The Florida Electrolysis Council

Minutes

April 24, 2017
Telephone Conference Call
1-888-670-3525
Participant Code 7811783909 #

Jolynn Greenhalgh, DNP, ARNP, RE
Chair

Lina Grillo, RE
Vice-Chair
DEPARTMENT OF HEALTH
ELECTROLYSIS COUNCIL
GENERAL BUSINESS MEETING
April 24, 2017
2:00 p.m. EST
CONFERENCE CALL
1-888-670-3525
When prompted, enter the following conference code number: 7811783909, 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.

2:00 p.m.
Call to Order – General Business Meeting

Ms. Jolynn Greenhalgh, Council Chair, called the meeting to order at approximately 2:09 p.m. Those present for all or part of the meeting were as follows below.

MEMBERS PRESENT
Jolynn Greenhalgh, DNP, ARNP, RE, Chair
Lina Grillo, RE, Vice-Chair
Nilsa Lapeyrouse, RE
Sarah Gray, Esquire
Erin Wiedemer, PMP

ASSISTANT ATTORNEY GENERAL
Marlene Stern, Esquire

Additional Persons Present
Jon Pellet, Esquire
Sandy Allen, Esquire
Linda McMullen, DOH Assistant General Counsel

2:00 p.m. – convened at 2:09 p.m.
Call to Order – General Business Meeting

ADMINISTRATIVE PROCEEDINGS

The council chair requested Tab 10 and Tab 20 be taken out of order for discussion at this point in the meeting.

APPLICANT CERTIFICATION LIST

10. Examination Applicants

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

Ms. Jolynn Greenhalgh moved to ratify the list of examination candidates. Ms. Sarah Gray seconded the motion, which carried 4/0.
OLD BUSINESS

20. January 9, 2017 Electrolysis Council Meeting Minutes

Ms. Greenhalgh moved to approve the January 9, 2017 Electrolysis Council meeting minutes. Ms. Lina Grillo seconded the motion, which carried 5/0.

Ms. Nilsa Lapeyrouse joined the meeting during this discussion.

INDIVIDUAL CONSIDERATIONS

1. Sherry Mazella-Ball – Examination Applicant

Ms. Mazella-Ball was not present and not represented by legal counsel.

Ms. Mazella-Ball was before the Council for review of her application for licensure by exam. Following discussion, Ms. Jolynn Greenhalgh moved to deny the application with the option to withdraw in 14 days. Ms. Lina Grillo seconded the motion, which carried 5/0.

2. Susan Oknefski – Endorsement Applicant

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

Ms. Oknefski was before the Council for review of her application for licensure by endorsement. Following discussion, Ms. Sarah Gray moved to approve the application. Ms. Jolynn Greenhalgh seconded the motion, which carried 5/0.

3. Susan Callaghan – Examination Applicant

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

Ms. Callaghan was before the Council for review of her application for licensure by examination. Following discussion, Ms. Jolynn Greenhalgh moved to approve the application conditioned upon payment of $1,195.00 to the Board of Massage for outstanding discipline on her Massage Therapist license. Payment must be made by May 24, 2017. Once payment is received, Ms. Callaghan’s license will be issued. Ms. Nilsa Lapeyrouse seconded the motion, which carried 5/0.

4. Yesenia Pouparina – Examination Applicant

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

Ms. Pouparina’s application was before the Council for review of her application for licensure by examination. Following discussion, Ms. Jolynn Greenhalgh moved to approve the application for a license that will run concurrently on a probationary period along with the criminal history probation. Ms. Nilsa Lapeyrouse seconded the motion, which carried 5/0.
5. Teresa LaRoche – Examination Applicant

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

Ms. LaRoche’s application was before the Council for review of her application for licensure by examination. Following discussion, Ms. Jolynn Greenhalgh moved to approve the application. Ms. Lina Grillo seconded the motion, which carried 5/0.

REVIEW OF COMBINED 320-HOUR ELECTROLYSIS TRAINING PROGRAMS

6. Laser and Aesthetics Institute of the Palm Beaches, Inc

Laser and Aesthetics was not present and not represented by legal counsel.

Ms. Jolynn Greenhalgh moved to approve the combined 320 hour epilator and laser program of Laser and Aesthetics Institute of the Palm Beaches. Ms. Nilsa Lapeyrouse seconded the motion, which carried 5/0.

7. Orlando Institute of Electrolysis, Inc.

Orlando Institute of Electrolysis, Inc., was not present and not represented by legal counsel.

Ms. Jolynn Greenhalgh moved to approve the combined 320 hour epilator and laser program of Orlando Institute of Electrolysis, Inc. Ms. Nilsa Lapeyrouse seconded the motion, which carried 5/0.

8. LaserBlazers

LaserBlazers School Representative, Ms. Judy Adams was present and not represented by legal counsel.

Ms. Jolynn Greenhalgh moved to approve the combined 320 hour epilator and laser program of LaserBlazers. Ms. Nilsa Lapeyrouse seconded the motion, which carried 5/0.

9. Cindy Cassady School of Electrology, Health and Beauty

Cindy Cassady School of Electrology, Health and Beauty was not present and not represented by legal counsel.

