

**DEPARTMENT OF HEALTH
ELECTROLYSIS COUNCIL
GENERAL BUSINESS MEETING
BY TELEPHONE CONFERENCE CALL
July 12, 2021**

-DRAFT 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.

8:30 a.m. (ET)

Call to Order – General Business Meeting

1 **Ms. Jolynn Greenhalgh, Chair, called the general business meeting to order at**
2 **approximately 8:40 a.m. Those present for all or part of the meeting, included the**
3 **following:**

4 **Members Present**

5 Jolynn Greenhalgh, DNP, APRN, RE, Chair
6 Sarah Gray, Esquire, Vice Chair
7 Rosanna Bermejo, RE
8 Gregory Ramer, Consumer Member

Staff Present

Allen Hall, Executive Director
Anna King, Program Operations Administrator
Claudia Alford, Council Regulatory Specialist

9 **ASSISTANT ATTORNEY GENERAL**

10 Mr. Timothy Frizzell, Esquire

11 **OTHERS PRESENT**

12 Ms. Judy Adams, RE, Legislative Liaison,
13 Electrolysis Society of Florida

14 **PERSONAL APPEARANCE PURSUANT TO s. 456.013(3)(c), FLORIDA STATUTES**

15 1. Chris Amanda Bellanger Examination

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

17 Ms. Bellanger's application for Electrologist Licensure by Examination was before the Council
18 for consideration.

19 **MOTION:** Following discussion, Ms. Greenhalgh moved to approve Ms. Bellanger's application
20 by examination. Mr. Ramer seconded the motion, which carried 4/0.

21 **INDIVIDUAL CONSIDERATIONS**

22 2. Crystal Buzbee Walker Examination

23 Ms. Walker was present and was not represented by legal counsel.

Ms. Walker's application for Electrologist Licensure by Examination was before the Council for consideration.

MOTION: Following discussion, Ms. Greenhalgh moved to approve Ms. Walker's application for Electrologist Licensure by Examination. Mr. Ramer seconded the motion, which carried 4/0.

3. Diane E. Elliott Endorsement

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

Ms. Elliott's application for Electrologist Licensure by Endorsement was before the Council for consideration.

MOTION: Following discussion and further review, Ms. Greenhalgh moved to approve Ms. Elliott's application for Electrologist Licensure by Endorsement. Mr. Ramer seconded the motion, which carried 4/0.

At this point in the meeting, the Chair re-ordered the agenda to consider Addendum Tab 13.

ADDENDUM

13. Individual Consideration: Anne Ziegenhorn, Examination

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

Ms. Ziegenhorn's application for Electrologist Licensure by Examination was before the Council for consideration.

MOTION: Following discussion, Ms. Greenhalgh moved to approve the application by Examination. Mr. Ramer seconded the motion, which carried 4/0.

The Chair resumed the regular agenda order at Tab 4.

LICENSURE RATIFICATION LIST

4. Licensed Electrologists

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

MOTION: Following discussion, Ms. Greenhalgh moved to approve the list of examination candidates for Florida Electrologist Licensure. Ms. Gray seconded the motion, which carried 4/0.

LEGISLATIVE UPDATE

5. 2021 MQA Legislative Summary Report

Mr. Hall provided a summary of actions which occurred during the Legislative Session, noting that no bills passed directly related to the profession of electrology. Mr. Hall informed that HB 241, Parents' Bill of Rights and SB 1934, Grounds for Discipline had passed and would require updates to the Council's disciplinary guidelines. The proposed changes pursuant to the passage of these bills were discussed under Rules Review & Development, as presented by Mr. Frizzell.

RULES REVIEW AND DEVELOPMENT

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

Mr. Frizzell presented the following proposed language to incorporate the needed text to implement the provisions in HB 241 and SB 1934 summarized in Mr. Hall's legislative update and to address other minor corrections and changes suggested by the Joint Administrative Procedures Committee (JAPC).

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. 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) Sexual misconduct in the delivery of electrolysis services is sexual behavior or involvement as defined in Section 456.063(1), F.S.

(3) 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.

(a) Attempting to obtain a license by bribery, fraud, misrepresentation, or through error of the department or the council. (Sections 478.52(1)(a), 456.072(1)(h), F.S.)

1. Obtaining an initial licensure or registration by bribery or fraud.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Revocation and a \$10,000 fine.</u>	<u>Revocation and a \$10,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Revocation.</u>	

2. Attempting to renew a license or registration by bribery or fraud.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Revocation and a \$10,000 fine.</u>	<u>Revocation and a \$10,000 fine.</u>
<u>SECOND OFFENSE:</u>	<u>Revocation and a \$10,000 fine.</u>	<u>Revocation and a \$10,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Revocation.</u>	

3. Obtaining or renewing a license by fraud.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Revocation and a \$10,000 fine.</u>	
<u>SECOND OFFENSE:</u>	<u>Revocation and a \$10,000 fine.</u>	
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Revocation.</u>	

1 4. Obtaining or renewing a license through error of the department or council.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Reprimand and a \$1,000 fine</u>	<u>Revocation and a \$5,000 fine</u>
<u>SECOND AND SUBSEQUENT OFFENSES</u>	<u>Reprimand and a \$5,000 fine</u>	<u>Revocation and a \$10,000 fine</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand</u>	<u>Revocation</u>

