

The Florida
Electrolysis Council

Draft Minutes

November 9, 2015

Telephone Conference Call

1-888-670-3525

Participant Code 7811783909 #

Jolynn Greenhalgh, DNP, ARNP, RE
Chair

Lina Grillo, RE
Vice-Chair

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

November 9, 2015

9:00 a.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.

9:00 a.m.

Call to Order – General Business Meeting

Ms. Jolynn Greenhalgh, Council Chair, called the meeting to order at approximately 9:02 a.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

STAFF PRESENT

Allen Hall, Executive Director
Anna King, Program Administrator
Lawanda Bell, Regulatory Specialist II

ASSISTANT ATTORNEY GENERAL

Lynette Norr, Esquire

ADMINISTRATIVE PROCEEDINGS

INDIVIDUAL CONSIDERATION

1. Courtney Lynch – Endorsement Applicant

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

Ms. Lynch submitted an application for licensure by Endorsement of her Massachusetts Electrologist License. The Council reviewed the regulations for licensure in Massachusetts to determine equivalence to Florida's regulations.

Following discussion, Ms. Jolynn Greenhalgh moved to approve the application. Ms. Lina Grillo seconded the motion, which carried 3/0.

2. Amber F. Magyari – Endorsement Applicant

Ms. Magyari was not present during the meeting.

Ms. Magyari submitted an application for licensure by Endorsement of her Connecticut Electrologist License. The Council reviewed the regulations for licensure in Connecticut to determine equivalence to Florida's regulations.

Following discussion, Ms. Jolynn Greenhalgh moved to approve the application. Ms. Lina Grillo seconded the motion, which carried 3/0.

3. Linda Dawn Ventura – Endorsement Applicant

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

Ms. Ventura submitted an application for licensure by Endorsement of her Massachusetts Electrologist License. The Council reviewed the regulations for licensure in Massachusetts to determine equivalence to Florida's regulations.

Following discussion, Ms. Jolynn Greenhalgh moved to approve the application. Ms. Lina Grillo seconded the motion, which carried 3/0.

4. Jodi Lynn Westgate – Endorsement Applicant

Ms. Westgate was not present during the meeting.

Ms. Westgate submitted an application for licensure by Endorsement of her Michigan Electrologist License. The Council reviewed the regulations for licensure in Michigan to determine equivalence to Florida's regulations.

Following discussion, Ms. Jolynn Greenhalgh moved to approve the application. Ms. Lina Grillo seconded the motion, which carried 3/0.

5. Tampa Esthetic Laser Institute – 30 Hour Laser Hair Removal CE Provider Applicant

The Council reviewed the 30-hour continuing education provider application of Tampa Esthetic Laser Institute. Following discussion, Ms. Jolynn Greenhalgh moved to approve the application. Ms. Lina Grillo seconded the motion, which carried 3/0.

6. Total Nails & Hair Academy – 30 Hour Laser Hair Removal CE Provider Applicant

The Council reviewed the 30-hour continuing education provider application of Total Nails & Hair Academy. Following discussion, Ms. Jolynn Greenhalgh moved to approve the application. Ms. Nilsa Lapeyrouse seconded the motion, which carried 3/0.

APPLICANT CERTIFICATION LIST

7. Examination Applicants

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

Ms. Jolynn Greenhalgh moved to ratify the revised list of examination candidates. Ms. Nilsa Lapeyrouse seconded the motion, which carried 3/0.

RULES REVIEW AND DEVELOPMENT

8. 64B8-51.006, F.A.C., Rule Governing Licensure and Inspection of Electrology Facilities.

The Council reviewed and discussed the following proposed rule language presented by Ms. Norr:

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

(1) Definitions. An electrology facility is that portion of any establishment or place wherein electrolysis is performed. An electrology facility may be part of a residence.

(2) Electrology Facility Licensure.

