

The Florida  
**Electrolysis Council**

# **Draft Minutes**

**May 18, 2015**

Telephone Conference Call

1-888-670-3525

Participant Code 7811783909 #

**Jolynn Greenhalgh, DNP, ARNP, RE**  
Chair

**Lina Grillo, LE**  
Vice-Chair

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**DEPARTMENT OF HEALTH  
ELECTROLYSIS COUNCIL  
GENERAL BUSINESS MEETING  
MAY 18, 2015  
2:30 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.**

**2:30 p.m.**

**Call to Order – General Business Meeting**

Ms. Jolynn Greenhalgh, Council Chair, called the meeting to order at approximately 2:30 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

**STAFF PRESENT**

Allen Hall, Executive Director  
Anna King, Program Administrator  
Lawanda Bell, Regulatory Specialist II

**ASSISTANT ATTORNEY GENERAL**

Marlene Stern, Esquire  
Lawrence Harris, Esquire

**OTHERS PRESENT**

Judy Adams, RE  
Jon Pellett, Esquire, Society for Clinical and Medical  
Sandy Allen, Esquire  
Greg Absten, Executive Director, Professional Medical Association

**To accommodate individuals wishing to address the Council, the Council Chair may adjust the sequence of agenda items. The minutes reflect the actual sequence of events rather than the original agenda order.**

**ADMINISTRATIVE PROCEEDINGS**

**REPORTS**

**14. Jolynn Greenhalgh, Council Chair**

No items reported.

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**15. Allen Hall, Executive Director**

- Cash Balance Report
- Expenditures by Function

Informational reports provided for the Council's review.

**NEW BUSINESS**

**16. 2016 Proposed Meeting Dates**

The following dates were proposed to the Council for approval.

- January 25, 2016
- April 11, 2016
- July 11, 2016
- October 17, 2016

Ms. Greenhalgh moved to approve the 2016 Meeting dates. Ms. Lapeyrouse seconded the motion, which carried 3/0.

**17. Temporary Permit Expiration Dates**

This item was pulled from the agenda prior to the meeting.

**OLD BUSINESS**

**18. March 2, 2015 GBM Minutes**

Ms. Greenhalgh moved to approve the minutes of the March 2, 2015 Council meeting. Ms. Grillo seconded the motion, which carried 3/0.

**APPLICANT CERTIFICATION LIST**

**6. Examination Applicants**

Ms. Greenhalgh moved to ratify the revised list of examination candidates. Ms. Lapeyrouse seconded the motion, which carried 3/0.

*At this point in the meeting, the Council Chair returned to Tab 1 and the remaining agenda items were taken up sequentially through Tab 5. Lawrence Harris, Assistant Attorney General, was present in Ms. Marlene Stern's absence on Tabs 1-3.*

**ADMINISTRATIVE PROCEEDINGS**

**INDIVIDUAL CONSIDERATIONS**

**1. Patrice Jackson – Examination Applicant**

Ms. Jackson's application was before the Council for review of her application for licensure by examination. Ms. Jackson was not present and not represented by legal counsel.

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Following discussion, Ms. Greenhalgh moved to deny the application for licensure pursuant to Sections 456.0635 and 456.072, F.S. Ms. Lapeyrouse seconded the motion, which carried 3/0.

**2. Jessica Schofield – Examination Applicant**

Ms. Schofield's application was before the Council for review of her application for licensure by examination. Ms. Schofield was present and not represented by legal counsel.

Following discussion, Ms. Grillo moved to approve Ms. Schofield's application for licensure. Ms. Lapeyrouse seconded the motion, which carried 3/0.

**3. Sharona Arviv – Examination Applicant**

Ms. Arviv's application was before the Council for review of her application for licensure by examination. Ms. Arviv was not present and not represented by legal counsel.

Ms. Arviv was previously licensed as an Electrologist on October 25, 2007. By Department of Health order filed December 14, 2011, Ms Arviv's license was revoked. Ms. Arviv submitted a new application for licensure and provided her personal statement along with the disciplinary documents associated with the revocation of her previous license.

Following discussion, Ms. Greenhalgh moved to deny Ms Arviv's application based on Section 456.072 (1)(f), F.S., for having had a prior license revoked. Ms. Grillo seconded the motion, which carried 3/0.

*Ms. Marlene Stern, Assistant Attorney General, joined the meeting at this time.*

**4. Lara Kassarjian – Examination Applicant**

Ms. Kassarjian's application was before the Council for review of her application for licensure by examination. Ms. Kassarjian was not present and not represented by legal counsel.

Ms. Kassarjian was previously licensed as an Electrologist on 10/26/2007. Her license was placed in a null/void status due to failure to timely renew her license during the last two renewal cycles. Ms. Kassarjian submitted a new application and satisfied the basic requirements under the Examination method; however, her application was before the Council to determine if she would have to retake the examination. The exam requirement was last completed by Ms. Kassarjian on September 10, 2007.

Following discussion, Ms. Greenhalgh moved to approve Ms. Kassarjian's application for licensure with the requirement that she must retake and successfully complete the examination requirement. Ms. Grillo seconded the motion, which carried 3/0.

**5. Rebecca Blair – Endorsement Applicant**

Ms. Blair's application was before the Council for review of her application for licensure by endorsement. Ms. Blair was not present and not represented by legal counsel.

Ms. Blair submitted an application for licensure by endorsement of her North Carolina Electrologist license. Ms. Blair provided the regulations for Electrologist licensure in North Carolina for the Council's review and determination as to whether the requirements in that state

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where equivalent to Florida's Electrologist licensure requirements.

Following discussion, Ms. Greenhalgh moved to approve Ms. Blair's application for licensure by endorsement. Ms. Grillo seconded the motion, which carried 3/0.