Ms. Jolynn Greenhalgh moved to approve the combined 320 hour epilator and laser program of Cindy Cassady School of Electrology, Health and Beauty. Ms. Nilsa Lapeyrouse seconded the motion, which carried 5/0.

The council chair requested Tab 11 be taken out of order for discussion at this point in the meeting.
RULES REVIEW & DEVELOPMENT

11. Proposed Rule: 64B8-55.005, F.A.C., Notice of Noncompliance; Rules Designated as Minor Violations for First Time Offense

In the 2016 Legislative Session, HB 183 was passed. One of the provisions of this legislation was an amendment to section 120.695, F.S., related to the designation of minor violations. The legislation provided in part:

(b) Each agency shall review all of its rules and designate those for which a violation would be a minor violation and for which a notice of noncompliance must be the first enforcement action taken against a person or business subject to regulation. A violation of a rule is a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm.

(c) No later than June 30, 2017, and after such date within 3 months after any request of the rules ombudsman in the Executive Office of the Governor, each agency shall review its rules and certify to the President of the Senate, the Speaker of the House of Representatives, the committee, and the rules ombudsman those rules that have been designated as rules the violation of which would be a minor violation.

To comply with the June 30, 2017 deadline, the Council was asked to review its rules and determine what violations should be noted as a minor violation. Assistant Attorney General, Lynette Norr, prepared a draft Notice of Noncompliance rule for the Council’s consideration.

After presentation of the draft by Ms. Marlene Stern, Assistant Attorney General, and further discussion by the Council, the following actions were taken.

Ms. Jolynn Greenhalgh moved to accept the proposed language for Paragraph (2)(a). Ms. Sarah Gray seconded the motion, which carried 5/0.

Ms. Jolynn Greenhalgh moved to accept the language for Paragraph (2)(b). Ms. Lina Grillo seconded the motion, which carried 5/0.

Ms. Greenhalgh moved that the proposed 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. Lapeyrouse seconded the motion, which carried 5/0.

Ms. Greenhalgh requested that at a future meeting the Council consider adding 64B8-55.001 and .002 and 56.001 with respect to changes to 51.006.

REPORT OF ASSISTANT ATTORNEY GENERAL- Lynette Norr

12. Rule Status Report

Ms. Marlene Stern presented the following rules status report in Ms. Norr’s absence. All Rules became effective in February 2017.
<table>
<thead>
<tr>
<th>Rule Number</th>
<th>Rule Title</th>
<th>Date Council Voted On Rule Language</th>
<th>Date Board Approved Rule Language</th>
<th>Date Sent to OFARR</th>
<th>Date Rule Development Published</th>
<th>Date Rule Notice Published JAPC Letters NOC etc.</th>
<th>Date Filed for Adoption</th>
<th>Date Effective</th>
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<tbody>
<tr>
<td>64B-52.003</td>
<td>Procedure for Approval of Attendance at Continuing Education Courses</td>
<td>07/11/2016 Changed 10/17/2016</td>
<td>07/29/2016 12/02/2016</td>
<td>08/16/2016</td>
<td>08/26/2016</td>
<td>09/14/2016 09/08/2016 Letter from JAPC 12/02/2016 Public Hearing 12/13/2016 Response to JAPC 12/16/16 Notice of Change</td>
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<td>02/2017</td>
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<tr>
<td>64B8-52.004</td>
<td>Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction</td>
<td>05/16/2016 Changed 10/17/2016</td>
<td>06/03/2016 12/02/2016</td>
<td>08/03/2016</td>
<td>08/11/2016</td>
<td>08/26/2016 09/08/2016 Letter from JAPC 12/02/2016 Public Hearing 12/13/2016 Response to JAPC 12/16/16 Notice of Change</td>
<td></td>
<td>02/2017</td>
</tr>
<tr>
<td>64B8-53.001</td>
<td>Requirements for Electrolysis Training Programs Approved by the Board</td>
<td>05/16/2016 Changed 10/17/2016</td>
<td>06/03/2016 12/02/2016</td>
<td>08/03/2016</td>
<td>08/11/2016</td>
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<td>64B8-53.002</td>
<td>Traveling with 53.001 Curriculum Standards for Electrolysis Training Programs</td>
<td>05/16/2016 Changed 10/17/2016</td>
<td>06/03/2016 12/02/2016</td>
<td>08/03/2016</td>
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<td>64B8-53.003</td>
<td>Traveling with 53.001 Required Equipment for electrolysis Training Programs</td>
<td>05/16/2016 Changed 10/17/2016</td>
<td>06/03/2016 12/02/2016</td>
<td>08/03/2016</td>
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<td>64B-54.001</td>
<td>Renewal of Electrologist License; Delinquent Renewal</td>
<td>07/11/2016 Changed 10/17/2016</td>
<td>07/29/2016 12/02/2016</td>
<td>08/16/2016</td>
<td>08/26/2016</td>
<td>09/14/16 09/21/16 Letter from JAPC 11/29/16 Response to JAPC 12/16/16 Notice of Change</td>
<td>02/2017</td>
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<td>64B8-55.001</td>
<td>Disciplinary Guidelines</td>
<td>10/17/2016</td>
<td>12/02/2016</td>
<td>12/08/2016</td>
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<td>64B8-55.002</td>
<td>Citations</td>
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REPORTS

13. Council Chair – Jolynn Greenhalgh, DNP, ARNP
Healthiest Weight Update

Ms. Greenhalgh stated there are no Healthiest Weight updates. The next meeting will be the MQA Board Chair’s meeting in September 2017.