2 5. Obtaining or renewing a license through negligent misrepresentation

<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>\$250 fine and three (3) hours continuing education on ethics.</u>	<u>Suspension and a \$1,000 fine.</u>
---------------------------------------	---	---------------------------------------

3 (b) Action taken against license by another jurisdiction (Sections 456.072(1)(f) and 478.52(1)(b), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Discipline comparable to the minimum first offense which would be imposed if the substantive violation occurred in Florida.</u>	<u>Discipline comparable to the maximum first offense which be imposed if the substantive violation occurred in Florida.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Discipline comparable to the minimum second or subsequent offense which would be imposed if a second or higher substantive violation had occurred in Florida.</u>	<u>Discipline comparable to the maximum second or subsequent offense which would be imposed if a second or higher substantive violation had occurred in Florida.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Letter of concern to revocation as closely as possible to same penalty which would have been imposed if the substantive violation had occurred in Florida.</u>	<u>Revocation.</u>

<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Letter of concern to revocation as closely as possible to same penalty which would have been imposed if a second or higher substantive violation had occurred in Florida.</u>	<u>Revocation.</u>
--	--	--------------------

1 (c) Guilt of a Crime directly relating to practice. (Sections 456.072(1)(c) and 478.52(1)(c), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Probation and \$250 fine.</u>	<u>Revocation or denial and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Three (3) years probation with conditions and \$350 fine.</u>	<u>Revocation or denial and \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Suspension and a corrective action plan.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Three (3) years suspension and a corrective action plan.</u>	<u>Revocation.</u>

2 (d) Filing a false report or failing to file a report as required (Section 456.072(1)(l) and 478.52(1)(d), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>NEGLIGENCE: FIRST OFFENSE:</u>	<u>Reprimand and \$500 fine</u>	<u>One (1) year probation and \$5,000 fine</u>
<u>NEGLIGENCE: SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year probation and \$1,000 fine.</u>	<u>Revocation and \$5,000 fine.</u>
<u>FRAUD: FIRST OFFENSE:</u>	<u>One (1) year probation and \$10,000 fine</u>	<u>Revocation and \$10,000 fine</u>
<u>FRAUD: SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and \$10,000 fine.</u>	<u>Revocation and \$10,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Letter of concern.</u>	<u>One (1) year suspension and a corrective action plan.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>Revocation.</u>

3 (e) False, deceptive or misleading advertising. (Section 456.072(1)(m) and 478.52(1)(e), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>NEGLIGENCE: FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Letter of concern and \$500 fine.</u>	<u>One (1) year suspension or denial and \$2,500 fine.</u>

<u>FRAUD: FIRST OFFENSE:</u>	<u>Reprimand and \$10,000 fine</u>	<u>One (1) year suspension or denial and \$10,000 fine</u>
<u>FRAUD: SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and \$10,000 fine.</u>	<u>Revocation and \$10,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Letter of concern.</u>	<u>One (1) year suspension and a corrective action plan.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>Revocation.</u>

(f) Unprofessional conduct, failure to conform to acceptable standards. (Sections 478.52(1)(f), F.S., 456.072(3)(b), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>No actual patient harm: Reprimand and \$250 fine.</u>	<u>No actual patient harm: Reprimand and \$250 fine.</u>
	<u>Actual patient harm: Six (6) months probation and \$1,000 fine.</u>	<u>Actual patient harm: Revocation and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year probation and \$1,000 fine.</u>	<u>Revocation or denial and \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Letter of concern.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>Revocation.</u>

(g) Possession, Sale or distribution of illegal or controlled substance. (Section 478.52(1)(g), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Six (6) months suspension and \$1,000 fine.</u>	<u>Revocation or denial and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and \$1,500 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Six (6) months suspension.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension.</u>	<u>Revocation.</u>

(h) Willful failure to report any known violation of Chapter 456 or 478, F.S. (Section 456.072(1)(i) and 478.52(1)(h), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
--	----------------	----------------

<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Reprimand and \$250 fine.</u>	<u>Probation or denial and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year probation and \$350 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Reprimand.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>Revocation.</u>

1 (i) Repeated or willful violation of rule or disciplinary order. (Section 478.52(1)(i), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Six (6) months suspension and \$1,000 fine.</u>	<u>Revocation and \$2,500 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year probation and \$1,500 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Six (6) months suspension.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>Revocation.</u>

2 (j) Delivery of electrolysis services without an active license. (Section 478.52(1)(j), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Probation and \$250 fine.</u>	<u>Revocation and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year probation and \$350 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Suspension and a corrective action plan.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>Revocation.</u>

3 (k) Employing unlicensed person to practice electrology. (Section 478.52(1)(k), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>One (1) year probation and \$250 fine.</u>	<u>Five (5) years suspension and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT</u>	<u>One (1) year suspension and \$1,000</u>	<u>Five (5) years suspension followed</u>

<u>OFFENSES:</u>	<u>fine.</u>	<u>by probation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>Five (5) years suspension.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension.</u>	<u>Five (5) years suspension.</u>

- 1 (l) Failure to perform/comply with legal obligation. (Sections 456.072(1)(k) and 478.52(1)(l), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Reprimand and \$250 fine.</u>	<u>Up to one (1) year probation or denial and \$1,500 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Probation and \$1,000 fine.</u>	<u>Suspension and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Reprimand.</u>	<u>Suspension and a corrective action plan.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Suspension and a corrective action plan.</u>	<u>Suspension.</u>