(a) ~~No one may operate an electrology facility without a license to do so from the Department of Health. The owner of an electrology facility is required to obtain a license for the electrology facility. However, physicians licensed under Chapter 458 or 459, F.S., are not required to obtain an electrology facility license and electrologists employed by physicians licensed under Chapter 458 or 459, F.S., are not required to obtain an electrology facility license.~~

(b) To obtain the license, the applicant shall provide information to the Department as required by this rule on a form provided by the Department and approved and incorporated herein by reference by the Board as Form DH-MQA 1213, entitled "Application for Electrolysis Facility Licensure," effective 3/13, which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-02754> or the Department at The Florida Department of Health, Electrolysis Council, Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256. The applicant must pay a \$100 application fee, which is nonrefundable, \$100 inspection fee, \$100 licensure fee and a \$5.00 unlicensed activity fee.

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

~~(a) An electrology facility shall be clean, sanitary and well lit. It shall also allow for circulation of air sufficient to eliminate odors. Listed below are requirements to be followed, and materials and equipment to be available at each electrology facility where epilators or lasers/light-based equipment is used.~~

1. Any room wherein electrolysis is performed shall have four fixed, permanent walls at least six feet tall from the floor and shall have doors capable of being locked. Permanent walls means a vertical continuous structure of wood, plaster, masonry, or other similar building material, which is physically connected to the electrology facility floor. At the time of service, each client shall be protected from view of the public, and any other clients at the facility. This requirement shall not apply to electrology facilities which are located in an electrolysis training facility so long as the unwallled area where electrolysis is performed is used for instructional purposes only. when electrolysis training is undertaken in accordance with a training program approved by the Electrolysis Council.

2. There shall be a toilet and sink with hot and cold running water within available to the electrology facility. This sink may also serve as the sink in the toilet and lavatory facilities required under paragraph (3)(c) of this rule. The toilet and sink shall be kept clean and in working order when the electrology facility is open for business.

~~(b) The following documents shall be displayed in an area that is visible to the general public entering the facility:~~

- ~~1. The electrology facility license.~~
- ~~2. The current license of the electrologist.~~
- ~~3. The most recent inspection sheet from the Department of Health.~~
- ~~4. A current copy of Rule 64B8-51.006, F.A.C.~~

~~(c) Toilet and Lavatory Requirements. Each electrology facility shall provide, on the premises or in the same~~

building, a separate room containing toilet and lavatory facilities which shall have at least one toilet and one sink with running water, and shall be equipped with toilet tissue, soap dispenser with soap or other hand cleaning material, disposable towels or wall-mounted electric blow dryer, and a waste receptacle. The toilet and lavatory facilities and all fixtures and components shall be clean, in good repair, well lighted and adequately ventilated to remove objectionable odors.

~~(d) No animals shall be allowed to enter or be in the room wherein electrolysis is performed except those trained to assist the hearing impaired, visually impaired, or the physically impaired.~~

~~(e) The electrology facility shall have the following equipment:~~

- ~~1. An FDA registered needle type epilation device in working order;~~
- ~~2. Clean and sterile needles/probes and forceps/tweezers;~~
- ~~3. Needle holder tips;~~

~~4. 3. Electrolysis shall be conducted on~~ A a treatment table or treatment chair with a non-porous surface capable of being disinfected;

~~4. The following supplies and equipment shall always be available at the electrology facility:~~

- ~~5. a. Disposable paper drapes or sanitary cloth drapes stored in a closed container or compartment;~~
- ~~6. b. Sanitary waste receptacles for the disposal of used gloves, paper supplies, cotton balls, and other noninfectious items;~~
- ~~7. c. Single use, disposable towels;~~
- ~~8. A sharps container for disposal of used needles/probes;~~
- ~~9. d. A treatment lamp or magnifier lamp capable of being cleaned with disinfectant;~~
- ~~10. e. A magnifying device which shall be a magnifier lamp, optical loupe or microscope capable of being cleaned and disinfected;~~
- ~~11. f. Tuberculocidal hospital grade disinfectant registered by the Environmental Protection Agency, household bleach or wiping cloths pre-saturated with disinfectant for wiping non-porous surfaces;~~
- ~~12. If eye shields are used, eye shields capable of being cleaned with disinfectant;~~
- ~~13. Covered containers for needles/probes and forceps/tweezers which containers are capable of being cleaned and sterilized:~~
- ~~14. g. Betadine, 3% U.S. Pharmaceutical grade hydrogen peroxide, or 70% isopropyl alcohol, or wrapped single use wipes saturated with 70% isopropyl alcohol;~~
- ~~15. h. Clean, non-sterile materials such as cotton balls, cotton strips, cotton swabs, gauze pads, and gauze strips;~~
- ~~16. i. If cloth towels are used, they shall be laundered and sanitized cleaned prior to use on each client and which are stored in a closed container or compartment, and there shall be a covered sanitary container for holding used cloth towels; Used cloths shall be kept in a separate closed container;~~
- ~~17. A sterilizer which shall be either an autoclave or a dry heat sterilizer, and color change indicators for use with either sterilizer. The endodontic dry heat "glass bead sterilizer" shall not be used for instrument sterilization;~~
- ~~18. Unless the facility is new, monthly records of sterilizer biological test monitoring which shall be made available to the Department upon request;~~
- ~~19. j. A holding container for soaking and cleaning contaminated instruments; and~~
- ~~20. k. Non-sterile disposable examination gloves.~~

