

The Florida
Electrolysis Council

Minutes

July 11, 2022

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
BY TELEPHONE CONFERENCE CALL
JULY 11, 2022**

-MINUTES-

DIAL-IN NUMBER: 1-888-585-9008

When prompted, enter the following conference room 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. The Council Chair may adjust the sequence of the agenda items. The minutes reflect the actual sequence of events rather than the original agenda order.

1 **12:00 P.M. (ET)**

2 Call to Order – General Business Meeting

3 Ms. Jolynn Greenhalgh, Chair, called the general business meeting to order at approximately 12:03
4 p.m. Those present for all or part of the meeting included the following:

5 **Members Present**

6 Ms. Jolynn Greenhalgh, DNP, ARNP, RE, Chair
7 Ms. Sarah Gray, Esquire
8 Ms. Rosanna Bermejo, RE

Staff Present

Allen Hall, Executive Director
Anna King, Program Administrator
Ahna Chamlis, Regulatory Specialist III
Terrica Jones, Regulatory Specialist II
Ashley Craun, Regulatory Specialist II

8 **Assistant Attorney General**

9 Diane Guillemette, Esquire

10 **Additional Persons Present**

Judy Adams - ESF

11 **INDIVIDUAL CONSIDERATIONS**

12 1. Kimberlee Johnson Endorsement (California)

13 Ms. Johnson was present and not represented by legal counsel.

14 Ms. Kimberlee Johnson has submitted an application for licensure under the Endorsement
15 application method. Ms. Johnson has provided all information of her California Electrologist License
16 No. L7261. Enclosed for the Council's review are the regulations for Electrologist Licensure in
17 California and Florida.

1 **MOTION:** Following discussion, Ms. Jolynn Greenhalgh moved to approve the application for
2 licensure with the notion that in order to perform laser & light-based hair removal Ms. Johnson will
3 need to acquire a CME certification. Ms. Sarah Gray seconded the motion, which carried 3/0.

4 2. Chunsi Becker Endorsement (Washington)

5 Ms. Becker was not present and not represented by legal counsel.

6 Ms. Chunsi Becker has submitted an application for licensure under the Endorsement application
7 method. Ms. Becker has provided all information of her Washington Master Esthetician License No.
8 21003115. It should be noted that Washington State does not appear to issue Electrologist
9 licenses, however, the regulations provided for the Master Esthetician's license makes reference to
10 permanent hair removal within the profession's scope of practice. Enclosed for the Council's review
11 are the regulations for Master Esthetician Licensure in Washington and Florida.

12 **MOTION:** Following discussion, Ms. Jolynn Greenhalgh moved to approve the application. Ms.
13 Sarah Gray seconded the motion, which carried 3/0.

14 3. Kayla Manan Endorsement to Examination

15 Ms. Manan was present and not represented by legal counsel.

16 Ms. Kayla Manan originally applied for licensure under the Endorsement application method;
17 however, later requested to change to the Examination method. Ms. Manan has provided all
18 supporting documents for the Examination application for the Council's review. Ms. Manan has
19 expressed her desire to challenge the training program requirements needed for licensure.
20 Enclosed for the Council's review are the official transcripts and other documents obtained from
21 Mrs. Manan for Electrologist Licensure in Florida.

22 **MOTION:** Following discussion, Ms. Manan requested to withdraw her application due to lack of
23 Electrolysis training on school training transcripts. It was recommended by the Council that she
24 contact an Electrolysis training program to obtain the 320 hours required for Florida licensure and
25 see if any previously earned credits can be used towards her training.

26 4. Kimberly Mendoza Examination

27 Ms. Mendoza was present and not represented by legal counsel.

28 Ms. Kimberly Mendoza has applied for licensure under the Examination application method. Ms.
29 Mendoza has provided all required supporting documents for the Examination method for the
30 Council's review. Ms. Mendoza has expressed she would like to challenge the training program
31 requirements needed for licensure. Enclosed for the Council's review are the official transcripts and
32 other documents obtained from Ms. Mendoza for Electrologist Licensure in Florida.

33 **MOTION:** Following discussion, Ms. Jolynn Greenhalgh moved to approve the application
34 contingent to Ms. Mendoza submitting a new training school transcript that shows proof of the
35 credits earned in her training that is equal or greater than the requirements for Florida licensure, the

1 completion of the IBEC exam and the completion of a CME certification or else the application will
2 be denied. Ms. Sarah Gray seconded the motion, which carried 3/0.

3 **MOTION:** Ms. Mendoza waived the deemer clause with the approval of the continuance.
4 5. Hanna Odham Examination

5 Ms. Odham was present and not represented by legal counsel.

6 Ms. Hannah Odham has applied for licensure under the Examination application method. However,
7 her file is before the Council specifically for review of her “Yes” response to the criminal history &
8 health history questions on her application. Among several cases reported, the following felony-
9 level cases may present possible prohibitions of licensure under Section 456.0635, F.S. Ms.
10 Guillemette will assist the Council with any questions in this regard.