## **RULES REVIEW AND DEVELOPMENT**

### **7. 64B8-51.006, F.A.C., Rule Governing Licensure and Inspection of Electrology Facilities.**

The Council reviewed the following proposed language prepared by Ms. Stern:

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

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

(2) Electrology Facility Licensure.

(a) ~~No one may operate an electrology facility without a license to do so from the Department of Health. The owner of an electrology facility is required to obtain a license for the electrology facility. However, physicians licensed under Chapter 458 or 459, F.S., are not required to obtain an electrology facility license and electrologists employed by physicians licensed under Chapter 458 or 459, F.S., are not required to obtain an electrology facility license.~~

(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 "Application for Electrolysis Facility Licensure," effective 3/13, which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-02754> 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 electrology facilities regardless of the modalities used. Paragraph (b) of this rule applies to electrology facilities where epilators are used. Paragraph (c) of this rule applies to electrology facilities where laser or light-based equipment is used.

~~(a) An electrology facility shall be clean, sanitary and well lit. It shall also allow for circulation of air sufficient to eliminate odors. **Listed below are requirements to be followed, and materials and equipment to be available at each electrology facility where epilators or lasers/light-based equipment is used.**~~

~~1. Any room wherein electrolysis is performed shall have four fixed, permanent walls at least six feet tall from the floor and shall have doors capable of being locked. Permanent walls means a vertical continuous structure of wood, plaster, masonry, or other similar building material, which is physically connected to the electrology facility floor. At the time of service, each client shall be protected from view of the public, and any other clients at the facility. This requirement shall not apply to electrology facilities which are located in an electrolysis training facility so long as the unwalled area where electrolysis is performed is used for instructional purposes only. when electrolysis training is undertaken in accordance with a training program approved by the Electrolysis Council.~~

~~2. There shall be a toilet and sink with hot and cold running water within available to the electrology facility. This sink may also serve as the sink in the toilet and lavatory facilities required under paragraph (3)(c) of this rule. The toilet and sink shall be kept clean and in working order when the electrology facility is open for business.~~

~~(b) The following documents shall be displayed in an area that is visible to the general public entering the facility:~~

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1. The electrolysis 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.

(c) ~~Toilet and Lavatory Requirements. Each electrolysis facility shall provide, on the premises or in the same building, a separate room containing toilet and lavatory facilities which shall have at least one toilet and one sink with running water, and shall be equipped with toilet tissue, soap dispenser with soap or other hand cleaning material, disposable towels or wall-mounted electric blow dryer, and a waste receptacle. The toilet and lavatory facilities and all fixtures and components shall be clean, in good repair, well-lighted and adequately ventilated to remove objectionable odors.~~

~~(d) No animals shall be allowed to enter or be in the room wherein electrolysis is performed except those trained to assist the hearing impaired, visually impaired, or the physically impaired.~~

(e) The electrolysis facility shall have the following equipment:

1. An FDA registered needle type epilation device in working order;
  2. Clean and sterile needles/probes and forceps/tweezers;
  3. Needle holder tips;
4. 3. Electrolysis shall be conducted on A a treatment table or treatment chair with a non-porous surface capable of being disinfected;
4. The following supplies and equipment shall always be available at the electrolysis facility:
  - 5- a. Disposable paper drapes or sanitary cloth drapes stored in a closed container or compartment;
  - 6- b. Sanitary waste receptacles for the disposal of used gloves, paper supplies, cotton balls, and other noninfectious items;
  - 7- c. Single use, disposable towels;
  8. A sharps container for disposal of used needles/probes;
  - 9- d. A treatment lamp or magnifier lamp capable of being cleaned with disinfectant;
  - 10- e. A magnifying device which shall be a magnifier lamp, optical loupe or microscope capable of being cleaned and disinfected;
  - 11- f. Tuberculocidal hospital grade disinfectant registered by the Environmental Protection Agency, household bleach or wiping cloths pre-saturated with disinfectant for wiping non-porous surfaces;
  12. ~~If eye shields are used, eye shields capable of being cleaned with disinfectant;~~
  13. ~~Covered containers for needles/probes and forceps/tweezers which containers are capable of being cleaned and sterilized;~~
  14. g. Betadine, 3% U.S. Pharmaceutical grade hydrogen peroxide, or 70% isopropyl alcohol, or wrapped single use wipes saturated with 70% isopropyl alcohol;
  - 15- h. Clean, non-sterile materials such as cotton balls, cotton strips, cotton swabs, gauze pads, and gauze strips;
  - 16- i. ~~If cloth towels are used, they shall be laundered and sanitized~~ cleaned prior to use on each client and which are stored in a closed container or compartment, ~~and there shall be a covered sanitary container for holding used cloth towels;~~ Used cloths shall be kept in a separate closed container;
  17. ~~A sterilizer which shall be either an autoclave or a dry heat sterilizer, and color change indicators for use with either sterilizer. The endodontic dry heat "glass bead sterilizer" shall not be used for instrument sterilization;~~
  18. ~~Unless the facility is new, monthly records of sterilizer biological test monitoring which shall be made available to the Department upon request;~~
  - 19- j. A holding container for soaking and cleaning contaminated instruments; ~~and~~
  - 20- k. Non-sterile disposable examination gloves.
- (f) ~~An appointment book shall be maintained and kept on the electrolysis facility premises which lists the name of each person who has received electrolysis treatment.~~
- (g) ~~In electrolysis facilities wherein laser equipment is used for hair removal, the following shall be provided:~~

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

1. An FDA registered needle-type epilation device in working order;
2. Clean and sterile needles/probes and forceps/tweezers;
3. Needle holder tips;
4. A sharps container for disposal of used needles/probes;
5. Covered containers for needles/probes and forceps/tweezers which containers are capable of being cleaned and sterilized;

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

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

~~(f) An appointment book shall be maintained and kept on the electrology facility premises which lists the name of each person who has received electrolysis treatment.~~

~~(g) (c) In addition to those specified in paragraph (3)(a), the requirements to be followed, and materials and equipment to be available at each electrology facilities facility where a laser or light-based equipment is used for hair removal, the following equipment shall be provided are listed below:~~

1. Proof of certification of 30 hours of continuing education in laser hair removal for all electrologists using laser equipment in the facility.

