

The Florida
Electrolysis Council

Draft Minutes

October 05, 2020

Telephone Conference Call

1-888-585-9008

Participant Code 564-341-766 #

Jolynn Greenhalgh, DNP, APRN,
LEChair

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

October 05, 2020

8:30 a.m. EST

CONFERENCE CALL

1-888-585-9008

When prompted, enter the following conference code
number: **564341766**, 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.

1 Members Present

2 Jolynn Greenhalgh, DNP, APRN, RE, Chair
3 Sarah Gray, Esquire, Vice Chair
4 Gregory Ramer
5 Rosanna Bermejo, RN, RE

Staff Present

Allen Hall, Executive Director
Anna King, Program Administrator
Bailey Fair, Regulatory Specialist II

6 ASSISTANT ATTORNEY GENERAL

7 Mr. Timothy Frizzell, Esquire

8 OTHERS PRESENT

9 Judy Adams, RE

10 8:30 a.m. (ET)

11 Call to Order – General Business Meeting

12 INDIVIDUAL CONSIDERATIONS

13 1. Kelly Ninneman, Endorsement Applicant

14 Ms. Ninneman was present and not represented by legal counsel.

15 Ms. Ninneman’s application for Electrologist Licensure by Endorsement was before the Council
16 for consideration of her application.

17 **MOTION:** Following discussion and further review, Ms. Greenhalgh moved to approve the
18 application by examination. Ms. Gray seconded the motion, which carried 4/0.

19 LICENSURE RATIFICATION LIST

20 2. Licensed Electrologists

21 **MOTION:** Ms. Greenhalgh moved to approve the list of examination candidates. Ms. Gray
22 seconded the motion, which carried 4/0.

1 **RULES REVIEW AND DEVELOPMENT**

2 3. Rule 64B8-50.008, F.A.C., Address of Licensee

3 Mr. Frizzell addressed the Council to advise the proposed rule amendment had been removed
4 from consideration.

5 4. Rule 64B8-51.006, F.A.C., Rule Governing Licensure and Inspection of Electrology
6 Facilities re: *Application for Inspection for Adding or Switching to a New Electrology*
7 *Modality*

8 Ms. Greenhalgh advised she would like to see changes to the wording of the language.

9 Mr. Hall advised the Council the matter at hand was to approve the revised rule language and
10 revised application.

11 **MOTION:** Following discussion and further review, Ms. Greenhalgh moved to approve the
12 revised rule language and revised application. Ms. Gray seconded the motion, which carried
13 4/0.

14 **MOTION:** Ms. Greenhalgh moved the proposed rule language would not have an adverse impact
15 on small business nor have an economic impact on government or any other entity in excess of
16 \$200,000 within one year of the rule being implemented. Ms. Gray seconded the motion which
17 carried 4/0.

18 **MOTION:** Ms. Greenhalgh moved that a violation of the proposed rule amendment should not be
19 designated as a minor violation. Ms. Gray seconded the motion which carried 4/0.

20 Mr. Frizzell indicated a sunset provision was not recommended as it is a statutory requirement
21 to maintain applications for licensure.

22 5. Rule 64B8-52.002, F.A.C., Definitions & Rule 64B8-52.003, F.A.C., Procedure for
23 Approval of Attendance at Continuing Education Courses.

24 Mr. Frizzell addressed the Council regarding home study hours and online Continuing Education
25 courses and was open to discussion to move towards allowing more if not all continuing
26 education courses to be completed through online means and webinars.

27 Mr. Hall addressed the Council and asked the Council to address the current rule and make it
28 more clear with the rule changes.

29 Ms. Greenhalgh advised that home study hours and online hours will need to be defined. Ms.
30 Greenhalgh proposed the wording be changed to take out home study to be changed to remote
31 or distance learning as some continuing education courses will still need to be hands on. Mr.
32 Frizzell agreed, will make the changes and present them to Ms. Greenhalgh.

1 Ms. Adams addressed the Council to advise that she as well agrees that she does not want to
2 eliminate the opportunity for live interaction for continuing education courses.

