

The Florida
Electrolysis Council

Minutes

January 10, 2022

Telephone Conference Call

1-888-585-9008

Participant Code 564-341-766 #

Jolynn Greenhalgh, DNP, APRN, RE, Chair
Sarah Gray, Esquire, Vice-Chair

**DEPARTMENT OF HEALTH
ELECTROLYSIS COUNCIL
GENERAL BUSINESS MEETING
BY TELEPHONE CONFERENCE CALL
JANUARY 10, 2022**

-MINUTES-

DIAL-IN NUMBER: 1-888-585-9008

When prompted, enter the following conference room number:

564-341-766, 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.

8:30 a.m. (ET)

Call to Order – General Business Meeting

- 1 Ms. Jolynn Greenhalgh, Chair, called the general business meeting to order at approximately
2 8:40 a.m. Those present for all or part of the meeting, included the following:

Members Present

- Ms. Jolynn Greenhalgh, DNP, APRN, RE, Chair
3 Ms. Sarah Gray, Esquire, Vice Chair
4 Ms. Rosanna Bermejo, RE
5 Mr. Gregory Ramer, Consumer Member

Staff Present

- Allen Hall, Executive Director
Anna King, Program Administrator
Ahna Chamlis, Regulatory Specialist II

6 **ASSISTANT ATTORNEY GENERAL**

- 7 Ms. Diane Guillemette, Esquire

8 **OTHERS PRESENT:**

- 9 Judy Adams, RE, Electrolysis Association
10 of Florida Liaison

11 **INDIVIDUAL CONSIDERATIONS**

- 12 1. Lois Parry Examination

13 Ms. Parry was present and not represented by legal counsel.

14 Ms. Parry's application for Electrologist Licensure by Examination was before the Council for
15 consideration.

16 **MOTION:** Following discussion, Ms. Greenhalgh moved to deny the application due to
17 prohibition of licensure under Section 456.0635, F.S. Ms. Gray seconded the motion, which
18 carried 4/0.

19 2. Alexandria Martinez Examination

20 Ms. Martinez was present and not represented by legal counsel.

21 Ms. Martinez's application for Electrologist Licensure by Examination was before the Council for
22 consideration.

23 **MOTION:** Following discussion, Ms. Greenhalgh moved to approve the application. Ms. Gray
24 seconded the motion, which carried 4/0.

25 3. Krista Mortis Endorsement

26 Ms. Mortis was present and not represented by legal counsel.

27 Ms. Mortis's application for Electrologist Licensure by Endorsement was before the Council for
28 consideration.

29 **MOTION:** Following discussion, Ms. Greenhalgh moved to approve the application. Ms. Gray
30 seconded the motion, which carried 4/0.

31 4. Candy Choi Examination

32 Ms. Choi was not present and not represented by legal counsel.

33 Ms. Choi's application for Electrologist Licensure by Examination was before the Council for
34 consideration.

35 **MOTION:** Following discussion, Ms. Greenhalgh moved to approve the application. Ms. Gray
36 seconded the motion, which carried 4/0.

37 5. Sharona Arviv Examination

38 Ms. Arviv was present and not represented by legal counsel.

39 Ms. Arviv's application for Electrologist Licensure by Examination was before the Council for
40 consideration.

41 **MOTION:** Following discussion, Ms. Greenhalgh moved to approve the application. Ms. Gray
42 seconded the motion, which carried 4/0.

43 **LICENSURE RATIFICATION LIST**

44 6. Licensed Electrologists

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

46 Ms. Greenhalgh moved to approve the list of examination candidates. Ms. Gray seconded the
47 motion, which carried 4/0.

48 **RULES REVIEW AND DEVELOPMENT**

49
50 7. Rule 64B8-52.003, F.A.C., Procedure for Approval of Attendance at Continuing
51 Education Courses

52 During the Council's October 2021 meeting, Ms. Judy Adams, RE, Legislative Liaison for the
53 Electrolysis Society of Florida (ESF), addressed the Council regarding this rule. Ms. Adams
54 advised the Electrolysis Association of Florida (EAF) was no longer in existence and needed to
55 be removed from the Council's continuing education rule as an approved provider.

