

**MEETING MINUTES
DEPARTMENT OF HEALTH
ELECTROLYSIS COUNCIL
GENERAL BUSINESS MEETING
DECEMBER 10, 2007
9:00 a.m. EST**

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

To accommodate individuals wishing to address the Council, the Council Chair may adjust the sequence of the agenda items. The minutes reflect the actual sequence of events rather than the original agenda order.

Ms. Ginger Hutson called the meeting to order at approximately 9:03 a.m. Those present for all or part of the meeting included the following:

MEMBERS PRESENT

Ginger Hutson, Chair
James Scott, Vice Chair
Shelby Owens
Linda Harvey

STAFF PRESENT

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

ASSISTANT ATTORNEY GENERAL

Diane Guillemette

9:00 a.m.

CALL TO ORDER

RECONSIDERATION OF LICENSURE APPLICATION

1. Nancy Garrity

Ms. Garrity was present and was represented by Mr. Jan Press, Esquire.

Ms. Ginger Hutson moved to deny Ms. Garrity's application for licensure because Ms. Garrity practiced electrology without a license, with no facility license, no protocol on file with the Florida Department of Health, and negligence. Mr. James Scott seconded the motion, which carried 4/0.

Please note Ms. Linda Harvey left the phone call at 9:32 a.m.

CONSIDERATION FOR APPROVAL OF LASER TRAINING PROGRAM

2. Victoria Riley, M.D.

Dr. Riley was present and was not represented by counsel.

Ms. Shelby Owens moved to approve Dr. Riley's 30 hour laser training course. Ms. Ginger Hutson seconded the motion, which carried 2/1. Mr. James Scott opposed.

CERTIFICATION

4. Examination and Endorsement Applicants

Ms. Shelby Owens moved to approve the 15 names on the certification list. Mr. James Scott seconded the motion, which carried 3/0.

REPORTS

5. Virginia Hutson, Chair

Ms. Virginia Hutson had no reports to present.

6. Susie Love, Executive Director

- **Cash Balance Report**

Informational Item

- **Expenditures By Function**

Informational Item

- **Comparison of FY 06-07 Projections with Actual Results for FY 06-07**

Informational Item

- **Profession-by-Profession Revenue and Expenditure Projections**

Informational Item

NEW BUSINESS

7. Election of Officers

Current Positions

Chair: Virginia Hutson

Vice Chair: James Scott

Unlicensed Activity Liaison: James Scott

Mr. James Scott moved to nominate Ms. Shelby Owens as Council Chair and himself as Vice-Chair. Ms. Shelby Owens seconded the motion, which carried 3/0.

Ms. Ginger Hutson moved to nominate Ms. James Scott as the Unlicensed Activity Liaison. Ms. Shelby Owens seconded the motion, which carried 3/0.

Ms. Ginger Hutson moved to nominate Ms. Shelby Owens as Education Chairman. Mr. James Scott seconded the motion, which carried 3/0.

New Positions

Chair: Shelby Owens

Vice-Chair: James Scott

Unlicensed Activity Liaison: James Scott

Education Chairman: Shelby Owens

**8. Correspondence from Lisa Nelson, Society for Clinical and Medical Hair Removal
Re: Continuing Education**

Mr. James Scott moved to deny the Society for Clinical and Medical Hair Removal continuing education request because there is no practical way to document the hours earned for reviewing exhibits in the exhibit hall at a conference. Ms. Shelby Owens seconded the motion, which carried 3/0.

OLD BUSINESS

9. August 06, 2007, General Business Meeting Minutes

Mr. James Scott moved to approve the minutes. Ms. Shelby Owens seconded the motion, which carried 3/0.

10. October 01, 2007, General Business Meeting Minutes

Ms. Shelby Owens moved to approve the minutes. Mr. James Scott seconded the motion, which carried 3/0.

Please note Ms. Linda Harvey came back on the phone at 10:01 a.m.

**11. Report from Council Attorney Re: Correspondence From Florida School of
Electrolysis and Skin Care.**

Mr. Ron Burnette was present from the Florida School of Electrolysis and Skin Care.

Mr. James Scott moved to deny the course because the Council does not approve continuing education courses other than the 30 hour laser course. The Council suggested he submit the course to one of the Council's approved providers for review and approval. Ms. Shelby Owens seconded the motion, which carried 4/0.

OTHER BUSINESS AND INFORMATION

12. Consent Order Resolving Rule Challenge

Informational Item

13. Board of Medicine Minutes Relating to the Electrolysis Council

Informational Item

14. Religious Accommodation

Informational Item

15. Recent Discipline Against Electrologists

Informational Item

16. PRN Monthly Report for July 2007

Informational Item

17. Instructor Vitae Review – Anna Marie Sarich

Ms. Sarich was not present.

