

The Florida
Electrolysis Council

Draft Minutes

April 8, 2019

Telephone Conference Call

1-888-585-9008

Participant Code 564-341-766 #

Jolynn Greenhalgh, DNP, ARNP, LE
Chair

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

APRIL 8, 2019

10:00 a.m. EST

CONFERENCE CALL

1-888-585-9008

When prompted, enter the following conference code number, **564-341-766** followed by the “#” sign.

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

3 **Members Present**

4 Jolynn Greenhalgh, DNP, ARNP, RE, Chair
5 Sarah Gray, Esquire
6 Erin Wiedemer, PMP
7 Rosanna Bermejo, RE

Staff Present

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

8 **ASSISTANT ATTORNEY GENERAL**

9 Rachele Munson, Esquire

10 **ADDITIONAL PERSONS PRESENT**

11 Sandy Allen, Esquire
12 John Pellet, Esquire
13 Cherise Morgan, DOH Compliance Officer
14 Judy Adams, RE

15 **10:00 a.m. (ET)**

16 Call to Order – General Business Meeting

17 **INDIVIDUAL CONSIDERATIONS**

18 1. Patricia Howerter, Endorsement Applicant

19 Ms. Patricia Howerter was not present and not represented by legal counsel.

20 Ms. Patricia Howerter submitted an application for licensure by Endorsement of her
21 Massachusetts electrologist License No. 1099, which was issued on 5/1/1987 and expires
22 7/31/2019.

23 **MOTION:** Ms. Jolynn Greenhalgh moved to require Ms. Patricia Howerter’s personal
24 appearance at one of the next two scheduled council meetings. Ms. Sarah Gray seconded
25 the motion, which carried 4/0.

1 2. Carlie Quinn, Examination Applicant

2 Ms. Quinn was present and was not represented by legal counsel.

3 Ms. Quinn's application for Electrologist Licensure by Exam is before the Council for
4 consideration of her application. Following further discussion, the council took the following
5 action:

6 **MOTION:** Ms. Jolynn Greenhalgh moved to deny the application with an amendment to note
7 that the basis of denial included non-compliance with requirements of a 2018 Department of
8 Health Final Order. Ms. Sarah Gray seconded the motion, which carried 4/0.

9 **LICENSURE RATIFICATION LIST**

10 3. Licensed Electrologists

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

12 **MOTION:** The Council moved to approve the list of examination candidates

13 **REPORT OF ASSISTANT ATTORNEY GENERAL – Rachele Munson, Esquire**

14 4. Rules Status Report

15 • **Rule 64B8-51.001, F.A.C. – Manner of Application**

16 During the October 2018 Council Meeting, the Council approved proposed changes to
17 Question 1., Personal (Health) History, along with other suggested changes to assist
18 applicants with the licensure process. Thereafter, the Board of Medicine (BOM) approved all
19 proposed changes to the form except the newly proposed Personal (Health) History
20 Questions.

21 The Council was asked to consider final revisions to the form prior to submission to the Joint
22 Administrative Procedures Committee. The revisions included the addition of checkboxes to
23 Question 5 for identification of the type of pre-licensure training program completed, as well
24 as technical corrections to Questions 10 – 14.

25 **64B8-51.001 Manner of Application.**

26 (1) All persons applying for licensure as an electrologist shall submit a signed application to the
27 Executive Director of the Council on forms provided by the Council and approved and
28 incorporated herein by reference by the Board as Form DH-MQA 1164 entitled State of Florida
29 Electrologist Licensure Application (revised ~~07-01-2016~~ **04-08-2019**), with instructions, which can
30 be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-07421>, or
31 <http://www.floridahealth.gov/licensing-andregulation/electrolysis/>. The initial application must be
32 accompanied by the application fee, as set forth in Rule 64B8-51.007, F.A.C.

