

**The Florida
Electrolysis Council**

Minutes

July 7, 2014

Telephone Conference Call

1-888-670-3525

Participant Code 4389078941 #

**Jolynn Greenhalgh, DNP, ARNP
Chair**

**Lina Grillo
Vice Chair**

Minutes

**DEPARTMENT OF HEALTH
ELECTROLYSIS COUNCIL
GENERAL BUSINESS MEETING**

July 7, 2014

9:00 a.m. EST

CONFERENCE CALL

1-888-670-3525

When prompted, enter the following conference code number: **4389078941**, 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.

The minutes reflect the actual sequence of events rather than the original agenda order

Members Present

Ms. Jolynn Greenhalgh, DNP, ARNP, Chair
Ms. Ms. Nilsa Lapeyrouse
Ms. Lina Grillo

Staff Present

Allen Hall, Executive Director
Anna King, Program Administrator
Pauline Walker, Regulatory Specialist II

Assistant Attorney General

Marlene Stern, Assistant Attorney General

Additional Persons Present

Ed Tellechea, Esquire
Jon Pellett, Esquire
Judy Adams, Florida Licensed Electrologist
Sandra Allen, Esquire
Greg Ramer, MQA Investigative Services - Tampa

Call to Order - General Business meeting 9:02 a.m.

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APPLICANT CERTIFICATION LIST

7. Examination Applicants

The Council was asked to ratify the list of applicants who took the IBEC examination on June 21, 2014. Dr. Greenhalgh moved to accept the examination application certification list. Ms. Grillo seconded the motion, which carried 3/0.

OLD BUSINESS

15. Minutes from the April 14, 2015 Electrolysis Council Meeting

Dr. Greenhalgh moved to accept the minutes from the April 14, 2014 Electrology General Business meeting, Ms. Lapeyrouse seconded the motion, which carried 3/0.

NEW BUSINESS

14. Proposed 2015 Meeting Dates

The Council was asked to accept or deny the proposed meeting dates for 2015. Dr. Greenhalgh moved to accept the meeting dates; Ms. Lapeyrouse seconded the motion, which carried 3/0.

ADMINISTRATIVE CONSIDERATIONS

INDIVIDUAL CONSIDERATIONS

1. Jennifer Dale, Exam Applicant

Ms. Dale's application for licensure was before the Council due to her "yes" answer to the criminal history question on page 2 of the on-line application. The Council was asked to review her application, personal statement, and documentation regarding the offense. Ms. Dale's application was received in the Council office on April 11, 2014 and was complete on May 27, 2014. The Council was asked to determine whether Ms. Dale is eligible to sit for the Electrolysis examination.

Ms. Dale was present, but was not represented by Counsel.

Dr. Greenhalgh moved to approve Ms. Dale to sit for the next examination, Ms. Lapeyrouse seconded, which carried 3/0.

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RECONSIDERATION OF ELECTROLYSIS APPLICANT

2. Jessica Leigh Bolling - Exam Applicant

Ms. Bolling was approved by the Board via ratification, in October 2011 and was scheduled to sit for the next scheduled administration of the licensure examination on March 12, 2012. Ms. Bolling was issued a temporary permit pending passage of the examination; however did not sit for the exam as scheduled. Ms. Bolling's temporary permit expired in May 2012, however, she continued to work through March 2014, at which time, she was formally disciplined for unlicensed activity by the Department of Health.

The Council was asked to determine whether it would like to reconsider the approval of her original application for licensure. The Council determined to reconsider its approval of the licensure application. Ms. Lapeyrouse moved that the applicant be approved for licensure under the following conditions:

- Ms. Bolling must retake the licensure exam no later than December 2014 If unsuccessful on the June 21, 2014 examination;
- Must provide the Department proof of passing or failing the licensure exam; and
- Must sign and submit an affidavit that she has read Chapter 478, Florida Statutes and the rules that govern the practice of Electrology, within 30 days of the filing of the order.