2. Proof of having passed the Certified Medical Electrologist test, at least one time, certification as Certified Medical Electrologist for all electrologists using laser equipment in the facility.

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

4. Written designation of laser safety officer.

5. A room specifically designated for use of the laser or light-based equipment which is where all use of such equipment shall take place.

~~5- 6. Sign on door of laser room identifying when laser or light-based equipment is in use.~~

~~6- 7. Lock on door of laser room.~~

~~7- 8. Protective eyewear, capable of being cleaned and disinfected, shall be used by for all persons in laser room during 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.~~

~~(4) The following documents shall be available in each electrology facility displayed in an area that is visible to the general public entering the facility:~~

~~(a) The electrology facility license which shall be visible to the public;~~

~~(b) The current license of the electrologist which shall be visible to the public;~~

~~(c) The most recent inspection sheet from the Department of Health;~~

~~(d) A current copy of Rule 64B8-51.006, F.A.C.; and,~~

~~(e) An appointment book shall be maintained and kept on the electrology facility premises which lists the name of each person who has received electrolysis treatment.~~

~~(4) (5) Inspections. The Department shall inspect all electrology facilities in the following manner:~~

~~(a) All licensed facilities shall be inspected once per biennium.~~

~~(b) All facilities applying for initial licensure shall be inspected prior to licensure.~~

~~(c) When an existing electrology facility adds a modality, either epilator or laser/light-based equipment, or switches from one of those modalities to the other, an inspection shall be conducted to determine whether the facility has properly registered equipment and the proper safety and sanitary equipment and materials. The electrology facility shall notify the Department prior to implementing the new modality by submitting Form DH-MQA ##### (mm/yy) and a \$100.00 inspection fee. If the facility has paid a \$100.00 inspection fee within the~~

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biennium for a transfer of facility location, then the inspection fee for the new modality shall be waived. After the facility receives notice from the Department that Form DH-MQA ##### is complete, use of the new equipment may begin. If the facility is not inspected within 60 days after receiving said notice, the facility owner shall notify the Department.

~~(5)~~ (6) Transfer of Ownership or Location of the Electrology Facility.

(a) No license for an electrology facility may be transferred from the name of the original licensee to another.

(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 forms prescribed by the Department, as referenced in paragraph (2)(b) of this rule, which application must be processed by the Council office;

2. Surrender the current license with the application; and

3. Pay \$100 to have the new location inspected to determine compliance with Rule 64B8-51.006, F.A.C. The electrology facility license holder transferring the license shall be permitted to perform electrolysis in the new facility, only after the application has been processed by the Council office and notification provided to the licensee, prior to inspection for a period of 60 days commencing with the first day electrolysis is performed in the new facility. The required inspection must be performed within the 60 day period or electrolysis services must cease until the inspection is performed.

~~(6)~~ (7) Renewal of Facility Licensure. Facility licensure shall be renewed at the end of each biennium prescribed by the Department. The licensee shall receive ninety (90) days notice of the need to renew the facility license. The notice shall be sent to the licensee at the last known address of the facility. Failure to receive the notice will not excuse the licensee from the requirement to renew the facility license, and failure to renew shall result in the license becoming delinquent. If the delinquent licensee does not apply for renewal of the license within six months of the license becoming delinquent, the license shall become null and any subsequent licensure shall be as a result of applying and meeting all requirements for new licensure. A facility may not operate without a license. To timely renew the facility license, including the six month "grace period" provided for, the licensee must pay the renewal fee of \$100 and the inspection fee of \$100.

~~(7)~~ (8) No license for operation of an electrology facility may be transferred from the name of the licensee to the name of another person. If a facility is sold, the new owner must apply to the Department for licensure and no electrolysis services may be performed in the facility after the sale until the new owner has received the required license from the Department. A person purchasing an electrology facility may apply to the Department for licensure prior to the date of purchase.

*Rulemaking Authority 456.037, 478.43(1), (4), 478.51(3) FS. Law Implemented 456.037(2), (3), (5), 456.0635, 478.49, 478.51 FS. History—New 11-16-93, Formerly 61F6-76.006, Amended 5-11-95, 6-26-96, Formerly 59R-51.006, 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.*

During review of this item, the Council was addressed by Mr. Jon Pellett, Esquire, legal representative for the Society for Clinical and Medical Hair Removal (SCMHR).

Following extensive discussion, Ms. Greenhalgh moved to approve the rule language, with an amendment to proposed paragraph (3) (b) 7., to allow for "quarterly" records of sterilizer biological test monitoring versus "monthly" records. Ms. Lapeyrouse seconded the motion, which carried 3/0.

Ms. Greenhalgh moved that the rule change would not have an adverse impact on small business. Ms. Lapeyrouse seconded the motion, which carried 3/0.



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Ms. Lapeyrouse moved that the change in the rule would not have an economic impact on government or any entity in excess of \$200,000 within one year of the rule being implemented. Ms. Grillo seconded the motion, which carried 3/0.

Mr. Pellet indicated, for the record, that his client would object to the Council's finding that the proposed rule changes did not have an adverse impact on small business.