- 2 (m) Accepting and performing responsibilities for which licensee knows, or has reason to know, he or she is not
3 competent to perform. (Sections 457.072(1)(o) and 478.52(1)(m), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Six (6) months probation and \$500 fine.</u>	<u>Revocation or denial and \$2,500 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year probation and \$1,000 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Six (6) months suspension and a corrective action plan.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>Revocation.</u>

- 4 (n) Delegating professional responsibilities to unqualified person. (Sections 456.072(1)(p) and 478.52(1)(n), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Probation and \$250 fine.</u>	<u>Two (2) years suspension or denial and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT</u>	<u>Six (6) months suspension followed</u>	<u>Revocation and a \$5,000 fine.</u>

<u>OFFENSES:</u>	<u>by probation and \$1,000 fine.</u>	
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Suspension and a corrective action plan.</u>	<u>Two (2) years suspension.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Six (6) months suspension followed by a corrective action plan.</u>	<u>Revocation.</u>

1 (o) Malpractice. (Section 478.52(1)(o), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Two (2) years probation and \$250 fine.</u>	<u>Revocation or denial and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension followed by probation and \$1,000 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Two (2) years suspension and a corrective action plan.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension followed by a corrective action plan.</u>	<u>Revocation.</u>

2 (p) Judicially determined mental incompetency. (Section 478.52(1)(p), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Probation.</u>	<u>Suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Suspension and a corrective action plan requiring at a minimum that licensee demonstrate ability to practice with reasonable skill and safety.</u>	<u>Revocation.</u>

3 (q) Practicing under a name other than that of licensee. (Section 478.52(1)(q), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>NEGLIGENCE: FIRST OFFENSE:</u>	<u>One (1) year suspension and \$250 fine.</u>	<u>Revocation or denial and \$5,000 fine.</u>
<u>NEGLIGENCE: SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Revocation and \$1,000 fine.</u>	<u>Revocation and \$5,000 fine.</u>

<u>FRAUD: FIRST OFFENSE:</u>	<u>Revocation and \$10,000 fine</u>	
<u>FIRST OFFENSE:</u>	<u>One (1) year suspension.</u>	<u>Revocation.</u>
<u>SECOND OFFENSE:</u>	<u>Revocation.</u>	

- 1 (r) Inability to practice with reasonable skill and safety because of mental or physical condition or illness or use of
2 alcohol or controlled substances or any other substance which impairs ones ability to practice. (Sections 478.52(1)(r)
3 and 456.072(1)(i), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Probation and \$1,000 fine.</u>	<u>Suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Indefinite suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation and \$1,000 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Suspension and a corrective action plan requiring at a minimum that licensee demonstrate ability to practice with reasonable skill and safety.</u>	<u>Revocation.</u>

- 4 (s) Disclosing identity of or information about a patient. (Section 478.52(1)(s), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>One (1) year suspension and \$250 fine.</u>	<u>Revocation or denial and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Revocation and \$1,000 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>One (1) year suspension.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Revocation.</u>	

- 5 (t) Practicing permanent hair removal except as described in Section 478.42(5), F.S. (Section 478.52(1)(t), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Two (2) years probation and \$250 fine.</u>	<u>Revocation or denial and \$5,000 fine.</u>

<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension followed by probation and \$1,000 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Two (2) years suspension and a corrective action plan.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension followed by a corrective action plan.</u>	<u>Revocation.</u>

1 (u) Operating an unlicensed facility. (Section 478.52(1)(u), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST SUBSEQUENT OFFENSES:</u>	<u>Denial or suspension until compliance and \$250 fine.</u>	<u>Revocation and \$2,500 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Revocation</u>	

2 (v) Providing electrolysis or allowing electrolysis to be performed in an unlicensed facility. (Section 478.51(1), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Reprimand and \$250 fine.</u>	<u>Up to one (1) year probation or denial and \$1,500 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Two (2) years suspension followed by probation and \$1,000 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE</u>	<u>Two (2) years suspension and a corrective action plan.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension followed by a corrective action plan.</u>	<u>Revocation.</u>

3 (w) Transferring an electrology facility license from the name of the original licensee to another without approval.

4 (Section 478.51(10), F.S.)

<u>FIRST OFFENSE:</u>	<u>Revocation of application as an electrologist and revocation of application for facility license. Revocation of facility license to electrologist who accepts or transfers facility license. Revocation of electrology license.</u>
-----------------------	--

5 (x) Sexual Misconduct. (Section 456.063, F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Denial or Six (6) months suspension and \$500 fine.</u>	<u>Revocation and \$10,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		

<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Six (6) months suspension.</u>	<u>Revocation.</u>
--------------------------------------	-----------------------------------	--------------------

- 1 (y) Failure to comply with continuing education requirements. (Sections 456.072(3) and (a), 478.50(4), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>See rule 64B8-55.002(4)(n), F.A.C.</u>	
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Up to one (1) year probation, \$1,000 fine, and completion of all incomplete continuing education credits.</u>	<u>Up to one (1) year suspension, a \$2,500 fine, and completion of all incomplete continuing education credits.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>One (1) year suspension and a corrective action plan which requires, at a minimum, completion of all incomplete continuing education credits.</u>	<u>Revocation.</u>

- 2 (z) Failure to protect clients during treatment from public view. (Rule 64B8-51.006(3)(a)1., F.A.C.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SECOND OFFENSES:</u>	<u>See rule 64B8-55.002(4)(d), F.A.C.</u>	
<u>THIRD AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$500 fine.</u>	<u>Suspension until compliance and \$500 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Reprimand.</u>	<u>Suspension and a corrective action plan which requires, at a minimum, compliance.</u>