~~(f) An appointment book shall be maintained and kept on the electrology facility premises which lists the name of each person who has received electrolysis treatment.~~

~~(g) In electrology facilities wherein laser equipment is used for hair removal, the following shall be provided:~~

(b) In addition to those specified in paragraph (3)(a), the requirements to be followed, and materials and equipment to be available at each electrology facility where epilators are used are listed below.

1. An FDA registered needle-type epilation device in working order;
2. Clean and sterile needles/probes and forceps/tweezers;
3. Needle holder tips;
4. A sharps container for disposal of used needles/probes;

5. Covered containers for needles/probes and forceps/tweezers which containers are capable of being cleaned and sterilized;

6. A sterilizer which shall be either an autoclave or a dry heat sterilizer, and color change indicators for use with either sterilizer. The endodontic dry heat "glass bead sterilizer" shall not be used for instrument sterilization; and,

7. Unless the facility is new, quarterly records of sterilizer biological test monitoring which shall be made available to the Department upon request;

~~(f)~~ An appointment book shall be maintained and kept on the electrology facility premises which lists the name of each person who has received electrolysis treatment.

~~(g)~~ **(c) In addition to those specified in paragraph (3)(a), the requirements to be followed, and materials and equipment to be available at each** ~~electrology facilities~~ facility ~~wherein~~ laser or light-based ~~equipment is used for hair removal, the following equipment shall be provided~~ are listed below:

1. Proof of certification of 30 hours of continuing education in laser hair removal for all electrologists using laser equipment in the facility.

2. Proof of having passed the test for certification as a Certified Medical Electrologist for all electrologists using laser or light-based equipment in the facility.

3. For devices required to be registered, proof of registration for each laser or light-based device in use at the facility as required by Section 501.122, F.S.

4. Written designation of laser safety officer.

5. A room or rooms specifically designated for use of the laser or light-based equipment which is where all use of such equipment shall take place.

~~5-~~ 6. Sign on door of laser room identifying when laser or light-based equipment is in use.

~~6-~~ 7. Lock on door of laser room.

~~7-~~ 8. Protective eyewear, capable of being cleaned and disinfected, shall be used by ~~for~~ all persons in laser room during operation of laser or light-based equipment.

~~8-~~ 9. Fire extinguisher in vicinity of laser room.

~~9-~~ 10. Cold water and ice.

~~10-~~ 11. The written protocols required by paragraph 64B8-56.002(4)(a), F.A.C.

(4) The following documents shall be available in each electrology facility displayed in an area that is visible to the general public entering the facility:

(a) The electrology facility license which shall be visible to the public;

(b) The current license of the electrologist which shall be visible to the public;

(c) The most recent inspection sheet from the Department of Health;

(d) A current copy of Rule 64B8-51.006, F.A.C.; and,

(e) An appointment book shall be maintained and kept on the electrology facility premises which lists the name of each person who has received electrolysis treatment. The appointment book shall be maintained for four (4) years.

~~(4)~~ (5) Inspections. The Department shall inspect all electrology facilities in the following manner:

(a) All licensed facilities shall be inspected once per biennium.

(b) All facilities applying for initial licensure shall be inspected prior to licensure.

(c) When an existing electrology facility adds a modality, either epilator or laser/light-based equipment, or switches from one of those modalities to the other, an inspection shall be conducted to determine whether the facility has properly registered equipment and the proper safety and sanitary equipment and materials. The electrology facility shall notify the Department in writing of the new modality and must pass an inspection prior to implementing the new modality.