11 **MOTION:** Following discussion, Ms. Hanna Odham requested to withdraw her application due to
12 being barred from licensure until December 30, 2023.

13 6. Diana Stathis Examination

14 Ms. Stathis was present and not represented by legal counsel.

15 Ms. Diana Stathis has satisfied all requirements for approval under the Examination application
16 method. However, her file is before the Council specifically for review of her “Yes” response to the
17 criminal history question on her application. Ms. Stathis has provided a personal statement as well
18 as related court documentation for your review.

19 **MOTION:** Following discussion, Ms. Jolynn Greenhalgh moved to approve the application. Ms.
20 Sarah Gray seconded the motion, which carried 3/0.

21 **AT THIS POINT IN THE MEETING THE COUNCIL CHAIR MOVED TO TAB 25**

22 **ADDENDUM - INDIVIDUAL CONSIDERATIONS**

23 25. Diane Marie Otway Examination

24 Ms. Otway was not present and not represented by legal counsel.

25 Ms. Diane Otway has applied for licensure under the Examination application method. However,
26 her file is before the Council specifically for review of her “Yes” response to the criminal history &
27 health history questions on her application. Ms. Otway has provided a personal statement as well
28 as related court documentation for your review.

29 **MOTION:** Following discussion, Ms. Jolynn Greenhalgh moved to approve the application. Ms.
30 Sarah Gray seconded the motion, which carried 3/0.

31 **AT THIS POINT IN THE MEETING THE COUCIL CHAIR MOVED BACK TO TAB 7**

32 **REVIEW OF 320-HOUR COMBINED ELECTROLYSIS TRAINING PROGRAM**

1 7. Essence Medical Aesthetics Training.

2 Ms. Cassia Santo was present and not represented by legal counsel.

3 The application for the 320-Hour Combined Electrolysis Training School was before the Council for
4 consideration.

5 **MOTION:** Following discussion Ms. Jolynn Greenhalgh moved to approve the 320-hour Electrolysis
6 training program application contingent to the revision of the criminal history page to include the
7 Department of Health's information, correction of the education hours and passing of a facility
8 inspection with a registered laser equipment present. The applicant is required to complete the
9 requirements within 90 days, with approval from the Council chair otherwise the application will be
10 denied. Ms. Sarah Gray seconded the motion, which carried 3/0.

11 **AT THIS POINT IN THE MEETING THE COUNCIL CHAIR MOVED TO TAB 24**

12 **ADDENDUM – REVIEW OF 30-HOUR CE COURSE**

13 24. Review of 30-Hour Laser & Light-Based Hair Removal CE Course

14 The Arviv Medical Aesthetics was not present and not represented by legal counsel.

15 **MOTION:** Following discussion, Ms. Jolynn Greenhalgh moved to approve the application. Ms.
16 Sarah Gray seconded the motion, which carried 3/0.

17 **AT THIS POINT IN THE MEETING THE COUCIL CHAIR MOVED BACK TO TAB 8**

18 **LICENSURE RATIFICATION LIST**

19 8. Licensed Electrologists

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

21 **MOTION:** Following discussion, Ms. Jolynn Greenhalgh moved to approve the list of examination
22 candidates. Ms. Sarah Gray seconded the motion, which carried 3/0.

23 **AT THIS POINT IN THE MEETING THE COUNCIL CHAIR MOVED TO TAB 11**

24 **RULES REVIEW AND DEVELOPMENT**

25 11. Rule 64B8-55.001, F.A.C., Disciplinary Guidelines

26 Ms. Guillemette informed the Council that Rule 64B8-55.001, F.A.C., Disciplinary Guidelines was
27 approved at the Board of Medicine meeting. Ms. Guillemette noted that on May 6, 2022, she
28 received a letter from JAPC with concerns regarding 55.001(2)(y), (z) and (gg) fines being too large
29 of a range stating \$2,000 to \$10,000.

30 **64B8-55.001 Disciplinary Guidelines.**

(1) Purpose. Pursuant to Section 478.52(1), F.S., the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 478, F.S., or a telehealth provider registered under section 456.47(4), F.S. The purpose of this rule is to notify applicants, licensees, and telehealth registrants of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. Each range includes the lowest and highest penalty and all penalties falling between including appropriate continuing education. The range, in ascending order of severity is letter of concern, reprimand, suspension, then revocation. The purposes of the imposition of discipline are to punish the applicants, licensees, or telehealth registrants for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants, licensees, or telehealth registrants from violations.