- 3 (aa) Failure to have a sink with hot and cold running water within or available to the electrology facility. (Rule 64B8-51.006(3)(a)2., F.A.C.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SECOND OFFENSES:</u>	<u>See rule 64B8-55.002(4)(d), F.A.C.</u>	
<u>THIRD AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$500 fine.</u>	<u>Suspension until compliance and \$500 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Reprimand.</u>	<u>Suspension and a corrective action plan which requires, at a minimum, compliance.</u>

- 5 (bb) Failure to provide within or available to the electrology facility, a separate room containing a toilet and sink with
6 hot and cold running water. (Rule 64B8-51.006(3)(a)2., F.A.C.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SECOND OFFENSES:</u>	See rule 64B8-55.002(4)(g), F.A.C.	
<u>THIRD AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$500 fine.</u>	<u>Suspension until compliance and \$500 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Reprimand.</u>	<u>Suspension and a corrective action plan which requires, at a minimum, compliance.</u>

(cc) Failure to conduct electrolysis on a treatment table or treatment chair with a non-porous surface capable of being disinfected. (Rule 64B8-51.006(3)(a)3., F.A.C.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SECOND OFFENSES:</u>	See rule 64B8-55.002(4)(1)2., F.A.C.	
<u>THIRD AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$500 fine.</u>	<u>Minimum of one (1) month suspension until compliance and \$500 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Reprimand.</u>	<u>One (1) month suspension and a corrective action plan which requires, at a minimum, compliance.</u>

(dd) For all electrology facilities, failure to have any one of the following items/equipment in the facility (the failure to have any one of the items/equipment shall constitute a separate offense):

1. Disposable paper drapes or cleaned cloth drapes stored in a closed container or compartment, and used cloths stored in a separate closed container;
2. Sanitary waste receptacles for the disposal of used gloves, paper supplies, cotton balls, and other noninfectious items;
3. Single use disposable towels;
4. A treatment lamp or magnifier lamp capable of being cleaned with disinfectant;
5. A magnifying device which shall be a magnifier lamp, optical loupe or microscope capable of being cleaned and disinfected;
6. Tuberculocidal hospital grade disinfectant detergent registered by the Environmental Protection Agency, household bleach or wiping cloths pre-saturated with disinfectant for wiping nonporous surfaces;
7. Betadine, 3% U.S. pharmaceutical grade hydrogen peroxide or 70% isopropyl alcohol or single use wipes saturated with 70% isopropyl alcohol;
8. Clean, non-sterile materials such as cotton balls, cotton strips, cotton swabs, gauze pads, and gauze strips;
9. If cloth towels are used:
 - a. Clean cloth towels prior to use on each client;
 - b. Clean towels stored in a closed container or compartment, or
 - c. Used towels stored in a separate closed container;
10. A holding container for soaking and cleaning contaminated instruments; and
11. Non-sterile disposable examination gloves. (Rule 64B8-51.006(3)(a)4., F.A.C.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SECOND OFFENSES:</u>	<u>See rule 64B8-55.002(4)(g), F.A.C.</u>	
<u>THIRD AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$350 fine.</u>	<u>Suspension until compliance and \$350 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		<u>Minimum of one (1) month suspension until compliance and \$350 fine</u>
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Reprimand.</u>	<u>Suspension and a corrective action plan which requires, at a minimum, compliance.</u>

(ee) For facilities with epilator equipment, failure to have any one of the following items/equipment in the facility (the failure to have any one of the items/equipment shall constitute a separate offense):

1. An FDA registered needle type epilation device in working order;
2. Clean and sterile needles (e.g., probes) and forceps (e.g., tweezers);
3. Needle holder tips;
4. A sharps container for disposal of used needles;
5. A sterilizer which shall be either an autoclave or a dry heat sterilizer and color change indicators for use with either sterilizer;
6. Quarterly records of sterilizer biological test monitoring which shall be made available to the Department upon request; and
7. Covered containers for needles and forceps which containers are capable of being cleaned and sterilized. (Rule 64B8-51.006(3)(b), F.A.C.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SECOND OFFENSES:</u>	<u>See rule 64B8-55.002(4)(h), F.A.C.</u>	
<u>THIRD AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand.</u>	<u>Minimum of one (1) month suspension until compliance and \$350 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Reprimand.</u>	<u>One (1) month suspension and a corrective action plan which requires, at a minimum, compliance.</u>

(ff) For facilities with laser or light-based equipment, failure to have any one of the following items/equipment in the facility (the failure to have any one of the items/equipment shall constitute a separate offense):