Ms. Shelby Owens moved to accept Ms. Sarich's vitae as an instructor for Florida College of Natural Health's 320 hour training course. Mr. James Scott seconded the motion, which carried 4/0.

RULES REPORT

3. Update from Diane Guillemette – Rules Review and Proposed Legislation

• Rule 64B8-50.002, F.A.C., Organization

No Change

• Rule 64B8-50.003, F.A.C., Delegation of Powers and Duties to Electrolysis Council

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

(1) Pursuant to Section 478.43, Florida Statutes, the Board delegates to the Electrolysis Council the following powers and duties.

(a) Certification of applicants for examination and applicants for endorsement.

~~(b) Issuance of temporary permits to applicants for licensure.~~

~~(c) Certification of applicants for facility licensure.~~

(d) Approval of continuing education providers and electrolysis training programs.

(2) The Board shall enter final orders in disciplinary cases against electrologists and electrology facility license holders. The determination of probable cause to issue an administrative complaint against an electrologist or a electrology facility license holder shall be made by the Probable Cause Panel of the Board.

(3) Rulemaking proposals, petitions for declaratory statement and petitions to adopt, amend or repeal rules, which relate to the practice of electrology shall first be presented to the Council. The Council shall consider the matter and make recommendations to the Board as to the appropriate action to be taken.

Specific Authority 478.43(1) FS. Law Implemented 478.43(3) FS. History--New 5-31-93, Formerly 21M-75.003, Amended 11-16-93, Formerly 61F6-75.003, 59R-50.003.

• Rule 64B8-50.005, F.A.C., Final Orders

Rule Deleted

~~64B8-50.005 Final Orders.~~

~~All Final Orders in disciplinary cases and licensure cases with restrictions and conditions shall be signed by the Chair of the Board or designee. All Final Orders of the Council relating to denial of licensure shall be signed by the Chair of the Council or designee. Final Orders shall be effective upon filing with the Clerk of the Board who shall be either the Executive Director of the Board or designee. If the Final Order imposes a civil penalty, a fine, or costs, said monies shall be payable to the Board.~~

~~Specific Authority 478.43(1) FS. Law Implemented 456.013 FS. History—New 5-31-93, Formerly 21M-75.005, Amended 11-16-93, Formerly 61F6-75.005, 59R-50.005.~~

- **Rule 64B8-50.006, F.A.C., Delegation of Official Reporter**

Rule Deleted

~~**64B8-50.006 Designation of Official Reporter.**~~

~~The Board designated PSC Professional Services, Inc., Publishers of the Florida Administrative Law Reports (FALR), as its official reporter for the purposes of publishing and indexing by subject matter all orders rendered after a proceeding which affects substantial interests has been held.~~

~~Specific Authority 478.43(1) FS. Law Implemented 120.53(2) FS. History—New 5-31-93, Formerly 21M-75.006, 61F6-75.006, 59R-50.006.~~

- **Rule 64B8-50.008, F.A.C., Address of Licensee**

No Change

- **Rule 64B8-50.009, F.A.C., Certification of Public Records**

64B8-50.009 Certification of Public Records.

Any person desiring certification of any Board or Council documents from the custodian of records as official public records shall submit that request along with a certification fee of \$25. Normal duplicating fees shall also apply.

~~Specific Authority 478.43(1) FS. Law Implemented 119.07(1) FS. History—New 5-31-93, Formerly 21M-75.009, 61F6-75.009, 59R-50.009.~~

- **Proposed Rule 64B8-50.0095, F.A.C., Definitions**

Sections (2) and (3) will be deleted. Ms. Diane Guillemette will work with Ms. Shelby Owens to develop draft language for section (1).

1. “Certification” used in Rule 64B8-56.002 and as regards the authority to practice electrology mean the authority to perform laser and light-based hair removal conferred by the Society of Clinical & Medical Hair Removal, Inc. (SCHMR) or other national certification organization approved by the Council.
2. ~~A “Temporary Permit” is not a license for the purpose of experience requirements in these rules, however it is a “restricted license” for purposes of Section 478.49, Florida Statutes.~~
3. ~~A “License” is that document issued to individuals who have met all the requirements of Section 478.45, Florida Statutes, after passing the required examination.~~

Specific Authority 478.43(4)

Law Implemented

New

- **Rule 64B8-51.001, F.A.C., Manner of Application**

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 DOH/MQA/EO APP/REV-04/03, entitled "Application for Electrologist Licensure," effective 2-15-04, which can be obtained from the Council. 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 90 days prior to the examination. Applications filed after the deadline may be considered at the next meeting of the Council.

