

**MEETING SHELL  
DEPARTMENT OF HEALTH  
ELECTROLYSIS COUNCIL  
GENERAL BUSINESS MEETING MINUTES  
November 24, 2008  
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  
Ginger Hutson  
Linda Harvey  
Audra Kinney

**STAFF PRESENT**

Allen Hall, Executive Director  
Anna King, Program Operations Administrator  
Greg Ramer, Regulatory Specialist II  
Gwyn Willis, Board of Medicine Representative

**ASSISTANT ATTORNEY GENERAL**

Diane Guillemette

**9:01 a.m.**

**CALL TO ORDER**

**ADMINISTRATIVE PROCEEDINGS**

**INDIVIDUAL CONSIDERATION**

**1. Barbara Midure (endorsement)**

Ms. Barbara Midure was present.

**MOTION:** Mr. James Scott moved to accept Ms. Midure’s application as an endorsement applicant. Ms. Linda Harvey seconded the motion, which carried 5/0.

**CONSIDERATION FOR 320 TRAINING PROGRAM**

**2. Eureka Institute of Health and Beauty**

**MOTION:** Ms. Audra Kinney moved to accept Eureka Institute of Health and Beauty’s application as a 320 training program. Ms. Linda Harvey seconded the motion, which carried 5/0.

**RULES STATUS REPORT**

**3. Diane Guillemette, Assistant Attorney General**

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

No action taken.

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

No action taken.

- Rule 64B8-55.002, F.A.C., Citations

No action taken.

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

No action taken.

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

No action taken.

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

The council reviewed the Statement of Estimated Regulatory Cost (SERC) for the proposed rule changes voted on at the August 4, 2008, general business meeting.

**MOTION:** Ms. Linda Harvey moved to have council staff amend the SERC to include language that would give laser continuing education training providers a second option, other than simply increasing instructors, to increase the frequency in which the course is offered. The council believes this option would not add any additional cost to the provider. Ms. Ginger Hudson seconded the motion, which carried 5/0.

**MOTION:** Ms. Ginger Hudson moved to have staff make the amendment to the SERC and send it on to the Board of Medicine without council review of the updated SERC language. Ms. Ginger Hudson seconded the motion, which carried 5/0.

- Rule 64B8-54.0022, F.A.C., Applying for an Active License after Period of not Practicing or Retirement

Changes approved on February 27, 2008.

- Rule 64B8-55.0021, F.A.C., Discipline of Electrolysis Facilities

Change approved.

### **Rules Report Addendum**

Ms. Diane Guillemette requested the Council consider possible modifications to Chapter 478, Florida Statutes (F.S.).

### **Chapter 478.55, F.S. – Fees; facility; disposition**

Ms. Diane Guillemette proposed the following changes to the statute:

(1) The board shall establish by rule the collection of fees for the following purposes:

- (a) License application fee: a fee not to exceed \$200 ~~400~~.
- (b) Examination fee: a fee not to exceed \$500 ~~300~~.
- (c) Initial licensure fee: a fee not to exceed \$200 ~~400~~.
- (d) Renewal fee: a fee not to exceed \$600 ~~400~~ biennially.
- (e) Reactivation fee: a fee not to exceed \$100.
- (f) Inspection fee for facility: a fee not to exceed \$200 ~~400~~ biennially.
- (g) Continuing education provider application fee \$200.
- (h) Continuing education course application fee \$100.

(2) In no case shall the department charge more than the actual cost incurred for the implementation of this chapter.

**MOTION:** Ms. Ginger Hudson moved to accept the proposed statutory changes with the exception of lines (g) and (h). Mr. James Scott seconded the motion, which carried 5/0.

- Rule 64B8-56.002(4)(c), F.A.C., Equipment and Devices; Protocols for Laser and Light-Based Devices

The council reviewed the Statement of Estimated Regulatory Cost (SERC) for the proposed rule changes voted on at the August 4, 2008, general business meeting.

