

**DEPARTMENT OF HEALTH
ELECTROLYSIS COUNCIL
GENERAL BUSINESS MEETING MINUTES
October 03, 2011
9:00 a.m. EST**

**CONFERENCE CALL
1-888-808-6959**

When prompted, enter the following conference code number: **4246812343**, followed by the “#” sign.

MEMBERS PRESENT
Shelby Owens, Chair
James Scott, Vice Chair
M. Margaret Haley
Audra Kinney
Linda Harvey

STAFF PRESENT
Allen Hall, Executive Director
Anna King, Program Operations Administrator
Greg Ramer, Regulatory Specialist II
Whitney Bowen, Board of Medicine Representative

ASSISTANT ATTORNEY GENERAL
Michael Flury
Lynette Norr

09:08 a.m. Call to Order – General Business Meeting

ADMINISTRATIVE PROCEEDINGS

320 ELECTROLOGY PROGRAM

1. Academy of Health and Beauty (request for reconsideration)

Ms. Barbara Reitz from Academy of Health and Beauty was present.

Academy of Health & Beauty (AHB) previously submitted their material for the 320 hour electrolysis training program at the July 18, 2011, meeting. At that meeting they were denied for the following reasons:

- The minimum age of a student allowed to take their course was 16 years old, and not 18 years old.
- The description of the FDA Blend Epilator was incorrect.
- There was concern raised regarding the employment history of the schools instructor, Ms. Karol Villegas.
- There were no instruction materials that related to electrology, only laser hair removal.

AHB has submitted a reconsideration request for their materials for approval of their 320 hour electrolysis training program for Florida.

After reviewing the updated information submitted by AHB for reconsideration, the council had further concerns with the following:

- Clarification of course ELC-16's description.
- The description of the FDA Blend Epilator was incorrect.

MOTION: Ms. Shelby Owens moved to reconsider and approve Academy of Health and Beauty's 320 hour electrology training materials contingent upon AHB updating the description for course ELC-16 and providing the correct definition of an FDA Blend Epilator. This updated material must be submitted to council staff no later than the next council meeting on December 05, 2011. Ms. Shelby Owen's has been delegated to review AHB's updated materials for approval. Mr. James Scott seconded the motion, which carried with four ayes and one nay by Ms. Margaret Haley.

2. Total Nails and Hair Academy

Mr. Gil Levin from Total Nails and Hair Academy was present.

Total Nail and Hair Academy (THNA) has submitted materials for approval of their 320 hour electrolysis training program for Florida. They are pending the council's approval to complete their license requirement with the Commission for Independent Education.

The council raised concern with a discrepancy of the theory and lab hours under the program outline from THNA.

MOTION: Mr. James Scott moved to accept Total Hair and Nails Academy's 320 hour electrology training program materials contingent upon THNA submit a program outline indicating the correct theory and lab hours. Ms. Linda Harvey seconded the motion, which carried 5/0.

3. Universal Vocational Institute

Dr. Ismael Labrador from Universal Vocational Institute was present.

Universal Vocational Institute (UVI) has submitted materials for approval of their 320 hour electrolysis training program for Florida. They are pending the council's approval to complete their license requirement with the Commission for Independent Education.

The council noted the following concerns about UVI's materials:

- The hours did not match in the program outline and syllabus for courses: ELY 103, ELY 105, ELY 106, ELY 107.
- The instructional materials were not acceptable to teach electrology.

MOTION: Ms. Audra Kinney moved to table Universal Vocational Institute's 320 hour electrology training program materials until the December 05, 2011, general business meeting allowing time for UVI to submit updated materials pertaining to the council's concerns regarding the hours not matching in their program outline and syllabus for courses: ELY 103, ELY 105, ELY 106, ELY 107 as well as the instructional materials not being acceptable to teach electrology. Ms. Linda Harvey seconded the motion, which carried 5/0.

APPLICANT CERTIFICATION LISTS

4. Examination Applicants

A total of seventy-three (73) names were on the certification list.