~~(4) The application and fee may not be used for more than one year from the date of original submission of the application and fee if the application remains incomplete or the applicant has not taken at least one administration of the examination for licensure. If such application remains incomplete or the applicant has not taken at least one administration of the examination for licensure during the one-year period, then the application shall be closed and the applicant shall be required to reapply for licensure.~~

~~(5) Any applicant who has not passed the state examination within three (3) administrations immediately following the date on which the Council initially approved the applicant for examination must successfully complete twenty-five (25) hours of academic training and reapply for licensure.~~

Specific Authority 478.43(1), (4) FS. Law Implemented 478.45 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.

Section 5 to be placed on the February agenda to discuss possible legislative changes needed to address the issue of multiple failures.

- **Rule 64B8-51.002, F.A.C., Licensure by Examination**

No Change

- **Rule 64B8-51.003, F.A.C., Documentation for Licensure**

64B8-51.003 Documentation for Licensure.

(1) In order to establish that an applicant is at least 18 years old, a copy of one of the following shall be submitted:

- (a) Birth certificate,
- (b) Passport,
- (c) Driver's license.

(2) In order to establish that an applicant has a high school diploma or a graduate equivalency diploma, a notarized copy of the diploma shall be submitted. An applicant from a foreign country who does not have a high school diploma or graduate equivalency diploma shall submit equivalent documentation from a credentialing agency.

Specific Authority 478.43(1), (4) FS. Law Implemented 478.45 FS. History—New 5-31-93, Formerly 21M-76.003, 61F6-76.003, Amended 7-14-96, Formerly 59R-51.003.

- **Rule 64B8-51.004, F.A.C., Licensure by Endorsement**

No Change

- **Rule 64B8-51.005, F.A.C., Issuance of Temporary Permits**

64B8-51.005 Issuance of Temporary Permits.

~~(1) When the Executive Director of the Council determines that an applicant is qualified to be licensed under Section 478.47, Florida Statutes, the Council may issue the applicant a temporary permit to practice electrology until the next Council meeting at which license applications are to be considered, but not for a longer period of time. Only one temporary permit shall be issued to an applicant and the permit is not renewable.~~

~~(2) When the Executive Director of the Council determines that an applicant is qualified for licensure by examination except for passage of the examination and has applied for the next scheduled examination, the Executive Director may issue the applicant a nonrenewable temporary permit to practice electrology under the supervision of a licensed electrologist until notification of the results of the examination.~~

~~(a) The temporary permit of a person who fails such examination is automatically revoked upon notification of the examination results and the applicant shall cease the practice of electrology immediately upon receipt of such notice.~~

~~(b) An applicant with a temporary permit who passes such examination may continue to practice under such temporary permit until the next meeting of the Council at which license applications are to be considered.~~

~~(3) As used in subsection (2) of this rule, "supervision" means responsible control by a licensed electrologist who provides the initial direction in developing a treatment plan and also periodically inspects the permittee's implementation of such plan, which plan may not be altered by the permittee without the prior consultation and approval of the supervisor. A supervisor shall be available to consult with and direct a permittee in an emergency, although the supervisor does not have to be on the premises while the permittee is delivering electrolysis services.~~

~~Specific Authority 478.43(1), (4) FS. Law Implemented 478.46 FS. History New 5-31-93, Formerly 21M-76.005, 61F6-76.005, 59R-51.005.~~

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

Ms. Diane Guillemette will draft language to present to the Council at the February 25, 2008, meeting.

- **Rule 64B8-51.007, F.A.C., Fees for Application, Examination, Examination Review and Initial Licensure**

No Change

- **Rule 64B8-51.008, F.A.C., Additional Educational Requirements for Initial Licensure**

No Change

- **Rule 64B8-52.001, F.A.C., Continuing Education Requirements**

No Change

- **Rule 64B8-52.002, F.A.C., Definitions**

No Change

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

Ms. Diane Guillemette will draft language to present to the Council at the February 25, 2008, meeting.

The Council requested the statute that requires a CE audit put on the next agenda for discussion.

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

Ms. Diane Guillemette will draft new language for section (3) to present to the Council at the February 25, 2008, meeting.

- **Rule 64B8-52.005, F.A.C., Continuing Education on Prevention of Medical Errors**

No Change

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

Mr. Larry Gonzalez representing the Electrology Society of Florida (ESF) proposed language for this rule. Mr. Gonzalez will provide this language to Ms. Diane Guillemette for review and amendment as needed. Ms. Guillemette will present the amended language for review on the next agenda.