(2) Violations and Range of Penalties. In imposing discipline upon applicants, licensees, and telehealth registrants in proceedings pursuant to Sections 120.57(1) and 120.57(2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty as provided in Section 456.072(2), F.S., within the range corresponding to the violations set forth below. The identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

RECOMMENDED RANGE OF PENALTY				
VIOLATION	APPLICANTS AND LICENSEES		TELEHEALTH REGISTRANTS	
	FIRST OFFENSE	ADDITIONAL OFFENSE	FIRST OFFENSE	ADDITIONAL OFFENSE
(a) Attempting to obtain a license by bribery, fraud, misrepresentation, or through error of the department or the council. (Sections 456.072(1)(h), 478.52(1)(a), F.S.)				
Obtaining or renewing a license through error of the department or council.	Revocation	Revocation	Revocation	n/a
Obtaining or renewing a license through negligent misrepresentation	Revocation	Revocation	Revocation	n/a

Obtaining or renewing a license by fraud.	Revocation and a \$10,000 fine.	Revocation and a \$10,000 fine.	Revocation	n/a
(b) Action taken against license in any jurisdiction. (Sections 456.072(1)(f) and 478.52(1)(b), F.S.)	Discipline comparable to the minimum first offense which would be imposed if the substantive violation occurred in Florida to discipline comparable to the maximum first offense which be imposed if the substantive violation occurred in Florida.	Discipline comparable to the minimum second or subsequent offense which would be imposed if a second or higher substantive violation had occurred in Florida to Discipline comparable to the maximum second or subsequent offense which would be imposed if a second or higher substantive violation had occurred in Florida.	Letter of concern to revocation as close as possible to same penalty which would have been imposed if the substantive violation had occurred in Florida to revocation. <u>Discipline comparable to the minimum first offense which would be imposed if the substantive violation occurred in Florida to discipline comparable to the maximum first offense which be imposed if the substantive violation occurred in Florida.</u>	Letter of concern to revocation as close as possible to same penalty which would have been imposed if a second or higher substantive violation had occurred in Florida to revocation. Discipline comparable to the minimum second or subsequent offense which would be imposed if a second or higher substantive violation had occurred in Florida to Discipline comparable to the maximum second or subsequent offense which would be imposed if a second or higher substantive violation had occurred in

				Florida.
(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction, which directly relates to the practice of electrology. (Sections 456.072(1)(c) and 478.52(1)(c), F.S.)	Reprimand and \$250 fine to probation <u>revocation</u> and \$5,000 fine.	Probation and \$350 fine to revocation and \$5,000 fine.	Suspension Reprimand to Suspension and corrective action plan <u>revocation.</u>	Suspension and a corrective action plan to revocation.
(d) Filing a false report or failing to file a report as required (Sections 456.072(1)(g) and (l), and 478.52(1)(d), F.S.)	Reprimand and \$500 fine probation and \$5,000 fine.	Probation and \$1,000 fine to revocation and \$5,000 fine	Letter of concern to suspension to suspension and a corrective action plan.	Suspension and a corrective action plan to revocation.
If fraud found	Revocation and \$10,000 fine.	Revocation and \$10,000 fine.	Revocation	Revocation
(e) False, deceptive or misleading advertising. (Sections 456.072(1)(m) and 478.52(1)(e), F.S.)	Letter of concern and \$500 fine to suspension and \$1,000 fine.	Suspension and \$1,000 fine to suspension or and \$2,500 fine.	Reprimand to suspension and corrective action plan	Suspension and corrective action plan to revocation.
If fraud found	Revocation and \$10,000 fine	Revocation and \$10,000 fine.	Revocation	Revocation
(f) Unprofessional conduct, failure to conform to acceptable standards. (Sections 478.52(1)(f), and 456.072(3)(b), F.S.)	Reprimand and \$250 fine.to probation and \$1,000 fine	Probation and \$1,000 fine to revocation and \$5,000 fine.	Letter of concern to suspension	Suspension and a corrective action plan to revocation.
(g) Possession, sale or distribution of illegal or controlled substance. (Section 478.52(1)(g), F.S.)	Probation and \$1,000 fine to suspension <u>revocation</u> and \$5,000 fine.	Suspension and \$2,000 fine to revocation and \$5,000 fine.	Suspension to suspension and corrective action plan <u>revocation.</u>	Suspension and corrective action plan to revocation.
(h) Willful failure to report any known violation of Chapter 456 or 478, F.S. (Sections 456.072(1)(i) and 478.52(1)(h), F.S.)	Letter of Concern and \$250 fine to probation and \$1,000 fine.	Probation and \$350 fine to suspension and a \$5,000 fine.	Reprimand to suspension	Suspension and a corrective action plan to revocation.
(i) Repeated or willful violation of disciplinary order. (Section 456.072(1)(q), and 478.52(1)(i), F.S.)	Suspension until in compliance with prior order and \$500 fine to suspension and \$2,500 fine followed by	Suspension until in compliance with prior order and \$1,000 fine to revocation and \$2,500 fine.	Suspension to suspension and corrective action plan.	Suspension and a corrective action plan to revocation.