3 Ms. Bermejo addressed the Council to advise of methods of honor code for online continuing
4 education courses such as Honorlock.

5 Mr. Frizzell will prepare proposed rule language for consideration during the January 2021 Council
6 meeting.

7 6. Rule 64B8-55, F.A.C., Discipline & Licensure Restrictions

8 Mr. Frizzell addressed the Council regarding proposed changes to the discipline guidelines.

9 Following further discussion, Ms. Greenhalgh and Mr. Frizzell agreed to push back Rule 64B8-
10 55, F.A.C., Discipline & Licensure Restrictions, to allow additional time to review and finalize. Mr.
11 Frizzell will bring back a revised draft during the January 2021 meeting.

12 **REPORT OF ASSISTANT ATTORNEY GENEREAL, Mr. Timothy Frizzell, Esquire**

13 7. Rule Status Report

14 Mr. Frizzell presented the following rule status report.

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.	May 2020	06/05/2020	07/13/2020	07/24/2020	08/14/2020		
64B8-51.002	Licensure by Examination	May 2020	06/05/2020	07/0/2020	07/24/2020	08/20/2020		
64B8-51.006	Rule Governing Licensure and Inspection of Electrology Facilities	May 2020	06/05/2020	07/10/2020	07/27/2020	08/17/2020		
64B8-51.001	Manner of Application	May 2020	08/2020	09/11/2020				

1 7. Rule Status Report (continued)

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

3 Mr. Hall addressed the Council regarding the Board of Medicine's meeting on October 2, 2020, in
4 which the latest set of proposed health history questions were considered, but not approved. Mr.
5 Hall advised the Board of Medicine had recommended alternative language for this section of the
6 application form to include the following: 1) a pre-amble to introduce the health history questions;
7 2) essentially the same language for the recently proposed questions 1 and 2; and 3) removal of
8 the recently proposed questions 3-5. It was suggested the Council consider adopting the Board
9 of Medicine's recommendations.

10 **MOTION:** Following discussion and further review, Ms. Greenhalgh moved to approve the revised
11 application form. Ms. Gray seconded the motion, which carried 4/0.

12 Council staff will forward a copy of the revised application with the updated health history
13 questions to the members via e-mail. Mr. Frizzell will present the revised application at the Board
14 of Medicine's December 2020 meeting for final approval.

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

17 Mr. Frizzell addressed the Council regarding the October 2, 2020 Board of Medicine meeting on
18 Telehealth. The Board of Medicine rejected the proposed rule changes that would allow an
19 Electrologist providing laser or light-based hair removal to receive direct supervision via telehealth
20 by a physician; but not the idea of Telemedicine. The rule will need to define direct supervision
21 and how far away the supervising physician can physically be while doing Telehealth. Mr. Frizzell
22 would like to work on the rule language to be brought back before the Board of Medicine at the
23 December 2020 meeting.

24 Ms. Judy Adams addressed the Council during the discussion. Ms. Rosanna Bermejo addressed
25 the Council requesting a special meeting to be held before the Board of Medicine December 2020
26 meeting.

27 8. 2020-2021 Annual Regulatory Plan – Final Rendition

28 Mr. Frizzell presented the Final Rendition of the 2020-2021 Annual Regulatory Plan.

2020-21 EO Council Annual Regulatory Plan

Law Enacted or Modified on or after Oct. 1, 2018	Florida Statute (modified or created)	Rule (impacted)	Must Agency Adopt Rules?	If Rulemaking Necessary, Notice of Development Published in Florida Administrative Register?	Expected Publication Date for Notice of Proposed Rulemaking	If Rulemaking Not Necessary, Explain
Ch. 2020-125, Laws of Florida, Effective July 1, 2020 (HB 115)	§120.82, F.S. §456.0635, F.S. §456.0721, F.S. §456.074, F.S. §1009.95, F.S.	64B8-51.001, F.A.C. (Manner of Application) 64B8-51.002, F.A.C. (Licensure by Examination) 64B8-51.006, F.A.C. (Rule Governing Licensure and Inspection of Electrology Facilities)	Yes	Unknown	Unknown	N/A

