

The Florida
Electrolysis Council

Draft Minutes

July 1, 2019

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**

July 1, 2019

-DRAFT-

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.

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 Erin Wiedemer, PMP
5 Rosanna Bermejo, RE

Staff Present

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

6 ASSISTANT ATTORNEY GENERAL

7 Rachelle Munson, Esquire

8 ADDITIONAL PERSONS PRESENT

9 Judy Adams, RE
10 Cindy Cassady, RE
11 Larry Gonzalez, Esquire

12 10:00 a.m. (ET)

13 Call to Order – General Business Meeting

14 INDIVIDUAL CONSIDERATIONS

15 1. Krista Macgillivray, Examination Applicant

16 Ms. Macgillivray was not present and not represented by legal counsel.

17 Ms. MacGillivray’s application for Electrologist Licensure by Exam is before the Council for
18 consideration of her application. Following further discussion, the Council took the following
19 action:

20 **MOTION:** Following discussion and further review, Ms. Jolynn Greenhalgh moved to
21 approve the application by examination. Ms. Sarah Gray seconded the motion, which
22 carried 4/0.

1 **2. Kristin Crabtree, Examination Applicant**

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

3 Ms. Crabtree’s application for Electrologist Licensure by Exam was before the Council for
4 consideration of her application. Following further discussion, the Council took the following
5 action:

6 **MOTION:** Following discussion and further review, Ms. Jolynn Greenhalgh moved to
7 approve the application by examination. Ms. Sarah Gray seconded the motion, which carried
8 4/0.

9 **3. Rachel Dutton, Endorsement Applicant**

10 Ms. Dutton was present and was not represented by legal counsel.

11 Ms. Dutton’s application for licensure by Endorsement was before the Council for
12 consideration of her application. Following further discussion, it was explained to the
13 applicant that she did not qualify for this method due to her inability to show proof of another
14 state’s Electrology License for endorsement. Thereafter, Ms. Dutton determined to withdraw
15 her application for licensure from further consideration.

16 **4. Isabella Garcia, Examination Applicant**

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

18 Ms. Garcia’s application for Electrologist Licensure by Exam was before the Council for
19 consideration of her application. Following further discussion, the Council took the following
20 action:

21 **MOTION:** Ms. Greenhalgh moved to approve the application by examination. Ms. Sarah
22 Gray seconded the motion, which carried 4/0.

23 **LICENSURE RATIFICATION LIST**

24 **5. Licensed Electrologists**

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

26 **MOTION:** Ms. Jolynn Greenhalgh moved to approve the list of examination candidates. Ms.
27 Sarah Gray seconded the motion, which carried 4/0.

28 **RULES REVIEW AND DEVELOPMENT**

29 **6. Rule 64B8-51.006(3)(a), F.A.C., Rule Governing Licensure and Inspection of**
30 **Electrology Facilities**

1 The Joint Administrative Procedures Committee (JAPC) requested text be added to this rule
2 to incorporate by reference Department Rule 64E-16, F.A.C., addressing the protocols for
3 sharps containers.

4 Ms. Munson provided the following proposed rule text for the Council's review:

5 **64B8-51.006 Rule Governing Licensure and Inspection of Electrology Facilities.**

6 (1) No change.

7 (2) Electrology Facility Licensure.

8 (a) No change.

9 (b) To obtain the license, the applicant shall provide information to the Department as required by this rule on a
10 form provided by the Department and approved and incorporated herein by reference by the Board as Form
11 DH-MQA 1213, entitled "State of Florida Application for Electrolysis Facility Licensure – New Facility or New
12 Ownership" (revised **07-01-2019**), which can be obtained from

13 <http://www.flrules.org/Gateway/reference.asp?No=Ref-07894>, or the Department at The Florida
14 Department of Health, Electrolysis Council, Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256.

