

**DEPARTMENT OF HEALTH
ELECTROLYSIS COUNCIL
GENERAL BUSINESS MEETING
BY TELEPHONE CONFERENCE CALL
April 16, 2018
-DRAFT MINUTES-**

DIAL-IN NUMBER: 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.

1 Members Present

2 Ms. Jolynn Greenhalgh, DNP, ARNP, RE, Chair
3 Ms. Rosanna Bermejo, RE
4 Ms. Sarah Gray, Esquire
5 Ms. Erin Wiedemer, PMP

Staff Present

Allen Hall, Executive Director
Anna King, Program Administrator
Olyvia Davis, Regulatory Specialist II

6 Assistant Attorney General

7 Rachelle Munson, Esquire

8 Additional Persons Present

9 Judy Adams, RE
10 Stephanie McCallister, RE
11 Vickey Panos, RE
12 Jon Pellet, Esquire

13 2:00 p.m. (EST)

14 Call to Order – General Business Meeting

15 INDIVIDUAL CONSIDERATIONS

16 1. Christine Castellano, Examination Applicant

17 Ms. Castellano was not present and not represented by legal counsel.

18 During the January 8, 2018 meeting, Ms. Castellano's application was before the Council for
19 review of her application under the licensure by examination method. Following discussion from
20 that meeting, the Council informed Ms. Castellano the following would be required for further
21 consideration of her application:

- 22 • an updated transcript, or other official documents from her training program, showing
23 completion of 320 hours of electrolysis training to include 200 hours of practical training as
24 well as the required academic training; and
25 • a breakdown of subjects completed.

26 Ms. Castellano provided another transcript for the April 16, 2018 meeting. Following discussion
27 and further review, Ms. Jolynn Greenhalgh moved to deny the application by examination due to
28 insufficient information provided on the updated transcript. Ms. Castellano will have 10 days to
29 withdraw to avoid a record of denial. Ms. Sarah Gray seconded the motion, which carried 4/0.

1 **2. Susan Eramo-Webster, Endorsement Applicant**

2 Ms. Eramo-Webster was not present and not represented by legal counsel.

3 Ms. Eramo-Webster was before the Council for review of her application for licensure by
4 endorsement. Following discussion, the Council determined that the Massachusetts regulations
5 for Electrologist licensure were not equivalent to Florida's current requirements.

6
7 Ms. Jolynn Greenhalgh moved to approve the application by endorsement. Ms. Sarah Gray
8 seconded the motion, which carried 4/0.

9
10 Following discussion and clarification by Ms. Rachelle Munson, Council's Attorney, on
11 evaluation of endorsement applications given the new combined electrolysis and laser
12 curriculum requirements in Council Rule 64B8-53.002, F.A.C., Ms. Greenhalgh moved to
13 rescind the original approval. Ms. Sarah Gray seconded the motion.

14
15 Ms. Jolynn Greenhalgh moved to deny the application by endorsement. Ms. Eramo-Webster will
16 have 10 days to withdraw to avoid a record of denial and has the option to apply by
17 examination. Ms. Sarah Gray seconded the motion, which carried 4/0.

18 **REVIEW OF COMBINED MODALITY 320-HOUR ELECTROLYSIS TRAINING PROGRAMS**

19 **3. Miami School of Wellness and Aesthetics**

20 Miami School of Wellness and Aesthetics representatives were not present and not represented
21 by legal counsel. The training program's proposed 320-hour combined modality electrolysis
22 training program was before the Council for consideration.

23 Following discussion, Ms. Greenhalgh moved to approve the combined 320 hour epilator, laser
24 and light-based program of Miami School of Wellness and Aesthetics contingent upon receipt of
25 the following for her approval as Council Chair: CIE licensure documents from DOE within 6
26 months. Ms. Sarah Gray seconded the motion, which carried 4/0.

27 **4. Bellasa Professional Institute**

28 Robert Babani was present for Bellasa Professional Institute and not represented by legal
29 counsel. The training program's proposed 320-hour combined modality electrolysis training
30 program was before the Council for consideration

31 Following discussion, Ms. Jolynn Greenhalgh moved to approve the combined 320 hour epilator
32 and laser program of Bellasa Professional Institute. Ms. Sarah Gray seconded the motion,
33 which carried 4/0.

