

EXECUTIVE SUMMARY

Board of Cosmetology

I. General Information

Meeting Type: General Business Meeting
Meeting Date: Monday, January 25, 2010
Meeting Location: The Florida Hotel and Conference Center
1500 Sand Lake Road
Orlando, Florida 32809

Attendees:

Myra Jowers, Chair
Ginny Fincel, Vice Chair
Donna Osborne
Laurel Ritenbaugh
Monica Smith
Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Lisa Comingore, Assistant Attorney General, Office of the Attorney General (OAG)
Jaime Liang, Assistant Attorney General, OAG
Jason White, Assistant General Counsel, Office of the General Counsel, DBPR
Julie Rowland, Government Analyst, DBPR
Bonnie Poole, Florida Cosmetology Association (FCA)
Chuck Chapman, FCA
Rosanne Kinley, National Interstate Council of State Boards of Cosmetology (NIC)
Sean Colton, NIC
Dana Pancoe, NIC
John Conley, The Hairwraps Company
Chris Calabucci, Elite CME
Christopher Carpenter, Synergy Entertainment, Inc.
Elizabeth Petrusa, Academy of Career Training
Suzette Bragg, Court Reporter
Other Interested Parties

II. Major Issues/Actions

- Chair Myra Jowers excused Ms. Rosabel Ramos' absence from the meeting.
- The board considered 83 disciplinary cases.
- The board asked Ms. Robyn Barineau, Executive Director, to include on the April agenda the list of criminal offenses which can be approved by the department without board review. The board will consider expanding this list.
- Mr. Jason White, Assistant General Counsel, provided the board with the Prosecuting Attorney's Report and reported that as of January 15, 2010, there were 128 private cosmetology cases in the legal section and 230 public cosmetology cases in the legal section.
- The board denied six licensure applications and approved 45 licensure applications.

- The board approved one hair braiding course application, denied three hair braiding course applications, approved one hair wrapping course application, denied two hair wrapping course applications, denied two body wrapping course applications, approved 11 continuing education course applications, and denied three continuing education course applications.
- The board reviewed the email and attachments from Ms. Nancy Russ dated October 7, 2009, regarding the Vascutouch device. The board agreed that this machine falls outside the scope of cosmetology. The board asked Ms. Jaime Liang, Assistant Attorney General, to provide a response to Ms. Russ on behalf of the board.
- Ms. Barineau mentioned the department's new form for a licensee to report a criminal conviction, a new requirement in accordance with Section 455.227(1)(t), Florida Statutes. As requested by Mr. Jerry Wilson, Director of the Division of Regulation, the board will consider how to address discipline for late reporting of a criminal conviction. The board asked Ms. Liang, Mr. White and Ms. Barineau to meet on this topic and provide suggestions at the next board meeting.
- The board again discussed keratin treatments. Ms. Barineau informed the board that the Miami Regional Office of the Bureau of Investigative Services was not able to obtain a Manufacturer Safety Data Sheet (MSDS) for the keratin products being utilized in south Florida. There is concern that these treatments may contain a significant amount of formaldehyde. Ms. Liang and Ms. Barineau will discuss this matter and provide some suggestions on how to handle keratin treatments with high amounts of formaldehyde at the April meeting.
- Ms. Barineau informed the board that as of September 30, 2009, the balance in their operating account was over \$1.3 million, and the balance in their unlicensed activity account was \$677,729.
- The board agreed that no Statement of Estimated Regulatory Costs was necessary for the following changes to clarify Rule 61G5-18.0055, Florida Administrative Code – Supervised Cosmetology Practice Exception:

“Following the completion of the ~~first~~ licensing examination by a graduate of a licensed cosmetology school or cosmetology program offered in a public school system, which school or program is certified by the Department of Education, an applicant for licensure as a cosmetologist by examination is eligible to practice temporarily in a current, actively licensed cosmetology salon under the following conditions:

 - (1) In the event an applicant obtains passing scores on ~~the first attempt of both~~ the written theory and written clinical examinations, the applicant shall be eligible, prior to having their application acted on by the Board, to practice cosmetology in a licensed salon, provided that they post their examination results for both examinations at their work station with a recent photograph affixed thereto.
 - (2) An applicant who fails any part of the examination may not practice as a cosmetologist and may immediately apply for reexamination.”
- The board agreed that no Statement of Estimated Regulatory costs was necessary for the following change to Rule 61G5-31.001, Florida Administrative Code – Definitions:

“Manufactured materials means multi-strand cotton or polyester blend, twisted, not braided, into a single embroidery or yarn thread.”
- The board agreed to the following change to Rule 61G5-24.002, Florida Administrative Code – Original Cosmetologist Licensure Fee, Cosmetologist Examination and Endorsement Fees, Initial Specialist Registration; Application and

Endorsement Fees, and they approved the Statement of Estimated Regulatory Costs included in the agenda as this rule amendment impacts small business:

“(1) The following fees are adopted by the Board:

(a) The fee for original licensure as a cosmetologist shall be fifty ~~twenty-five~~ dollars (\$50.00) ~~(\$25.00)~~ and shall be paid by all applicants for licensure.”

The board agreed that the effective of this rule will be July 1, 2010.

- The board agreed to the following change to Rule 61G5-24.008, Florida Administrative Code - Biennial Renewal Fee for Cosmetologists and Specialists, and they approved the Statement of Estimated Regulatory Costs included in the agenda as this rule amendment impacts small business:

“The fee for biennial renewal of a cosmetologist’s license shall be fifty ~~twenty-five~~ dollars (\$50.00) ~~(\$25.00)~~. The fee for biennial renewal of a specialist’s registration shall be fifty dollars (\$50.00).”

The board agreed that the effective of this rule will be July 1, 2010.

- The board agreed to the following change to Rule 61G5-24.010, Florida Administrative Code - Delinquent License and Specialty Registration Fee, and they approved the Statement of Estimated Regulatory Costs included in the agenda as this rule amendment impacts small business:

“A licensee who is delinquent in applying for renewal shall pay a delinquent fee of fifty ~~twenty-five~~ dollars (\$50.00) ~~(\$25.00)~~. A registrant who is delinquent in applying for renewal shall pay a delinquent fee of fifty dollars (\$50.00). Such fee shall be in addition to the renewal.”

The board agreed that the effective of this rule will be July 1, 2010.

- The board agreed to further consider Rule 61G5-22.017, Florida Administrative Code – Facials, at the next meeting. They intend to make it clear in the minimum curriculum rule chapter as to what the requirements are for a stand-alone facial specialty program compared to the facial and skin care requirements included within the cosmetology curriculum
- The board agreed to discuss and clarify Rule 61G5-31.004, Florida Administrative Code – Hair Braiding and Hair Wrapping Course Requirements, at the next meeting.
- Ms. Barineau informed the board of the following meeting date and location:
 - Monday, April 26, 2010 – St. Augustine

III. Legislation/Rule Promulgation

- Ms. Liang will continue to move forward with publication of Rule 61G5-18.0055, Florida Administrative Code – Supervised Cosmetology Practice Exception.
- Ms. Liang will continue to move forward with publication of Rule 61G5-31.001, Florida Administrative Code – Definitions.
- Ms. Liang will continue to move forward with publication of Rule 61G5-24.002, Florida Administrative Code – Original Cosmetologist Licensure Fee, Cosmetologist Examination and Endorsement Fees, Initial Specialist Registration; Application and Endorsement Fees.
- Ms. Liang will continue to move forward with publication of Rule 61G5-24.008, Florida Administrative Code - Biennial Renewal Fee for Cosmetologists and Specialists.
- Ms. Liang will continue to move forward with publication of Rule 61G5-24.010, Florida Administrative Code - Delinquent License and Specialty Registration Fee.

- Ms. Liang will open Rule 61G5-31.004, Florida Administrative Code – Hair Braiding and Hair Wrapping Course Requirements, for discussion at the April meeting.

IV. Action Required

- Ms. Liang will prepare final orders from this meeting for filing with the Agency Clerk's Office.
- Ms. Barineau will include on the next agenda the list of criminal offenses which can be approved by the department and do not require board review.
- Ms. Liang will respond to Ms. Russ' email regarding the Vascutouch machine.
- Ms. Liang, Mr. White and Ms. Barineau will discuss how to address late reporting of a criminal conviction and provide suggestions at the April meeting.
- Ms. Liang and Ms. Barineau will discuss the use of keratin treatments and provide suggestions at the April meeting.
- The board will further discuss Rule 61G5-22.017, Florida Administrative Code – Facials, at the next meeting.

Robyn Barineau
Executive Director
February 3, 2010