	probation			
(j) Delivery of electrolysis services without an active license. (Section 478.52(1)(j), F.S.)	Reprimand and \$250 fine to revocation and \$5,000 fine.	Probation and \$350 fine to revocation and a \$5,000 fine.	Suspension and a corrective action plan to revocation.	One (1) year suspension and a corrective action plan to revocation.
(k) Employing or assisting an unlicensed person to practice electrology. (Sections 456.072(1)(j), and 478.52(1)(k), F.S.)	Reprimand and \$250 fine to probation and \$1,000 fine.	Probation and \$1,500 fine to suspension and a \$5,000 fine.	Suspension to suspension and a corrective action plan.	suspension and a corrective action plan to revocation..
(l) Failure to perform/comply with legal obligation. (Sections 456.072(1)(k) and 478.52(1)(l), F.S.)	Reprimand and \$250 fine to probation and \$1,500 fine.	Probation and \$1,500 fine to suspension and a \$5,000 fine.	Reprimand to suspension and a corrective action plan.	Suspension and a corrective action plan to revocation
(m) Accepting and performing responsibilities for which licensee knows, or has reason to know, he or she is not competent to perform. (Sections 457.072(1)(o) and 478.52(1)(m), F.S.)	Probation and \$500 fine to probation and \$2,500 fine.	Probation and \$1,000 fine to revocation and \$5,000 fine.	Suspension to suspension and a corrective action plan.	Suspension and a corrective action plan to revocation.
(n) Delegating professional responsibilities to unqualified person. (Sections 456.072(1)(p) and 478.52(1)(n), F.S.)	Probation and \$250 fine to two (2) years suspension or denial and \$5,000 fine.	Six (6) months suspension followed by probation and \$1,000 fine to revocation and \$5,000 fine.	Suspension and corrective action plan to two (2) years suspension.	Six (6) months suspension followed by a corrective action plan to revocation.
(o) Malpractice. (Section 478.52(1)(o), F.S.)	Probation and \$500 fine to suspension and \$7,500 fine.	Suspension followed by probation and \$10000 fine to revocation.	Suspension to suspension and corrective action plan.	Suspension and corrective action plan to revocation.
(p) Judicially determined mental incompetency. (Section 478.52(1)(p), F.S.)	Probation to <u>indefinite</u> suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation.	Probation to suspension <u>Indefinite suspension</u> until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation to <u>suspension for a minimum of five (5) years or until licensee is able to demonstrate</u>	Suspension and a corrective action plan. <u>Indefinite suspension with corrective action plan and until licensee is able to demonstrate ability to practice with reasonable skill and safety to suspension</u> for a minimum of	Suspension and corrective action plan to revocation. <u>Indefinite suspension with a corrective action plan, to suspension for a minimum of five (5) years and until licensee is able to demonstrate ability to practice with</u>

		<u>ability to practice with reasonable skill and safety followed by probation.</u> revocation.	<u>one (1) year and until licensee is able to demonstrate ability to practice with reasonable skill and safety.</u>	<u>reasonable skill and safety.</u>
(q) Practicing under a name other than that of licensee. (Section 478.52(1)(q), F.S.)	Letter of concern and \$250 fine to probation and \$1,000 fine.	Probation and \$1,000 fine to suspension and \$5,000 fine.	Letter of concern to suspension.	Suspension and corrective action plan to revocation
(r) Inability to practice with reasonable skill and safety because of mental or physical condition or illness or use of alcohol or controlled substances or any other substance which impairs one's ability to practice. (Sections 478.52(1)(r) and 456.072(1)(z), F.S.)	Suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety. <u>Probation to indefinite suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation.</u>	Suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety and \$500 fine, followed by probation <u>Indefinite suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation to suspension for a minimum of five (5) years or until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation.</u>	Suspension and a corrective action plan to revocation. <u>Indefinite suspension with corrective action plan and until licensee is able to demonstrate ability to practice with reasonable skill and safety to suspension for a minimum of one (1) year and until licensee is able to demonstrate ability to practice with reasonable skill and safety.</u>	Suspension and a corrective action plan to revocation. <u>Indefinite suspension with a corrective action plan, to suspension for a minimum of five (5) years and until licensee is able to demonstrate ability to practice with reasonable skill and safety.</u>
(s) Disclosing identity of or information about a patient. (Section 478.52(1)(s), F.S.)	Probation and \$250 fine to suspension and \$1,000 fine.	Suspension and \$1,000 fine to revocation and \$5,000 fine.	Suspension to suspension and corrective action plan	Suspension and corrective action plan to revocation.
(t) Practicing permanent hair removal except as described in Section 478.42(5), F.S. (Section	Probation and \$250 fine to	Suspension followed by	Suspension to suspension and	Suspension and corrective action plan to

