

DRAFT
DEPARTMENT OF HEALTH
ELECTROLYSIS COUNCIL
GENERAL BUSINESS MEETING
May 20, 2013
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.

Members and Staff Present

Mr. Jim Scott, Chair
Dr. Jolynn Greenhalgn, Vice Chair
Dr. Max Wilson
ABSENT
Susan Manwaring

Allen Hall, Executive Director
Anna King, Program Administrator
Kim Tillery, Regulatory Specialist II
Marlene Stern, Assistant Attorney General

9:00 a.m.

Call to Order – General Business Meeting

ADMINISTRATIVE PROCEEDINGS

INDIVIDUAL CONSIDERATIONS (EXAMINATION)

1. Ginger Battah

Ms. Battah's examination application and supporting documentation regarding two counts of felonious battery charges was before the Council for review. The charges were not those that would automatically preclude her from licensure under 465.0635, F.S., but due to the nature of the charges, further review was required.

MOTION: Following discussion, Mr. Jim Scott moved to accept Ms. Battah's examination application. Dr. Max Wilson seconded the motion, which carried 3/0.

320 HOUR TRAINING PROGRAMS

2. Hollywood Institute of Beauty Careers, West Palm Beach Campus

Ms. Nicole Vitez was on the call representing the Hollywood Institute of Beauty Careers, West Palm Beach Campus. The above application, as well as all submitted documents, was presented to the Council for review and approval.

It was noted that Ms. Lucky Syms would be exclusively instructing at this location.

MOTION: Mr. Jim Scott moved to accept the Hollywood Institute of Beauty Careers, West Palm Beach Campus' 320 hour provider application. Dr. Jolynn Greenhalgn seconded the motion, which carried 3/0.

3. Hollywood Institute of Beauty Careers, Casselberry Campus

Ms. Nicole Vitez was on the call representing the Hollywood Institute of Beauty Careers, Casselberry Campus. The above application, as well as all submitted documents, was presented to the Council for review. The Council voiced concerns over the submission of Ms. Lucky Syms' information for both the West Palm Beach and Casselberry locations. Ms. Vitez stated that they were currently looking to hire another instructor for the Casselberry Campus, but had not yet secured her. She stated that she could send the curriculum vitae to the Council office after the meeting.

MOTION: Mr. Jim Scott moved to approve the Hollywood Institute of Beauty Careers, Casselberry Campus' 320 hour provider application with the condition that an acceptable curriculum vitae for another instructor be submitted to the Council office within ten days. Authority is delegated to the Council Chair for review. Dr. Max Wilson seconded the motion, which carried 3/0.

30 HOUR LASER CONTINUING EDUCATION COURSE PROVIDER

4. Total Nails and Hair Academy

The 30 hour continuing education course application for Total Nails and Hair Academy was presented to the Council for review and approval.

MOTION: Mr. Jim Scott moved to approve the 30 hour continuing education course application for Total Nails and Hair Academy. Dr. Jolynn Greenhalgn seconded the motion, which carried 3/0.

APPLICANT CERTIFICATION LISTS

5. Examination Applicants

A list of forty applicants was presented for approval by the Council.

MOTION: Dr. Jolynn Greenhalgn moved to approve the examination ratification list. Mr. Jim Scott seconded the motion, which carried 3/0.

RULES REVIEW AND DEVELOPMENT

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

Tab was withdrawn prior to the meeting. Ms. Stern will present information on previously discussed modifications to this rule at a future meeting of the Council after further consultation with the Board of Medicine's legal counsel.

7. Rule 64B8-52.003, F.A.C., Procedures for Approval of Attendance at Continuing Education Courses

The Council approved draft language during its February 2013 meeting, which deleted the obsolete term "technical school" and replaced with the modern term "post-secondary institution", to allow for 320-hour electrolysis training programs to offer continuing education to electrologists. The Council also approved other text changes which clarified the existing rule.

Prior to presentation of the approved draft to the Board of Medicine's committee after the February meeting, Ms. Stern was asked to make a minor amendment to paragraph (2)(b), which required that the rule be presented to the Council again during the May 2013 meeting for approval.