34 **LICENSURE RATIFICATION LIST**

35 **5. Licensed Electrologists**

36 The Examination Candidate Ratification List was presented to the Council for approval. Ms.
37 Jolynn Greenhalgh moved to approve the list of examination candidates. Ms. Sarah Gray
38 seconded the motion, which carried 4/0.

1 **RULES REVIEW & DEVELOPMENT**

2 **6. Rule 64B8-51.008, F.A.C., Additional Educational Requirements for Initial**
3 **Licensure**

4 The text of Rule 64B8-51.008, F.A.C., currently sets forth requirements for instruction on the
5 prevention of medical errors for initial licensure. Effective July 1, 2016, Florida law changed to
6 remove the requirement for this course at initial licensure and only require licensees to complete
7 during each biennial licensure renewal.

8 The Council was asked to review and approve the proposed draft language repealing the
9 outdated rule.

10 Ms. Greenhalgh moved to approve the proposed rule language. Ms. Sarah Gray seconded the
11 motion, which carried 4/0.

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

16 Ms. Greenhalgh moved the proposed rule language should not be designated as a minor
17 violation for first time offenses. Ms. Sarah Gray seconded the motion, which carried 4/0.

18
19 *At this point in the meeting, Ms. Greenhalgh reordered the agenda to consider Tab 19.*

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

21 The Council, at its last meeting on January 8, 2018, approved changes to Rule 64B8-51.002,
22 F.A.C. The proposed changes to the rule were scheduled for review at the Board of Medicine's
23 Rules Committee meeting on April 5, 2018, but were withdrawn from that agenda in anticipation
24 of questions regarding the identification of exam providers and the criteria for exam content. To
25 address those concerns, Ms. Munson provided the following amended language for the
26 Council's review:

27 **CURRENT Amended Proposal as of 04/11/2018:**

28 (1) Every applicant for licensure as an electrologist by examination shall demonstrate to the
29 Council that the applicant:

30 (a) Is at least 18 years old.

31 (b) Is of good moral character.

32 (c) Possesses a high school diploma, a graduate equivalency diploma, college diploma,
33 university diploma, or technical school diploma if such college, university, or technical school
34 required high school or graduate equivalency diploma for admission.

35 (d) Has not committed an act in any jurisdiction which would constitute grounds for disciplining
36 an electrologist in this state.

37 (e) Has successfully completed the requirements of a pre-licensure ~~an~~ electrolysis training
38 program approved by the Council for: ~~120 hours academic training and a minimum of 200 hours~~
39 ~~of practical application.~~

1 1. The combined epilator, laser, and light-based curriculum defined in Rules 64B8-53.002,
2 Florida Administrative Code, effective February 15, 2017; or

3 2. The epilator curriculum required for applicants who completed the training prior to March
4 1, 2018.

5 (f) Is not otherwise disqualified by reason of a violation of Chapter 456 or 478, F.S., or the rules
6 promulgated thereunder.

7 (g) Has passed the examination required by Section 478.45(2), F.S.

8 (2) The Electrolysis Licensure Examination shall be a national exam pursuant to Section
9 456.017, F.S. and approved by the Board for the practice of electrology. The requirements and
10 standards of the national examination shall comply with the requirements set forth in Rule 64B-
11 1.011, F.A.C. The following exam has been approved by the Board: Tthe International Board of
12 Electrologist Certification (IBEC) national examination.

13 (3) Each national examination provider shall set tThe minimum passing score for the
14 ~~examination shall be set by the national examination provider~~ its exam.

15 (4) A candidate for licensure by examination who fails to pass the examination shall be required
16 to retake the examination prior to issuance of a license. The application for re-examination of
17 the licensure examination, as referenced in subsection (2) of this rule, shall be made on the Re-
18 Examination Application form DH-MQA 1262 hereby adopted (6/14) and which can be accessed
19 through <http://www.flrules.org/Gateway/reference.asp?No=Ref-04745> or
20 <http://www.floridahealth.gov/licensing-and-regulation/electrolysis/>. Upon notice from the testing
21 vendor of an applicant's unsuccessful scores, the Council Office will send the re-examination
22 form to affected applicants.