56 Ms. Guillemette presented the following draft language for the Council's consideration:

57 **64B8-52.003 Procedure for Approval of Attendance at Continuing Education Courses.**

58 (1) During the license renewal period of each biennium, a postcard renewal reminder will be mailed by the
59 Department to each licensee at the last address provided. Failure to receive any notification during this period
60 does not relieve the licensee of responsibility of meeting the continuing education requirements. Renewal of
61 the license will occur according to the procedures described in Rule 64B8-54.001, F.A.C. The licensee must
62 retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the
63 appropriate continuing education offerings for a period of not less than 4 years from the
64 date the offering was taken. The Department will verify completion of all required continuing education hours through
65 the licensee's

66 continuing education tracking account at www.cebroke.com upon the licensee's application for renewal of
67 licensure. Failure to document compliance with the continuing education requirements or the furnishing of false
68 or misleading information regarding compliance shall be grounds for disciplinary action pursuant to Section
69 478.52(1)(a), F.S.

70 (2) All licensees shall be awarded contact hours for attendance at:

71 (a) All offerings that are approved by the Electrolysis Society of Florida (ESF), ~~or the Electrolysis~~
72 ~~Association of Florida (EAF)~~, or the American Electrology Association, or the Society for Clinical and Medical
73 Hair Removal; or

74 (b) All offerings from other states which are approved by the states' licensing agency or professional
75 electrology organization, which offerings have been approved by the American Electrology Association, or
76 the Society for Clinical and Medical Hair Removal, or any college, university, or post-secondary institution
77 course taken and successfully completed for the first time by the licensee in a subject area relevant to electrolysis.
78 The licensee shall provide verification upon request of the Department.

79 (3) Each licensee must comply with continuing education requirements consisting of:

80 (a) An approved course on HIV/AIDS education to be completed no later than upon the licensee's first
81 renewal. Approved offerings in HIV/AIDS are those that meet the requirements of Section 456.033, F.S. Courses
82 approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to
83 Section 456.033, F.S., are approved by this council.

84 (b) One hour of each biennium in a course approved by any Board within the Division of Medical Quality
85 Assurance of the Department on blood-borne diseases.

86 (c) Two (2) hours each biennium in a course approved by the Board within the Division of Medical Quality
87 Assurance of the Department on prevention of medical errors, including a study of root-cause analysis, error
88 reduction and prevention, and patient safety.

89 (4) Continuing education per biennium may also include:

90 (a) Up to 2 hours in the area of risk management by attending a Board meeting in which another licensee is
91 being disciplined, or by serving as volunteer expert witness in a disciplinary case.

92 (b) A maximum of 6 contact hours for the presentation of an electrology related course or program as either
93 the lecturer of the course or program or as the author of the course materials. Each licensee who is participating
94 as either a lecturer or author of an electrology related course or program shall receive credit for the portion of the
95 offering he/she presented or authored up to the total hours awarded for the offering.

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

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

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

105 *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),*
106 *(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-*
107 *16-99, 2-17-00, 9-21-00, 8-13-02, 4-26-09, 2-28-17, 1-5-20, 5-26-21.*

108 **MOTION:** Following discussion, Ms. Greenhalgh moved to approve the proposed draft language
109 as presented. Mr. Ramer seconded the motion, carried 4/0.

110 **MOTION:** Ms. Greenhalgh moved the proposed language would not have an adverse impact on
111 small business and would not result in an economic impact on government or any other entity in
112 excess of \$200,000 within one year of the rule being implemented. Ms. Gray seconded the
113 motion, which carried 4/0.

114 **MOTION:** Ms. Greenhalgh moved the proposed rule should not be designated as a minor
115 violation for first-time offenses. Ms. Gray seconded the motion, which carried 4/0.

116 **MOTION:** Ms. Greenhalgh moved there should not be a provision to sunset the proposed
117 language. Ms. Gray seconded the motion, which carried 4/0.

118 Ms. Guillemette will provide the approved proposed language to the Board of Medicine for
119 consideration at its next available meeting.