~~(5)~~ (6) Transfer of Ownership or Location of the Electrology Facility.

(a) No license for an electrology facility may be transferred from the name of the original licensee to another.

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

facility license holder must first perform all of the following procedures:

1. File a completed application for transfer prior to the date of the transfer on forms prescribed by the Department, as referenced in paragraph (2)(b) of this rule, which application must be processed by the Council office;

2. Surrender the current license with the application; and

3. Pay \$100 to have the new location inspected to determine compliance with Rule 64B8-51.006, F.A.C. The electrology facility license holder transferring the license shall be permitted to perform electrolysis in the new facility, only after the application has been processed by the Council office and notification provided to the licensee, prior to inspection for a period of 60 days commencing with the first day electrolysis is performed in the new facility. The required inspection must be performed within the 60 day period or electrolysis services must cease until the inspection is performed.

~~(6)~~ (7) **Renewal of Facility Licensure.** Facility licensure shall be renewed at the end of each biennium prescribed by the Department. The licensee shall receive ninety (90) days notice of the need to renew the facility license. The notice shall be sent to the licensee at the last known address of the facility. Failure to receive the notice will not excuse the licensee from the requirement to renew the facility license, and failure to renew shall result in the license becoming delinquent. If the delinquent licensee does not apply for renewal of the license within six months of the license becoming delinquent, the license shall become null and any subsequent licensure shall be as a result of applying and meeting all requirements for new licensure. A facility may not operate without a license. To timely renew the facility license, including the six month "grace period" provided for, the licensee must pay the renewal fee of \$100 and the inspection fee of \$100.

~~(7)~~ (8) **No license for operation of an electrology facility may be transferred from the name of the licensee to the name of another person.** If a facility is sold, the new owner must apply to the Department for licensure and no electrolysis services may be performed in the facility after the sale until the new owner has received the required license from the Department. A person purchasing an electrology facility may apply to the Department for licensure prior to the date of purchase.

Rulemaking Authority 456.037, 478.43(1), (4), 478.51(3) FS. Law Implemented 456.037(2), (3), (5), 456.0635, 478.49, 478.51 FS. History—New 11-16-93, Formerly 61F6-76.006, Amended 5-11-95, 6-26-96, Formerly 59R-51.006, 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.

Following extensive discussion, Ms. Jolynn Greenhalgh moved to approve the rule language with updates to Paragraphs (3)(c) 5., (4)(e) and (5)(c) with the incorporated modality application form revised to remove the fee due to a statutory cap on inspection fees. Ms. Nilsa Lapeyrouse seconded the motion, which carried 3/0.

Ms. Jolynn Greenhalgh moved the changes to the rule 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. Grillo seconded the motion, which carried 3/0.

9. 64B8-52.004, F.A.C., Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction

The Council reviewed and discussed the following proposed rule language presented by Ms. Norr:

64B8-52.004 Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction.

The Electrolysis Council will approve laser and light-based hair removal or reduction continuing education training courses upon application if the following requirements are met:

- (1) Continuing education providers seeking initial approval by the Council shall pay a fee of \$250, and shall

complete and submit to the Council the application form entitled “Application for Laser and Light Based Hair Removal or Reduction Continuing Education Provider”, form DOH/MQA/EO/LASER/CEU/07/23/01, which is hereby incorporated by reference and became effective July 23, 2001, copies of which may be obtained from the Council office at 4052 Bald Cypress Way, BIN C-05, Tallahassee, Florida 32399-3255. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Council approval, a continuing education program:

(a) Should be submitted for the Council’s approval not less than 60 days nor more than 360 days prior to the date the offering is scheduled;

(b) Shall have its sponsor submit to the Council at least the following:

1. A statement of the educational goals and objectives of the program;
2. A detailed course outline or syllabus, including such items as method of instruction, testing materials, if any;
3. A current curriculum vitae of the course instructor(s);
4. The procedure to be used for recording attendance of those attendees seeking to apply for continuing education credit and the procedure for certification by the course’s registrar of attendance;
5. A sample certificate of completion; and
6. A copy of the electrolysis facility license and the most recent Department of Health inspection sheet from the location where the continuing education training course is offered demonstrating compliance with paragraph 64B8-51.006(3)(g), F.A.C.