15 The applicant must pay a \$100 application fee, which is nonrefundable, \$100 inspection fee, \$100 licensure fee
16 and a \$5.00 unlicensed activity fee.

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

21 (a) No change.

22 (b) In addition to those specified in paragraph (3)(a), the requirements to be followed, and materials and
23 equipment to be available, at each electrology facility where epilators are used are listed below. 1. through 3.
24 No change.

25 4. A sharps container for disposal of used needles/probes, as defined in Rule 64E-16.002(24), F.A.C., effective
26 June 3, 1997, which is hereby incorporated by reference and can be obtained from

27 <http://www.flrules.org/Gateway/reference.asp?No=Ref->,

28 5. through 7. No change.

29 (c) No change.

30 (4) through (5) No change.

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

32 (a) No change.

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

38 1. File a completed application for transfer prior to the date of the transfer on a form prescribed by the
39 Department, and approved and incorporated herein by reference by the Board as Form DH5018-MQA-07/2016,
40 entitled "State of Florida Application for Transfer of Electrolysis Facility Location" (revised **07/01/2019**), which
41 can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-07896>, or the Department at the
42 Florida Department of Health, Electrolysis Council, Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-
43 3256, which application must be processed by the Council office,

44 2. through 3. No change.

45 (7) No change.

46 *Rulemaking Authority 456.037, 478.43(1), (4), 478.51(3), (11) FS. Law Implemented 456.037, 456.0635, 478.43, 478.49,*
47 *478.51, 478.55 FS. History—New 11-16-93, Formerly 61F6-76.006, Amended 5-11-95, 6-26-96, Formerly 59R-51.006,*
48 *Amended 12-23-97, 12-22-98, 2-17-00, 3-25-01, 4-8-02, 6-16-03, 7-29-10, 6-19-13, 12-25-14, 2-16-17, 9-11-18,*
49 _____.

1 Ms. Greenhalgh moved to approve the proposed rule text change in Paragraph (3)(b)4. of
2 the rule and corresponding changes to the new and transfer of facility license application
3 forms. Thereafter, Ms. Greenhalgh amended her motion to also include the form date
4 revisions in the rule text. Ms. Sarah Gray seconded the motion, which carried 4/0.

5 Ms. Greenhalgh moved the proposed rule language would not have an adverse impact on
6 small business nor have an economic impact on government or any other entity in excess of
7 \$200,000 within one year of the rule being implemented. Ms. Sarah Gray seconded the
8 motion, which carried 4/0.

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

11 **REPORT OF ASSISTANT ATTORNEY GENERAL – Rachelle Munson, Esquire**

12 **7. Rule Status Report**

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

14 The revised application form was last approved at the 4/8/19 Council meeting. Based on the
15 April Board of Medicine meeting thereafter, the form will be presented to Board of Medicine
16 committee without the new health history questions during its August 2019 meeting.

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

18 The following revised rule went into effect on 4/16/2019. The new sections are in noted in
19 italics below.

20 **64B8-51.002 Licensure by Examination.**

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

23 (a) Is at least 18 years old.

24 (b) Is of good moral character.

25 (c) Possesses a high school diploma, a graduate equivalency diploma, college diploma, university diploma, or
26 technical school diploma if such college, university, or technical school required high school or graduate
27 equivalency diploma for admission.

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

30 *(e) Has successfully completed the requirements of a Council-approved pre-licensure electrolysis training program*
31 *consisting of 120 hours academic training and a minimum of 200 hours of practical application for the epilator-only*
32 *training program or the combined epilator, laser, and light-based training program consistent with the requirements*
33 *of rule 64B8-53.002, F.A.C.*

34 (f) Is not otherwise disqualified by reason of a violation of chapter 456 or 478, F.S., or the rules promulgated
35 thereunder.

36 (g) Has passed the examination required by section 478.45(2), F.S.