120 8. Rule 64B8-55.001, F.A.C., Disciplinary Guidelines

121 The Council reviewed and approved draft amendments to this rule, as presented by Ms.
122 Guillemette at the October 4, 2021 meeting. Since that meeting, additional suggestions have
123 been offered by the Board of Medicine's legal counsel. Ms. Guillemette presented the following
124 draft language, incorporating those suggestions, for the Council's consideration:

125 **64B8-55.001 Disciplinary Guidelines.**

126 (1) Purpose. Pursuant to Section 478.52(1), F.S., the Board provides within this rule disciplinary guidelines which
127 shall be imposed upon applicants or licensees whom it regulates under Chapter 478, F.S., or a telehealth provider
128 registered under section 456.47(4), F.S. The purpose of this rule is to notify applicants, licensees, and telehealth
129 registrants of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate

130 from the guidelines for the stated reasons given within this rule. Each range includes the lowest and highest penalty
 131 and all penalties falling between including appropriate continuing education. The range, in ascending order of severity
 132 is letter of concern, reprimand, suspension, then revocation. The purposes of the imposition of discipline are to punish
 133 the applicants, licensees, or telehealth registrants for violations and to deter them from future violations; to offer
 134 opportunities for rehabilitation, when appropriate; and to deter other applicants, licensees, or telehealth registrants
 135 from violations.

136 (2) Violations and Range of Penalties. In imposing discipline upon applicants, licensees, and telehealth registrants in
 137 proceedings pursuant to Sections 120.57(1) and 120.57(2), F.S., the Board shall act in accordance with the following
 138 disciplinary guidelines and shall impose a penalty as provided in Section 456.072(2), F.S., within the range
 139 corresponding to the violations set forth below. The identification of offenses are descriptive only; the full language
 140 of each statutory provision cited must be consulted in order to determine the conduct included.

141

RECOMMENDED RANGE OF PENALTY				
VIOLATION	APPLICANTS AND LICENSEES		TELEHEALTH REGISTRANTS	
	FIRST OFFENSE	ADDITIONAL OFFENSE	FIRST OFFENSE	ADDITIONAL OFFENSE
(a) Attempting to obtain a license by bribery, fraud, misrepresentation, or through error of the department or the council. (Sections 456.072(1)(h), 478.52(1)(a), F.S.)				
Obtaining or renewing a license through error of the department or council.	Revocation	Revocation	Revocation	n/a
Obtaining or renewing a license through negligent misrepresentation	Revocation	Revocation	Revocation	n/a
Obtaining or renewing a license by fraud.	Revocation and a \$10,000 fine.	Revocation and a \$10,000 fine.	Revocation	n/a

RECOMMENDED RANGE OF PENALTY				
VIOLATION	APPLICANTS AND LICENSEES		TELEHEALTH REGISTRANTS	
	FIRST OFFENSE	ADDITIONAL OFFENSE	FIRST OFFENSE	ADDITIONAL OFFENSE
(b) Action taken against license in any jurisdiction. (Sections 456.072(1)(f) and 478.52(1)(b), F.S.)	Discipline comparable to the minimum first offense which would be imposed if the substantive violation occurred in Florida to discipline comparable to the maximum first offense which be imposed if the substantive violation occurred in Florida.	Discipline comparable to the minimum second or subsequent offense which would be imposed if a second or higher substantive violation had occurred in Florida to Discipline comparable to the maximum second or subsequent offense which would be imposed if a second or higher substantive violation had occurred in Florida.	Letter of concern to revocation as close as possible to same penalty which would have been imposed if the substantive violation had occurred in Florida to revocation.	Letter of concern to revocation as close as possible to same penalty which would have been imposed if a second or higher substantive violation had occurred in Florida to revocation.
(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction, which directly relates to the practice of electrology. (Sections 456.072(1)(c) and 478.52(1)(c), F.S.)	Reprimand and \$250 fine to probation and \$5,000 fine.	Probation and \$350 fine to revocation and \$5,000 fine.	Suspension to Suspension and corrective action plan	Suspension and a corrective action plan to revocation.
(d) Filing a false report or failing to file a report as required (Sections 456.072(1)(g) and (l), and 478.52(1)(d), F.S.)	Reprimand and \$500 fine probation and \$5,000 fine.	Probation and \$1,000 fine to revocation and \$5,000 fine	Letter of concern to suspension to suspension and a corrective action plan.	Suspension and a corrective action plan to revocation.
If fraud found	Revocation and \$10,000 fine.	Revocation and \$10,000 fine.	Revocation	Revocation
(e) False, deceptive or misleading advertising. (Sections 456.072(1)(m) and 478.52(1)(e), F.S.)	Letter of concern and \$500 fine to suspension and \$1,000 fine.	Suspension and \$1,000 fine to suspension or and \$2,500 fine.	Reprimand to suspension and corrective action plan	Suspension and corrective action plan to revocation.