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

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

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

- 1 Medical Electrologist and completed training pursuant to 64B8-56.002(2)(a)1., F.A.C.
- 2 2. For electrologists who have completed a Council-approved combined needle-type epilation, laser and light-
- 3 based hair removal training program:
- 4 a. Proof of completion from a combined training program; and
- 5 b. Proof of having passed the epilator and laser and light-based combined exam.
- 6 3. For devices required to be registered, proof of registration for each laser or light-based device in use at the
- 7 facility as required by Section 501.122, F.S.
- 8 4. Written designation of laser safety officer.
- 9 5. A room or rooms specifically designated for use of the laser or light-based equipment which is where all use
- 10 of such equipment shall take place.
- 11 6. Sign on door of laser room identifying when laser or light-based equipment is in use.
- 12 7. Lock on door of laser room.
- 13 8. Protective eyewear capable of being cleaned and disinfected shall be used by all persons in laser room during
- 14 operation of laser or light-based equipment.
- 15 9. Fire extinguisher in vicinity of laser room.
- 16 10. Cold water and ice.
- 17 11. The written protocols required by paragraph 64B8-56.002(4)(a), F.A.C. (Section 478.51(3) Rule 64B8-
- 18 51.006(3)(c), F.A.C.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SECOND OFFENSES:</u>	<u>See rule 64B8-55.002(4)(i), F.A.C.</u>	
<u>THIRD AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$350 fine.</u>	<u>Minimum of one (1) month suspension until compliance and \$350 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Reprimand.</u>	<u>One (1) month suspension and a corrective action plan which requires, at a minimum, compliance.</u>

19 (gg) Failure to display any one of the following documents in an area that is visible to the general public entering the

20 facility (the failure to have any one of the items/equipment shall constitute a separate offense):

- 21 1. The electrology facility license;
- 22 2. The current license of the electrologist;
- 23 3. The most recent inspection sheet from the Department of Health;
- 24 4. A current copy of Rule 64B8-51.006, F.A.C.;
- 25 5. Appointment book pursuant to 64B8-51.006(4)(e), F.A.C. (Section 478.51(3); Rule 64B8-51.006(4), F.A.C.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>

<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST, SECOND, AND THIRD OFFENSES:</u>	<u>See rule 64B8-55.002(4)(j), F.A.C.</u>	
<u>FORTH AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$350 fine.</u>	<u>Suspension until compliance and \$350 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES</u>	<u>Reprimand.</u>	<u>Suspension and a corrective action plan which requires, at a minimum, compliance.</u>

- 1 (hh) Using information from accident reports, or from news sources that use such information for the solicitation of
2 people involved in such accidents. (Section 456.072(1)(y))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Reprimand.</u>	<u>Six (6) months probation and/or a fine of up to \$500.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year probation and \$1,000 fine.</u>	<u>One (1) year suspension and \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Reprimand.</u>	<u>Six (6) months suspension and a corrective action plan.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>One (1) year suspension.</u>

- 3 (ii) Testing positive for a drug on employment drug screening. (Section 456.072(1)(aa))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Probation and \$250 fine.</u>	<u>Revocation or denial and \$2,500 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Probation and \$2,500 fine.</u>	<u>Revocation and \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand.</u>	<u>Revocation.</u>

- 4 (jj) Failure to report, within 30 days a conviction, finding of guilt, or plea of nolo contendere, regardless of
5 adjudication, to a crime, to the board. (Section 456.072(1)(w))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Three (3) months probation and \$500 fine.</u>	<u>Two (2) years suspension and \$5,000 fine.</u>

<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year probation and \$1,000 fine.</u>	<u>Revocation and \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Three (3) months suspension and a corrective action plan.</u>	<u>Two (2) years suspension.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension followed by a corrective action plan.</u>	<u>Revocation.</u>

- 1 (kk) Violating any provision of Chapter 478 or 456, F.S., or any rule of the Board or Department. (Section
2 456.072(1)(v))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$250 fine.</u>	<u>Revocation and \$1,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand.</u>	<u>Revocation.</u>

- 3 (ll) Performing or attempting to perform electrolysis on the wrong patient, a wrong-site procedure, a wrong
4 procedure, an unauthorized procedure, or a procedure that is medically unnecessary or otherwise unrelated to the
5 patient's diagnosis or medical condition. (Section 456.072(1)(bb))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>One (1) year probation and \$1,000 fine.</u>	<u>One (1) year suspension, two (2) years probation and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension, two (2) years probation, and \$5,000 fine.</u>	<u>Revocation and \$10,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>One (1) year suspension and a corrective action plan.</u>	<u>One (1) year suspension followed by a corrective action plan.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension followed by a corrective action plan.</u>	<u>Revocation.</u>

- 6 (mm) Willfully failing to comply with Section 627.64194 or 641.513, F.S. with such frequency as to indicate a general
7 business practice. (Section 456.072(1)(oo))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Letter of concern and \$500 fine.</u>	<u>Reprimand and \$2,500 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand and \$2,500 fine.</u>	<u>Revocation and \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Letter of concern.</u>	<u>Reprimand.</u>

<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Reprimand.</u>	<u>Revocation.</u>
--	-------------------	--------------------

1 (nn) Failure to comply with the parental consent requirements of Section 1014.06, F.S. (456.072(1)(rr))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Two (2) years probation and \$250 fine.</u>	<u>Revocation or denial and \$5,000 fine.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>One (1) year suspension followed by probation and \$1,000 fine.</u>	<u>Revocation and a \$5,000 fine.</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>One (1) year suspension followed by a corrective action plan.</u>	<u>Revocation.</u>
<u>SECOND AND SUBSEQUENT OFFENSES:</u>	<u>Two (2) years suspension and a corrective action plan.</u>	<u>Revocation.</u>

2 (oo) Being convicted or found guilty of , entering a plea of guilty or nolo contendere to, regardless of
3 adjudication, or committing or attempting, soliciting, or conspiring to commit and act that would constitute a
4 violation of any of the offenses listed in Section 456.074(5) or similar offense in another jurisdiction. (Section
5 456.072(1)(ss), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>APPLICANTS AND LICENSEES:</u>		
<u>FIRST OFFENSE:</u>	<u>Revocation</u>	<u>Revocation</u>
<u>TELEHEALTH REGISTRANTS:</u>		
<u>FIRST OFFENSE:</u>	<u>Revocation</u>	<u>Revocation</u>

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

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

10 (b) Legal status of license at the time of the offense;

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

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

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

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

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

Rulemaking Authority 456.072, 456.079, 456.47(7), 478.52(4) FS. Law Implemented 456.072, 456.073, 456.079, 456.47(4), 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, 10-12-98, 3-1-00, 9-28-00, 5-30-01, 8-8-01, 10-8-02, 7-8-03, 7-18-06, 2-22-17,_____.

