

The Florida  
**Electrolysis Council**

# **Minutes**

**April 24, 2017**

Telephone Conference Call

1-888-670-3525

Participant Code 7811783909 #

**Jolynn Greenhalgh, DNP, ARNP, RE**  
Chair

**Lina Grillo, RE**  
Vice-Chair

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

**April 24, 2017**

**2:00 p.m. EST**

**CONFERENCE CALL**

**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.**

**2:00 p.m.**

**Call to Order – General Business Meeting**

Ms. Jolynn Greenhalgh, Council Chair, called the meeting to order at approximately 2:09 p.m. Those present for all or part of the meeting were as follows below.

**MEMBERS PRESENT**

Jolynn Greenhalgh, DNP, ARNP, RE, Chair  
Lina Grillo, RE, Vice-Chair  
Nilsa Lapeyrouse, RE  
Sarah Gray, Esquire  
Erin Wiedemer, PMP

**STAFF PRESENT**

Allen Hall, Executive Director  
Anna King, Program Administrator  
Kimberly Thomas, Regulatory Specialist II

**ASSISTANT ATTORNEY GENERAL**

Marlene Stern, Esquire

**Additional Persons Present**

Jon Pellet, Esquire  
Sandy Allen, Esquire  
Linda McMullen, DOH Assistant General Counsel

**2:00 p.m. – convened at 2:09 p.m.**

**Call to Order – General Business Meeting**

**ADMINISTRATIVE PROCEEDINGS**

***The council chair requested Tab 10 and Tab 20 be taken out of order for discussion at this point in the meeting.***

**APPLICANT CERTIFICATION LIST**

**10. Examination Applicants**

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

Ms. Jolynn Greenhalgh moved to ratify the list of examination candidates. Ms. Sarah Gray seconded the motion, which carried 4/0.

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## **OLD BUSINESS**

### **20. January 9, 2017 Electrolysis Council Meeting Minutes**

Ms. Greenhalgh moved to approve the January 9, 2017 Electrolysis Council meeting minutes. Ms. Lina Grillo seconded the motion, which carried 5/0.

Ms. Nilsa Lapeyrouse joined the meeting during this discussion.

## **INDIVIDUAL CONSIDERATIONS**

### **1. Sherry Mazella-Ball – Examination Applicant**

Ms. Mazella-Ball was not present and not represented by legal counsel.

Ms. Mazella-Ball was before the Council for review of her application for licensure by exam. Following discussion, Ms. Jolynn Greenhalgh moved to deny the application with the option to withdraw in 14 days. Ms. Lina Grillo seconded the motion, which carried 5/0.

### **2. Susan Oknefski – Endorsement Applicant**

Ms. Oknefski was not present and not represented by legal counsel.

Ms. Oknefski was before the Council for review of her application for licensure by endorsement. Following discussion, Ms. Sarah Gray moved to approve the application. Ms. Jolynn Greenhalgh seconded the motion, which carried 5/0.

### **3. Susan Callaghan – Examination Applicant**

Ms. Callaghan was present and not represented by legal counsel.

Ms. Callaghan was before the Council for review of her application for licensure by examination. Following discussion, Ms. Jolynn Greenhalgh moved to approve the application conditioned upon payment of \$1,195.00 to the Board of Massage for outstanding discipline on her Massage Therapist license. Payment must be made by May 24, 2017. Once payment is received, Ms. Callaghan's license will be issued. Ms. Nilsa Lapeyrouse seconded the motion, which carried 5/0.

### **4. Yesenia Pouparina – Examination Applicant**

Ms. Pouparina was present and not represented by legal counsel.

Ms. Pouparina's application was before the Council for review of her application for licensure by examination. Following discussion, Ms. Jolynn Greenhalgh moved to approve the application for a license that will run concurrently on a probationary period along with the criminal history probation. Ms. Nilsa Lapeyrouse seconded the motion, which carried 5/0.

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## **5. Teresa LaRoche – Examination Applicant**

Ms. LaRoche was not present and not represented by legal counsel.

Ms. LaRoche's application was before the Council for review of her application for licensure by examination. Following discussion, Ms. Jolynn Greenhalgh moved to approve the application. Ms. Lina Grillo seconded the motion, which carried 5/0.