RECOMMENDED RANGE OF PENALTY				
VIOLATION	APPLICANTS AND LICENSEES		TELEHEALTH REGISTRANTS	
	FIRST OFFENSE	ADDITIONAL OFFENSE	FIRST OFFENSE	ADDITIONAL OFFENSE
	If fraud found	Revocation and \$10,000 fine	Revocation and \$10,000 fine.	Revocation
(f) Unprofessional conduct, failure to conform to acceptable standards. (Sections 478.52(1)(f), and 456.072(3)(b), F.S.)	Reprimand and \$250 fine.to probation and \$1,000 fine	Probation and \$1,000 fine to revocation and \$5,000 fine.	Letter of concern to suspension	Suspension and a corrective action plan to revocation.
(g) Possession, sale or distribution of illegal or controlled substance. (Section 478.52(1)(g), F.S.)	Probation and \$1,000 fine to suspension and \$5,000 fine.	Suspension and \$2,000 fine to revocation and \$5,000 fine.	Suspension to suspension and corrective action plan	Suspension and corrective action plan to revocation.
(h) Willful failure to report any known violation of Chapter 456 or 478, F.S. (Sections 456.072(1)(i) and 478.52(1)(h), F.S.)	Letter of Concern and \$250 fine to probation and \$1,000 fine.	Probation and \$350 fine to suspension and a \$5,000 fine.	Reprimand to suspension	Suspension and a corrective action plan to revocation.
(i) Repeated or willful violation of disciplinary order. (Section 456.072(1)(q), and 478.52(1)(i), F.S.)	Suspension until in compliance with prior order and \$500 fine to suspension and \$2,500 fine followed by probation	Suspension until in compliance with prior order and \$1,000 fine to revocation and \$2,500 fine.	Suspension to suspension and corrective action plan.	Suspension and a corrective action plan to revocation.
(j) Delivery of electrolysis services without an active license. (Section 478.52(1)(j), F.S.)	Reprimand and \$250 fine to revocation and \$5,000 fine.	Probation and \$350 fine to revocation and a \$5,000 fine.	Suspension and a corrective action plan to revocation.	One (1) year suspension and a corrective action plan to revocation.
(k) Employing or assisting an unlicensed person to practice electrology. (Sections 456.072(1)(j), and 478.52(1)(k), F.S.)	Reprimand and \$250 fine to probation and \$1,000 fine.	Probation and \$1,500 fine to suspension and a \$5,000 fine.	Suspension to suspension and a corrective action plan.	suspension and a corrective action plan to revocation..
(l) Failure to perform/comply with legal obligation. (Sections 456.072(1)(k) and 478.52(1)(l), F.S.)	Reprimand and \$250 fine to probation and \$1,500 fine.	Probation and \$1,500 fine to suspension and a \$5,000 fine.	Reprimand to suspension and a corrective action plan.	Suspension and a corrective action plan to revocation
(m) Accepting and performing responsibilities for which	Probation and \$500 fine to	Probation and \$1,000 fine to	Suspension to suspension and a	Suspension and a corrective

RECOMMENDED RANGE OF PENALTY				
VIOLATION	APPLICANTS AND LICENSEES		TELEHEALTH REGISTRANTS	
	FIRST OFFENSE	ADDITIONAL OFFENSE	FIRST OFFENSE	ADDITIONAL OFFENSE
licensee knows, or has reason to know, he or she is not competent to perform. (Sections 457.072(1)(o) and 478.52(1)(m), F.S.)	probation and \$2,500 fine.	revocation and \$5,000 fine.	corrective action plan.	action plan to revocation.
(n) Delegating professional responsibilities to unqualified person. (Sections 456.072(1)(p) and 478.52(1)(n), F.S.)	Probation and \$250 fine to two (2) years suspension or denial and \$5,000 fine.	Six (6) months suspension followed by probation and \$1,000 fine to revocation and \$5,000 fine.	Suspension and corrective action plan to two (2) years suspension.	Six (6) months suspension followed by a corrective action plan to revocation.
(o) Malpractice. (Section 478.52(1)(o), F.S.)	Probation and \$500 fine to suspension and \$7,500 fine.	Suspension followed by probation and \$10,000 fine to revocation.	Suspension to suspension and corrective action plan.	Suspension and corrective action plan to revocation.
(p) Judicially determined mental incompetency. (Section 478.52(1)(p), F.S.)	Probation to suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation.	Probation to suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation to revocation.	Suspension and a corrective action plan.	Suspension and a corrective action plan to revocation.
(q) Practicing under a name other than that of licensee. (Section 478.52(1)(q), F.S.)	Letter of concern and \$250 fine to probation and \$1,000 fine.	Probation and \$1,000 fine to suspension and \$5,000 fine.	Letter of concern to suspension.	Suspension and corrective action plan to revocation
(r) Inability to practice with reasonable skill and safety because of mental or physical condition or illness or use of alcohol or controlled substances or any other substance which impairs one's ability to practice. (Sections 478.52(1)(r) and 456.072(1)(z), F.S.)	Suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety.	Suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety and \$500 fine, followed by probation	Suspension and a corrective action plan to revocation.	Suspension and a corrective action plan to revocation.