1 (2) All applications must include an official transcript from a school of electrology which identifies
2 the credits taken by home
3 study or correspondence courses and those taken in classroom settings.
4 *Rulemaking Authority 456.013, 478.43(1), (4) FS. Law Implemented 456.013, 456.0635, 478.45, 478.46,*
5 *478.47, 478.55 FS. History–New 5-31-93, Formerly 21M-76.001, Amended 11-10-93, Formerly 61F6-*
6 *76.001, Amended 5-29-96, Formerly 59R-51.001, Amended 12-23-97, 5-28-00, 8-9-01, 2-15-04, 10-31-05,*
7 *2-11-08, 5-7-09, 5-13-10, 5-14-13, 11-27-14, 9-8-16.*

8 Ms. Greenhalgh moved the proposed rule language for Rule 64B8-51.001, F.A.C., would not
9 have an adverse impact on small business nor have an economic impact on government or
10 any other entity in excess of \$200,000 within one year of the rule being implemented. Ms.
11 Sarah Gray seconded the motion, which carried 4/0.

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

14 Ms. Greenhalgh moved to approve the application form with amendments to Question 1,
15 Personal (Health) History, Ms. Sarah Gray seconded the motion, carried 4/0.

16 Ms. Greenhalgh moved to approve the application form without amendments to Question 1,
17 Personal (Health) History, should the Board of Medicine not approve the amendments. Ms.
18 Sarah Gray seconded the motion, carried 4/0.

19 Ms. Greenhalgh moved the proposed rule language would not have an adverse impact on
20 small business nor have an economic impact on government or any other entity in excess of
21 \$200,000 within one year of the rule being implemented. Ms. Sarah Gray seconded the
22 motion, which carried 4/0.

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

25 • **Rule 64B8-51.002, F.A.C. – Licensure by Examination**

26 Ms. Munson reported that all proposed changes to the rule language were approved by the
27 Board of Medicine. A Notice of Change was processed on March 1, 2019, reflecting a
28 combined exam. Ms. Munson noted the effective date would be April 16, 2019.

29 **64B8-51.002 Licensure by Examination.**

- 30 (1) Every applicant for licensure as an electrologist by examination shall demonstrate to the Council
31 that the applicant:
32 (a) through (d) No change.
33 (e) Has successfully completed the requirements of a Council-approved pre-licensure electrolysis
34 training program consisting of 120 hours of academic training and a minimum of 200 hours of
35 practical application for the epilator-only training program or the combined epilator, laser, and light-
36 based training program consistent with the requirements of Rule 64B8-53.002, F.A.C.
37 (f) through (g) No change.

1 (2) The Electrolysis Licensure Examination shall be any national examination pursuant to Section
2 456.017, F.S. and approved by the Board that tests on the combined epilator, laser, and light-based
3 standards consistent with the requirements of Rule 64B8-53.002, F.A.C. The requirements and
4 standards of the national examination shall comply with the requirements set forth in Rule 64B-
5 1.011, F.A.C., effective 3/19/12, which is incorporated herein by reference, and available from
6 <http://www.flrules.org/Gateway/reference.asp?No=Ref->

7 (3) Each national examination provider shall set the minimum passing score for its exam.

8 (4) No change.

9 Rulemaking Authority 478.43(1), (4) FS. Law Implemented 456.017, 456.0635, 478.45 FS. History—New 5-31-
10 93, Formerly 21M-76.002, 61F6-76.002, Amended 7-11-95, Formerly 59R-51.002, Amended 11-13-97, 2-17-
11 00, 5-28-00, 11-27-14,_____.

12 • **Rule 64B8-51.006 F.A.C. – Rule Governing Licensure and Inspection of Electrology**
13 **Facilities**

14 During the October 2018 Council Meeting, the Council approved changes to the new and
15 transfer of location facility licensure applications. Those changes were also approved by
16 the Board of Medicine. The Joint Administrative Procedures Committee has since
17 requested revisions, which have been updated to the correct versions of both forms.
18 Additionally, the rule specifying the 30-hour CE and CME exemption for persons who
19 completed the combined program and combined exam became effective on March 14,
20 2019. With that change, Paragraph (3)(c) of the facility rule language requires updating to
21 describe the laser qualification documentation those persons must have available during
22 electrolysis facility inspections. The Council reviewed the following proposed rule text
23 changes:

24 **64B8-51.006 (2)(b), (3)(c) and (6)(b)1., F.A.C., Rule Governing Licensure and Inspection of**
25 **Electrology Facilities.**

26 (2) Electrology Facility Licensure.