478.52(1)(t), F.S.)	probation and \$5,000 fine.	probation and \$1,000 fine to revocation and a \$5,000 fine.	corrective action plan.	revocation.
(u) Operating an unlicensed facility. (Section 478.52(1)(u), F.S.)	Suspension until compliance and \$250 fine to suspension until compliance and \$2,500 fine.	Suspension until compliance and \$500 fine to suspension until compliance followed by probation and \$2,500 fine.	Suspension to suspension and corrective action plan	Suspension to suspension and corrective action plan to revocation.
(v) Violating any provision of Sections 456, 478, F.S. or any rule adopted pursuant thereto. (Section 456.072(1)(b),(dd), F.S.)	Letter of concern and \$200 fine to probation and \$1,000 fine	Probation and \$500 fine to revocation and \$7,500 fine	Letter of concern to suspension and corrective action plan	Suspension and corrective action plan to revocation
(w) Using a Class II or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted under s. 501.122 (2) governing the registration of the devices. (Section 456.072(1)(d), F.S.)	Probation and \$1,000 fine to suspension and \$2,500 fine	Suspension and \$3,000 fine to revocation	n/a	n/a
(x) Failing to comply with the education course requirements for acquired immune deficiency syndrome and domestic violence. (Section 456.072(1)(e),(s), F.S.)	Letter of concern and \$250 fine to reprimand and \$500 fine	Reprimand and \$500 fine to suspension and \$1,000 fine.	n/a	n/a
(y) Making deceptive, untrue, or fraudulent representations in or related to the practice of electrolysis, or employing a trick or scheme in or related to the practice of electrolysis (Section 456.072(1)(m), F.S.) If fraud found	Payment of fees paid by or on behalf of the patient Restitution and from probation and \$1,000 fine to suspension and \$2,000 fine.	Payment of fees paid by or on behalf of the patient Restitution and from suspension and \$2,000 fine to revocation and \$10,000 fine.	Suspension to suspension and corrective action plan	Suspension and corrective action plan to revocation.
	Revocation and \$10,000 fine	Revocation and \$10,000 fine	Revocation	Revocation
(z) Exercising influence in the patient or client for the purpose of financial gain or the licensee or a third party. (Section	Payment of fees paid by or on behalf of the patient	Payment of fees paid by or on behalf of the patient	Suspension to suspension and corrective action plan	Suspension and corrective action plan to revocation

456.072(1)(n), F.S.)	<u>Restitution</u> and from probation and \$1,000 fine to suspension and \$2,000 fine.	<u>Restitution</u> and from suspension and \$2,000 fine to revocation and \$10,000 fine		
(aa) Failing to comply with the lawfully issued subpoena of the department. (Section 456.072(1)(q), F.S.)	Reprimand and \$1,000 fine to probation and \$2,000 fine	Probation and \$2,000 fine to suspension and \$5,000 fine	Suspension to suspension and corrective action plan	Suspension and corrective action plan to revocation
(bb) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (Section 456.072(1)(r), F.S.)	Reprimand and \$1,000 fine to probation and \$2,000 fine	Probation and \$2,000 fine to suspension and \$5,000 fine	Suspension to suspension and corrective action plan	Suspension and corrective action plan to revocation
(cc) Failing to identify to patient electrolysis licensure (Section 456.072(1)(t), F.S.)	Letter of concern and \$250 fine to probation and \$500 fine	Probation and \$500 fine to suspension and \$1,000 fine.	Reprimand to suspension	Suspension to suspension and corrective action plan
(dd) Sexual Misconduct. (Sections 456.063, F.S., 456.072(1)(v), F.S.)	Probation and \$2,500 fine to revocation and \$7,500 fine	Suspension and \$7,500 fine to revocation and \$10,000 fine	Suspension to suspension and corrective action plan	Suspension and corrective action plan to revocation
(ee) Failing to report to the council in writing within 30 days after the licensee has been convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. (Section 456.072(1)(x), F.S.)	Reprimand and \$250 fine to probation and \$1,000 fine.	Probation and \$1,000 fine to suspension	Reprimand to suspension	Suspension to suspension and corrective action plan
(ff) Testing positive for any drug, as defined in s. 112.0455 on any confirmed preemployment or employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using the drug. (Section 456.072(1)(aa), F.S.)	Suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety to probation until licensee is able to demonstrate the ability to practice with reasonable skill and safety. <u>Probation to indefinite suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation.</u>	Suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety and \$500 fine followed by probation to probation until licensee is able to demonstrate the ability to practice with reasonable skill and safety and \$1,500 fine. <u>Indefinite suspension until licensee is able to demonstrate</u>	Suspension to suspension and corrective action plan.	Suspension and corrective action plan to revocation.

		<u>ability to practice with reasonable skill and safety followed by probation and a \$500.00 fine to suspension for a minimum of five (5) years or until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation and a \$1,500.00 fine.</u>		
(gg) Performing or attempting to perform electrolysis on the wrong patient, a wrong-site procedure, a wrong procedure, an unauthorized procedure, or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. (Section 456.072(1)(bb))	Probation and \$1,000 fine to suspension and \$2,000 fine.	Suspension and \$2,000 fine to revocation and \$10,000 fine.	Suspension to suspension and corrective action plan.	Suspension and corrective action plan to revocation.
(hh) Being terminated from an impaired practitioner program that is overseen by a consultant as described in s. 456.076, for failure to comply, without good cause, the terms of the monitoring or participant contract enter into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program. (Section 456.072(1)(hh), F.S.)	Suspension until licensee is able to demonstrates compliance with all the terms of the monitoring contract and is able to demonstrate to the Board the ability to practice with reasonable skill and safety with a consecutive year of <u>followed by a term of probation</u> and a fine of \$1,000 to revocation.	Suspension until licensee is able to demonstrates compliance with all the terms of the monitoring contract and is able to demonstrate to the Board the ability to practice with reasonable skill and safety with a consecutive year of <u>followed by a term of probation</u> and a fine of \$5,000 to revocation.	Suspension and corrective action plan to revocation.	Suspension and corrective action plan to revocation
(ii) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of	Revocation and \$10,000 fine	n/a <u>Revocation and a \$10,000.00 fine.</u>	Revocation	n/a <u>Revocation</u>

