

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

November 04, 2020

10:30 a.m. EST

CONFERENCE CALL

1-888-585-9008

When prompted, enter the following conference code
number: **564341766**, followed by the “#” sign.

-DRAFT MINUTES-

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the Council’s website.

1 Members Present

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

Staff Present

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

6 ASSISTANT ATTORNEY GENERAL

7 Mr. Timothy Frizzell, Esquire

8 OTHERS PRESENT

9 Judy Adams, RE
10 Larry Gonzalez, Esquire
11 Chris Nuland, Esquire
12 Ronald Dillworth, MQA CSU/ISU Administrator

13 10:30 a.m. (ET)

14 Call to Order – General Business Meeting

15 RULES REVIEW AND DEVELOPMENT

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

18 Mr. Frizzell opened the discussion to the Council regarding the proposed rule language
19 prepared to address the Board of Medicine’s concerns expressed at the October 2, 2020
20 hearing on this rule.

21 Ms. Jolynn Greenhalgh addressed Mr. Frizzell regarding proposed Paragraph (2)(c)1.a. of the
22 draft language, which provides as follows:

23 **64B8-56.002 Equipment and Devices; Protocols for Laser and Light-Based Devices.**

24 (2) An electrologist may use laser or light-based devices for hair removal or reduction only if they:

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

3 1. For the purposes of this rule direct supervision and responsibility shall require the supervising
4 physician be on the premises where laser hair removal is being performed or supervising the
5 electrologist by means of telehealth as defined by section 456.47(1)(a), F.S., provided that:
6 a. The physician supervising by means of telehealth is located within a 25 mile radius of the
7 electrologist....

8 Ms. Greenhalgh indicated she did not understand why a 25 mile radius is required for the use of
9 telehealth.

10 Mr. Frizzell advised Ms. Greenhalgh that the Board of Medicine has concerns over the mileage,
11 region and city.

12 Ms. Greenhalgh expressed that telehealth is telehealth and that she believed the mileage
13 restriction would hurt the Electrology industry. Ms. Gray voiced agreement with Ms. Greenhalgh's
14 concerns.

15 Mr. Ramer addressed the Council, suggesting the proposed language might be updated to
16 indicate the supervising physician should be located "within the state of Florida" instead of having
17 a certain mileage restriction. Ms. Bermejo expressed support of this suggestion.

18 Ms. Greenhalgh addressed Mr. Frizzell regarding proposed Paragraph (3)(a), which provides as
19 follows:

20 **64B8-56.002 Equipment and Devices; Protocols for Laser and Light-Based Devices.**

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

24 Ms. Greenhalgh suggested a Zoom option to allow the physician to be able to scan the room if
25 needed during inspections.

26 Mr. Frizzell advised that having inspections done in person was suggested in consultation with
27 the Board of Medicine's attorney.

28 Ms. Greenhalgh addressed if telehealth could be used as an initial consultation.

29 Mr. Frizzell advised he did not think that needed to be clarified and will be acceptable via
30 telehealth.

31 Ms. Rosanna Bermejo questioned why the training must be done semi-annually, as Electrologists
32 already have continuing education requirements. Ms. Greenhalgh advised that the training falls
33 under the protocols and advised that this concern could be addressed at another Electrology
34 Council meeting.

35 Mr. Frizzell opened the line to the public for comment.

36 Mr. Chris Nuland, Esquire, addressed the Council on behalf of the Florida Society of Dermatology
37 and Dermatologic Surgery and the Florida Society of Plastic Surgeons. Mr. Nuland stated his

1 clients' objection was to the definition of direct supervision and responsibility and thanked the
2 Council for addressing the Board of Medicine's concerns.

3 Mr. Larry Gonzalez, Esquire, addressed the Council on behalf of the Electrolysis Society of Florida
4 and the Electrolysis Association of Florida. Mr. Gonzalez thanked the Council on the regulation
5 of the Electrology profession and that the Electrology profession is virtually free of complaints and
6 of harm inflicted on patients. Mr. Gonzalez advised that any changes to the regulations should
7 align with Section 478.41, Florida Statutes, Purpose and Intent.

8 Mr. Frizzell asked if anyone else would like to address the Council.

9 Ms. Judy Adams, RE, addressed the Council and stated she agrees with Mr. Gonzalez that there
10 are no emergency situations. If anything happens, it would be hours after the fact of services
11 being provided. Ms. Adams would like to have the mileage restriction removed, as it makes
12 telehealth pointless.

13 Mr. Ron Dillworth, MQA Consumer and Investigative Services Administrator, addressed the
14 Council and thanked the Council members for the work on the rule to help better train his staff.

15 Mr. Gonzalez thanked Mr. Frizzell for his work on the proposed rule language changes.

16 Mr. Frizzell asked Ms. Greenhalgh for direction from the Council on how to proceed to allow the
17 proposed language to be presented to the Board of Medicine at the December meeting. Mr.
18 Frizzell advised there would need to be members of the Council present at the December 3rd
19 Board of Medicine meeting to address the mileage restriction concerns.

20 Mr. Frizzell advised he would update the proposed rule language to address the Council's
21 suggestion that the supervising physician be located "within the state of Florida".

22 Ms. Bermejo advised she will be present for the December Board of Medicine meeting.

23 Ms. Gray advised she will make it a point to attend the December Board of Medicine meeting.

24 Ms. Greenhalgh advised she will be present for the December Board of Medicine meeting, if she
25 is not teaching during that time.

26 Mr. Frizzell advised he will put in the memo to the Board of Medicine that the supervising physician
27 must be located in the state of Florida, as suggested by the Electrology Council. Ms. Adams, Ms.
28 Gray and Mr. Gonzalez addressed the Council and Mr. Frizzell regarding the memo. Mr. Frizzell
29 advised he wanted to ensure the Board of Medicine understood the Council's good natured effort
30 towards addressing the Board's concerns.

31 Ms. Greenhalgh asked whether a vote was needed to update Paragraph (2)(c)1.a. to change the
32 language to "within the state of Florida" vs. a mileage restriction. Mr. Frizzell advised the Council
33 would need to vote.

34 **MOTION:** Following discussion and further review, Ms. Greenhalgh moved to approve the rule
35 language as presented, with the noted amendment to proposed Paragraph 2. Ms. Gray
36 seconded the motion, which carried 4/0.

1 **MOTION:** Ms. Greenhalgh moved the proposed rule language would not have an adverse impact
2 on small business nor have an economic impact on government or any other entity in excess of
3 \$200,000 within one year of the rule being implemented. Ms. Gray seconded the motion, which
4 carried 4/0.

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

7 The Council agreed that a Sunset provision is not needed for this proposed rule amendment.

8 Mr. Frizzell reiterated that he would communicate to the Board the Council's understanding of
9 the mileage issue and that the Council believed this could be accomplished as long as the
10 supervising physician is located within the state of Florida.

11 **ADJOURNMENT**

12 The meeting adjourned at 11:16 a.m.