27 (b) To obtain the license, the applicant shall provide information to the Department as required by
28 this rule on a form provided by the Department and approved and incorporated herein by
29 reference by the Board as **Form DH-MQA 1213, entitled “State of Florida Application for**
30 **Electrolysis Facility Licensure – New Facility or New Ownership”** (revised ~~12-02-2016~~ **04-08-**
31 **2019**), which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-07894>,
32 or the Department at The Florida Department of Health, Electrolysis Council, Bald Cypress Way,
33 Bin #C05, Tallahassee, Florida 32399-3256. The applicant must pay a \$100 application fee,
34 which is nonrefundable, \$100 inspection fee, \$100 licensure fee and a \$5.00 unlicensed activity
35 fee.

36 (3) Electrology Facility Safety and Sanitary Requirements. Paragraph (a) of this subsection applies
37 to all electrology facilities regardless of the modalities used. Paragraph (b) of this rule applies to
38 electrology facilities where epilators are used. Paragraph (c) of this rule applies to electrology
39 facilities where laser or light-based equipment is used.

40 (c) In addition to those specified in paragraph (3)(a), the requirements to be followed, and
41 materials and equipment to be available at each electrology facility where laser or light-based
42 equipment is used for hair removal, are listed below.

43 **1. For electrologists who have completed a Council-approved needle-type epilation**
44 **training program:**

1 a. Proof of certification of 30 hours of continuing education in laser hair removal
2 from a provider approved pursuant to Rule 64B8-52.004, F.A.C.; and

3 b. Proof of having passed the Society for Clinical and Medical Hair Removal test for
4 certification as a Certified Medical Electrologist.

5 **2. For electrologists who have completed a Council-approved combined needle-**
6 **type epilation, laser and light -based hair removal training program:**

7 **a. Proof of completion from a combined training program; and**

8 **b. Proof of having passed the epilator and laser and light-based combined exam.**

9 (6) Transfer of Ownership or Location of the Electrology Facility.

10 (b) An electrology facility license may be transferred from one location to another only upon
11 approval by the Department which approval shall be granted upon compliance with all requirements
12 set out below in subparagraphs 1. through 3. Only the licenses for electrology facilities which have
13 passed inspection at the original location are eligible for transfer to another location. In order to
14 begin practice at the new location, the electrology facility license holder must first perform all of the
15 following procedures:

16 1. File a completed application for transfer prior to the date of the transfer on a form prescribed by
17 the Department, and approved and incorporated herein by reference by the Board as **Form**
18 **DH5018-MQA-07/2016, entitled "State of Florida Application for Transfer of Electrolysis**
19 **Facility Location"** (revised ~~42-02-2016~~ **04-08-2019**), which can be obtained from
20 <http://www.flrules.org/Gateway/reference.asp?No=Ref-07896>, or the Department at the Florida
21 Department of Health, Electrolysis Council, Bald Cypress Way, Bin #C05, Tallahassee, Florida
22 32399-3256, which application must be processed by the Council office,

23 Ms. Greenhalgh moved to approve rule text. Ms. Sarah Gray seconded the motion, which
24 carried 4/0.

25 Ms. Greenhalgh moved the proposed rule language would not have an adverse impact on
26 small business nor have an economic impact on government or any other entity in excess of
27 \$200,000 within one year of the rule being implemented. Ms. Sarah Gray seconded the
28 motion, which carried 4/0.

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

31 • **Rule 64B8-52.003, F.A.C. – Procedure for Approval of Attendance at Continuing**
32 **Education Courses**

33 During the October 15, 2018 General Business Meeting, the Electrolysis Council approved
34 the following proposed rule text to update the continuing education rule:

35 **64B8-52.003 Procedure for Approval of Attendance at Continuing Education Courses.**

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

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

40 (b) All offerings from other states which are approved by the states' licensing agency or professional

1 electrology organization, which offerings have been approved by the American Electrology Association,
2 or the Society for Clinical and Medical Hair Removal, or any college, university, or post-secondary
3 institution course taken and successfully completed for the first time by the licensee in a subject area
4 relevant to electrolysis. The licensee shall provide verification upon request of the Department.

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

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

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

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

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

16 (a) Up to ten hours of approved home study courses required for license renewal

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

19 (c) A maximum of 6 contact hours for the presentation of an electrology related course or program
20 as either the lecturer of the course or program or as the author of the course materials. Each licensee
21 who is participating as either a lecturer or author of an electrology related course or program shall
22 receive credit for the portion of the offering he/she presented or authored up to the total hours awarded
23 for the offering.