(2) The course consists of thirty (30) hours of instruction, which may include 15 hours of home-study didactic training, in the use of laser and light-based hair removal or reduction devices, including:

(a) Biology of hair;

(b) Laser and light-based device terminology;

(c) Basic electricity;

(d) Laser and light-based hair removal physics, including:

1. The theory of traditional light.
2. The theory of coherent light.
3. The electromagnetic spectrum.
4. The different types of laser and light-based hair removal devices.
5. The history of laser and light-based device development.
6. The history of medical laser and light-based device development.
7. Understanding photonic principles and how a laser and light-based device works.
8. Hair removal laser and light-based device delivery systems.

(e) Safety and precautions, including:

1. Federal and quasi-federal regulatory agencies and their roles in safety.
2. Treatment room considerations.
3. Eye safety for the operator and the patient.
4. Fire safety.

(f) Laser and light based tissue interaction, including:

1. Grothaus draper law.
2. Reflection, transmission, scatter and absorption.
3. The melanin and hemoglobin absorption curve at various hair removal device wavelengths.
4. Depth of penetration and wavelength.
5. Possible effects of absorption of light energy.
6. Selective photothermolysis, including:

a. Wavelength.

b. Pulse duration.

c. Energy fluence.

d. Spot size.

(g) Sanitation;

(h) Fitzpatrick skin typing;

(i) The patient intake form;

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- (j) The consultation;
 - (k) Proper documentation of patient case history and consent forms;
 - (l) Pre-treatment patient preparation including test spot considerations and the Nikolski sign;
 - (m) Treatment contra-indications including the recognition of disease conditions of the skin;
 - (n) Handpiece and spot size considerations;
 - (o) Fluence setting;
 - (p) Stretch technique;
 - (q) Use of grid stamp;
 - (r) Post-treatment procedures, including:
 1. Application of ice and medication.
 2. Instructions to patients.
 - (s) Expected outcomes including erythema and edema;
 - (t) Possible adverse outcomes;
 - (u) Follow-up care;
 - (v) The concept of using needle-type epilators to complement laser and light-based hair removal or reduction devices; and
 - (w) At least five (5) hours of hands-on experience with laser and light-based devices to include hair removal or reduction from all areas of the body.
- (3) The instructors of each laser and light-based hair removal course shall have one year of experience using laser or light-based devices for hair removal after passing the test required for certification as a Certified Medical Electrologist ~~post-certification experience~~. Verifiable documentation of this experience must be submitted to the Council with the application.
- Specific Authority 456.025(7), 478.43 FS. Law Implemented 456.025(7), 478.42(5), 478.43(3), 478.50 FS. History–New 10-3-00, Amended 12-24-01, 12-26-02, 8-17-04, 7-3-06, 2-18-09.*

Following discussion, Ms. Jolynn Greenhalgh moved to approve the rule language as presented. Ms. Lina Grillo seconded the motion, which carried 3/0.

Ms. Jolynn Greenhalgh moved the rule change 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. Nilsa Lapeyrouse seconded the motion, which carried 3/0.

10. 64B8-53.001, F.A.C., Requirements for Electrolysis Training Programs Approved by the Board

The Council reviewed and discussed the following proposed rule language presented by Ms. Norr:

64B8-53.001 General Requirements for Pre-licensure Electrolysis Training Programs Approved by the Board.
~~A~~ pre-licensure electrolysis training program must demonstrate that it will comply with the following general requirements in order to be approved by the Council. ~~Board for pre-licensure training if the following requirements are met:~~

(1) The electrolysis training program is licensed by the Commission for Independent Education and the license is a current, unencumbered provisional, regular or biennial license issued pursuant to Sections 1005.31-.38, F.S.

~~(a)~~ (2) Electrolysis training programs intended to train individuals to practice in Florida must provide the Electrolysis Council copies of all documents submitted to the Department of Education for initial approval and renewal by the Commission for Independent Education. Failure to provide these materials to the Council shall result in a denial or revocation of program approval by the Council.

~~(b)~~ (3) No home study, online, or correspondence school or course will be considered in assessing an applicant's qualifications for licensure. Credit shall only be awarded for time spent in the classroom or clinic in the physical presence of an instructor.