1 (2) The Electrolysis Licensure Examination shall be any national examination pursuant to section 456.017, F.S.
2 and approved by the Board that tests on the combined epilator, laser, and light-based standards consistent with
3 the requirements of rule 64B8-53.002, F.A.C. The requirements and standards of the national examination shall
4 comply with the requirements set forth in rule 64B-1.011, F.A.C., effective 3/19/12, which is incorporated herein by
5 reference, and available from <http://www.flrules.org/Gateway/reference.asp?No=Ref-10374>.

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

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

13 *Rulemaking Authority 478.43(1), (4) FS. Law Implemented 456.017, 456.0635, 478.45 FS. History—New 5-31-93,*
14 *Formerly 21M-76.002, 61F6-76.002, Amended 7-11-95, Formerly 59R-51.002, Amended 11-13-97, 2-17-00, 5-*
15 *28-00, 11-27-14, 4-16-19.*

16 • **Rule 64B8-51.006, F.A.C., Rule Governing Licensure & Inspection of Electrology**
17 **Facilities**

18 Rule tolled to address JAPC correspondence.

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

21 Council approved draft rule during the October 2018 meeting. To be presented to the Board
22 of Medicine for approval at its August 2019 meeting.

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

25 Addition of the word “standards” was added to the rule text pursuant to a letter from the Joint
26 Administrative Procedures Committee (JAPC). This change was approved by the Council at
27 the April 2019 meeting and is to be considered by the Board of Medicine at its August 2019
28 meeting.

29 **REPORTS**

30 **8. Council Chair – Jolynn Greenhalgh, DNP, APRN, RE**

31 Ms. Greenhalgh mentioned that the nonopioid treatment alternatives brochure was being
32 added to all MQA Board and Council websites for informational purposes. Although
33 Electrologists are not prescribing practitioners, it was noted that patients of legally authorized
34 prescribing practitioners will be providing patients with the brochure.

1 **9. Executive Director – Allen Hall**

- 2 • Cash Balance Report
3 • Expenditures by Function Report

4 Information only.

5 **2019 Legislation**

6 **10. HB 23, Telehealth**

7 Mr. Hall presented information on this bill signed by the Governor. The bill creates section
8 456.47, Florida Statutes, establishing standards of practice for telehealth providers,
9 registration of out-of-state providers, venue requirements and exemptions. Mr. Hall noted
10 that a special MQA unit will handle registration.

11 Mr. Larry Gonzalez, Esq., addressed the Council on behalf of the Electrolysis Society of
12 Florida (ESF) regarding the possibilities of direct supervision being provided by physicians
13 via telehealth to Electrologists providing laser and light-based hair removal services. Mr.
14 Hall advised the pathway for further consideration would be the ESF’s presentation of draft
15 rule language for the Council and Board’s consideration.

16 **11. HB 7067, Registration Fees**

17 Mr. Hall noted that this bill was vetoed. Telehealth registration and renewal will not require
18 submission of any processing fees.

19 **OLD BUSINESS**

20 **12. April 8, 2019 Electrologist Council Meeting Minutes**

21 Ms. Greenhalgh moved to approve the minutes. Ms. Gray seconded the motion, which
22 carried 4/0.

23 **OTHER BUSINESS AND INFORMATION**

24 **13. June 7, 2019 Board of Medicine Meeting Minutes**

25 The Board of Medicine General Business Meeting Minutes were included for Board
26 review.

27 **14. Ronit Ashkenazi, DOH Case No. 2018-13884**

28 Informational item.

1 **15. Claudia Orozco-Fandino, DOH Case No. 2017-13921**

2 Informational item.

3 **OTHER**

4 **October 7, 2019 meeting – Possible Time Change**

5 Ms. Greenhalgh mentioned she may not be able to do 2:00 p.m. on this date. Will let us
6 know within the next couple of weeks. Timeframe change may be to 8:00 a.m. or 8:30
7 a.m.

8 **ADJOURNMENT**

9 The meeting adjourned at approximately 11:00 a.m.