MOTION: Following discussion, Ms. Greenhalgh moved to approve the proposed rule text with note of the corrections Mr. Frizzell indicated would be made to new paragraph (nn). Mr. Ramer seconded the motion, which carried 4/0.

7. Rule 64B8-55.0015, F.A.C., Out-of-State Telehealth Discipline

On January 11, 2021, the Council discussed and approved proposed telehealth disciplinary guidelines. Those proposed changes were reviewed and approved by the Board of Medicine at their February Rules Committee and full Board meetings. On May 26, 2021, the Council received a letter from the Joint Administrative Procedures Committee ("JAPC") regarding the proposed rule changes. The letter from JAPC suggested minor corrections and changes to the proposed rule. Mr. Frizzell presented the following updated language for the Council's consideration:

64B8-55.0015 Out-of-State Telehealth Discipline

(1) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon out-of-state telehealth providers registered pursuant to section 456.47(4), F.S., for violation of the below mentioned statutes and rules. For the purposes of this rule, the descriptions of the violations are abbreviated, and the full statute or rule cited should be consulted to determine the prohibited conduct.

<u>VIOLATION</u>	<u>PENALTY RANGE</u>	
	<u>FIRST VIOLATION</u>	<u>SECOND AND SUBSEQUENT VIOLATIONS</u>
<u>(a) Fails to notify the board of any adverse actions taken against his or her license.</u> <u>(Section 456.47(4)(i)1., F.S.);</u>	<u>Letter of Concern to suspension and a corrective action plan</u>	<u>Suspension and a corrective action plan to revocation</u>
<u>(b) Has restrictions placed on or disciplinary action taken against his or her license in any state or jurisdiction.</u>	<u>Letter of concern to revocation as closely as possible to same penalty as imposed in other jurisdiction</u>	<u>Letter of concern to revocation as closely as possible to same penalty as imposed in other jurisdiction to revocation</u>

(Section 456.47(4)(i)2., F.S.)		
(c) Violates any of the requirements of section 456.47, F.S. (Section 456.47(4)(i)3., F.S.)	<u>Letter of Concern to suspension and a corrective action plan</u>	<u>Suspension and a corrective action plan to revocation</u>
(d) Commits any act that constitutes grounds for disciplinary action under s. 456.072(1), or s. 478.52(1), F.S. (Section 456.47(4)(i)4., F.S.)	<u>As stated in rule 64B8-55.001(3), F.A.C., relating to telehealth registrants.</u>	<u>As stated in rule 64B8-55.001(3), F.A.C., relating to telehealth registrants.</u>

(2) The range of disciplinary action for registered out-of-state telehealth providers shall be, in ascending order of severity: letter of concern, reprimand, suspension, and revocation.

(3) A suspension may be for a definite term or may be accompanied by a corrective action plan, as stated in rule 64B8-55.001(3), F.A.C.

(4) A suspension for a definite term may be terminated early only upon approval of the Board. A suspension accompanied by a corrective action plan may be lifted upon successful compliance with the corrective action or otherwise determined by the Board.

(5) A “corrective action plan” must accompany a suspension and includes rehabilitative provisions established by the Board which are narrowly tailored to address the conduct which resulted in the underlying disciplinary violations. In order to satisfy a corrective action plan, the Registrant must provide proof of successful completion of all provisions to the Board. A corrective action plan may follow a suspension for a definite term and require continued suspension until successful compliance with the corrective action plan. Nothing in this paragraph shall be interpreted as restricting the Board’s ability to impose a suspension for a definite term absent or accompanied by a corrective action plan.

Rulemaking Authority 456.47(4), 456.47(7) FS. Law Implemented 456.47(4) FS. History—New, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine Electrolysis Council

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine Electrolysis Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: XXXXXX

MOTION: Following discussion, Ms. Greenhalgh moved to approve the proposed rule text. Mr. Ramer seconded the motion, which carried 4/0.

Mr. Frizzell requested the SERC questions be answered with regard to the approved amendments for both rules 64B8-55.001 and 55.0015, F.A.C.

MOTION: Ms. Greenhalgh moved the proposed rule language would not have an adverse impact on small business. Mr. Ramer seconded the motion, which carried 4/0.

MOTION: Ms. Greenhalgh moved there would not be an economic impact on government or any other entity in excess of \$200,000 within one year of the rule being implemented. Mr. Ramer seconded the motion, which carried 4/0.

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

The Council agreed there should not be a provision to sunset the proposed language.