24 *Rulemaking Authority 478.43(1), (4), 478.50(2), (4)(a), (b) FS. Law Implemented 456.013, 456.033,*
25 *478.43(4), 478.50(2), (4)(a), (b) FS. History–New 6-1-93, Formerly 21M-77.003, 61F6-77.003,*
26 *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-*
27 *09, 2-28-17.*

28 • **Rule 64B8-56.002, F.A.C., Equipment and Devices; Protocols for Laser and Light-**
29 **Based Devices**

30 Ms. Rachelle Munson provided a letter from JAPC inquiring regarding the non-refundable
31 application processing fee. Ms. Munson indicated she would address the fee issue in her
32 response to JAPC. Additionally, JAPC requested that the rule language in Paragraph (2)(a)
33 2. be updated to make reference to the curriculum “standards” of rule 64B8-53.002, F.A.C.
34 Ms. Munson presented the proposed rule text below for the Council’s consideration:

35 **64B8-56.002 Equipment and Devices; Protocols for Laser and Light-Based Devices.**

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

37 (a) Have completed training in:

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

41 *Rulemaking Authority 458.331(1)(v), 478.43(1), (4) FS. Law Implemented 458.331(1)(v), 458.348(3), 478.42(5),*
42 *478.43(1), (3), (4) FS. History–New 9-12-01, Amended 2-28-02, 7-23-06, 3-12-08, 11-4-14, 2-15-17, 3-14-19,*
43 _____.

1 Ms. Greenhalgh moved to approve proposed rule text. Ms. Sarah Gray seconded the motion,
2 which carried 4/0.

3 Ms. Greenhalgh moved the proposed rule text would not have an adverse impact on small
4 business nor have an economic impact on government or any other entity in excess of
5 \$200,000 within one year of the rule being implemented. Ms. Sarah Gray seconded the
6 motion, which carried 4/0.

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

9 *Mr. Allen Hall left the meeting at 11:38 a.m.*

10 *Ms. Sarah Gray left the meeting at 11:39 a.m.*

11 **REPORTS**

12 5. Council Chair – Jolynn Greenhalgh, DNP, ARNP

- 13 • Other Council Members:

Ms. Greenhalgh reported on the failure of two legislative bills, HB329 (2019) and SB 570 (2019), that proposed elimination of the Electrolysis Council. During the report, Ms. Judy Adams, RE, addressed the Council as well.

Ms. Munson mentioned the upcoming May 31, 2019 Annual MQA Board Chairs/Vice-Chairs meeting. Ms. King mentioned that due to the unavailability of the Council Chair and Vice-Chair, Council Member, Ms. Rosanna Bermejo, RE, would be in attendance at the meeting.

14 6. Executive Director – Allen Hall

- 15 • Cash Balance Report
16 • Expenditures by Function Report

17 Informational item only

18 **NEW BUSINESS**

19 7. Proposed 2020 Council Meeting Dates

20 Ms. Greenhalgh moved to approve proposed 2020 dates with 10:00 a.m. EST, with note that
21 the times could potentially change as more information is obtained around work schedules
22 as the meetings grow nearer. Ms. Sarah Gray seconded the motion, which carried 3/0.

1 **OLD BUSINESS**

2 8. January 14, 2019 Electrologist Council Meeting Minutes

3 Ms. Greenhalgh and Ms. Wiedemer moved to approve the minutes, which carried 3/0.

4 9. Meeting Times for Remainder of 2019

- 5 • July 1st, 2019 for 10:00 a.m. EST
6 • October 7th for 2:00 p.m. EST

7 Ms. Greenhalgh and Ms. Wiedemer moved to approve remainder of 2019 meeting times,
8 which carried 3/0.

9 **OTHER BUSINESS AND INFORMATION**

10 10. December 6, 2018, Board of Medicine Rules and Legislative Committee Minutes

11 The Board of Medicine's Rules and Legislative Committee Minutes were included for the
12 Council's information.

13 11. February 2019, Board of Medicine General Business Meeting Minutes

14 The Board of Medicine's General Business Meeting Minutes were included for the Council's
15 information.

12. Electrolysis Staff Recognition

Informational item.