During the instant discussion, the Council was addressed by Ms. Judy Adams, licensed electrologist, and Ms. Sandra Allen, Esq. The Council clarified that any 320-hour electrolysis training programs wanting to provide continuing education courses would need to seek approval as indicated in proposed paragraph (2) of the rule.

MOTION: Dr. Max Wilson moved to accept the following proposed rule language. Mr. Jim Scott seconded the motion, which carried 3/0.

64B8-52.003 Procedure for Approval of Attendance at Continuing Education Courses.

(1) During the license renewal period of each biennium, an application for renewal will be mailed to each licensee at the last address provided to the Board. Failure to receive any notification during this period does not relieve the licensee of responsibility of meeting the continuing education requirements. The application for renewal shall include a form on which the licensee shall state whether the licensee has completed the required continuing education and what number of hours were completed in the relevant biennium or year. The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the appropriate continuing education offerings listed on the renewal form for a period of not less than 4 years from the date the offering was taken. The Council will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met. Failure to document compliance with the continuing education requirements or the furnishing of false or misleading information regarding compliance shall be grounds for disciplinary action pursuant to Section 478.52(1)(a), F.S.

(2) All courses taken for continuing education credit shall be relevant to the practice of electrology, as defined in Section 478.42(5), Florida Statutes, and shall meet the purpose of enhancing the electrolysis practice skills and electrolysis knowledge of the licensee. All licensees shall be awarded contact hours for continuing education completed under the following categories:

(a) Attendance at all offerings that are approved by the Electrolysis Society of Florida (ESF), or the Electrolysis Association of Florida (EAF), or the American Electrology Association, or the Society of Clinical and Medical Hair Removal; ~~and or~~

(b) All offerings from other states which are approved by the states' licensing agency or professional electrology organization which offerings have been approved by the American Electrology Association, or the Society of Clinical and Medical Hair Removal; ~~or any technical school, college or university course taken and successfully completed for the first time by the licensee in a subject area relevant to electrolysis. and~~

(3) A licensee may earn continuing education credit for taking an academic course offered by a college, university, or post-secondary institution. Any such course shall meet the

requirements in paragraph (2), above. Licensees shall be awarded 10 hours of CE credit per semester hour for any such academic course he or she completes successfully. The licensee shall provide verification upon request of the Department.

~~(3)~~ (4) HIV/AIDS and blood-borne disease continuing education requirements.

(a) Each new licensee is required to complete no later than upon first renewal an approved course on HIV/AIDS education. Approved offerings in HIV/AIDS are those that meet the requirements of Section 465.033, F.S. Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.033, F.S., are approved by this council.

(b) One hour of each biennium must be obtained by each licensee in an approved course on blood-borne diseases.

~~(4)~~ (5) Two (2) hours each biennium must be obtained by each licensee in approved offerings on prevention of medical errors, including a study of root-cause analysis, error reduction and prevention, and patient safety.

~~(5)~~ (6) Up to ten hours per biennium of the continuing education required for license renewal may be in the form of approved home study courses.

~~(6)~~ (7) Up to 2 hours each biennium may be obtained in the area of risk management by a licensee by attending a Board meeting in which another licensee is being disciplined, or by serving as volunteer expert witness in a disciplinary case.

~~(7)~~ (8)(a) A maximum of 6 contact hours shall be awarded per biennium for each of the following or a combination of the following:

(b) The presentation of an electrology related course or program as either the lecturer of the course or program or as the author of the course materials. Each licensee who is participating as either a lecturer or author of an electrology related course or program shall receive credit for the portion of the offering he/she presented or authored up to the total hours awarded for the offering.

1. Continuing education credit shall be awarded to a lecturer or author for the initial presentation of each electrology related course or program only; repeat presentations of the same course or program shall not be granted credit.

2. In order for a continuing education credit to be awarded to each licensee participating as either lecturer or author, the format of the electrology related course or program must conform with all applicable sections of this rule chapter.