14. Executive Director – Allen Hall

- Expenditures by Function
- Cash Balance Report

Informational items did not require action from the Council.

NEW BUSINESS

15. 2018 Proposed Meeting Dates

Ms. Jolynn Greenhalgh moved to approve the following 2018 proposed meeting dates and times.
Ms. Nilsa Lapeyrouse seconded the motion, which carried 5/0.

- January 8 - 2:00 p.m.
- April 16 - 2:00 p.m.
- July 16 - 2:00 p.m.
- October 15 - 10:00 a.m.

The October 23, 2017 Electrolysis Council Meeting time was changed to 10:00 a.m.

16. Voting Conflict

Form 8A, Memorandum of Voting Conflict for State Officers, is to be completed by any person serving at the State level of government on an appointed or elected board, council, commission, authority, committee, or as a member of the Legislature. It applies to members of advisory and
non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The form is required in instances where a board/council member is recused due to a financial conflict. Any questions regarding whether use of the form is necessary in a particular scenario may be addressed to the Council's attorney.

17. 30-Hour CE Instructors

The Council discussed whether other practitioners qualified and authorized to offer laser hair removal services in Florida, such as Physician’s Assistants and Advanced Registered Nurse Practitioners, may serve as instructors of the 30-Hour Laser and Light-Based Hair Removal Continuing Education Course. The recent rule changes make the instructor requirements more specific, requiring that instructors must hold 1 year of experience after obtaining the Society for Clinical & Medical Hair Removal’s Certified Medical Electrologist (CME) designation.

Following discussion, it was agreed any interested instructors, who are not Licensed Electrologists or Certified Medical Electrologists, may be notified of the option to file a Petition for Variance of Waiver of the rule if interested in serving as an instructor for this course.

18. Unlicensed Activity Outreach

The Division of Medical Quality Assurance is looking for opportunities to improve communication on unlicensed activity. The Council did not have any current suggestions regarding outreach activities.

19. Status of New Examination Development

The Division of Medical Quality Assurance’s Bureau of Operations (Operations) is responsible for managing the Electrologist licensure examination contract after approval by the Board of Medicine. The Board has approved one examination to date, the International Board of Electrologist Certification (IBEC) Examination, pursuant to Rule 64B8-51.002(2), F.A.C. The vendor of the approved examination is Prometric, which is contracted with the American Electrology Association (AEA) to offer the IBEC exam to Florida Electrologist licensure candidates.

With a new combined curriculum approved for adoption in Rule Chapter 64B8-53, F.A.C., Operations contacted the AEA regarding development of the combined exam. The AEA is currently developing the IBEC into a combined exam on epilator and laser with an expected date of availability in September 2017. Linda McMullen, DOH Assistant Attorney General, and counsel to the Bureau of Operations, advised the Board can engage in rulemaking if it would like to consider adding other vendors.

Jon Pellet, Esq., mentioned filing a Petition to Initiate Rulemaking on behalf of SCMHR. The Council asked that the petition be brought back for its review in July.

ADDENDUM

21. Rules Review and Development: Rule Clarification Discussion

With recent updates to Chapter 64B8-53, F.A.C. and 64B8-56.002, F.A.C., additional requests for clarification have been addressed to the Council Office. The Council was asked to review the
inquiring below and determine whether further rule development is needed to provide clarification.

1. **Is there a cap on the number of online or home study courses a training program may offer?**

The Council believes this rule speaks for itself.

2. **Is the online or home study format allowed for both the academic and practical portions of the curriculum that do not involve hands-on applications?**

The Council believes this rule speaks for itself.

3. **Will graduates of the combined training program be exempt from the 30-Hour CE course and CME certification requirements, i.e., will passage of the combined licensure examination alone qualify those graduates to offer laser hair removal?**

The Council agrees to update Rule 64B8-56.002, F.A.C., to clarify combined program graduates are not required to complete the 30-hour and CME requirements to perform laser/light-based hair removal.

4. **Can an Electrologist applying by Endorsement be approved if the other state’s regulations did not require training in both epilator and laser as Florida’s curriculum now requires? May applicants certified in laser in other states also provide regulations regarding their laser training for the Council’s consideration?**

It was mentioned the staff could discuss with the Council’s attorney any clarification needed to the rules on this item.

5. **Can an Electrologist who attended a non-Florida training program be approved under the Examination method if the curriculum only focused on epilator training? May applicants provide additional transcripts of laser training for the Council’s consideration?**

It was mentioned the staff could discuss with the Council’s attorney any clarification needed to the rules on this item.

**ADJOURNMENT**

The meeting adjourned at 4:34 p.m.