23
24 *Rulemaking Authority 478.43(1), (4) FS. Law Implemented 456.017, 456.0635, 478.45 FS. History--New 5-31-93, Formerly 21M-*
25 *76.002, 61F6-76.002, Amended 7-11-95, Formerly 59R-51.002, Amended 11-13-97, 2-17-00, 5-28-00, 11-27-14, _____.*

26 Ms. Greenhalgh moved to approve the proposed rule language. Ms. Sarah Gray seconded the
27 motion, which carried 4/0.

28 Ms. Greenhalgh moved the proposed rule language would not have an adverse impact on small
29 business nor have an economic impact on government or any other entity in excess of \$200,000
30 within one year of the rule being implemented. Ms. Sarah Gray seconded the motion, which
31 carried 4/0.

32 Ms. Greenhalgh moved the proposed rule language should not be designated as a
33 minor violation for first time offenses. Ms. Sarah Gray seconded the motion, which
34 carried 4/0.

35 *At this point in the meeting, 3:05pm, Council Member Erin Wiedmer left the*
36 *meeting*

37 **7. Rule 64B8-56.002, F.A.C., Equipment and Devices; Protocols for Laser and Light-**
38 **Based Devices**

39 During the July 2017 Council meeting, in anticipation of the combined modality
40 prelicensure training programs transition on March 1, 2018, the Council approved the
41 following proposed language outlining requirements for Electrologists to provide
42 laser and light-based hair removal services. Note that these proposed changes are
43 still pending final publication.

1 **64B8-56.002 Equipment and Devices; Protocols for Laser and Light-Based Devices.**

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

5 (a) Needle type epilators.

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

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

10 (a) Have completed training in

11 1. Laser and light-based hair removal and reduction that meets the requirements set forth in
12 subsections 64B8-52.004(2) and (3), F.A.C., and; (b) Have passed the Society for Clinical and
13 Medical Hair Removal test for certification as a Certified Medical Electrologist, or;

14 2. Needle type epilators combined with laser and light-based hair removal and reduction that
15 meets the curriculum of 64B8-53.002, F.A.C., and have passed a licensure examination approved
16 by the Board in 64B8-51.002, F.A.C., that tests both epilator and laser and light-based modalities;

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

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

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

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

27 (4)(a) The supervising physician and the electrologist shall develop jointly written protocols
28 regarding the medical condition for individuals to receive laser and light-based hair removal or
29 reduction treatment; specific conditions and the procedure for identifying conditions that require
30 direct evaluation or specific consultation by the physician; treatment of routine minor problems
31 resulting during or from laser and light-based hair removal or reduction; and detailed procedures
32 to be followed in the event of emergency situations developing during the performance of or as
33 a result of laser and light-based hair removal or reduction. These written protocols must be
34 signed, dated, and maintained in a readily available location on the premises where the
35 electrologist practices. One copy shall be maintained by the supervising physician and one copy
36 must be filed with the Department of Health. The written protocols which are kept on the
37 premises of the electrologist will be readily available for inspection and review by agents of the
38 Department of Health. The parties to a protocol must notify the Department within 30 days of the
39 termination of their professional relationship.

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

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

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

49 *Rulemaking Authority 458.331(1)(v), 478.43(1), (4) FS. Law Implemented 458.331(1)(v),*
50 *458.348(3), 478.42(5), 478.43(1), (3), (4) FS. History—New 9-12-01, Amended 2-28-02, 7-23-06,*
51 *3-12-08, 11-4-14, 2-15-17, _____.*

52 **Action Requested:** The Council is asked to discuss whether completion of a
53 combined total of 350 hours of training in electrolysis and laser and light-based hair

1 removal service, as well as passage of the combined examination, qualifies an
2 Electrologist to offer laser and light-based hair removal services without further
3 credentialing. If so, the Council is asked to consider amending the proposed draft
4 rule accordingly.

5 Ms. Greenhalgh moved to reconsider the language previously approved during the October
6 2017 meeting. Ms. Sarah Gray seconded the motion, which carried 3/0.