adjudication, a crime in any jurisdiction which relates to health care fraud. (Section 456.072(1)(ll), F.S.)				
(jj) Failure to comply with the parental consent requirements of Section 1014.06, F.S. (Section 456.072(1)(rr), F.S.)	Letter of concern and \$200 fine to probation and \$1,000 fine.	Probation and \$2,000 fine to Suspension and \$5,000 fine.	Letter of concern to suspension	Suspension to Suspension and corrective action plan
(kk) Being convicted or found guilty of, entering a plea of guilty or nolo contendere to, regardless of adjudication, or committing or attempting, soliciting, or conspiring to commit and act that would constitute a violation of any of the offenses listed in Section 456.074(5) or similar offense in another jurisdiction. (Section 456.072(1)(ss), F.S.)	<u>Revocation and administrative fine of \$500.00 to \$1,000.00.</u>	<u>n/a Revocation and administrative fine of \$1,000.00 to \$5,000.00.</u>	Revocation	<u>n/a Revocation</u>
(ll) Failure to notify council of an adverse action taken against license. (456.47(4)(i)1.)	n/a	n/a	Letter of concern to suspension and a corrective action plan	Suspension and corrective action plan to revocation.

1 (3) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating
2 factors present in an individual case, the Council may deviate from the penalties recommended above. The
3 Council shall consider as aggravating or mitigating factors the following:

4 (a) Exposure of patient or public to injury or potential injury, physical or otherwise: none, slight, severe, or
5 death;

6 (b) Legal status of licensee at the time of the offense;

7 (c) The number of counts or separate offenses established;

8 (d) The disciplinary history of the applicant or licensee in any jurisdiction and the length of practice;

9 (e) Pecuniary benefit or self-gain inuring to the licensee.

10 (4) Stipulations or Settlements. The provisions of this rule are not intended and shall not be construed to
11 limit the ability of the Board to dispose informally of disciplinary actions by stipulation, agreed settlement, or
12 consent order pursuant to Section 120.57(4), F.S.

13 (5) Other Action. The provisions of this rule are not intended to and shall not be construed to limit the
14 ability of the Council to pursue or recommend that the Department pursue collateral civil or criminal actions
15 when appropriate.

16 Rulemaking Authority 456.072, 456.079, 456.47(7), 478.52(4) FS. Law Implemented 456.072, 456.073, 456.079,
17 456.47(4),

18 478.52(4) FS. History—New 11-16-93, Formerly 61F6-80.001, Amended 1-2-95, Formerly 59R-55.001, Amended 2-9-98, 10-
19 12-

20 98, 3-1-00, 9-28-00, 5-30-01, 8-8-01, 10-8-02, 7-8-03, 7-18-06, 2-22-17, _____.

21 After discussion, the Council agreed to change 55.001(2)(y), (z) and (gg) range of fines to
22 \$2,000 to \$5,000.

23 **MOTION:** Following discussion, Ms. Jolynn Greenhalgh moved to approve the proposed draft
24 language with edits discussed. Ms. Sarah Gray seconded the motion, which carried 3/0.

25 **MOTION:** Ms. Jolynn Greenhalgh moved the proposed language would not have an adverse
26 impact on small business and would not result in an economic impact on government or any

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1 other entity in excess of \$200,000 within one year of the rule being implemented. Ms. Gray
2 seconded the motion, which carried 3/0.

3 **MOTION:** Ms. Jolynn Greenhalgh moved the proposed rule should not be designated as a
4 minor violation for first-time offenses. Ms. Sarah Gray seconded the motion, which carried 3/0.

5 **MOTION:** Ms. Jolynn Greenhalgh moved there should not be a provision to sunset the
6 proposed language. Ms. Sarah Gray seconded the motion, which carried 3/0.

7 **AT THIS POINT IN THE MEETING THE COUNCIL CHAIR MOVED TO TAB 13**

8 13. Rule 64B8-55.003, F.A.C., Terms of Probation

9 During the April 11, 2022, Council meeting Ms. Guillemette raised concerns regarding Rule
10 64B8-55.003, F.A.C., Terms of Probation at which time she informed the Council she would
11 prepare the rule for discussion during the July 11, 2022, Council meeting.

12 **64B8-55.003 Terms of Probation.**

13 Any licensee determined to have violated the provisions of chapter 478, F.S., may be ordered to serve probationary
14 terms including any or all of the following:

15 (1) Probationer's license is suspended for a period of time set by the Board, said suspension to be stayed so long
16 as the licensee complies with the terms of probation set forth below.