MOTION: Ms. Shelby Owens moved to accept the list of exam licensees. Mr. James Scott seconded the motion, which carried 5/0.

RULES REVIEW AND DEVELOPMENT

5. Rule 64B8-51.006(3)-(6), Rule Governing Licensure and Inspection of Electrology Facilities

At the February 15, 2010, general business meeting, the council voted to approve amended language to this rule. This rule is being brought back so the council may answer the following questions:

- 1) Will the proposed rule amendments have an adverse impact on small business?
- 2) Will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule?

After discussion the council did not feel the amendment to Rule 64B8-51.006(3)-(6) would have an adverse impact on small business or directly or indirectly increase regulatory cost to any entity in excess of \$200,000.

MOTION: Mr. James Scott moved that the proposed new language would not have an adverse impact on small business. Additionally, the proposed rule amendments would not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Ms. Margaret Haley seconded the motion, which carried 5/0.

6. Rule 64B8-52.004(3), Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction

At the July 18, 2011, general business meeting, the council voted to have the council chair, Ms. Shelby Owens, work with assistant attorney general, Mr. Michael Flury in developing language that would establish requirements for new laser certification providers.

After review and discussion of the language provided by Mr. Michael Flury the council amended the language to read as follows:

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) – (2) No change.

(3) The instructors of each laser and light-based hair removal course must be currently certified and have one year of post-certification experience. Verifiable documentation, including the instructor's work experience in laser applications and certification from a national certification organization approved by the Board and Council ~~of this experience~~ must be submitted to the Council with the application.

(4) A national certification organization must meet the following criteria to be approved by the Council and Board:

(a) The certification organization shall require passage of a laser examination encompassing only items relating to laser and light-based hair removal for certification;

(b) The certification organization cannot distinguish between members and non-members of a state or national association for certification or recertification.
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.

In addition to the language above, Mr. Michael Flury will add language to state this rule provision will go into effect one-year after approval.

MOTION: Ms. Shelby Owens moved accept the amended language as stated above.
Ms. Linda Harvey seconded the motion, which carried 5/0.

MOTION: Ms. Shelby Owens moved that the proposed new language would not have an adverse impact on small business. Additionally, the proposed rule amendments would not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Mr. James Scott seconded the motion, which carried 5/0.

7. Rule 64B8-54.002, Inactive and Retired Licensure Status

At the May 11, 2009, general business meeting, the council voted to approve amended language to this rule. This rule is being brought back so the council may answer the following questions:

1) Will the proposed rule amendments have an adverse impact on small business?

2) Will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule?

Since there is not a significant amount of electrologists that would fall under this amended rule the council did not feel the amendment to Rule 64B8-54.002 would have an adverse impact on small business or directly or indirectly increase regulatory cost to any entity in excess of \$200,000.

MOTION: Ms. Linda Harvey moved that the proposed new language would not have an adverse impact on small business. Additionally, the proposed rule amendments would not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Mr. James Scott seconded the motion, which carried 5/0.

8. Rule 64B8-55.002, Citations

At the February 15, 2010, general business meeting, the council voted to approve amended language to this rule. This rule is being brought back so the council may answer the following questions:

1) Will the proposed rule amendments have an adverse impact on small business?

2) Will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule?

MOTION: Mr. James Scott moved that the proposed new language would not have an adverse impact on small business. Additionally, the proposed rule amendments would not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Ms. Linda Harvey seconded the motion, which carried 5/0.

9. Rule 64B8-56.002(2)(b), Equipment and Devices; Protocols for Laser and Light-Based Devices

At the July 18, 2011, general business meeting, the council voted to have the council chair, Ms. Shelby Owens, work with assistant attorney general, Mr. Michael Flury in developing language that would establish requirements for new laser certification providers.

The amended language reads as follows:

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

(1) No change.