**8. 64B8-52.004, F.A.C., Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction.**

The Council reviewed the following proposed language prepared by Ms. Stern:

**64B8-52.004 Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction.**

The Electrolysis Council will approve laser and light-based hair removal or reduction continuing education training courses upon application if the following requirements are met:

(1) Continuing education providers seeking initial approval by the Council shall pay a fee of \$250, and shall complete and submit to the Council the application form entitled "Application for Laser and Light Based Hair Removal or Reduction Continuing Education Provider", form DOH/MQA/EO/LASER/CEU/07/23/01, which is hereby incorporated by reference and became effective July 23, 2001, copies of which may be obtained from the Council office at 4052 Bald Cypress Way, BIN C-05, Tallahassee, Florida 32399-3255. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Council approval, a continuing education program:

(a) Should be submitted for the Council's approval not less than 60 days nor more than 360 days prior to the date the offering is scheduled;

(b) Shall have its sponsor submit to the Council at least the following:

1. A statement of the educational goals and objectives of the program;
2. A detailed course outline or syllabus, including such items as method of instruction, testing materials, if any;
3. A current curriculum vitae of the course instructor(s);
4. The procedure to be used for recording attendance of those attendees seeking to apply for continuing education credit and the procedure for certification by the course's registrar of attendance;
5. A sample certificate of completion; and
6. A copy of the electrology facility license and the most recent Department of Health inspection sheet from the location where the continuing education training course is offered demonstrating compliance with paragraph 64B8-51.006(3)(g), F.A.C.

(2) The course consists of thirty (30) hours of instruction, which may include 15 hours of home-study didactic training, in the use of laser and light-based hair removal or reduction devices, including:

(a) Biology of hair;

(b) Laser and light-based device terminology;

(c) Basic electricity;

(d) Laser and light-based hair removal physics, including:

1. The theory of traditional light.
2. The theory of coherent light.
3. The electromagnetic spectrum.
4. The different types of laser and light-based hair removal devices.
5. The history of laser and light-based device development.
6. The history of medical laser and light-based device development.
7. Understanding photonic principles and how a laser and light-based device works.
8. Hair removal laser and light-based device delivery systems.

(e) Safety and precautions, including:

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1. Federal and quasi-federal regulatory agencies and their roles in safety.
  2. Treatment room considerations.
  3. Eye safety for the operator and the patient.
  4. Fire safety.
  - (f) Laser and light based tissue interaction, including:
    1. Grothus draper law.
    2. Reflection, transmission, scatter and absorption.
    3. The melanin and hemoglobin absorption curve at various hair removal device wavelengths.
    4. Depth of penetration and wavelength.
    5. Possible effects of absorption of light energy.
    6. Selective photothermolysis, including:
      - a. Wavelength.
      - b. Pulse duration.
      - c. Energy fluence.
      - d. Spot size.
    - (g) Sanitation;
    - (h) Fitzpatrick skin typing;
    - (i) The patient intake form;
    - (j) The consultation;
    - (k) Proper documentation of patient case history and consent forms;
    - (l) Pre-treatment patient preparation including test spot considerations and the Nikolski sign;
    - (m) Treatment contra-indications including the recognition of disease conditions of the skin;
    - (n) Handpiece and spot size considerations;
    - (o) Fluence setting;
    - (p) Stretch technique;
    - (q) Use of grid stamp;
    - (r) Post-treatment procedures, including:
      1. Application of ice and medication.
      2. Instructions to patients.
    - (s) Expected outcomes including erythema and edema;
    - (t) Possible adverse outcomes;
    - (u) Follow-up care;
    - (v) The concept of using needle-type epilators to complement laser and light-based hair removal or reduction devices; and
    - (w) At least five (5) hours of hands-on experience with laser and light-based devices to include hair removal or reduction from all areas of the body.
  - (3) The instructors of each laser and light-based hair removal course shall have passed the Certified Medical Electrologist test, at least one time and shall have one year of post-~~certification~~ test experience. Verifiable documentation of this experience must be submitted to the Council with the application.  
*Specific Authority 456.025(7), 478.43 FS. Law Implemented 456.025(7), 478.42(5), 478.43(3), 478.50 FS. History–New 10-3-00, Amended 12-24-01, 12-26-02, 8-17-04, 7-3-06, 2-18-09.*

During review of this item, the Council was addressed by Mr. Jon Pellett, Esquire, legal representative for the Society for Clinical and Medical Hair Removal (SCMHR).

Following discussion, Ms. Greenhalgh moved to approve the rule language. Ms. Lapeyrouse seconded the motion, which carried 3/0.

Ms. Greenhalgh moved that the rule change would not have an adverse impact on small business. Ms. Lapeyrouse seconded the motion, which carried 3/0.

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Ms. Lapeyrouse moved that the change in the rule would not have an economic impact on government or any entity in excess of \$200,000 within one year of the rule being implemented. Ms. Lapeyrouse seconded the motion which carried 3/0.

Mr. Pellet indicated, for the record, that his client would object to the Council's finding that the proposed rule changes did not have an adverse impact on small business.

## 9. 64B8-55.002, F.A.C., Citations

### 64B8-55.002 Citations.

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

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

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

(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.

(b) A \$100.00 fine.

(c) Failure to keep an electrolysis facility clean, sanitary, and well lit; allowing for circulation of air sufficient to eliminate objectionable odors.

(c) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine.

(64B8-51.006(3)(a), F.A.C.)

(d) Failure to have four fixed, permanent walls physically connected to the electrolysis facility floor at least six feet tall from the floor.

(d) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine.

(64B8-51.006(3)(a)1., F.A.C.)

(e) Failure to have required locking doors.

(e) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine.

(64B8-51.006(3)(a)1., F.A.C.)