## **REVIEW OF COMBINED 320-HOUR ELECTROLYSIS TRAINING PROGRAMS**

### **6. Laser and Aesthetics Institute of the Palm Beaches, Inc**

Laser and Aesthetics was not present and not represented by legal counsel.

Ms. Jolynn Greenhalgh moved to approve the combined 320 hour epilator and laser program of Laser and Aesthetics Institute of the Palm Beaches. Ms. Nilsa Lapeyrouse seconded the motion, which carried 5/0.

### **7. Orlando Institute of Electrolysis, Inc.**

Orlando Institute of Electrolysis, Inc., was not present and not represented by legal counsel.

Ms. Jolynn Greenhalgh moved to approve the combined 320 hour epilator and laser program of Orlando Institute of Electrolysis, Inc. Ms. Nilsa Lapeyrouse seconded the motion, which carried 5/0.

### **8. LaserBlazers**

LaserBlazers School Representative, Ms. Judy Adams was present and not represented by legal counsel.

Ms. Jolynn Greenhalgh moved to approve the combined 320 hour epilator and laser program of LaserBlazers. Ms. Nilsa Lapeyrouse seconded the motion, which carried 5/0.

### **9. Cindy Cassady School of Electrology, Health and Beauty**

Cindy Cassady School of Electrology, Health and Beauty was not present and not represented by legal counsel.

Ms. Jolynn Greenhalgh moved to approve the combined 320 hour epilator and laser program of Cindy Cassady School of Electrology, Health and Beauty. Ms. Nilsa Lapeyrouse seconded the motion, which carried 5/0.

***The council chair requested Tab 11 be taken out of order for discussion at this point in the meeting.***

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## **RULES REVIEW & DEVELOPMENT**

### **11. Proposed Rule: 64B8-55.005, F.A.C., Notice of Noncompliance; Rules Designated as Minor Violations for First Time Offense**

In the 2016 Legislative Session, HB 183 was passed. One of the provisions of this legislation was an amendment to section 120.695, F.S., related to the designation of minor violations. The legislation provided in part:

*(b) Each agency shall review all of its rules and designate those for which a violation would be a minor violation and for which a notice of noncompliance must be the first enforcement action taken against a person or business subject to regulation. A violation of a rule is a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm.*

*(c)1. No later than June 30, 2017, and after such date within 3 months after any request of the rules ombudsman in the Executive Office of the Governor, each agency shall review its rules and certify to the President of the Senate, the Speaker of the House of Representatives, the committee, and the rules ombudsman those rules that have been designated as rules the violation of which would be a minor violation.*

To comply with the June 30, 2017 deadline, the Council was asked to review its rules and determine what violations should be noted as a minor violation. Assistant Attorney General, Lynette Norr, prepared a draft Notice of Noncompliance rule for the Council's consideration.

After presentation of the draft by Ms. Marlene Stern, Assistant Attorney General, and further discussion by the Council, the following actions were taken.

Ms. Jolynn Greenhalgh moved to accept the proposed language for Paragraph (2)(a). Ms. Sarah Gray seconded the motion, which carried 5/0.

Ms. Jolynn Greenhalgh moved to accept the language for Paragraph (2)(b). Ms. Lina Grillo seconded the motion, which carried 5/0.

Ms. Greenhalgh moved that the proposed language would not have an adverse impact on small business nor have an economic impact on government or any other entity in excess of \$200,000 within one year of the rule being implemented. Ms. Lapeyrouse seconded the motion, which carried 5/0.

Ms. Greenhalgh requested that at a future meeting the Council consider adding 64B8-55.001 and .002 and 56.001 with respect to changes to 51.006.

## **REPORT OF ASSISTANT ATTORNEY GENERAL- Lynette Norr**

### **12. Rule Status Report**

Ms. Marlene Stern presented the following rules status report in Ms. Norr's absence. All Rules became effective in February 2017.

