditions that require direct evaluation or specific
15 consultation by the physician;

16 3. Treatment of routine minor problems resulting during or from laser and light-based hair removal or reduction;
17 4. Health issues or other conditions which would disqualify the use of supervision by means of telehealth for
18 individual patients;

19 5. Safety limits and processes to ensure that direct supervision via telehealth is done in a safe manner; and
20 6. Detailed procedures to be followed in the event of emergency situations developing during the performance
21 of or as a result of laser and light-based hair removal or reduction, including emergency procedures to use when
22 supervision is conducted by means of telehealth.

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

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

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

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

35 *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)*
36 *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, 3-11-21.*

37 **64B8-51.006 Rule Governing Licensure and Inspection of Electrology Facilities.**

38 (1) Definitions. An electrology facility is that portion of any establishment or place wherein electrolysis is
39 performed. An electrology facility may be part of a residence.

40 (2) Electrology Facility Licensure.

41 (a) The owner of an electrology facility is required to obtain a license for the electrology facility. However,
42 physicians licensed under Chapter 458 or 459, F.S., who are operating an electrology facility on the premises of their
43 medical practice location are not required to obtain an electrology facility license and electrologists employed by
44 physicians licensed under Chapter 458 or 459, F.S., and practicing at the physician's medical practice location are
45 not required to obtain an electrology facility license.

46 (b) To obtain the license, the applicant shall provide information to the Department as required by this rule on
47 a form provided by the Department and approved and incorporated herein by reference by the Board as Form DH-
48 MQA 1213, entitled "Application for Electrolysis Facility Licensure" (revised 05/20), which can be obtained from
49 <http://www.flrules.org/Gateway/reference.asp?No=Ref-12220>, or the Department at The Florida Department of
50 Health, Electrolysis Council, Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256. The applicant must pay a
51 \$100 application fee, which is nonrefundable, \$100 inspection fee, \$100 licensure fee and a \$5.00 unlicensed activity
52 fee.

53 (3) Electrology Facility Safety and Sanitary Requirements. Paragraph (a) of this subsection applies to all
54 electrology facilities regardless of the modalities used. Paragraph (b) of this rule applies to electrology facilities

1 where epilators are used. Paragraph (c) of this rule applies to electrolysis facilities where laser or light-based
2 equipment is used.

3 (a) Listed below are requirements to be followed, and material and equipment to be available, at each
4 electrolysis facility where epilators or lasers/light-based equipment is used.

5 1. At the time of services, each client shall be protected from view of the public, and any other clients at the
6 facility. This requirement shall not apply when electrolysis training is undertaken in accordance with a training
7 program approved by the Electrolysis Council.

8 2. There shall be a toilet and sink with hot and cold running water available to the electrolysis facility. The toilet
9 and sink shall be kept clean and in working order when the electrolysis facility is open for business.

10 3. Electrolysis shall be conducted on a treatment table or treatment chair with a non-porous surface capable of
11 being disinfected.

12 4. The following supplies and equipment shall always be available at the electrolysis facility:

13 a. Disposable paper drapes or sanitary cloth drapes stored in a closed container or compartment,

14 b. Sanitary waste receptacles for the disposal of used gloves, paper supplies, cotton balls, and other
15 noninfectious items,

16 c. Single use, disposable towels,

17 d. A treatment lamp or magnifier lamp capable of being cleaned with disinfectant,

18 e. A magnifying device which shall be a magnifier lamp, optical loupe or microscope capable of being cleaned
19 and disinfected,

20 f. Tuberculocidal hospital grade disinfectant registered by the Environmental Protection Agency, household
21 bleach or wiping cloths pre-saturated with disinfectant for wiping non-porous surfaces,

22 g. Betadine, 3% U.S. Pharmaceutical grade hydrogen peroxide, or 70% isopropyl alcohol, or wrapped single use
23 wipes saturated with 70% isopropyl alcohol,

24 h. Clean, non-sterile materials such as cotton balls, cotton strips, cotton swabs, gauze pads, and gauze strips,

25 i. If cloth towels are used, they shall be cleaned prior to use on each client and stored in a closed container or
26 compartment. Used cloths shall be kept in a separate closed container,

27 j. A holding container for soaking and cleaning contaminated instruments; and,

28 k. Non-sterile disposable examination gloves.

29 (b) In addition to those specified in paragraph (3)(a), the requirements to be followed, and materials and
30 equipment to be available, at each electrolysis facility where epilators are used are listed below.

31 1. An FDA registered needle-type epilation device in working order,

32 2. Clean and sterile needles/probes and forceps/tweezers,

33 3. Needle holder tips,

34 4. A sharps container for disposal of used needles/probes, as defined in subsection 64E-16.002(24), F.A.C.,
35 effective June 3, 1997, which is hereby incorporated by reference and can be obtained from
36 <http://www.flrules.org/Gateway/reference.asp?No=Ref-11261>;

37 5. Covered containers for needles/probes and forceps/tweezers which containers are capable of being cleaned
38 and sterilized,

39 6. A sterilizer which shall be either an autoclave or dry heat sterilizer, and color change indicators for use with
40 either sterilizer. The endodontic dry heat "glass bead sterilizer" shall not be used for instrument sterilization; and,

41 7. Unless the facility is new, quarterly records of sterilizer biological test monitoring, which shall be made
42 available to the Department upon request.