Ms. Grillo seconded the motion, which carried 3/0.

Upon satisfaction of these conditions, The Council will issue a permanent license to the applicant. Ms. Bolling is not to practice until a permanent license is issued.

30-HOUR CE PROVIDER APPLICANT

3. American Laser Training Center CE PROVIDER # 50-16528

American Laser Training center was before the Council for approval of its 30-hour hair removal training course. Dr. Greenhalgh moved to approve the 30-hour

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laser hair removal training course; Ms. Lapeyrouse seconded the motion, which carried 3/0.

30-HOUR CE PROVIDER APPLICANT

4. I.I. Cosmetic Institute

I.I. Cosmetic Institute was before the Council for approval of its 30-hour laser hair removal training course. I.I. Cosmetic was not present at the meeting. Dr. Greenhalgh moved to approve the 30-hour laser hair removal training course; Ms. Lapeyrouse seconded the motion, which carried 3/0.

30-HOUR CE PROVIDER APPLICANT

5. Gulf Coast Academy

Mr. Ronald Brunette was present at the meeting.

Gulf Coast Academy, Inc. was before the Council for approval of its 30-hour laser-training course.

Ms. Lapeyrouse moved to approve the 30-hour laser hair removal training course. Dr. Greenhalgh seconded the motion, which carried 3/0.

320-HOUR ELECTROLYSIS TRAINING COURSE APPLICATION

6. Gulf Coast Academy

Mr. Ronald Brunette was present at the meeting.

Gulf Coast Academy, Inc. was before the Council for approval of its 320-hour Electrolysis Training Course application.

Dr. Greenhalgh moved to approve the 320-hour Electrolysis training course application. Ms. Lapeyrouse seconded the motion, which carried 3/0.

PETITION FOR DECLARATORY STATEMENT

8. Society for Clinical and Medical Hair Removal, Inc.

Mr. Jon Pellett, Esquire, filed a Petition for Declaratory Statement on behalf of the Society for Clinical & Medical Hair Removal, Inc. (SCMHR)

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The petition seeks the Board of Medicine's opinion on how Section 458.348(3) and 458.348(6), Florida Statutes, and Rules 64B8-51.006, 52.003, 52.004, and 56.002, Florida Administrative Code affect whether SCMHR's members must obtain and maintain certification in the use of laser and light-based devices (CME-Certified Medical Electrologist Designation) to continue utilizing laser and light-based devices for hair removal or reduction.

Rule 64B8-50.003(2), F.A.C., requires that petitions for declaratory statement must first be presented to the Council to review and make recommendations to the Board as to the appropriate action to be taken.

During the discussion, an inquiry was made as to the relevance of Rule 64B8-52.003, F.A.C., to the topic of the petition. Mr. Pellett offered a verbal correction, stating that instead of Rule 64B8-52.003, F.A.C., the reference should have been to Rule 64B8-55.002(5)(l), F.A.C., Citations.

Ms. Sandra Allen, Esquire, addressed the Council to provide historical information on the development of the national certification requirement, as she was a participant in the original discussion in which this provision was being added to rule. Ms. Judy Adams, Florida-licensed Electrologist, also addressed the Council during the discussion.

Ms. Stern advised that none of the rules referenced in the petition make reference to a requirement for "current" certification.

Following further discussion, Ms. Greenhalgh moved that in response to the petition, the council recommend to the Board of Medicine that the rules, as currently written, require a one-time only national certification in laser hair removal.

The Council moved to grant the Petition for declaratory statement and to determine that rules when read together require a one-time only certification.

REPORT OF ASSISTANT ATTORNEY GENERAL – Marlene Stern

9. Rules Status Report

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

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

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

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Rule 64B8-52.004, F.A.C. Requirements for Approval of Training courses for Laser and Light-Based hair removal or Reduction.