RECOMMENDED RANGE OF PENALTY				
VIOLATION	APPLICANTS AND LICENSEES		TELEHEALTH REGISTRANTS	
	FIRST OFFENSE	ADDITIONAL OFFENSE	FIRST OFFENSE	ADDITIONAL OFFENSE
(s) Disclosing identity of or information about a patient. (Section 478.52(1)(s), F.S.)	Probation and \$250 fine to suspension and \$1,000 fine.	Suspension and \$1,000 fine to revocation and \$5,000 fine.	Suspension to suspension and corrective action plan	Suspension and corrective action plan to revocation.
(t) Practicing permanent hair removal except as described in Section 478.42(5), F.S. (Section 478.52(1)(t), F.S.)	Probation and \$250 fine to probation and \$5,000 fine.	Suspension followed by probation and \$1,000 fine to revocation and a \$5,000 fine.	Suspension to suspension and corrective action plan.	Suspension and corrective action plan to revocation.
(u) Operating an unlicensed facility. (Section 478.52(1)(u), F.S.)	Suspension until compliance and \$250 fine to suspension until compliance and \$2,500 fine.	Suspension until compliance and \$500 fine to suspension until compliance followed by probation and \$2,500 fine.	Suspension to suspension and corrective action plan	Suspension to suspension and corrective action plan to revocation.
(v) Violating any provision of Sections 456, 478, F.S. or any rule adopted pursuant thereto. (Section 456.072(1)(b),(dd), F.S.)	Letter of concern and \$200 fine to probation and \$1,000 fine	Probation and \$500 fine to revocation and \$7,500 fine	Letter of concern to suspension and corrective action plan	Suspension and corrective action plan to revocation
(w) Using a Class II or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted under s. 501.122 (2) governing the registration of the devices. (Section 456.072(1)(d), F.S.)	Probation and \$1,000 fine to suspension and \$2,500 fine	Suspension and \$3,000 fine to revocation	n/a	n/a
(x) Failing to comply with the education course requirements for acquired immune deficiency syndrome and domestic violence. (Section 456.072(1)(e),(s), F.S.)	Letter of concern and \$250 fine to reprimand and \$500 fine	Reprimand and \$500 fine to suspension and \$1,000 fine.	n/a	n/a
(y) Making deceptive, untrue, or fraudulent representations in or related to the practice of electrolysis, or employing a trick or scheme in or related the practice of electrolysis (Section 456.072(1)(m), F.S.)	Payment of fees paid by or on behalf of the patient and from probation and \$1,000 fine to suspension and \$2,000 fine.	Payment of fees paid by or on behalf of the patient and from suspension and \$2,000 fine to revocation and \$10,000 fine.	Suspension to suspension and corrective action plan	Suspension and corrective action plan to revocation.