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

46 1. For electrologists who have completed a Council-approved needle-type epilation training program:

47 a. Proof of certification of 30 hours of continuing education in laser hair removal from a provider approved
48 pursuant to Rule 64B8-52.004, F.A.C.; and

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

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

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

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

55 3. For devices required to be registered, proof of registration for each laser or light-based device in use at the
56 facility as required by Section 501.122, F.S.

- 1 4. Written designation of laser safety officer.
 - 2 5. A room or rooms specifically designated for use of the laser or light-based equipment which is where all use
 - 3 of such equipment shall take place.
 - 4 6. Sign on door of laser room identifying when laser or light-based equipment is in use.
 - 5 7. Lock on door of laser room.
 - 6 8. Protective eyewear capable of being cleaned and disinfected shall be used by all persons in laser room during
 - 7 operation of laser or light-based equipment.
 - 8 9. Fire extinguisher in vicinity of laser room.
 - 9 10. Cold water and ice.
 - 10 11. The written protocols required by paragraph 64B8-56.002(4)(a), F.A.C.
 - 11 (4) The following documents shall be available in each electrology facility:
 - 12 (a) The electrology facility license, which shall be visible to the public;
 - 13 (b) The current license of the electrologist, which shall be visible to the public;
 - 14 (c) The most recent inspection sheet from the Department of Health;
 - 15 (d) A current copy of Rule 64B8-51.006, F.A.C.; and,
 - 16 (e) An appointment book shall be maintained and kept on the electrology facility premises which lists the name
 - 17 of each person who has received treatment. The appointment book shall be maintained for four (4) years. The
 - 18 appointment book may be an electronic record.
 - 19 (5) Inspections. The Department shall inspect all electrology facilities in the following manner:
 - 20 (a) All licensed facilities shall be inspected once per biennium.
 - 21 (b) All facilities applying for initial licensure shall be inspected prior to licensure.
 - 22 (c) When an existing electrology facility adds a modality, either epilator or laser/light-based equipment, or
 - 23 switches from one of those modalities to the other, an inspection shall be conducted to determine whether the
 - 24 facility has properly registered equipment and the proper safety and sanitary equipment and materials. The
 - 25 electrology facility shall notify the Department of the new modality by submitting to the Executive Director of the
 - 26 Electrolysis Council the form provided by the Council and approved and incorporated herein by the Board by
 - 27 reference as Form DH-MQA5008, entitled "Application for Inspection for Adding or Switching to a New Electrology
 - 28 Modality" (revised 10/2020), which can be obtained from [http://www.flrules.org/Gateway/reference.asp?No=Ref-](http://www.flrules.org/Gateway/reference.asp?No=Ref-07895)
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- 1 (6) Transfer of Ownership or Location of the Electrology Facility.
 - 2 (a) No license for an electrology facility may be transferred from the name of the original licensee to another. If
 - 3 a facility is sold, the new owner must apply to the Department for licensure and no electrolysis services may be
 - 4 performed in the facility after the sale until the new owner has received the required license from the Department.
 - 5 A person purchasing an electrology facility may apply to the Department for licensure prior to the date of purchase.
 - 6 (b) An electrology facility license may be transferred from one location to another only upon approval by the
 - 7 Department which approval shall be granted upon compliance with all requirements set out below in subparagraphs
 - 8 1. through 3. Only the licenses for electrology facilities which have passed inspection at the original location are
 - 9 eligible for transfer to another location. In order to begin practice at the new location, the electrology facility license
 - 10 holder must first perform all of the following procedures:
 - 11 1. File a completed application for transfer prior to the date of the transfer on a form prescribed by the
 - 12 Department, and approved and incorporated herein by reference by the Board as Form DH-MQA 5018, entitled
 - 13 "Application for Transfer of Electrolysis Facility Location" (revised 05/20), which can be obtained from
 - 14 <http://www.flrules.org/Gateway/reference.asp?No=Ref-12208>, or the Department at the Florida Department of
 - 15 Health, Electrolysis Council, Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256, which application must
 - 16 be processed by the Council office,
 - 17 2. Surrender the current license with the application; and,
 - 18 3. Pay \$100 to have the new location inspected to determine compliance with Rule 64B8-51.006, F.A.C. The
 - 19 electrology facility license holder transferring the license shall be permitted to perform electrolysis in the new
 - 20 facility, only after the application has been processed by the Council office and notification provided to the licensee,
 - 21 prior to inspection for a period of 60 days commencing with the first day electrolysis is performed in the new facility.
 - 22 The required inspection must be performed within the 60 day period or electrolysis services must cease until the
 - 23 inspection is performed.
 - 24 (7) Renewal of Facility Licensure. Facility licensure shall be renewed at the end of each biennium prescribed by
 - 25 the Department. The licensee shall receive ninety (90) days notice of the need to renew the facility license. The