17 (2) The licensee is placed on probation for a period of time set by the Board. Any deviation from the
18 requirements of the probation without prior written consent of the Board shall constitute a violation of this
19 probation. Upon a finding of probable cause that a violation of this probation has occurred, the licensee's license to
20 practice shall be subject to immediate and automatic suspension upon the recommendation of the Probable Cause
21 Panel pending the Licensee's appearance before the next Board meeting. The licensee will be given notice of the
22 hearing and an opportunity to defend. The probationary periods shall automatically terminate at the end of a
23 prescribed time, but only if all terms and conditions have been met. Otherwise, the probation shall be terminated
24 only by order of the Board upon proper petition of the licensee, supported by evidence of compliance with this Final
25 Order.

26 (3) The licensee's probation shall be subject to the following terms and conditions:

27 (a) Probationer shall comply with all state statutes and rules pertaining to the practice of electrology in Chapters
28 456 and 478, F.S., and the rules promulgated pursuant there to.

29 (b) Probationer shall appear before the Board at the first meeting after said probation commences, at the last
30 meeting of the Board preceding termination of probation, and at such other times as requested by the Board.

31 (c) In the event Probationer leaves the State of Florida for a period of thirty days or more, or otherwise does not
32 engage in a practice in Florida, Probationer's probation shall be tolled and shall remain in a tolled status until
33 Probationer returns to active practice in the State of Florida, at which time the probationary status shall resume.
34 Probationer must keep current residence and business addresses on file with the Board. Probationer shall notify the
35 Board within ten (10) days of any changes of said addresses.

36 (d) Probationer shall practice only under the supervision of an electrologist fully licensed under chapter 478,
37 F.S., to be approved by the Board or its designee. Probationer shall have the supervising electrologist with the
38 Probationer at the Probationer's first probation appearance before the Board. Prior to approval of the supervising
39 electrologist by the Board or its designee, the Probationer shall provide to the supervising electrologist a copy of the
40 administrative complaint filed in this case. A failure of the Probationer or the supervising electrologist to appear at

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1 the scheduled Board meeting shall constitute a violation of the Board's Final Order. Prior to the approval of the
2 supervising electrologist by the Board or its designee, Probationer shall submit to the Board or its designee a current
3 curriculum vitae and description of the current practice from the proposed supervising electrologist. Said materials
4 shall be received in the Board office no later than fourteen (14) days before Probationer's first scheduled probation
5 appearance. Probationer shall be responsible for ensuring that the supervising electrologist submits the required
6 reports. The responsibilities of the supervising electrologist shall include:

- 7 1. Submit quarterly reports, which shall include:
 - 8 a. Brief statement of why Probationer is on probation.
 - 9 b. Description of Probationer's practice.
 - 10 c. Brief statement of Probationer compliance with terms of probation.
 - 11 d. Brief statement of Probationer's relationship with supervising electrologist.
 - 12 e. Detail any problems which may have arisen with Probationer.
- 13 2. Review a percentage of Probationer's patient records selected on a random basis at least once every two (2)
14 weeks.
- 15 3. Review all patient records treated for/which certain constitutions.
- 16 4. Consult with Probationer on all cases involving specified conditions.
- 17 5. Review Probationer's use of pharmaceutical agents.
- 18 6. Report to the Board any violations by the Probationer of chapters 456, part II and 478, F.S., and the rules
19 promulgated pursuant thereto.

20 (e) Probationer shall submit quarterly reports to the Board. The reports shall include:

- 21 1. Brief statement of why Probationer is on probation.
- 22 2. Practice location.
- 23 3. Description of current practice stating type and composition.
- 24 4. Brief statement of compliance with probationary terms.
- 25 5. Description of relationship with the supervising electrologist.
- 26 6. Description of any problems.
- 27 7. ~~Notarized~~ Copies of a number of patient records of patients examined or treated by the Probationer within
28 the previous sixty (60) days with all identification of patient suitably obliterated.

29 (f) Probationer shall obtain a number of Continuing Education credits in specific areas, within a number of
30 months/year(s), in addition to those hours required for renewal of licensure.

31 (g) Probationer shall see a psychiatrist, psychologist or psychotherapist approved by the Board or its designee
32 at least the specified number of visits for evaluation and treatment.

33 (h) Probationer shall not consume, inject or ingest any controlled substance unless prescribed or administered
34 by a practitioner authorized by law to prescribe or dispense controlled substances. However, the drugs shall only be

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1 consumed, injected or ingested for a medically justifiable purpose.

2 (i) Probationer shall not consume alcohol.

3 (j) Probationer shall attend AA or NA meetings on a frequency of at least one meeting per week.

4 (k) Probationer shall submit to random blood and/or urine testing for the purpose of ascertaining probationer's
5 compliance with probation.

6 (l) Probationer shall pay all reasonable costs of obtaining random urine and/or blood screens.

7 (m) During a specified number of months, the Probationer shall perform a number of hours of community
8 service at a specified location or organization. Community service shall consist of electrology without fee or cost to
9 the patient for the good of the people of the State of Florida. Affidavits detailing the community service performed
10 shall be filed with the Board.