RECOMMENDED RANGE OF PENALTY				
VIOLATION	APPLICANTS AND LICENSEES		TELEHEALTH REGISTRANTS	
	FIRST OFFENSE	ADDITIONAL OFFENSE	FIRST OFFENSE	ADDITIONAL OFFENSE
	If fraud found	Revocation and \$10,000 fine	Revocation and \$10,000 fine	Revocation
(z) Exercising influence in the patient or client for the purpose of financial gain or the licensee or a third party. (Section 456.072(1)(n), F.S.)	Payment of fees paid by or on behalf of the patient and from probation and \$1,000 fine to suspension and \$2,000 fine.	Payment of fees paid by or on behalf of the patient and from suspension and \$2,000 fine to revocation and \$10,000 fine	Suspension to suspension and corrective action plan	Suspension and corrective action plan to revocation
(aa) Failing to comply with the lawfully issued subpoena of the department. (Section 456.072(1)(q), F.S.)	Reprimand and \$1,000 fine to probation and \$2,000 fine	Probation and \$2,000 fine to suspension and \$5,000 fine	Suspension to suspension and corrective action plan	Suspension and corrective action plan to revocation
(bb) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (Section 456.072(1)(r), F.S.)	Reprimand and \$1,000 fine to probation and \$2,000 fine	Probation and \$2,000 fine to suspension and \$5,000 fine	Suspension to suspension and corrective action plan	Suspension and corrective action plan to revocation
(cc) Failing to identify to patient electrolysis licensure (Section 456.072(1)(t), F.S.)	Letter of concern and \$250 fine to probation and \$500 fine	Probation and \$500 fine to suspension and \$1,000 fine.	Reprimand to suspension	Suspension to suspension and corrective action plan
(dd) Sexual Misconduct. (Sections 456.063, F.S., 456.072(1)(v), F.S.)	Probation and \$2,500 fine to revocation and \$7,500 fine	Suspension and \$7,500 fine to revocation and \$10,000 fine	Suspension to suspension and corrective action plan	Suspension and corrective action plan to revocation
(ee) Failing to report to the council in writing within 30 days after the licensee has been convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. (Section 456.072(1)(x), F.S.)	Reprimand and \$250 fine to probation and \$1,000 fine.	Probation and \$1,000 fine to suspension	Reprimand to suspension	Suspension to suspension and corrective action plan
(ff) Testing positive for any drug, as defined in s. 112.0455 on any confirmed preemployment or employer-ordered drug screening when the practitioner does not	Suspension until licensee is able to demonstrate ability to practice with reasonable	Suspension until licensee is able to demonstrate ability to practice	Suspension to suspension and corrective action plan.	Suspension and corrective action plan to revocation.

RECOMMENDED RANGE OF PENALTY				
VIOLATION	APPLICANTS AND LICENSEES		TELEHEALTH REGISTRANTS	
	FIRST OFFENSE	ADDITIONAL OFFENSE	FIRST OFFENSE	ADDITIONAL OFFENSE
have a lawful prescription and legitimate medical reason for using the drug. (Section 456.072(1)(aa), F.S.)	skill and safety to probation until licensee is able to demonstrate the ability to practice with reasonable skill and safety.	with reasonable skill and safety and \$500 fine followed by probation to probation until licensee is able to demonstrate the ability to practice with reasonable skill and safety and \$1,500 fine.		
(gg) Performing or attempting to perform electrolysis on the wrong patient, a wrong-site procedure, a wrong procedure, an unauthorized procedure, or a procedure that is medically unnecessary or otherwise unrelated to the patient’s diagnosis or medical condition. (Section 456.072(1)(bb))	Probation and \$1,000 fine to suspension and \$2,000 fine.	Suspension and \$2,000 fine to revocation and \$10,000 fine.	Suspension to suspension and corrective action plan.	Suspension and corrective action plan to revocation.
(hh) Being terminated from an impaired practitioner program that is overseen by a consultant as described in s. 456.076, for failure to comply, without good cause, the terms of the monitoring or participant contract enter into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program. (Section 456.072(1)(hh), F.S.)	Suspension until licensee is able to demonstrates compliance with all the terms of the monitoring contract and is able to demonstrate to the Board the ability to practice with reasonable skill and safety with a consecutive year of probation and a fine of \$1,000 to revocation.	Suspension until licensee is able to demonstrates compliance with all the terms of the monitoring contract and is able to demonstrate to the Board the ability to practice with reasonable skill and safety with a consecutive year of probation and a fine of \$5,000 to revocation.	Suspension and corrective action plan to revocation.	Suspension and corrective action plan to revocation
(ii) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of	Revocation and \$10,000 fine	n/a	Revocation	n/a