(2) An electrologist may not use laser or light-based devices for hair removal or reduction unless they:

(a) No change.;

(b) Are currently ~~Have been~~ certified in the use of laser and light-based devices for the removal or reduction of hair by a national certification organization approved by the Council and the Board pursuant to Rule 64B8-52.004(4), Florida Administrative Code;

(c) – (d) No change.

(3) – (6) No change.

Specific Authority 478.43 FS. Law Implemented 458.331(1)(v), 458.348(3), 478.42(5), 478.43(4) FS. History–New 9-12-01, Amended 2-28-02, 7-23-06, 3-12-08.

MOTION: Ms. Shelby Owens moved to accept the amended language as stated above. Mr. James Scott seconded the motion, which carried 5/0.

MOTION: Ms. Shelby Owens moved that the proposed new language would not have an adverse impact on small business. Additionally, the proposed rule amendments would not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Mr. James Scott seconded the motion, which carried 5/0.

RULES STATUS REPORT

10. Rules Report, Assistant Attorney General Michael Flury

- 64B8-50.003 Delegation of Powers and Duties to Electrolysis Council

History

- Rule Development Published: N/A
- Council Approval: N/A
- Board Approval: N/A
- Notice Published: N/A
- Adopted: N/A
- Effective: N/A

- 64B8-51.001(1) Manner of Application

History

- Rule Development Published: 09/23/2011
- Council Approval: 02/07/2011
- Board Approval: N/A
- Notice Published: N/A
- Adopted: N/A
- Effective: N/A

- 64B8-51.006(2)(b) Rule Governing Licensure and Inspection of Electrolysis Facilities

History

- Rule Development Published: 09/30/2011
- Council Approval: 02/07/2011
- Board Approval: N/A
- Notice Published: N/A
- Adopted: N/A
- Effective: N/A

- 64B8-51.006(3)-(6) Rule Governing Licensure and Inspection of Electrolysis Facilities

History

- Rule Development Published: 01/15/2010
- Council Approval: 02/15/2010
- Board Approval: 04/09/2010
- Notice Published: 10/22/2010
- Adopted: N/A
- Effective: N/A

- 64B8-51.007(3)(4) Fees for Application, Examination, Examination Review and Initial Licensure

History

- Rule Development Published: 09/23/2011
- Council Approval: N/A
- Board Approval: N/A
- Notice Published: N/A
- Adopted: N/A
- Effective: N/A

- 64B8-52.003(2) Procedure for Approval of Attendance at Continuing Education Courses

History

- Rule Development Published: N/A
- Council Approval: 11/08/2010
- Board Approval: N/A
- Notice Published: N/A
- Adopted: N/A
- Effective: N/A

- 64B8-52.004(3) Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction

History

- Rule Development Published: N/A
- Council Approval: 02/07/2011
- Board Approval: N/A
- Notice Published: N/A
- Adopted: N/A

- Effective: N/A
- 64B8-53.002(1) Curriculum Standards for Electrolysis Training Programs

History

- Rule Development Published: No
- Council Approval: N/A
- Board Approval: N/A
- Notice Published: N/A
- Adopted: N/A
- Effective: N/A

An informal survey of the electrology training schools will be conducted to obtain data needed to assist the Council in determining any adverse impacts of the schools as a result of the proposed amendments.

- 64B8-54.002 Inactive and Retired Licensure Status

History

- Rule Development Published: N/A
- Council Approval: 05/11/2009
- Board Approval: 09/30/2010
- Notice Published: N/A
- Adopted: N/A
- Effective: N/A

- 64B8-55.0021 Discipline of Electrolysis Facilities

History

- Rule Development Published: 11/13/2009
- Council Approval: 02/07/2011
- Board Approval: 09/30/2011
- Notice Published: N/A
- Adopted: N/A
- Effective: N/A

- 64B8-55.002 Citations

History

- Rule Development Published: N/A
- Council Approval: 02/15/2010 (w/ SERC)
- Board Approval: 09/30/10
- Notice Published: N/A
- Adopted: N/A
- Effective: N/A

- 64B8-56.002(2)(b) Equipment and Devices; Protocols for Laser and Light-Based Devices

History

- Rule Development Published: No
- Council Approval: N/A
- Board Approval: N/A
- Notice Published: N/A
- Adopted: N/A
- Effective: N/A

REPORTS

11. Shelby Owens, Council Chair

Ms. Shelby Owens stated she attended the Board Chairs and Vice-Chairs meeting in Tallahassee, FL, on September 27, 2011.