1 notice shall be sent to the licensee at the last known address of the facility. Failure to receive the notice will not
2 excuse the licensee from the requirement to renew the facility license, and failure to renew shall result in the license
3 becoming delinquent. If the delinquent licensee does not apply for renewal of the license within six months of the
4 license becoming delinquent, the license shall become null and any subsequent licensure shall be as a result of
5 applying and meeting all requirements for new licensure. A facility may not operate without a license. To timely
6 renew the facility license, including the six month "grace period" provided for, the licensee must pay the renewal
7 fee of \$100 and the inspection fee of \$100.
8 *Rulemaking Authority 456.037, 478.43(1), (4), 478.51(3), (11) FS. Law Implemented 456.037, 456.0635, 458.348(2), 478.43,*
9 *478.49, 478.51, 478.55 FS. History—New 11-16-93, Formerly 61F6-76.006, Amended 5-11-95, 6-26-96, Formerly 59R-51.006,*
10 *Amended 12-23-97, 12-22-98, 2-17-00, 3-25-01, 4-8-02, 6-16-03, 7-29-10, 6-19-13, 12-25-14, 2-16-17, 9-11-18, 12-31-19, 10-29-*
11 *20, 3-14-21.*

12 **64B8-51.001 Manner of Application.**

13 (1) All persons applying for licensure as an electrologist shall submit a signed application to the Executive
14 Director of the Council on forms provided by the Council and approved and incorporated herein by reference by the
15 Board as Form DH-MQA 1164 entitled Electrologist Licensure Application (revised 12/2020), with instructions, which
16 can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-12740>, or
17 <http://www.floridahealth.gov/licensing-and-regulation/electrolysis/>. The initial application must be accompanied
18 by the application fee, as set forth in Rule 64B8-51.007, F.A.C.

19 (2) All applications must include an official transcript from a school of electrology which identifies the credits
20 taken by home study or correspondence courses and those taken in classroom settings.

21 *Rulemaking Authority 456.013, 478.43(1), (4) FS. Law Implemented 456.013, 456.0635, 478.45, 478.46, 478.47, 478.55 FS.*
22 *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,*
23 *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, 11-3-19, 3-11-21.*

24 **REPORTS, IF ANY**

25 6. Council Chair – Jolynn Greenhalgh, DNP, APRN

26 ○ Other Council Members

27 Ms. Greenhalgh encouraged everyone to continue to be vigilant and safe with regard to COVID-
28 19.

29 7. Executive Director - Allen Hall

- 30 ● Cash Balance Report
- 31 ● Expenditures by Function Report

32 Informational Item

33 **OLD BUSINESS**

34 8. January 11, 2021, Electrolysis Council Meeting Minutes

35 **MOTION:** Ms. Greenhalgh moved to approve the January 11, 2021, Electrolysis Council Meeting
36 Minutes. Mr. Ramer seconded the motion, which carried 4/0.

37 9. Discussion: July and October Meeting Times

38 The Council agreed on the following times for the remaining meetings of the year:

- 39 ● July 12, 2021 @ 8:30 a.m.

1 • October 4, 2021 @ 8:30 a.m.

2 **NEW BUSINESS**

3 10. Review of Council Membership Application: Emily Salinas, EO2958

4 The Council reviewed a professional membership application submitted by Ms. Emily Salinas,
5 EO 2958. Ms. Salinas has been licensed in Florida since December 2014 and has no record of
6 discipline or public complaints on her license.

7 The requirements for professional membership applications are found in Section 478.44, Florida
8 Statutes, and summarized as follows:

9 Professional Members must meet the following minimum criteria:

- 10 • Be licensed electrologists, who have been actively engaged in the delivery of electrolysis
11 services in this state for at least 4 consecutive years prior to a potential appointment;
12 and
- 13 • Must not be affiliated with an electrolysis school or manufacturer or supplier of
14 electrolysis equipment or supplies.

15 The Council was asked to determine whether Ms. Salinas' application should be referred to the
16 Board of Medicine for final appointment determination.

17 Ms. Judy Adams addressed the Council during the discussion and recommended Ms. Salinas
18 as likely to be a good addition to the Council.

19 Because Ms. Salinas was not present, the Council tabled further consideration of her application
20 to the July agenda. Council staff will follow-up with Ms. Salinas on additional questions on the
21 application which require response or clarification.

22 **OTHER BUSINESS AND INFORMATION**

23 11. February 4, 2021, Board of Medicine Rules/Legislative Committee Meeting Minutes

24 Informational Item

25 12. Board of Medicine Final Order: Marilyn Segura, EO

26 Informational Item

27 13. Board of Nursing Final Order: Shary Conley, LPN

28 Informational Item

29 **ADJOURNMENT**

30 The Council meeting was adjourned at approximately 9:05 a.m.