Rule Number	Rule Title	Date Council Voted On Rule Language	Date Board Approved Rule Language	Date Sent to OFARR	Date Rule Development Published	Date Rule Notice Published JAPC Letters NOC etc.	Date Filed for Adoption	Date Effective
<b>64B8-51.006</b>	Rule Governing Licensure and Inspection of Electrology Facilities; <b>DH5008-MQA</b> (12/16) <b>DH5018-MQA</b> (12/16) <b>DH-MQA 1213</b> (12/16)	05/16/2016 Changed 10/17/2016	06/03/2016 12/02/2016	08/03/2016	08/11/2016	08/26/2016 09/08/2016 Letter from JAPC 12/02/2016 Public Hearing 12/13/2016 Response to JAPC 12/16/16 Notice of Change		02/2017
<b>64B-52.003</b>	Procedure for Approval of Attendance at Continuing Education Courses	07/11/2016 Changed 10/17/2016	07/29/2016 12/02/2016	08/16/2016	08/26/2016	09/14/2016 09/08/2016 Letter from JAPC 12/02/2016 Public Hearing 12/13/2016 Response to JAPC 12/16/16 Notice of Change		02/2017
<b>64B8-52.004</b>	Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction	05/16/2016 Changed 10/17/2016	06/03/2016 12/02/2016	08/03/2016	08/11/2016	08/26/2016 09/08/16 Letter from JAPC 12/02/2016 Public Hearing 12/13/2016 Response to JAPC 12/16/16 Notice of Change		02/2017
<b>64B8-53.001</b>	Requirements for Electrolysis Training Programs Approved by the Board	05/16/2016 Changed 10/17/2016	06/03/2016 12/02/2016	08/03/2016	08/11/2016	09/08/16 09/14/16 Letter from JAPC 10/19/16 Response to JAPC 11/16/16 Response to JAPC 12/16/16 Notice of Change		02/2017

Rule Number	Rule Title	Date Council Voted On Rule Language	Date Board Approved Rule Language	Date Sent to OFARR	Date Rule Development Published	Date Rule Notice Published JAPC Letters NOC etc.	Date Filed for Adoption	Date Effective
64B8-53.002 Traveling with 53.001	Curriculum Standards for Electrolysis Training Programs	05/16/2016 Changed 10/17/2016	06/03/2016 12/02/2016	08/03/2016	08/11/2016	09/08/16 09/14/16 Letter from JAPC 10/19/16 Response to JAPC 11/16/16 Response to JAPC 12/16/16 Notice of Change		02/2017
64B8-53.003 Traveling with 53.001	Required Equipment for electrolysis Training Programs	05/16/2016 Changed 10/17/2016	06/03/2016 12/02/2016	08/03/2016	08/11/2016	09/08/16 09/14/16 Letter from JAPC 10/19/16 Response to JAPC 11/16/16 Response to JAPC 12/16/16 Notice of Change		02/2017
64B-54.001	Renewal of Electrologist License; Delinquent Renewal	07/11/2016 Changed 10/17/2016	07/29/2016 12/02/2016	08/16/2016	08/26/2016	09/14/16 09/21/16 Letter from JAPC 11/29/16 Response to JAPC 12/16/16 Notice of Change		02/2017
64B8-55.001	Disciplinary Guidelines	10/17/2016	12/02/2016	12/08/2016	12/19/16			02/2017
64B8-55.002	Citations	05/16/2016 Changed 10/17/2016	06/03/2016 12/02/2016	08/03/2016	08/11/2016	08/26/2016 12/02/2016 Public Hearing 12/16/16 Notice of Change		02/2017

Rule Number	Rule Title	Date Council Voted On Rule Language	Date Board Approved Rule Language	Date Sent to OFARR	Date Rule Development Published	Date Rule Notice Published JAPC Letters NOC etc.	Date Filed for Adoption	Date Effective
64B8-56.002	Equipment and Devices; Protocols for Laser and Light-Based Devices	05/16/2016 Changed 10/17/2016	06/03/2016 12/02/2016	08/03/2016	08/11/2016	08/26/2016 09/08/2016 Letter from JAPC 12/02/2016 Public Hearing 12/13/2016 Response to JAPC 12/16/16 Notice of Change		02/2017

## REPORTS

### 13. Council Chair – Jolynn Greenhalgh, DNP, ARNP Healthiest Weight Update

Ms. Greenhalgh stated there are no Healthiest Weight updates. The next meeting will be the MQA Board Chair's meeting in September 2017.

### 14. Executive Director – Allen Hall

- Expenditures by Function
- Cash Balance Report

Informational items did not require action from the Council.

## NEW BUSINESS

### 15. 2018 Proposed Meeting Dates

Ms. Jolynn Greenhalgh moved to approve the following 2018 proposed meeting dates and times. Ms. Nilsa Lapeyrouse seconded the motion, which carried 5/0.