7 Ms. Greenhalgh moved to approve the proposed rule language amendment to Paragraph
8 (2)(a)1. to begin that section with the text "*Needle-type epilation and...*" Ms. Sarah Gray
9 seconded the motion, which carried 3/0.

10 Ms. Greenhalgh moved the proposed rule language would not have an adverse impact on small
11 business nor have an economic impact on government or any other entity in excess of \$200,000
12 within one year of the rule being implemented. Ms. Sarah Gray seconded the motion, which
13 carried 3/0.

14 Ms. Greenhalgh moved the proposed rule language should not be designated as a minor
15 violation for first time offenses. Ms. Sarah Gray seconded the motion, which carried 3/0.

16 **REPORT OF ASSISTANT ATTORNEY GENERAL – Rachelle Munson**

17 **8. Rules Status Reports**

- 18 • Rule 64B8-50.003, F.A.C., Delegation of Powers and Duties to the Electrolysis Council
- 19 • Rule 64B8-51.001, F.A.C., Manner of Application
- 20 • Rule 64B8-51.002, F.A.C., Licensure by Examination
- 21 • Rule 64B8-51.006, F.A.C., Rule Governing Licensure and Inspection of Electrology
22 Facilities
- 23 • Rule 64B8-56.002, F.A.C., Equipment and Devices; Protocols for Laser and Light-Based
24 Devices
- 25 • 64B8-55.005, F.A.C., Notice of Noncompliance; Rules Designated as Minor Violations
26 for First Time Offense
- 27 • Rule Chapter 64B8-53, F.A.C., Electrolysis Training Programs
- 28 • Council Member Reference Guide

29 **REPORTS**

30 **9. Council Chair – Jolynn Greenhalgh, DNP, ARNP** 31 Healthiest Weight Report, If any

32 Ms. Greenhalgh informed that she would be attending the Division of Medical Quality's
33 Assurance Board Chairs/Vice-Chairs' Annual Long Range Planning Meeting on April 23, 2018.

34 **10. Executive Director - Allen Hall**

- 35 • Cash Balance Report
- 36 • Expenditures by Function

1 **NEW BUSINESS**

2 **11. 2019 Council Meeting Schedule**

3 Ms. Jolynn Greenhalgh moved to approve the proposed dates, with note that she will need to
4 provide information about available times once she has more information regarding her
5 schedule. Ms. Sarah Gray seconded the motion, which carried 3/0. Ms. Greenhalgh also
6 mentioned that she may need to submit a change in time for the October 15, 2018 meeting.

7 **OLD BUSINESS**

8 **12. January 8, 2018 Electrolysis Council Meeting Minutes**

9 Ms. Jolynn Greenhalgh moved to approve the January 8, 2018 Electrolysis Council Meeting
10 Minutes. Ms. Sarah Gray seconded the motion, which carried 4/0.

11 **13. March 16, 2018 Electrolysis Council Meeting Minutes**

12 Ms. Jolynn Greenhalgh moved to approve the March 16, 2018 Electrolysis Council Meeting
13 Minutes. Ms. Sarah Gray seconded the motion, which carried 4/0.

14 **14. Status of Professional EO Members**

15 Ms. Rosanna Bermejo, RE, was appointed to the Council by the Board of Medicine after
16 consideration at its April 5, 2018. Ms. Lina Grillo, RE, was not re-appointed to the Council during
17 the same meeting. It was noted that the minutes of the April 5, 2018 meeting were not available
18 at the time of agenda publication. Ms. Greenhalgh asked that the minutes be provided for
19 review at a future meeting.

20 **OTHER BUSINESS INFORMATION**

21 **15. Legislative Outcome Update**

22 Informational item.

23 **16. DOH Final Order: Miuriz Diaz de Villega, EO 2806, DOH Case No. 2015-30919**

24 Informational item.

25 **17. DOH Final Order: Benafsha Perry Bamasi, EO 898, DOH Case No. 2017-00395**

26 Informational item.

27 **18. DOH Final Order: Alyse Reygal Penniger, EO 3175, DOH Case No. 2017-10045**

28 Informational item.