(f) Failure to have a sink with hot and cold running water within the electrolysis facility.

(f) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine.

(64B8-51.006(3)(a)2., F.A.C.)

(g) Failure to provide, on the premises or in the same building, a separate room containing toilet and lavatory facilities.

(g) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine.

(64B8-51.006(3)(c), 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.

(h) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine.

(64B8-51.006(3)(d), F.A.C.)

(i) 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):

(i) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine.

1. An FDA registered needle type epilation device

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in working order.

(64B8-51.006(3)(e)1., F.A.C.)

2. Clean and sterile needles (e.g. probes) and forceps (e.g. tweezers).

(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.

(64B8-51.006(3)(e)6., F.A.C.)

4. A sharps container for disposal of used needles.

(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.

(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.

(64B8-51.006(3)(e)18., F.A.C.)

7. A holding container for soaking and cleaning contaminated instruments.

(64B8-51.006(3)(e)19., F.A.C.)

(j) Failure to maintain an appointment book.

(64B8-51.006(3)(f), F.A.C.)

(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):

1. The electrology facility license.

(64B8-51.006(3)(b)1., F.A.C.)

2. The current license of the electrologist.

(64B8-51.006(3)(b)2., F.A.C.)

3. The most recent inspection sheet from the Department of Health.

(64B8-51.006(3)(b)3., F.A.C.)

4. A current copy of Rule 64B8-51.006, F.A.C.

(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):

1. Needle holder tips.

(64B8-51.006(3)(e)3., F.A.C.)

2. A treatment table or chair with a nonporous surface capable of being disinfected.

(64B8-51.006(3)(e)4., F.A.C.)

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

(64B8-51.006(3)(e)5., F.A.C.)

(j) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine.

(k) First time violation – a \$50.00 fine, second time violation – a \$100.00 fine, third time violation – \$200.00 fine.

(l) First time violation – a \$50.00 fine, second time violation – a \$100.00 fine, third time violation – \$200.00 fine.

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4. Single use disposable towels.  
(64B8-51.006(3)(e)7., F.A.C.)
  5. A treatment lamp or magnifier lamp capable of being cleaned with disinfectant.  
(64B8-51.006(3)(e)9., F.A.C.)
  6. A magnifying device which shall be a magnifier lamp, optical loupe or microscope capable of being cleaned and disinfected.  
(64B8-51.006(3)(e)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.  
(64B8-51.006(3)(e)11., F.A.C.)
  8. If eye shields are used, eye shields capable of being cleaned with disinfectant.  
(64B8-51.006(3)(e)12., F.A.C.)
  9. Covered containers for needles and forceps which containers are capable of being cleaned and Sterilized.  
(64B8-51.006(3)(e)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.  
(64B8-51.006(3)(e)14., F.A.C.)
  11. Clean, non-sterile materials such as cotton balls, cotton strips, cotton swabs, gauze pads, and gauze strips.  
(64B8-51.006(3)(e)15., F.A.C.)
  12. Laundered and sanitized cloth towels stored in a closed container or compartment.  
(64B8-51.006(3)(e)16., F.A.C.)
  13. A covered sanitary container for holding used cloth towels.  
(64B8-51.006(3)(e)16., F.A.C.)
  14. Non-sterile disposable examination gloves.  
(64B8-51.006(3)(e)20., F.A.C.)
  - (m) Failure to comply with continuing education requirements.  
(64B8-52.002, F.A.C.)
  - (n) Providing electrolysis services in an unlicensed facility.
  - (o) Permitting an unlicensed person to provide electrolysis services.
  - (p) Providing electrolysis services with a delinquent license or null/void license.
  - (q) Unprofessional conduct, failure to conform to acceptable

- (m) First time violation – \$500 fine; and completion of all incomplete continuing education credits.
- (n) First time violation – \$250 fine.
- (o) First time violation – \$250 fine.
- (p) First time violation – \$250 fine.
- (q) First time violation where no actual patient harm occurred – \$250 fine.

standards.

(r) Failure to timely pay required fees and fines.

(r) For first time violation, a \$250 fine.

(s) Advertising any discounted or free service without including the required statement, Section 456.062, F.S.

(s) A \$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.<br>(64B8-51.006(3), (g), 4., F.A.C.)   | First time violation \$150, Subsequent violations \$300   |
| (b) Appropriate sign on door of laser room 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.<br>(64B8-51.006(3)(g)5., F.A.C.)  | First time violation \$150, Subsequent violations \$300.  |
| (c) Cold water and ice.<br>(64B8-51.006(3)(g), 9., F.A.C.)  | First time violation \$150, Subsequent violation \$300.   |
| (d) Lock on door of laser room.<br>(64B8-51.006(3)(g), 6., F.A.C.)  | First time violation \$150, Subsequent violation \$300.   |
| (e) Fire extinguisher in vicinity of laser room.<br>(64B8-51.006(3)(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.<br>(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.<br>(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.<br>(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.<br>(64B8-51.006 (3)(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.<br>(64B8-51.006(3)(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.<br>(64B8-52.004 F.A.C.)   | First time violation \$500, Subsequent violation \$1,000. |
| (l) Proof of <u>having passed the test, at least one time</u> , to become <u>certification certified</u> as <u>a</u> Certified Medical Electrologist for <del>all</del> <u>each</u> persons who <u>uses</u> laser equipment in the facility, who <del>are</del> <u>is</u> not exempt and <del>are</del> <u>is a</u> licensed electrologists.<br>(64B8-56.002(2)(b), F.A.C.) | First time violation \$500, Subsequent violation \$1,000. |

(6) In addition to the penalties established in this rule, the Department shall recover the costs of investigation. The penalty specified in the citation shall be the sum of the penalty established by this rule plus the Department's cost of investigation.