- January 8 - 2:00 p.m.
- April 16 - 2:00 p.m.
- July 16 - 2:00 p.m.
- October 15 - 10:00 a.m.

The October 23, 2017 Electrolysis Council Meeting time was changed to 10:00 a.m.

### 16. Voting Conflict

Form 8A, Memorandum of Voting Conflict for State Officers, is to be completed by any person serving at the State level of government on an appointed or elected board, council, commission, authority, committee, or as a member of the Legislature. It applies to members of advisory and



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non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The form is required in instances where a board/council member is recused due to a financial conflict. Any questions regarding whether use of the form is necessary in a particular scenario may be addressed to the Council's attorney.

### **17. 30-Hour CE Instructors**

The Council discussed whether other practitioners qualified and authorized to offer laser hair removal services in Florida, such as Physician's Assistants and Advanced Registered Nurse Practitioners, may serve as instructors of the 30-Hour Laser and Light-Based Hair Removal Continuing Education Course. The recent rule changes make the instructor requirements more specific, requiring that instructors must hold 1 year of experience after obtaining the Society for Clinical & Medical Hair Removal's Certified Medical Electrologist (CME) designation.

Following discussion, it was agreed any interested instructors, who are not Licensed Electrologists or Certified Medical Electrologists, may be notified of the option to file a Petition for Variance of Waiver of the rule if interested in serving as an instructor for this course.

### **18. Unlicensed Activity Outreach**

The Division of Medical Quality Assurance is looking for opportunities to improve communication on unlicensed activity. The Council did not have any current suggestions regarding outreach activities.

### **19. Status of New Examination Development**

The Division of Medical Quality Assurance's Bureau of Operations (Operations) is responsible for managing the Electrologist licensure examination contract after approval by the Board of Medicine. The Board has approved one examination to date, the *International Board of Electrologist Certification (IBEC) Examination*, pursuant to Rule 64B8-51.002(2), F.A.C. The vendor of the approved examination is Prometric, which is contracted with the *American Electrology Association (AEA)* to offer the IBEC exam to Florida Electrologist licensure candidates.

With a new combined curriculum approved for adoption in Rule Chapter 64B8-53, F.A.C., Operations contacted the AEA regarding development of the combined exam. The AEA is currently developing the IBEC into a combined exam on epilator and laser with an expected date of availability in September 2017. Linda McMullen, DOH Assistant Attorney General, and counsel to the Bureau of Operations, advised the Board can engage in rulemaking if it would like to consider adding other vendors.

Jon Pellet, Esq., mentioned filing a Petition to Initiate Rulemaking on behalf of SCMHR. The Council asked that the petition be brought back for its review in July.

## **ADDENDUM**

### **21. Rules Review and Development: Rule Clarification Discussion**

With recent updates to Chapter 64B8-53, F.A.C. and 64B8-56.002, F.A.C., additional requests for clarification have been addressed to the Council Office. The Council was asked to review the

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inquiries below and determine whether further rule development is needed to provide clarification.

1. *Is there a cap on the number of online or home study courses a training program may offer?*

The Council believes this rule speaks for itself.

2. *Is the online or home study format allowed for both the academic and practical portions of the curriculum that do not involve hands-on applications?*

The Council believes this rule speaks for itself.

3. *Will graduates of the combined training program be exempt from the 30-Hour CE course and CME certification requirements, i.e., will passage of the combined licensure examination alone qualify those graduates to offer laser hair removal?*

The Council agreed to update Rule 64B8-56.002, F.A.C., to clarify combined program graduates are not required to complete the 30-hour and CME requirements to perform laser/light-based hair removal.

4. *Can an Electrologist applying by Endorsement be approved if the other state's regulations did not require training in both epilator and laser as Florida's curriculum now requires? May applicants certified in laser in other states also provide regulations regarding their laser training for the Council's consideration?*

It was mentioned the staff could discuss with the Council's attorney any clarification needed to the rules on this item.

5. *Can an Electrologist who attended a non-Florida training program be approved under the Examination method if the curriculum only focused on epilator training? May applicants provide additional transcripts of laser training for the Council's consideration?*

It was mentioned the staff could discuss with the Council's attorney any clarification needed to the rules on this item.

## **ADJOURNMENT**

The meeting adjourned at 4:34 p.m.