(4) The content of the training program must meet the minimum curriculum standards set forth in section 64B8-53.002, F.A.C. The training program must provide the equipment listed in section 64B8-53.003. The training program shall be located in a electrology facility licensed under Rule 64B8-51.006, F.A.C. An electrolysis training program must meet the requirements for combining epilator, laser and light-based training contained by the rules in Chapter 64B6-53, F.A.C., within one year after all rules in the chapter become effective.

(5) Electrolysis training programs shall not train students to use lasers for procedures outside of an electrologist's scope of practice. Electrolysis training programs shall be strictly limited to training in hair removal and shall not include extemporary procedures licensed by any other Florida Board. Waxing and treatment of spider veins are two examples of such extemporary procedures.

(6) All students in the clinical application phase of an electrolysis training program, as described in Rule 64B8-53.002(2), shall have access to the equipment needed for the procedure being taught.

(7) An electrolysis training program in another state or jurisdiction ~~which does not license the practice of electrolysis~~ shall be an approved electrolysis training program if it meets requirements substantially equivalent to those in Ch. 64B8-53, F.A.C.

(8) Students shall not be admitted to the training program until it is approved by the Council.

~~(2) Applicants shall complete and submit to the Council the application entitled "New Facility or New Ownership Application for Electrology Facility Licensure", form DOH/MQA/EP APP/REV 9/99, which is hereby incorporated by reference, copies of which may be obtained from the Council Office at 4052 Bald Cypress Way, BIN C05, Tallahassee, FL 32399. Approval by the Council is necessary before students are admitted.~~

~~(3)~~ (9) The facility where ~~initial~~ pre-licensure training is offered shall submit to the Council at least the following:

(a) A statement of the educational goals and objectives of the program;

(b) A detailed course outline or syllabus, including method of instruction, and testing materials;

(c) A current curriculum vitae of the course instructor(s);

(d) A sample certificate or diploma which states the number of classroom hours completed and the number of clinical hours completed. ~~includes the following which shall be filled in by the facility at the time of graduation:~~

Academic Hours	Traditional Classroom	Non-Traditional Classroom
Per subsection 64B8-53.002(1), F.A.C.		
Successfully Completed	_____	_____
Clinical Hours	Traditional Classroom	Non-Traditional Classroom
Per subsection 64B8-53.002(2), F.A.C.		
Successfully Completed	_____	_____

(e) A copy of the electrology facility license and the most recent Department of Health inspection sheet from the location where the training courses are to be offered demonstrating compliance with Rule 64B8-51.006, F.A.C.

~~(f) Proof of current, unencumbered licensure by the Commission for Independent Education, pursuant to Chapter 1005, F.S. Failure to maintain that license in good standing shall result in the loss of Council approval of the Program.~~

~~(g) Provide a copy of the application form submitted by students which shall include the following Notice in bold type no smaller than 14 points:~~

~~"Notice from the Florida Electrolysis Council Applicants for an Electrolysis License in the State of Florida are required to have completed a specifically outlined course of academic and clinical studies. Those studies must have been taken in a classroom setting in the physical presence of the instructor. Only such classroom education will be considered adequate for licensure. No credit shall be awarded applicants for home study, correspondence, or other distance education.~~

~~I confirm that I have read and understand the foregoing notice.~~

~~_____~~
~~Student Signature _____ Date"~~

~~(4) The content of the program must include the curriculum standards set forth in subsections 64B8-53.002(1) and (2), F.A.C. All curricula must harmonize with and not be contrary to the following statements:~~

~~(a) The procedures to be used for electrolysis involve the insertion of a sterile needle electrode into the hair follicle(s) of prepared skin. After the application of the selected current, the treated hair(s) is (are) removed with sterile forceps. After treatment is complete, the treated area of the skin is given post treatment care.~~

~~(b) Electrolysis training programs shall be limited to training in the universally accepted procedures of electrolysis and shall not include extemporary procedures licensed by any other Florida Board. One example of such an extemporary procedure would be waxing the treated area after electrolysis. A Cosmetology license is required for certain types of waxing. A second example would be the intentional treatment of telangiectasis (spider veins) with the epilator. This type of vascular surgery may only be performed by a Florida licensed physician.~~