12. Allen Hall, Executive Director

- Expenditures By Function
- Cash Balance Report
- Annual Projections
- Board Chairs and Vice-Chairs Meeting

Informational Item.

NEW BUSINESS

13. Review of Council Member Appointment Applications

- Council Appointment – Susan Manwaring
- Council Appointment – Cindy Reynolds
- Council Appointment – M. Maximillion Wilson, Ph.D

The Electrolysis Council office has solicited applications for (1) impending consumer member vacancy on the Council. Appointed members are allowed to serve two full terms on the Council.

Chapter 478.44(3), F.S., states in part, that any licensed electrologist may recommend one person to fill a vacancy. The law also allows professional organizations dealing with electrolysis to recommend at least twice as many persons as the number of vacancies to be filled.

The Electrolysis Society of Florida has recommended: Ms. Susan Manwaring and Ms. Cindy Reynolds for the Council's consideration. Ms. Judy Adams has recommended Dr. M. Maximillion (Max) Wilson.

The council thanked Ms. Linda Harvey for her time on the council.

MOTION: Ms. Margaret Haley moved to recommend all three applicants to the Florida Board of Medicine to fill the impending consumer member council vacancy. Mr. James Scott seconded the motion, which carried 5/0.

14. Linda Aponte – National Laser Institute of Arizona Certification Approval

Ms. Linda Aponte, EO 2189, completed her laser training from National Laser Institute of Arizona (NLI). Since NLI is not an approved laser training program for Florida, Ms. Aponte has submitted a request for the council to approve her NLI training.

Mr. Michael Flury stated Ms. Linda Aponte could submit a petition for variance and waiver to the council regarding her request.

MOTION: Ms. Shelby Owens moved to table Ms. Linda Aponte’s certification from National Laser Institute of Arizona until the next available electrolysis council general business meeting. Mr. James Scott seconded the motion, which carried 5/0.

15. Katherine Dunbar – Discussion re: Adding Spanish Language Classes Continuing Education Requirements

Ms. Katherine Dunbar was on the conference call.

Ms. Katherine Dunbar, EO 1298, is requesting the council *“consider adding continuing educational units in Spanish or other usable work-related non-English language as an elective part of our license renewal continuing educational requirements.”*

After discussion, the council stated that continuing educational units must be related to the practice of electrology.

OLD BUSINESS

16. July 18, 2011, General Business Meeting Minutes

Mr. Michael Flury requested his name be changed from Mike to Michael on the minutes.

MOTION: Ms. Shelby Owens moved to approve the meeting minutes as amended. Mr. James Scott seconded the motion, which carried 5/0.

OTHER BUSINESS AND INFORMATION

16. Disciplinary of Electrologist – Board of Medicine Ruling

- Olympio Cesare Lopes Da Silcva
- Georgette Levinson

Informational Item

ADJOURNMENT

MOTION: Ms. Audra Kinney moved to adjourn the meeting at 11:01 a.m. Mr. James Scott seconded the motion, which carried 5/0.