Rule Number And Title	Law Expected to Be Implemented Through Rulemaking	Intent of Rulemaking
64B8-51.001, F.A.C. (Manner of Application)	§456.013, F.S. §456.0635, F.S. §478.45, F.S. §478.45, F.S. §478.46, F.S. 478.47, F.S. 478.55, F.S.	Clarify; Increase Efficiency
64B8-51.002 (Licensure by Examination)	§456.017, F.S. §456.0635, F.S. §478.45, F.S.	Increase Efficiency; Reduce regulatory costs
64B8-51.006, F.A.C. (Rule Governing Licensure and Inspection of Electrology Facilities)	§456.013, F.S. §456.033, F.S. §478.43(4), F.S. §478.50(2), (4)(a) and (b), F.S.	Simplify, clarify, increase efficiency
64B8-52.003, F.A.C. (Procedure for Approval of Attendance at Continuing Education Courses)	§456.013, F.S. §456.033, F.S. §478.43(4), F.S. §478.50(2), (4)(a) and (b), F.S.	Simplify, clarify, increase efficiency
64B8-55.001, F.A.C. (Disciplinary Guidelines)	§456.072, F.S. §456.073, F.S. §456.079, F.S. §478.52(4), F.S.	Simplify, clarify, increase efficiency
64B8-55.002, F.A.C. (Citations)	§45.072(3) and (4), F.S. §456.077(1) and (2), F.S. §478.51, F.S. §478.52, F.S.	Simplify, clarify, increase efficiency

1 **OTHER:**

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

3 At this time, Mr. Frizzell addressed this rule as listed in his status report under tab 7. On 8/27/2020
4 Mr. Frizzell received proposed changes from JAPC requesting to have the wording “hereby
5 adopted” moved to be after the revision date. Mr. Frizzell moved to have a vote to approve the
6 minor language change.

7 **MOTION:** Following discussion and further review, Ms. Greenhalgh moved to approve rule
8 language. Ms. Gray seconded the motion, which carried 4/0.

9 **MOTION:** Ms. Greenhalgh moved the proposed rule language would not have an adverse impact
10 on small business nor have an economic impact on government or any other entity in excess of
11 \$200,000 within one year of the rule being implemented. Ms. Gray seconded the motion which
12 carried 4/0.

13 **REPORTS**

- 14 9. Council Chair – Jolynn Greenhalgh, DNP, APRN, RE
15 • Other Council Members
16 Ms. Greenhalgh had no items to report.

- 17 10. Executive Director – Allen Hall

18 Mr. Hall presented the following informational reports:

- 19 • Cash Balance Report
20 • Expenditures by Function Report

21 **OLD BUSINESS**

- 22 11. July 13, 2020, Electrolysis Council Meeting Minutes

23 Ms. Greenhalgh moved to approve the minutes. Ms. Gray seconded the motion, which carried
24 4/0.

25 ***At this point in the meeting, the Chair moved to Tabs 13 and 14.***

- 26 13. Doe Vs. Kentucky Bar Association

27 Mr. Frizzell presented an informational report on Doe vs. Kentucky Bar Association. Mr. Frizzell
28 indicated there were no specific impacts to the Council.

1 14. Antitrust Case

2 Informational item provided for the Council's review.

3 ***The regular order of the agenda was resumed at this point in the meeting.***

4 **NEW BUSINESS**

5 12. 2021 Meeting Schedule

6 The Council has agreed on the following meeting times:

7 January 11, 2021 @8:30am, EST

8 April 19, 2021 @8:30am, EST

9 **OTHER BUSINESS AND INFORMATION**

10 15. August 6, 2020, Board of Medicine Meeting Minutes

11 Informational item provided for the Council's review.

12 16. Electrology Staff Recognition

13 Informational item provided for the Council's review.

14 **ADJOURNMENT**

15 The meeting adjourned at 10:04 a.m.