~~(5) Only needle type epilators and FDA cleared laser and light based devices shall be used in electrolysis training programs.~~

~~(6) All students in the clinical application phase of an electrolysis training program shall have access to a full work station consisting of an epilator, treatment table, stool, and supplies. During the clinical application phase of instruction in an electrolysis training program, there shall be only one student assigned to each work station.~~

~~(7) Each facility where electrolysis training programs are offered must meet the curriculum standards in Rule 64B8-53.002, F.A.C., and have the equipment required by Rule 64B8-53.003, F.A.C.~~

~~(8) Each facility where electrolysis training programs are offered must be licensed as an electrology facility pursuant to Rule 64B8-51.006, F.A.C.~~

~~(9) An electrolysis training program in another state or jurisdiction which does not license the practice of electrolysis shall be an approved electrolysis training program if it meets requirements substantially equivalent to those in subsections 64B8-53.001(1) and (2), F.A.C.~~

Specific Authority 478.43(4), 478.50(4)(b) FS. Law Implemented 478.43(4), 478.45(1)(e), 478.50(4)(b) FS. History—New 9-29-93, Formerly 61F6-78.001, Amended 6-19-96, Formerly 59R-53.001, Amended 11-13-97, 2-15-07.

During the discussion, the Council was addressed by Ms. Sandra Allen and Ms. Judy Adams.

Ms. Allen suggested checking into the Florida Department of Education Commission on Independent Education's requirements, as well as Chapter 456, Florida Statutes, to ensure the proposed rule changes were in alignment.

Ms. Adams inquired concerning the possibility of allowing for online or home study for basic courses that may not require instructor interaction. Ms. Adams suggested that no more than half of the didactic instruction hours should be home study.

The Council determined to table further discussion on the proposed rule changes and have Ms. Norr bring back the entirety of Rule Chapter 64B8-53, F.A.C., for further review at the January 2016 meeting.

11. 64B8-51.001 Manner of Application

The Council reviewed and discussed the following proposed rule language presented by Ms. Norr in conjunction with changes to the Electrologist licensure application proposed by board staff:

64B8-51.001 Manner of Application.

(1) All persons applying for licensure as an electrologist shall submit a signed application to the Executive Director of the Council on forms provided by the Council and approved and incorporated herein by reference by the Board as Form DH-MQA 1164, (revised 11/15 6/14), Electrologist Application, which can be accessed through <http://www.flrules.org/Gateway/reference.asp?No=Ref-04744> or <http://www.floridahealth.gov/licensing-and->

[regulation/electrolysis/](#). The initial application must be accompanied by the application fee, as set forth in Rule 64B8-51.007, F.A.C.

(2) All applications must include an official transcript from a school of electrology which identifies the credits taken by home study or correspondence courses and those taken in classroom settings.

~~(3) All applications for licensure by examination shall be filed with the Executive Director of the Council and shall be completed at least 75 days prior to the examination. Applications filed after the deadline may be considered at the next meeting of the Council.~~

Rulemaking Authority 478.43(1), (4) FS. Law Implemented 456.0635, 478.45, 478.46, 478.47, 478.53, 478.55 FS. History—New 5-31-93, Formerly 21M-76.001, Amended 11-10-93, Formerly 61F6-76.001, Amended 5-29-96, Formerly 59R-51.001, Amended 12-23-97, 5-28-00, 8-9-01, 2-15-04, 10-31-05, 2-11-08, 5-7-09, 5-13-10, 5-14-13, 11-27-14.

Following discussion, Ms. Greenhalgh moved to approved the rule language and revised application form. Ms. Lapeyrouse seconded the motion, which carried 3/0.

Ms. Greenhalgh moved the rule change 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 3/0.

12. 64B8-51.007 Fees for Application, Examination, Examination Review and Initial Licensure.

The Council reviewed and discussed the following proposed rule language presented by Ms. Norr:

64B8-51.007 Fees for Application, Examination, Examination Review and Initial Licensure.

(1) License application fee is \$100.

(2) License application fee for facility license is \$100.

~~(3) Examination fee is as listed in Rule 64B 1.016, F.A.C., and to be paid directly to the testing vendor.~~

(4) Initial licensure fee is \$100 and a \$5 special fee to fund efforts to combat unlicensed practice.