RECOMMENDED RANGE OF PENALTY				
VIOLATION	APPLICANTS AND LICENSEES		TELEHEALTH REGISTRANTS	
	FIRST OFFENSE	ADDITIONAL OFFENSE	FIRST OFFENSE	ADDITIONAL OFFENSE
adjudication, a crime in any jurisdiction which relates to health care fraud. (Section 456.072(1)(ll), F.S.)				
(jj) Failure to comply with the parental consent requirements of Section 1014.06, F.S. (Section 456.072(1)(rr), F.S.)	Letter of concern and \$200 fine to probation and \$1,000 fine.	Probation and \$2,000 fine to Suspension and \$5,000 fine.	Letter of concern to suspension	Suspension to Suspension and corrective action plan
(kk) Being convicted or found guilty of, entering a plea of guilty or nolo contendere to, regardless of adjudication, or committing or attempting, soliciting, or conspiring to commit and act that would constitute a violation of any of the offenses listed in Section 456.074(5) or similar offense in another jurisdiction. (Section 456.072(1)(ss), F.S.)	Revocation	n/a	Revocation	n/a
(ll) Failure to notify council of an adverse action taken against license. (456.47(4)(i)1.)	n/a	n/a	Letter of concern to suspension and a corrective action plan	Suspension and corrective action plan to revocation.

142 (3) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors
143 present in an individual case, the Council may deviate from the penalties recommended above. The Council shall
144 consider as aggravating or mitigating factors the following:

- 145 (a) Exposure of patient or public to injury or potential injury, physical or otherwise: none, slight, severe, or death;
- 146 (b) Legal status of licensee at the time of the offense;
- 147 (c) The number of counts or separate offenses established;
- 148 (d) The disciplinary history of the applicant or licensee in any jurisdiction and the length of practice;
- 149 (e) Pecuniary benefit or self-gain inuring to the licensee.

150 (4) Stipulations or Settlements. The provisions of this rule are not intended and shall not be construed to limit the
151 ability of the Board to dispose informally of disciplinary actions by stipulation, agreed settlement, or consent order
152 pursuant to Section 120.57(4), F.S.

153 (5) Other Action. The provisions of this rule are not intended to and shall not be construed to limit the ability of the
154 Council to pursue or recommend that the Department pursue collateral civil or criminal actions when appropriate.

155 Rulemaking Authority 456.072, 456.079, ~~456.47(7)~~, 478.52(4) FS. Law Implemented 456.072, 456.073, 456.079, ~~456.47(4)~~,
156 478.52(4) FS. History—New 11-16-93, Formerly 61F6-80.001, Amended 1-2-95, Formerly 59R-55.001, Amended 2-9-98, 10-12-
157 98, 3-1-00, 9-28-00, 5-30-01, 8-8-01, 10-8-02, 7-8-03, 7-18-06, 2-22-17, _____.

158 **MOTION:** Following discussion, Ms. Greenhalgh moved to approve the proposed draft language
159 with edits discussed. Ms. Gray seconded the motion, carried 4/0.

160 **MOTION:** Ms. Greenhalgh moved the proposed language would not have an adverse impact on
 161 small business and would not result in an economic impact on government or any other entity in
 162 excess of \$200,000 within one year of the rule being implemented. Ms. Gray seconded the
 163 motion, which carried 4/0.

164 **MOTION:** Ms. Greenhalgh moved the proposed rule should not be designated as a minor
 165 violation for first-time offenses. Ms. Gray seconded the motion, which carried 4/0.

166 **MOTION:** Ms. Greenhalgh moved there should not be a provision to sunset the proposed
 167 language. Ms. Gray seconded the motion, which carried 4/0.

168 Ms. Guillemette will provide the approved proposed language to the Board of Medicine for
 169 consideration at its next available meeting.

170 Ms. Greenhalgh asked that the Council next take up review of Rule 64B8-55.002, F.A.C.,
 171 Citations. This item will be added to the Council’s April 2022 meeting agenda for discussion.

172 **REPORT OF ASSISTANT ATTORNEY GENERAL – Ms. Diane Guillemette, Esquire**

173 9. Rule Status Report

174 Ms. Guillemette presented the status of Council rules currently under development as follows
 175 below.

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
64B8-55.001	Disciplinary Guidelines	January 2021	02/05/2021	04/02/2021	04/23/2021	05/12/2021 05/17/21 – Japc Letter 05/27/21 – Attorney Response 06/11/21 – Notice of Withdrawl		
64B8-55.0015	Out-of-State Telehealth Discipline	January 2021	02/05/2021	04/21/2021	04/29/2021	05/21/2021 05/26/2021 – Japc Letter 06/04/21 – Attorney Response 08/16/21 – Notice of Withdrawl		

176 **REPORTS, IF ANY**

177 10. Council Chair – Jolynn Greenhalgh, DNP, APRN, RE

- 178 ○ Other Council Members

179 No reports.

180 11. Executive Director - Allen Hall

- 181 • Cash Balance Report
- 182 • Expenditures by Function Report

183 Informational Item.

184 **OLD BUSINESS**

185 12. October 4, 2021, Electrolysis Council Meeting Minutes

186 Ms. Greenhalgh moved to approve the minutes as presented. Ms. Gray seconded the motion,
187 which carried 4/0.

188 13. Council Membership Status

189 Section 478.44, Florida Statutes, requires the Council be composed of five members, to include
190 three professional members and two consumer members, which meet the qualifications
191 specified therein.