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

*Specific Authority 456.077(1), (2) FS. Law Implemented 456.072(3)(b), 456.077(1), (2), 478.51, 478.52 FS. 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, 2-20-02, 11-12-02, 7-16-03, 2-12-07.*

During review of this item, the Council was addressed by Mr. Jon Pellett, Esquire, legal representative for the Society for Clinical and Medical Hair Removal (SCMHR).

Following discussion, Ms. Greenhalgh moved to approve the rule language. Ms. Grillo seconded the motion, which carried 3/0.

Ms. Greenhalgh moved that the rule change would not have an adverse impact on small business. Ms. Lapeyrouse seconded the motion, which carried 3/0.

Ms. Lapeyrouse moved that the change in the rule would not have an economic impact on government or any entity in excess of \$200,000 within one year of the rule being implemented. Ms. Grillo seconded the motion which carried 3/0.

Mr. Pellet indicated, for the record, that his client would object to the Council's finding that the proposed rule changes did not have an adverse impact on small business.

## **10. 64B8-56.002, F.A.C., Equipment and devices; Protocols for Laser and Light-Based Devices Electrolysis Council.**

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

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

(a) Needle type epilators.

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

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

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

(b) ~~Have been certified~~ have passed the Certified Medical Electrologist test, at least one time. ~~in the use of laser and light-based devices for the removal or reduction of hair by a national certification organization approved by the Council and the Board;~~

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

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

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

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

(4)(a) The supervising physician and the electrologist shall develop jointly written protocols regarding the medical condition for individuals to receive laser and light-based hair removal or reduction treatment; specific conditions and the procedure for identifying conditions that require direct evaluation or specific consultation by

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

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

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

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

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

During review of this item, the Council was addressed by Mr. Jon Pellett, Esquire, legal representative for the Society for Clinical and Medical Hair Removal (SCMHR).

Following discussion, Ms. Greenhalgh moved to approve the rule language. Ms. Grillo seconded the motion which carried 3/0.

Ms. Greenhalgh moved that the rule change would not have an adverse impact on small business; Ms. Lapeyrouse seconded the motion, which carried 3/0.

Ms. Lapeyrouse that the change in the rule would not have an economic impact on government or any entity in excess of \$200,000 within one year of the rule being implemented. Ms. Grillo seconded the motion, which carried 3/0.

Mr. Pellet indicated, for the record, that his client would object to the Council's finding that the proposed rule changes did not have an adverse impact on small business.

## 11. 64B8-53.001-.003, F.A.C., Electrolysis Training Programs

The Council reviewed the following proposed language prepared by Ms. Stern:

### CHAPTER 64B8-53 ELECTROLYSIS TRAINING PROGRAMS

64B8-53.001 General Requirements for Pre-licensure Electrolysis Training Programs ~~Approved by the Board~~

64B8-53.002 Curriculum Standards for Electrolysis Training Programs

64B8-53.003 Required Equipment for Electrolysis Training Programs

#### **64B8-53.001 General Requirements for Pre-licensure Electrolysis Training Programs** ~~Approved by the Board.~~

~~A~~ pre-licensure electrolysis training program must demonstrate that it will comply with the following general requirements in order to be approved by the Council. ~~Board for pre-licensure training if the following requirements are met:~~

(1) The electrolysis training program is licensed by the Commission for Independent Education and the license is a current, unencumbered provisional, regular or biennial license issued pursuant to Sections 1005.31-.38, F.S.



~~(a)~~ (2) Electrolysis training programs intended to train individuals to practice in Florida must provide the Electrolysis Council copies of all documents submitted to the Department of Education for initial approval and renewal by the Commission for Independent Education. Failure to provide these materials to the Council shall result in a denial or revocation of program approval by the Council.

~~(b)~~ (3) No home study or correspondence school or course will be considered in assessing an applicant's qualifications for licensure. Credit shall only be awarded for time spent in the classroom or clinic in the physical presence of an instructor.

(4) The content of the training program must meet the minimum curriculum standards set forth in section 64B8-53.002, F.A.C. The training program must provide the equipment listed in section 64B8-53.003. The training program shall be located in a electrolylogy facility licensed under Rule 64B8-51.006, F.A.C.

(5) Electrolysis training programs shall be strictly limited to training in hair removal and shall not include extemporary procedures licensed by any other Florida Board. Waxing and treatment of spider veins are two examples of such extemporary procedures.

(6) All students in the clinical application phase of an electrolysis training program shall have access to a full work station consisting of an epilator, laser or light-based equipment, treatment table, stool, and supplies. During the clinical application phase of instruction in an electrolysis training program, there shall be only one student assigned to each work station.

(7) An electrolysis training program in another state or jurisdiction which does not license the practice of electrolysis shall be an approved electrolysis training program if it meets requirements substantially equivalent to those in Ch. 64B8-53, F.A.C.

(8) Students shall not be admitted to the training program until it is approved by the Council.

~~(2)~~ Applicants shall complete and submit to the Council the application entitled "New Facility or New Ownership Application for Electrology Facility Licensure", form DOH/MQA/EP APP/REV 9/99, which is hereby incorporated by reference, copies of which may be obtained from the Council Office at 4052 Bald Cypress Way, BIN C05, Tallahassee, FL 32399. Approval by the Council is necessary before students are admitted.