(5) Inspection fee for facility is \$100 biennially.

Rulemaking Authority 478.55(1) FS. Law Implemented 478.55 FS. History—New 5-31-93, Formerly 21M-76.007, 61F6-76.007, Amended 7-11-95, Formerly 59R-51.007, Amended 4-18-06, 2-23-10, 3-26-12.

Following discussion, Ms. Greenhalgh moved to approved the rule language. Ms. Grillo seconded the motion, which carried 3/0.

Ms. Greenhalgh moved the rule change 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. Grillo seconded the motion, which carried 3/0.

REPORT OF ASSISTANT ATTORNEY GENERAL – Marlene Stern

13. Rule Status Report

Ms. Norr presented the following rule status report to the Council noting that the rules indicated as having expired development were not truly expired, but had reached the one-year mark at which the Joint Administrative Procedures Committee (JAPC) makes inquiry as to the rule publication status. In addition to the rules listed, Ms. Norr added Rule 64B8-54.0041, F.A.C., Special Assessment Fee, which is being proposed for repeal and Rule Chapter 64B8-53, F.A.C., Electrolysis Training Programs, which is currently under discussion by the Council.

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B8-51.006	Rule Governing Licensure and Inspection of Electrology Facilities		08/19/14	08/28/14 <i>Workshops:</i> 12/10/14; 2/13/15	08/28/15 Development expired		
64B8-52.004	Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction		08/19/14	08/28/14 <i>Workshops:</i> 12/10/14; 2/13/15	08/28/15 Development expired		
64B8-53.002	Curriculum Standards for Electrolysis Training Programs		08/19/14	08/28/14 <i>Workshops:</i> 12/10/14; 2/13/15	08/28/15 Development expired		
64B8-55.001	Disciplinary Guidelines		08/19/14	08/28/14 <i>Workshops:</i> 12/10/14; 2/13/15	08/28/15 Development expired		
64B8-55.002	Citations		08/19/14	08/28/14 <i>Workshops:</i> 12/10/14; 2/13/15	08/28/15 Development expired		
64B8-56.002	Equipment and Devices; Protocols for Laser and Light-Based Devices		08/19/14	08/28/14 <i>Workshops:</i> 12/10/14; 2/13/15	08/28/15 Development expired		

14. Council Chair - Jolynn Greenhalgh, DNP, ARNP, RE

Ms. Greenhalgh provided a brief update on her recent attendance of the Healthiest Weight Liason meeting as well the Annual Medical Quality Assurance (MQA) Board Chairs and Vice-Chairs meeting.

15. Executive Director - Allen Hall

- Cash Balance Report
- Expenditures by Function

Informational items did not require specific action from the Council.

16. Financial Reports

Informational items did not require specific action from the Council.

OLD BUSINESS

17. August 17, 2015 Electrolysis Council Meeting Minutes

Ms. Greenhalgh moved to approve the minutes. Ms. Lapeyrouse seconded the motion, which carried 3/0.

18. North Carolina State Board of Dental Examiners v. Federal Trade Commission

Ms. Norr provided information regarding the US Supreme Court ruling in this anti-trust case.

OTHER BUSINESS AND INFORMATION

19. Annual Regulatory Plan

Informational items did not require specific action from the Council.

20. SB 504 Laser Hair Removal

Mr. Hall provided a brief overview of the filing of this proposed legislation, to include the recent filing of companion bill, HB 591, the previous week. The bill addresses providing certification and training requirements for Electrologists who use laser or pulsed-light devices in hair removal.

Following discussion, Ms. Greenhalgh provided the following statement of the Council's opinion with regard to the proposed legislation: One-time certification is adequate to protect the health, safety and welfare of the public.

Ms. Greenhalgh moved to approve this statement. Ms. Grillo seconded the motion, which carried 3/0. Mr. Hall will submit the Council's statement to the agency's legislative planning office.

21. August 7, 2015 Florida Board of Medicine Meeting Minutes

Informational items did not require specific action from the Council.

22. Board Chair/Vice Chairs Annual Long Range Planning Meeting Materials

Informational items did not require specific action from the Council.

ADJOURNMENT

The meeting adjourned at 11:25 a.m.