192 Currently, the Council is composed of two consumer members and two professional members.
193 Their service status is currently as outlined below.

- 194 • **Professional Members**

- 195 ○ Ms. Greenhalgh has continued to serve approximately 1.5 years beyond her 2nd
196 term, which is permitted until a successor is appointed.
- 197 ○ Ms. Bermejo's 1st term as a professional member is scheduled to expire on
198 February 2, 2022. Ms. Bermejo is eligible for a 2nd term and has recently
199 submitted a re-appointment application for the Council's review.
- The third professional member post has been vacant for over three (3) years.

- 200 • **Consumer Members**

- 201 ○ Ms. Gray is serving her 2nd term, which is not scheduled to expire until February
202 7, 2024.
- 203 ○ Mr. Ramer is serving his 1st term, which is not scheduled to expire until February
204 7, 2024.

205 Efforts to recruit new professional members have included continuous advertisement of
206 vacancies on the Council's website, mass e-mails to Electrologist licensees and reaching out to
207 the state professional association.

208 Following discussion, Ms. Greenhalgh moved to approve the reappointment of Ms. Bermejo to
209 the Council as a professional member. Ms. Gray seconded the motion, which carried 4/0. Ms.
210 Bermejo’s application will be referred to the Board of Medicine, for final determination regarding
211 her re-appointment, at the Board’s next scheduled meeting.

212 **NEW BUSINESS**

213 14. 2022 Conviction Record Guidelines

214 The Conviction Record Guidelines, reviewed and approved by the Boards/Councils annually,
215 are used by staff to assist in determining which licensure applications require individual
216 consideration at the quarterly meetings.

217 Following discussion, Ms. Greenhalgh moved to approve the 2022 Conviction Record
218 Guidelines. Ms. Gray seconded the motion, which carried 4/0.

219 15. 2022 Delegation of Authority

220 The Delegation of Authority, reviewed and approved annually, facilitates administrative
221 efficiency and documents when individuals or entities have been delegated to act on behalf of a
222 Board/Council.

223 Following discussion, Ms. Greenhalgh moved to approve the 2022 Delegation of Authority. Ms.
224 Gray seconded the motion, which carried 4/0.

225 16. 2022 Council Elections
226

Position	2022 Assignments
Council Chair	Jolynn Greenhalgh
Council Vice Chair	Sarah Gray
Unlicensed Activity Liaison	Gregory Ramer
Budget Liaison	Sarah Gray
Education Liaison	Rosanna Bermejo
Legislative Liaison	Jolynn Greenhalgh

227 Ms. Greenhalgh moved to approve the nominees for the 2022 Council Elections. Ms. Gray
228 seconded the motion, which carried 4/0.

229 17. 2023 Proposed Council Meeting Dates

- 230 • January 9
- 231 • April 3
- 232 • July 10
- 233 • October 2

234 Ms. Greenhalgh moved to approve the 2023 Council Meeting Dates. Ms. Gray seconded the
235 motion, which carried 4/0.

236 Times for each meeting will be discussed during the October 2022 meeting when members
237 have a better idea of their 2023 availability.

238 18. Financial Reports

239 Mr. Hall presented informational financial reports provided by the MQA Budget Analyst.

240 **OTHER BUSINESS & INFORMATION**

241 19. 2022 Electrologist & Electrolysis Facility Renewal Information

242 Informational item.

243 20. Final Order: Inbal Eilon, DOH Case No. 2017-12057

244 Informational item.

245 21. Final Order: Mika Harris, DOH Case No. 2018-05591

246 Informational item.

247 22. Final Order: Stephanie McAllister, DOH Case No. 2017-15000

248 Informational item.

249 23. Florida PDMP Monthly Report

250 Informational item.

251 **ADJOURNMENT**

252 The meeting adjourned at 9:50 A.M.