3. The number of contact hours to be awarded to each licensee who participates in an electrology related course or program as either a lecturer or author is based on the 50 minute contact hour employed within this rule chapter.

Rulemaking Authority 478.43(1), (4), 478.50(2), ~~(4)(a), (b)~~ FS. Law Implemented ~~456.013, 456.033,~~ 478.43(4), 478.50(2), ~~(4)(a), (b)~~ FS. History—New 6-1-93, Formerly 21M-77.003, 61F6-77.003, Amended 5-11-95, Formerly 59R-52.003, Amended 2-9-98, 2-16-99, 2-17-00, 9-21-00, 8-13-02, 4-26-09.

MOTION: Mr. Jim Scott moved that the proposed new language would not have an adverse impact on small business. Additionally, the proposed rule amendments would not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Dr. Max Wilson seconded the motion, which carried 3/0.

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

Ms. Stern will discuss the historical aspects of this tab with the Board of Medicine's Counsel and bring back language for the Council to review at a future meeting. No motion was needed.

9. 64B8-56.002, F.A.C., Equipment and Devices; Protocols for Laser and Light-Based Devices

The Board of Medicine's Counsel advised the Council to adopt proposed language that will delete 64B8-56.002(4)(c), F.A.C., regarding the requirement for professional liability insurance due to lack of authority.

MOTION: Mr. Jim Scott moved to accept the following proposed rule language. Dr. Jolynn Greenhalgn seconded the motion, which carried 3/0.

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 Rule 64B8-52.004(2) and (3), F.A.C.;

(b) Have been certified 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 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, ~~or the Board of Medicine.~~ 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.

~~(e) The written protocol shall include a statement that the electrologist does and will maintain professional liability coverage that includes coverage for incidents arising from laser usage in an amount not less than \$100,000.~~

(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.

Specific 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.

MOTION: Mr. Jim Scott moved that the proposed new language would not have an adverse impact on small business. Additionally, the proposed rule amendments would not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Dr. Max Wilson seconded the motion, which carried 3/0.

REPORT OF ASSISTANT ATTORNEY GENERAL, MARLENE STERN

10. Rule Status Report

An oral review of the report was given by the Assistant Attorney General, Marlene Stern.

REPORTS

11. Jim Scott, Council Chair

Mr. Scott provided no reports at this meeting.

12. Allen Hall, Executive Director

- Cash Balance Report
- Expenditures By Function

The above documents were provided as informational material for the Council.

OTHER BUSINESS AND INFORMATION

NEW BUSINESS

13. 2013-2014 Annual Regulatory Plan review

Ms. Stern advised the Council that they could approve the same rules previously listed on the 2012-2013 annual regulatory plan for the following year.

MOTION: Mr. Jim Scott moved to approve the rules proposed for the 2013 - 2014 annual regulatory plan. Dr. Jolynn Greenhalgn seconded the motion, which carried 3/0.

14. Election of Officers

Mr. Jim Scott resigned as Council Chair.

MOTION: Mr. Jim Scott moved to nominate Dr. Jolynn Greenhalgn as Chair, Dr. Max Wilson as Vice Chair, Dr. Jolynn Greenhalgn as ULA liaison and to leave current liaison positions as is, which carried unanimously, 3/0.

15. Delegation of Authority & Conviction Records Guidelines

MOTION: Mr. Jim Scott moved to approve both documents to include the oral changes made by staff with regard to the Conviction Records Guidelines. Dr. Max Wilson seconded the motion, which carried 3/0.

OLD BUSINESS

16. February 25, 2013 General Business Meeting Minutes

MOTION: Dr. Max Wilson moved to accept the minutes. Mr. Jim Scott seconded the motion, which carried 3/0.

OTHER BUSINESS AND INFORMATION

17. April 05, 2013 EO/DN Committee Meeting Minutes
Informational item.

18. Final Order, Jimmie Nicole Stowe EOT 2396
Informational item.

19. Electrology Staff Recognition
Informational item.