11 (4) Probationer shall pay an administrative fine in the amount set by the Board, said fine to be paid to the Board
12 within ~~a certain number of~~ 90 days of the effective date of the Final Order unless otherwise specified by the Board.

13 *Rulemaking Authority 456.079, 478.52(4) FS. Law Implemented 456.072, 456.079, 478.52 FS. History—New 11-16-93, Formerly*
14 *61F6-80.003, 59R-55.003.*

15 **MOTION:** Following discussion, Ms. Jolynn Greenhalgh moved to approve the proposed draft
16 language with edits discussed. Ms. Sarah Gray seconded the motion, which carried 3/0.

17 **MOTION:** Ms. Jolynn Greenhalgh moved the proposed language would not have an adverse
18 impact on small business and would not result in an economic impact on government or any
19 other entity in excess of \$200,000 within one year of the rule being implemented. Ms. Gray
20 seconded the motion, which carried 3/0.

21 **MOTION:** Ms. Jolynn Greenhalgh moved the proposed rule should not be designated as a
22 minor violation for first-time offenses. Ms. Sarah Gray seconded the motion, which carried 3/0.

23 **MOTION:** Ms. Jolynn Greenhalgh moved there should not be a provision to sunset the
24 proposed language. Ms. Sarah Gray seconded the motion, which carried 3/0.

25 **AT THIS POINT IN THE MEETING THE COUNCIL CHAIR MOVED TO TAB 19 AND 20**

26 **OLD BUSINESS**

27 19. April 11, 2022, Electrologist Council Meeting Minutes

28 **MOTION:** Following discussion, Ms. Jolynn Greenhalgh moved to approve the April 11, 2022,
29 Electrolysis Council Meeting Minutes. Ms. Sarah Gray seconded the motion, which carried 3/0.

30 20. Meeting Time for October 3, 2022, Council Meeting

31 **MOTION:** Following discussion, Ms. Jolynn Greenhalgh moved to approve the October 3rd
32 meeting time of 12:00 p.m. Ms. Sarah Gray seconded the motion, which carried 3/0.

33 **AT THIS POINT IN THE MEETING THE COUCIL CHAIR MOVED BACK TO TAB 9**

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- 1 9. Rule 64B8-51.003, F.A.C., Documentation for Licensure
 2 The following rule was tolled until the October 3, 2022, Council meeting.

- 3 10. Rule 64B8-52.002, F.A.C., Definitions
 4 The following rule was tolled until the October 3, 2022, Council meeting.

- 5 12. Rule 64B8-55.021, F.A.C., Discipline of Electrolysis Facilities
 6 The following rule was tolled until the October 3, 2022, Council meeting.

7 **REPORT OF ASSISTANT ATTORNEY GENERAL – Ms. Diane Guillemette, Esquire**

- 8 14. Rule Status Report
 9 Ms. Guillemette presented the status of the following rules.

ELECTROLYSIS COUNCIL (BOARD OF MEDICINE) MONTHLY RULES REPORT – JUNE 2022

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B8-52.003	Procedure for Approval of Attendance at Continuing Education Courses	02/03/2022	03/08/2022	03/18/2022	04/08/2022	05/12/2022	06/01/2022
64B8-55.001	Disciplinary Guidelines	04/08/2022	04/02/2022	04/23/2021	05/03/2022 05/06/2022 JAPC Ltr 05/24/2022 Attorney Response		

- 10 • Rule 64B8-52.003, F.A.C., Procedure for Approval of Attendance at Continuing
 11 Education Courses
 12 The following rule was tolled until the October 3, 2022, Council meeting.

- 13 • Rule 64B8-55.001, F.A.C., Disciplinary Guidelines
 14 The following rule was tolled until the October 3, 2022, Council meeting.

15 **REPORTS, IF ANY**

- 16 15. Council Chair – Jolynn Greenhalgh, DNP, ARNP

- 17 • Other Council Members:

18 Informational Item

- 19 16. Executive Director - Allen Hall

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

3 Informational Item

4 **NEW BUSINESS**

5 17. Discussion: Rule 64B8-56.002(4), F.A.C., Equipment and Devices; Protocols for Laser
6 and Light-Based Devices re: Standard Protocol Form

7 The discussion of this rule was tolled until the October 3, 2022, Council meeting.

8 18. Discussion: Rule 64B8-53.002(2)(d), F.A.C., Curriculum Standards for Electrolysis
9 Training Programs re: Telehealth Supervision for Hands on Equipment Instructions in Laser &
10 Light-Based Hair Removal

11 The discussion of this rule was tolled until the October 3, 2022, Council meeting.

12 **OTHER BUSINESS AND INFORMATION**

13 21. Order Granting Petition for Variance/Waiver: Hiba Koja
14 Informational item.

15 22. Spotlight on ULA Newsletter
16 Informational item.

17 23. Staff Recognition
18 Informational item.

19 **ADJOURNMENT**

20 There being no further business the meeting adjourned at 2:00 p.m.