REPORT OF ASSISTANT ATTORNEY GENERAL – Mr. Timothy Frizzell, Esquire

8. Rule Status Report

Mr. Frizzell presented the following status report:

Rule Number	Rule Title	Dates Rule Language Voted On by Council	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B8-56.002	Equipment and Devices; Protocols for Laser and Light-Based Devices.	November 2020	12/04/2020	12/28/2020	07/24/2020	01/07/20	02/19/2021	03/11/2021
64B8-51.006	Rule Governing Licensure and Inspection of Electrology Facilities	October 2020	12/04/2020	12/28/2020	01/07/2020	01/22/21 01/28/21 – Japc letter 02/03/21 – Attorney Response	02/22/2021	03/14/2021
64B8-51.001	Manner of Application	July and October 2020	12/04/2020	12/28/2020	09/21/2020	01/08/21 01/14/21 – Japc letter 01/19/21 – Attorney Response	02/19/2021	03/11/2021
64B8-52.001	Continuing Education Requirements	January 2021	02/05/2021	03/01/2021	03/18/2021	04/07/2021	05/06/2021	05/26/2021
64B8-52.002	Definitions	January 2021	02/05/2021	03/01/2021	03/18/2021	04/07/2021	05/06/2021	05/26/2021
64B8-52.003	Procedure for Approval of Attendance at Continuing Education Courses							
64B8-55.001	Disciplinary Guidelines	January 2021	02/05/2021	04/02/2021	04/23/2021	05/12/2021 05/17/21 – Japc letter 05/27/21 – Attorney Response 06/11/21 - Notice of Withdrawal		
64B8-55.0015	Out-of-State Telehealth Discipline	January 2021	02/05/2021	04/21/2021	04/29/2021	05/21//2021 05/26/21 – Japc letter 06/04/21 – Attorney Response		
64B8-55.002	Citations	January 2021	02/05/2021	04/23/2021	05/03/2002	05/21//2021		

Final Rule Text - Recently Effective Rules

64B8-52.001 Continuing Education Requirements.

(1) The Legislature and the Council have determined that competency in delivery of electrolysis services is enhanced by continuous updating of knowledge and skills. To this end, continuing education is required as a condition for renewal of licensure of all electrologists without regard to the avenue taken to licensure.

(2) Each licensed electrologist shall submit proof satisfactory to the Council of participation in appropriate continuing education. During each biennium, as established by the Department, each licensee must earn 20 contact hours of continuing education except as provided in subsection (3), of this rule. A minimum of 10 contact hours must be completed live through either in-person or through remote or distance learning courses as defined in subsection 64B8-52.002(6), F.A.C. Up to 10 contact hours may be completed as home study hours as defined in subsection 64B8-52.002(4), F.A.C.

(3) Those persons certified for licensure during the second year of a biennium are exempt from the continuing education requirements for their first renewal except for the two hour prevention of medical errors course required by Section 456.013, F.S., and subsection 64B8-52.003(4), F.A.C., and the two hour blood-borne disease course including one hour on HIV/AIDS education as required by subsection 64B8-52.003(3), F.A.C. Continuing education requirements must be met for each biennium thereafter.

Rulemaking Authority 478.43(4), 478.50(2), (4)(a), (b) FS. Law Implemented 478.50(4)(a), (b) FS. History—New 6-1-93, Formerly 21M-77.001, 61F6-77.001, Amended 5-11-95, Formerly 59R-52.001, Amended 5-10-04, 5-26-21.

64B8-52.002 Definitions.

(1) "Appropriate continuing education" means planned offerings designed to enhance learning and promote the continued development of knowledge, skills, and attitudes consistent with contemporary standards for the individual's electrolysis practice.

(2) "Approved" means acceptable to the Council.

(3) "Biennium" means a time period of two (2) calendar years, as designated by the Agency.

(4) "Home study courses" are those courses which are not provided live and are provided in an asynchronous manner. These courses include, but are not limited to, digital media courses, mail-order courses, courses with pre-recorded video instruction, pre-programed computer courses, smart phone applications, home study, directed study and other self-education courses.

(5) "One (1) contact hour" equals a minimum of fifty (50) minutes. One-half (1/2 or .5) contact hour equals a minimum of twenty-five (25) minutes.

(6) "Remote or distance learning courses" are those courses which are offered live through electronic communication and are delivered in a manner that monitors attendance, minimizes distractions, and allows for synchronous communication between the instructor and the attendee.

(7) "Offering" means a planned educational experience dealing with a specific content based on the stated learner objectives.

(8) "Orientation " – Standard Agency Operation is the means by which electrologists are introduced to the philosophy, goals, policies, procedures, role expectations, physical facilities and special services in a specific work setting. Orientation does not meet the continuing education requirement for the purpose of these rules.

(9) "Participation" means sharing in the learning experience in order to achieve the stated learner objectives.

Rulemaking Authority 478.43(4), 478.50(2), (4)(a), (b) FS. Law Implemented 478.50(2), (4)(a), (b) FS. History—New 6-1-93, Formerly 21M-77.002, 61F6-77.002, Formerly 59R-52.002, Amended 5-26-21.

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

(1) During the license renewal period of each biennium, a postcard renewal reminder will be mailed by the Department to each licensee at the last address provided. Failure to receive any notification during this period does not relieve the licensee of responsibility of meeting the continuing education requirements. Renewal of the license will occur according to the procedures described in Rule 64B8-54.001, F.A.C. The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the appropriate continuing education offerings for a period of not less than 4 years from the date the offering was taken. The Department will

1 verify completion of all required continuing education hours through the licensee's continuing education tracking
2 account at www.cebroker.com upon the licensee's application for renewal of licensure. Failure to document
3 compliance with the continuing education requirements or the furnishing of false or misleading information
4 regarding compliance shall be grounds for disciplinary action pursuant to Section 478.52(1)(a), F.S.