**MOTION:** Ms. Ginger Hudson moved to pass on the SERC and allow council staff to do research regarding the proposed language in the rule and bring back before the council. Mr. James Scott seconded the motion, which carried 5/0.

#### **RULES REVIEW AND PROPOSED LEGISLATION**

#### **4. Rule 64B8-51.001(1), F.A.C., Manner of Application: Modification of Personal History Questions 8A – 8D**

**MOTION:** Mr. James Scott moved to accept the rule changes and updated application for electrology license in Florida. Ms. Ginger Hudson seconded the motion, which carried 5/0.

**MOTION:** Ms. Shelby Owens moved stating the changes to the rule language would not have impact on small business. Mr. James Scott seconded the motion, which carried 5/0.

#### **5. Rule 64B8-53.002, F.A.C., Curriculum Standards for Electrolysis Training Programs**

During the June 5, 2008, Rules/Legislative Committee Meeting of the Board of Medicine, it was recommended that legislation be drafted to include laser training in the standard electrolysis curriculum.

**MOTION:** Ms. Ginger Hudson moved to not incorporate laser into the electrolysis statute. The council considers the practice of laser hair removal a specialized advanced field which raises additional public safety concerns. However, if the Board of Medicine does mandate laser into the statute, the Council recommends the hours for the electrology training program be raised

from 320 hours to 600 hours. This is due to the cost of redeveloping the state test and the cost to existing schools that will need to update their curriculum and facilities to incorporate the laser training. Mr. James Scott seconded the motion, which carried 5/0.

## **CERTIFICATION**

### **6. Examination and Endorsement Applicants**

Mr. Greg Ramer read two (2) additional names into the record for a total of forty-four (44) names on the certification list.

**MOTION:** Ms. Shelby Owens moved to approve the certification list. Mr. James Scott seconded the motion, which carried 5/0.

## **REPORTS**

### **7. Shelby Owens, Council Chair**

- Board Chair's Meeting

Ms. Shelby Owens reported to the council about her attendance at the Florida Department of Health's Board Chair's meeting on November 19, 2008.

### **8. Allen Hall, Executive Director**

- Expenditures By Function
- Cash Balance Report

Informational Item

## **NEW BUSINESS**

### **9. Laser Training Review: Kelly Bierlein**

Ms. Kelly Bierlein submitted her laser training information for the council's review and possible approval. Ms. Bierlein was training through a laser program that has not been approved by the council.

**MOTION:** Ms. Ginger Hudson moved to decline Ms. Kelly Bierlein's laser training information stating Ms. Bierlein did not have enough laser training. Mr. James Scott seconded the motion, which carried 5/0.

## **OLD BUSINESS**

### **10. August 4, 2008, General Business Meeting Minutes**

**MOTION:** Mr. James Scott moved to approve the minutes. Ms. Audra Kinney seconded the motion, which carried 5/0.

## **OTHER BUSINESS AND INFORMATION**

#### **11. One-Time Assessment Information**

Council staff provided information to the council regarding the one-time assessment results. The report provided to the council showed roughly 400 non-compliant licensees. In addition, the council staff also provided the council with two letters that could be sent out as a final notice to those who were yet to complete the assessment. One letter is directed towards those licensees who only paid half of the assessment. The other letter is directed towards licensees who had not paid any of the assessment.

**MOTION:** Mr. James Scott moved to have council staff send the letters to those licensees not in compliance. Ms. Ginger Hudson seconded the motion, which carried 5/0.

#### **12. Petition for Waiver/Variance – Board of Medicine Ruling – Terri Hartsfield**

Informational Item

#### **13. Voluntary Relinquishment – Board of Medicine Ruling – Nicole Lambros**

Informational Item

#### **14. PRN Monthly Report**

Informational Item

#### **ADJOURNMENT**

The meeting was adjourned at approximately 10:59 a.m.