Rule 64B8-51.006, F.A.C Rule Governing Licensure & Inspection of Electrology Facilities

Rule 64B8-55.002, F.A.C. Citations

Ms. Stern reported on the presentation of the Council's rules regarding national certification to the Board of Medicine on April 3, 2014. Currently, Electrologists must possess certification as a Certified Medical Electrologist (CME) through the Society for Clinical and Medical Hair Removal, Inc. (SCMHR). The Board determined that national certification should be retained; however, the Council has stated that one-time certification is adequate and does not have to be renewed.

In response to the Board of Medicine's request to increase laser hair removal training, Gregory Absten, E.D., Professional Medical Education (*National Council on Laser Certification*) offered to provide comparative information on training required in Arizona and Texas for the Council's review. Council staff will also research requirements in other states for the Council's consideration.

Ms. Stern indicated that Mr. Jon Pellet, SCMHR attorney, might be filing a Petition for Declaratory Statement regarding the certification issue with the Council.

10. Annual Regulatory Plan for 2014-2015

Ms. Stern reported that this is a planning document that is expected to be amended in the upcoming year. The list is submitted to the Governor's office, The House of Representative and the Senate, and the Joint Administrative Procedures Committee. The rules were presented to the Board of Medicine in June 2014 for approval. The Council was asked to vote to add or delete any of the rules or approve it as is. Ms. Stern moved for the Council to adopt the Annual 2014-2015 Regulatory Plan as proposed. Ms. Lapeyrouse seconded the motion, which carried 3/0.

REPORTS

11. Dr. Jolynn Greenhalgh, Council Chair Informational only

12. Allen Hall, Executive Director

- Cash Balance Report (informational only)
- Expenditures by Function (informational only)

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NEW BUSINESS

13. Correspondence: Mr. Sunny Moroz, Beauty & Health Institute

Re: SCMHR's CCE/CME Requirements

Mr. Sunny Moroz was present at the meeting.

Mr. Sunny Moroz, Beauty and Health Institute, submitted correspondence requesting the Council's feedback on the Society for Clinical & Medical Hair Removal's Certified Clinical Electrologist (CCE) requirement as a prerequisite to obtain the Certified Medical Electrologist (CME) designation. The Council was asked to review the correspondence and respond to the inquirer's related questions. Ms. Stern responded that the Council does not send out letters offering opinions and as such, the Council was advised against making a response to Mr. Moroz's correspondence. Ms. Stern also implied that Mr. Moroz might need to file a Petition for Declaratory Statement for answers to his correspondence.

16. June 5, 2014 Board of Medicine Rules/Legislative Committee Minutes
Informational Items only no action required.

OTHER BUSINESS AND INFORMATION

17. Final Order: Ada Shepard EO632
Informational only, no action required

18. Final Order: Ernestina Giron Schupke EO1259
Informational only, no action required.

OTHER BUSINESS AND INFORMATION

19. Electrology Staff Recognition

ADDENDUM

30-HOUR CE PROVIDER APPLICANTS

20. Image Medical spa
CE Broker # 50-16688

Image Medical Spa's application was before the Council for approval of its 30-hour laser hair removal training course.

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Image Medical Spa was not in attendance at the meeting.

Dr. Greenhalgh moved to approve the 30-hour laser hair removal training course
Ms. Lapeyrouse seconded the motion, which carried 3/0.

21. J.P.T.R Training Center CE BROKER # 50-16720

J.P.T.R. was not at the meeting.

The Council agreed that the two instructors at J.P.T.R do not meet the required one-year post-certification training due to the lack of proof of same. Ms. Lapeyrouse suggested that J.P.T.R. could resubmit an application if they could acquire an instructor who meets the requirements. Dr. Greenhalgh moved to deny the 30-hour laser hair removal training course Ms. Lapeyrouse seconded the motion, which carried 3/0.

ADJOURNMENT

The meeting adjourned at 11:15 a.m.