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

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

8 (b) All offerings from other states which are approved by the states' licensing agency or professional electrology
9 organization, which offerings have been approved by the American Electrology Association, or the Society for Clinical
10 and Medical Hair Removal, or any college, university, or post-secondary institution course taken and successfully
11 completed for the first time by the licensee in a subject area relevant to electrolysis. The licensee shall provide
12 verification upon request of the Department.

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

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

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

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

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

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

26 (b) A maximum of 6 contact hours for the presentation of an electrology related course or program as either
27 the lecturer of the course or program or as the author of the course materials. Each licensee who is participating as
28 either a lecturer or author of an electrology related course or program shall receive credit for the portion of the
29 offering he/she presented or authored up to the total hours awarded for the offering.

30 1. Continuing education credit shall be awarded to a lecturer or author for the initial presentation of each
31 electrology related course or program only; repeat presentations of the same course or program shall not be granted
32 credit.

33 2. In order for a continuing education credit to be awarded to each licensee participating as either lecturer or
34 author, the format of the electrology related course or program must conform with all applicable sections of this
35 rule chapter.

36 3. The number of contact hours to be awarded to each licensee who participates in an electrology related course
37 or program as either a lecturer or author is based on the 50 minute contact hour employed within this rule chapter.

38 *Rulemaking Authority 478.43(1), (4), 478.50(2), (4)(a), (b) FS. Law Implemented 456.013, 456.033, 478.43(4), 478.50(2), (4)(a), (b)*
39 *FS. History—New 6-1-93, Formerly 21M-77.003, 61F6-77.003, Amended 5-11-95, Formerly 59R-52.003, Amended 2-9-98, 2-16-99,*
40 *2-17-00, 9-21-00, 8-13-02, 4-26-09, 2-28-17, 1-5-20, 5-26-21.*

41 Lastly, Mr. Frizzell announced this would be his final meeting as the Council's attorney as he
42 had been promoted to another section within the Attorney General's Office. He mentioned it was
43 a privilege to have served the Council and that he would ensure the rules approved at the
44 instant meeting were submitted to the Board of Medicine for final action.

45 46 **REPORTS, IF ANY**

47 9. Council Chair – Jolynn Greenhalgh, DNP, APRN

- 48 • Other Council Members

1 No items reported.

2 10. Executive Director - Allen Hall

3 • Cash Balance Report

4 • Expenditures by Function Report

5

6 Informational item.

7

8 **OLD BUSINESS**

9 11. April 19, 2021, Electrolysis Council Meeting Minutes

10 Ms. Greenhalgh moved to approve the April 19, 2021 Electrolysis Council Meeting Minutes. Ms.
11 Gray seconded the motion, which carried 4/0.

12 12. Review of Council Membership Application: Emily Salinas, EO2958

13 Prior to the meeting, Ms. Salinas notified the Council Office that she would be withdrawing her
14 application from further consideration.

15 14. Rules Review and Development: Rule 64B8-51.006, F.A.C., Rule Governing Licensure
16 and Inspection of Electrology Facilities – Review of Proposed Facility Applications
17 Revisions

18 The Department of Health's Office of the General Counsel has advised Advanced Practice
19 Registered Nurses (APRN) and Physician Assistants (PA) must apply for an electrolysis facility
20 license to administer laser hair removal services or otherwise provide the services at the
21 medical practice location(s) of a physician licensed under Chapters 458 or 459, F.S.

22 Because the Council only regulates Electrologists, the current electrolysis facility licensure
23 application forms provide only for the listing of information and qualifications for that profession.
24 Currently, a facility that intends to use APRNs, PAs, or other health care practitioners, have no
25 way to specify as such on the application forms. This has resulted in processing delays and
26 confusion as staff has sought to determine who would be providing services in the facility.

27 Among other minor proposed revisions, the key provisions listed below were proposed to
28 address the needed updates:

29 • Under "Laser & Light-Based Hair Removal Requirements", new text was suggested as
30 follows: *The Electrolysis Council only has the authority to specify qualifications for*
31 *licensed Electrologists. Other practitioners who are uncertain about their ability to*
32 *provide this service, or requirements to provide same, must be in direct contact with their*
33 *licensing Board or Council for more information. Please visit the Department of Health's*
34 *Licensing & Regulation website at [http://www.floridahealth.gov/licensing-and-](http://www.floridahealth.gov/licensing-and-regulation/index.html)*
35 *[regulation/index.html](http://www.floridahealth.gov/licensing-and-regulation/index.html) to access the web page for the applicable Board or Council.*

36 • Under "Facility Information", questions have been added to allow an organization
37 seeking review for a facility licensure exemption to provide the necessary responses and
38 information for that determination to be made.

- Under “Facility Information”, the fields of information to be collected have been expanded to allow for entry of other licensed health care practitioners qualifications in addition to those of Electrologists. A field has also been added to allow facilities to distinguish whether they intend to have direct supervision for Electrologists conducted on premises and/or via telehealth.

After the MQA Bureau of Health Care Practitioner Regulation has completed the cosmetic updates to incorporate the revised information into the forms, they will be presented to the Council for final approval at a future meeting.

ADJOURNMENT

15. The Council meeting was adjourned at approximately 10:10 a.m.