~~(3)~~ (9) The facility where initial pre-licensure training is offered shall submit to the Council at least the following:

(a) A statement of the educational goals and objectives of the program;

(b) A detailed course outline or syllabus, including method of instruction, and testing materials;

(c) A current curriculum vitae of the course instructor(s);

(d) A sample certificate or diploma which states the number of classroom hours completed and the number of clinical hours completed. ~~includes the following which shall be filled in by the facility at the time of graduation:~~

Academic Hours	Traditional Classroom	Non-Traditional Classroom
Per subsection 64B8-53.002(1), F.A.C.		
Successfully Completed	=====	=====
Clinical Hours	Traditional Classroom	Non-Traditional Classroom
Per subsection 64B8-53.002(2), F.A.C.		
Successfully Completed	=====	=====

(e) A copy of the electrolylogy facility license and the most recent Department of Health inspection sheet from the location where the training courses are to be offered demonstrating compliance with Rule 64B8-51.006, F.A.C.

~~(f) Proof of current, unencumbered licensure by the Commission for Independent Education, pursuant to Chapter 1005, F.S. Failure to maintain that license in good standing shall result in the loss of Council approval of the Program.~~

~~(g) Provide a copy of the application form submitted by students which shall include the following Notice in bold type no smaller than 14 points:~~

~~-----  
"Notice from the Florida Electrolysis Council Applicants for an Electrolysis License in the State of Florida are required to have completed a specifically outlined course of academic and clinical studies. Those studies must have been taken in a classroom setting in the physical presence of the instructor. Only such classroom education will be considered adequate for licensure. No credit shall be awarded applicants for home study, correspondence, or other distance education.~~

\_\_\_\_\_ I confirm that I have read and understand the foregoing notice.

\_\_\_\_\_  
Student Signature \_\_\_\_\_ Date\_\_\_\_\_

~~(4) The content of the program must include the curriculum standards set forth in subsections 64B8-53.002(1) and (2), F.A.C. All curricula must harmonize with and not be contrary to the following statements:~~

~~(a) The procedures to be used for electrolysis involve the insertion of a sterile needle electrode into the hair follicle(s) of prepared skin. After the application of the selected current, the treated hair(s) is (are) removed with sterile forceps. After treatment is complete, the treated area of the skin is given post-treatment care.~~

~~(b) Electrolysis training programs shall be limited to training in the universally accepted procedures of electrolysis and shall not include extemporary procedures licensed by any other Florida Board. One example of such an extemporary procedure would be waxing the treated area after electrolysis. A Cosmetology license is required for certain types of waxing. A second example would be the intentional treatment of telangiectasis (spider veins) with the epilator. This type of vascular surgery may only be performed by a Florida licensed physician.~~

~~(5) Only needle type epilators and FDA cleared laser and light based devices shall be used in electrolysis training programs.~~

~~(6) All students in the clinical application phase of an electrolysis training program shall have access to a full work station consisting of an epilator, treatment table, stool, and supplies. During the clinical application phase of instruction in an electrolysis training program, there shall be only one student assigned to each work station.~~

~~(7) Each facility where electrolysis training programs are offered must meet the curriculum standards in Rule 64B8-53.002, F.A.C., and have the equipment required by Rule 64B8-53.003, F.A.C.~~

~~(8) Each facility where electrolysis training programs are offered must be licensed as an electrology facility pursuant to Rule 64B8-51.006, F.A.C.~~

~~(9) An electrolysis training program in another state or jurisdiction which does not license the practice of electrolysis shall be an approved electrolysis training program if it meets requirements substantially equivalent to those in subsections 64B8-53.001(1) and (2), F.A.C.~~

*Specific Authority 478.43(4), 478.50(4)(b) FS. Law Implemented 478.43(4), 478.45(1)(e), 478.50(4)(b) FS. History—New 9-29-93, Formerly 61F6-78.001, Amended 6-19-96, Formerly 59R-53.001, Amended 11-13-97, 2-15-07.*

#### **64B8-53.002 Curriculum Standards for Electrolysis Training Programs.**

In order to be approved by the Board, an electrolysis training program must meet the following curriculum standards:

(1) Academic instruction to be set out in school catalog.	Hours
(a) Introduction to electrolysis techniques through Galvanic, Thermolysis and Blend, and laser and light based modalities, history of permanent hair removal, general treatment procedures	15
(b) Principles of electricity, epilator functions, and adjustments.	5
<u>(c) Laser and light-based hair removal physics</u>	<u>10</u>
<u>(d) Laser Safety and precautions</u>	<u>10</u>
(e) Integumentary System (skin and appendages).	<del>10</del> <u>5</u>
(f) Circulatory (blood and lymph) and nervous system.	<del>10</del> <u>5</u>
(g) Endocrine system, including related diseases.	<del>10</del> <u>5</u>
(h) Biology of hair growth.	<del>10</del> <u>5</u>
(i) Skin assessment, including skin typesing, effects of specific current all modalities, effects of temporary removal.	<del>10</del> <u>20</u>
(j) Study of blood-borne pathogens with emphasis on hepatitis (all types), and HIV/AIDS.	<del>10</del> <u>5</u>
(k) Microbiology of the skin (flora and fauna), sanitation and safety procedures including demonstrations in accordance with Rule 64B8-56.001,	<del>10</del> 5

F.A.C.