EXAM RADIFICATION NAMES

Name	File #	Complete	Temp #
1. Addari, Katina	2394	07/25/11	2265
2. Alarcon, Carolina	2486	08/02/11	2274
3. Alston, Inna	2453	07/28/11	2287
4. Aynsanjie, Alexandria	2477	08/03/11	2276
5. Barroso, Jacquelynn	2416	07/18/11	N/A
6. Bartolomeo, Alyce	2432	07/19/11	2254
7. Barusco, Claudia	2487	08/08/11	N/A
8. Becker, Brooke	1020	08/03/11	2293
9. Bruguera, Jenny	2415	08/03/11	N/A
10. Carberry, Denise	2442	08/15/11	N/A
11. Chagas, Sonia	2461	08/03/11	2289
12. Christy, Roza	2491	08/05/11	2298
13. Coggins, Nicole	2484	07/25/11	2269
14. Cotter, Jennifer	2422	08/03/11	2422
15. Daly, Nicole	2423	08/03/11	2278
16. Delgado, Mandy	2445	07/19/11	N/A
17. Devitt, Holly	2408	08/15/11	2299
18. Dinola, Genessa	2471	07/21/11	N/A
19. Dorsey, Sandra	2489	08/10/11	2296
20. Elsevyf, Madeleine	2456	08/01/11	N/A
21. Eskenzi, Ilisa	2403	07/25/11	2268
22. Feinberg, Donna	2437	08/09/11	2295
23. Feliciano, Luiza	2375	07/25/11	2267
24. Franco, Alexandra	2436	08/03/11	2286
25. Garcia, Rosavin	2490	08/03/11	2297
26. Goldstein, Sarah	2417	07/14/11	2252
27. Grinson, Cindee	2414	07/14/11	2249
28. Garcia, Jaclyn	2451	08/29/11	2302
29. Gault, Stephanie	2401	07/25/11	2266
30. Gonzalez, Nelly	2472	07/25/11	N/A
31. Gomez, Ilona	2483	08/09/11	N/A
32. Hall, Gina	2495	09/07/11	2303
33. Henry-Dill, Mary	2434	07/20/11	2257
34. Holtz, Pauliceia	2443	08/03/11	2283
35. Ismail, Afkar	2475	08/03/11	2280
36. Johnson, Aida	2424	07/20/11	2260
37. Kerr, Patricia	2439	07/21/11	N/A
38. Kinney, Emily	2440	08/03/11	2440
39. Komarek, Sara	2459	07/25/11	2282
40. Krasnasky, Amity	2469	07/21/11	2261
41. Labanowitz, Stacey	2458	08/03/11	N/A
42. Leyton, Ofelia	2444	07/19/11	2256
43. Lopez, Mercedes	2429	07/14/11	N/A
44. Lovera, Stella	2247	07/25/11	N/A
45. Maffettone, Patricia	2418	07/14/11	2251
46. Meridith-Norman, Amber	2435	08/15/11	2300
47. Messina, Jennifer	2494	08/23/11	2301

48. Miller, Diana	2425	08/03/11	N/A
49. Miller, Kira	2450	08/03/11	2292
50. Moreno, Nelida	2476	07/25/11	2270
51. Montano, Pierina	2478	07/25/11	N/A
52. Olavarrieta, Arelis	2430	07/14/11	N/A
53. Ogelsby, Denise	2468	08/09/11	N/A
54. Oglesby, Jamille	2462	07/12/11	N/A
55. Ozturk, Chika	2467	07/20/11	N/A
56. Parker, Natalya	2463	07/21/11	2263
57. Parris, Heather	2429	07/14/11	2250
58. Patel, Hina	2455	08/02/11	2275
59. Principle, Linda	2421	08/03/11	2279
60. Reed, Natalie	2449	07/21/11	N/A
61. Ridders, Mary	2428	09/01/11	2304
62. Rittel, Sheyla	2393	07/25/11	2264
63. Rivero, Raisa	2420	07/14/11	N/A
64. Rosado, Sandra	2452	08/03/11	2277
65. Santini, Liz	2438	07/28/11	2288
66. Santos, Isabel	2460	08/03/11	2291
67. Simmons, Rachel	2431	07/19/11	2253
68. Sherhart, Nikole	2272	07/25/11	2272
69. Sotolongo-Capote, Giselle	2473	07/25/11	2473
70. Switzer, Lana	2446	08/03/11	2285
71. Velez-Espinoza, Taisha	2466	07/20/11	N/A
72. Winn, Margie	2481	07/25/11	2271
73. Zino, Rachel	2465	07/26/11	2281