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

No Change

- **Rule 64B8-53.003, F.A.C., Required Equipment for Electrolysis Training Programs**

No Change

- **Rule 64B8-54.001, F.A.C., Renewal of Electrologist License; Delinquent Renewal**

No Change

- **Rule 64B8-54.002, F.A.C., Inactive and Retired Licensure Status; Reactivating of Licensure, Delinquent Renewal**

No Change

- **Rule 64B8-54.0021, F.A.C., Exemption of Spouse of Armed Forces Member from License Renewal Requirements**

No Change

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

Ms. Diane Guillemette will work with Mr. Allen Hall on language to address the gap in years 5 and 6. This language will be presented at the next agenda meeting.

- **Rule 64B8-54.004, F.A.C., Fees**

No Change

- **Rule 64B8-54.0041, F.A.C., Special Assessment Fee**

No Change

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

Ms. Diane Guillemette will draft changes regarding “guide and service dogs” and the reference in (3)(u) to read 478.42.

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

Ms. Diane Guillemette will draft language to present to the Council at the February 25, 2008, meeting.

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

The text “upon application, shall be denied” will be added to section (1) and the text “revocation” will be added to section (2).

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

Ms. Diane Guillemette will draft language to present to the Council at the February 25, 2008, meeting.

- **Rule 64B8-55.004, F.A.C., Mediation**

No Change

- **Rule 64B8-56.001, F.A.C., Sanitation and Safety Requirements for the Delivery of Electrolysis**

Ms. Diane Guillemette will draft language to present to the Council at the February 25, 2008, meeting.

- **Rule 64B8-56.002, F.A.C., Equipment and Devices; Protocols for Laser and Light-Based Devices**

Ms. Diane Guillemette will draft language to present to the Council at the February 25, 2008, meeting.

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

(1) The Board of Medicine approves the following equipment and devices for the permanent removal of hair by licensed electrologists if they are used pursuant to requirements established by the Board.

(a) Needle type epilators.

(b) Laser and light-based hair removal or reduction devices cleared by the United States Food and Drug Administration (FDA) for hair removal or reduction.

(2) Licensed electrologists may not use laser and light-based hair removal or reduction devices unless they:

(a) Have completed a post-licensure education training course in laser and light-based hair removal or reduction approved by the Council pursuant to Rule 64B8-52.004, F.A.C.;

(b) 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;

(c) Are using only the laser and light-based hair removal or reduction devices upon which they have been trained; and

(d) Are operating under the direct supervision and responsibility of a physician properly trained in hair removal and licensed pursuant to the provisions of Chapter 458 or 459, F.S.

(3)(a) The supervising physician, initially upon assuming duties as the supervisor and semiannually thereafter, shall review and inspect the techniques, procedures, and equipment utilized by the electrologist in the performance of laser and light-based hair removal or reduction.

(b) The supervising physician shall ensure that the electrologist has received semi-annual training in the areas of infection control, sterilization, and emergency procedures.

(4)(a) The supervising physician and the electrologist shall develop jointly written protocols regarding the medical condition for individuals to receive laser and light-based hair removal or reduction treatment;

specific conditions and the procedure for identifying conditions that require direct evaluation or specific consultation by the physician; treatment of routine minor problems resulting during or from laser and light-based hair removal or reduction; and detailed procedures to be followed in the event of emergency situations developing during the performance of or as a result of laser and light-based hair removal or reduction. These written protocols must be signed, dated, and maintained in a readily available location on the premises where the electrologist practices. One copy shall be maintained by the supervising physician and one copy must be filed with the Department of Health. The written protocols which are kept on the premises of the electrologist will be readily available for inspection and review by agents of the Department of Health or the Board of Medicine. The parties to a protocol must notify the Department within 30 days of the termination of their professional relationship.

(b) The written protocol shall include and require that the initial consultation with each patient must include an examination and assessment by a physician licensed pursuant to Chapter 458 or 459, F.S.

(c) The written protocol shall include a statement that the electrologist does and will maintain professional liability coverage that includes coverage for incidents arising from laser usage in an amount not less than \$100,000.

(5) Pursuant to Section 456.072(1)(i), F.S., any physician who knows that any electrologist is engaged in unsafe practice must report that electrologist to the Department of Health immediately.

(6) Any physician who provides supervision to an electrologist must keep the Board informed of the number of electrologists the physician is supervising. No physician is authorized to supervise more than four (4) electrologists at any one time.

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.

- **Proposed Rule 64B8-56.004, F.A.C., Other Requirements for Electrolysis Training Program Approval**

Ms. Diane Guillemette will draft language to present to the Council at the February 25, 2008, meeting. This proposed language will be added to rule 52.004.

At approximately 11:59 a.m. Ms. Linda Harvey moved to adjourn the meeting. Ms. Shelby Owens seconded the motion, which carried 4/0.