(l) Clinic and office management, communications, professional ethics, bookkeeping, and patient management.	<del>40</del> <u>5</u>
(m) Study of Chapter 64B8, F.A.C., as it relates to electrolysis, Chapter 478, F.S., and Chapter 456, Part II, F.S.	<del>40</del> <u>5</u>
(n) Consultations including medical history, contraindications, complications	<del>5</del> <u>20</u>
Subtotal	120 hours

(2) Clinical Application	Hours
(a) Coordination skills with probe holder and forceps.	5
(b) Insertions	15
(c) Sanitation/Sterilization Procedures	10
(d) Hands on Equipment Instruction ( <del>Electrolysis</del> <u>Laser and Light-based</u> )	5
(e) Hands on Equipment Instruction (Thermolysis)	5
(f) Hands on Equipment Instruction ( <u>Blend and Galvanic</u> )	5
(g) Client Pre/Post Treatment	5
(h) Client Assessment	10
(i) General Treatment Procedures <u>for all modalities</u>	<del>40</del> <u>110</u>
(j) Consultations	15
(k) Visuals/Library	<del>40</del> <u>5</u>
(l) Review/Exam Preparation	10
Subtotal	200
Total	320 hours

*Specific Authority 478.43(4), 478.50(4)(b) FS. Law Implemented 478.43(4), 478.45(1)(e), 478.50(4)(b) FS. History—New 9-29-93, Formerly 61F6-78.002, 59R-53.002, Amended 11-13-97.*

**64B8-53.003 Required Equipment for Electrolysis Training Programs.**

(1) An electrolysis training program shall: ~~have the following equipment in good working condition, in sufficient numbers, and supplies in sufficient amount to enable students to meet their learning objectives:~~

- (a) ~~Have a working~~ U.S. FDA registered short wave epilator,
- (b) ~~Have a working~~ U.S. FDA registered blend epilator, ~~and,~~
- (c) ~~U.S. FDA registered galvanic epilator with multiple needle apparatus,~~
- (c) Comply with the requirements of Rule 64B8-51.006(3), F.A.C. .
- ~~(d) Magnifying device or treatment lamp,~~
- ~~(e) Treatment table or treatment chair,~~
- ~~(f) Operator stool or chair,~~
- ~~(g) Autoclave with chemical biological indicators,~~
- ~~(h) Dry heat sterilizer with chemical biological indicators,~~
- ~~(i) Needles (e.g. probes) of various sizes,~~
- ~~(j) Forceps (e.g. tweezers),~~
- ~~(k) Needle holder tips,~~
- ~~(l) Ultrasonic cleaner with enzyme dissolving detergent,~~
- ~~(m) Covered holding containers for contaminated instruments,~~
- ~~(n) Sharps containers for disposal of used needles and other sharp instruments in accordance with the biomedical waste disposal requirements of Rule Chapter 64E-16, F.A.C.,~~
- ~~(o) Non-sterile disposable examination gloves,~~
- ~~(p) Waste receptacles,~~
- ~~(q) Soaps,~~
- ~~(r) Paper towels,~~
- ~~(s) Paper table coverings,~~

- (t) Tuberculocidal hospital grade disinfectant detergent,
  - (u) Betadine, 3% U.S. Pharmaceutical grade hydrogen peroxide and 70% isopropyl alcohol or wrapped, single use wipes saturated with 70% isopropyl alcohol,
  - (v) Clean non-sterile materials such as cotton balls, cotton strips, cotton swabs, gauze pads, and gauze strips,
  - (w) Clean, covered containers for creams, lotions and ointments with single use spatulas or containers which are pump or tube type dispensers,
  - (x) Magnifying device which shall be a magnifying lamp, optical loupe or microscope.
  - (y) Reference books/textbooks in the following areas:
    1. Electrolysis;
    2. Dermatology;
    3. Anatomy; and
    4. Medical dictionary.
- (2) Endodontic dry heat sterilizers, also known as glass bead sterilizers, shall not be used in place of an autoclave or dry heat sterilizer in paragraphs 64B8-53.003(1)(g) and (h), F.A.C.  
*Specific Authority 478.43(4), 478.50(4)(b) FS. Law Implemented 456.033, 478.43(4), 478.45(1)(e), 478.50(4)(b) FS. History–New 11-16-93, Formerly 61F6-78.003, 59R-53.003, Amended 11-13-97, 10-12-98.*

Following extensive discussion, the Council determined to table further action on the proposed language in order to allow Ms. Stern the opportunity to make additional revisions based on comments offered.

**REPORT OF ASSISTANT ATTORNEY GENERAL – Marlene Stern**

**12. Rule Status Report**

Ms. Stern presented the following rule status report to the Council.

Rule Number	Title	Approved by Council	Approved by Board	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
THE FOLLOWING RULES HAVE BEEN <b>ADOPTED</b> IN THE PAST THREE (3) MONTHS:								
None								
THE FOLLOWING RULES ARE <b>IN PROCESS</b> :								
64B8-51.006	Rule Governing Licensure and Inspection of Electrology facility						Drafting	
64B8-53.001	Requirements for Electrolysis Training Programs Approved by the Commission Examination						Drafting	
64B8-53.002	Curriculum Standards for Electrolysis Training Program						Drafting	
64B8-53.003	Required Equipment for Electrolysis Training Programs.						Drafting	

Rule Number	Title	Approved by Council	Approved by Board	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B8-56.002	Equipment and Devices; Protocols for Laser and Light-based Devices						Drafting	
64B8-55.002	Citations						Drafting	
64B8-52.004	Requirements for Approval of Training Courses for Laser and Light-Based hair removal or Reduction						Drafting	

### 13. Annual Regulatory Plan 2015-2016

In accordance with Section 7 of Executive Order 11-72 "No later than July 1, 2011, and on July 1 of each successive year, each agency under the direction of the Governor shall submit to the office of Fiscal Accountability and Regulatory Reform (OFARR), an annual regulatory plan shall identify and describe each rule that the agency expects to begin promulgating during the next twelve-month period.

In general, the plan should include any rules the board/council plans to amend during the upcoming year and any rules currently under development that may still be in process as of July 1.

Following discussion, Ms. Greenhalgh moved to accept the proposed Annual Regulatory Plan. Ms. Lapeyrouse seconded the motion, which carried 3/0.

### ADJOURNMENT

Ms. Greenhalgh moved to adjourn. Ms. Lapeyrouse seconded the motion, which carried 3/0. The meeting adjourned at 5:17 p.m.