

EXECUTIVE SUMMARY

Board of Cosmetology

I. General Information

Meeting Type: General Business Meeting
Meeting Date: Monday, October 12, 2009
Meeting Location: Marriott Tampa Waterside Hotel and Marina
700 South Florida Avenue
Tampa, Florida 33602

Attendees:

Myra Jowers, Chair
Donna Osborne
Laurel Ritenbaugh
Rosabel Ramos
Monica Smith
Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Lisa Comingore, Assistant Attorney General, Office of the Attorney General
LeChea Parson, Assistant General Counsel, Office of the General Counsel, DBPR
Jason White, Assistant General Counsel, Office of the General Counsel, DBPR
Julie Rowland, Government Analyst, DBPR
Elise Rice Government Analyst, DBPR
Bonnie Poole, Florida Cosmetology Association (FCA)
Chuck Chapman, FCA
Harry Brewer, FCA
Rick Wallace, Florida Association of Beauty Professionals (FAB)
John Conley, The Hairwraps Company
Dianna Garcia, Court Reporter
Other Interested Parties

II. Major Issues/Actions

- Chair Jowers excused Vice Chair Ginny Fincel's absence from the meeting.
- The board considered 38 disciplinary cases.
- Ms. Parson provided the board with the Prosecuting Attorney's Report and reported that as of September 10, 2009, there were 84 private cosmetology cases in the legal section and 222 public cosmetology cases in the legal section.
- Ms. Parson introduced Mr. Jason White who will be the board's new prosecutor. Ms. Parson thanked the board for the opportunity to work with them.
- The board denied five licensure applications, approved 16 licensure applications, and tabled one licensure application.
- The board approved two hair braiding course applications, denied two hair braiding course applications, approved one hair wrapping course application, denied three hair wrapping course applications, approved one body wrapping course application, denied two body wrapping course applications, approved nine continuing education course applications, and denied six continuing education course applications.

- The board reviewed the Petition for Declaratory Statement regarding infra red body wraps submitted by TLC Aesthetic Institute. The board tabled further discussion of the petition until additional information is received regarding the actual process and the machine used in the process.
- Mr. Larry Hurley, Office of Budget and Financial Management, provided documentation for consideration by the board to address their projected deficit. The first proposal called for the increase of certain fees paid by cosmetologists, and if approved by the board, should allow the board to maintain a comfortable cash balance in their operating account through at least June 30, 2013. The second option proposes to increase fees for cosmetologists and impose a one-time assessment of \$10 on all licensees, and if approved by the board, should allow the board to maintain a more substantial cash balance in their operating account through at least June 30, 2013. The board approved the first option and asked Ms. Lisa Comingore, Assistant Attorney General, to open the appropriate rules for development.
- The board discussed the email from the Miami Regional Office of the Bureau of Investigative Services regarding keratin treatments and the growth of their popularity in south Florida. There is concern that some of these products contain as much as 25 percent formaldehyde. The board asked Ms. Robyn Barineau, Executive Director, to contact the Miami Regional Office to see if they may be able to obtain a Manufacturer Safety Data Sheet (MSDS) for the products for their review. She will contact the Miami Regional Office for additional information.
- Ms. Barineau informed the board that as of the end of the fiscal year, the balance in their operating account was \$625,258, and the balance in their unlicensed activity account was \$486,374. She added that she hopes to have the five-year projections for them at the January 2010 meeting.
- Ms. Barineau indicated that the department has recently begun removing addresses from individual licenses which are posted at licensees' workstations. She added that there has been some positive press on this safety initiative.
- The board agreed that the following changes are necessary to clarify Rule 61G5-18.0055, Florida Administrative Code – Supervised Cosmetology Practice Exception, and asked Ms. Comingore to move forward with development:
 “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 reviewed and discussed Rule 61G5-31.001, Florida Administrative Code – Definitions. They agreed to the following definition for manufactured materials for use in hair wrapping and asked Ms. Comingore to move forward with development:
“Multi-strand cotton or polyester blend, twisted, not braided, into a single embroidery or yarn thread.”

- The board discussed Rule 61G5-32.001, Florida Administrative Code – Continuing Education, and agreed that publication dates for reference materials should be included in the rule. The following language was approved, and the board asked Ms. Comingore to proceed with development:
(7)(c)3 – “A course outline which includes the subjects, topics, and subtopics to be presented in the course and a narrative summary of all areas to be covered in each subject, topic and subtopic, and a list of all reference and source materials **including the publication date for each:**”
The board agreed that this rule amendment did not have an impact on small business.
- The board agreed to create Rule 61G5-22.017, Florida Administrative Code, 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. Ms. Comingore will move forward with the creation of this new rule section. The board agreed that this rule did not have an impact on small business.
- The board asked Ms. Comingore to open Rule 61G5-31.004, Florida Administrative Code – Hair Braiding and Hair Wrapping Course Requirements, for discussion at the January meeting.
- Chair Jowers mentioned that the board was awarded the bid to host the 2011 National Interstate Council of State Boards of Cosmetology (NIC) conference in Florida. The date has not yet been established, but the conference will be conducted in St. Augustine.
- Ms. Bonnie Poole, Florida Cosmetology Association, mentioned the confusion in the industry about licensees being able to perform permanent makeup under the scope of their practice. Ms. Barineau added that she will include information in the next newsletters informing licensees that they are unable to perform permanent makeup under their Board of Cosmetology licenses.
- Ms. Barineau informed the board of the following meeting dates and locations:
 - Monday, January 25, 2010 – Orlando
 - Monday, April 26, 2010 – St. Augustine

III. Legislation/Rule Promulgation

- Ms. Comingore will notice fee rules for development and discussion at the January 2010 meeting.
- Ms. Comingore will move forward with publication of Rule 61G5-18.0055, Florida Administrative Code – Supervised Cosmetology Practice Exception.
- Ms. Comingore will move forward with development of Rule 61G5-31.001, Florida Administrative Code – Definitions.
- Ms. Comingore will move forward with publication of Rule 61G5-32.001, Florida Administrative Code – Continuing Education.
- Ms. Comingore will move forward with the creation of Rule 61G5-22.017, Florida Administrative Code, to separate the minimum requirements for a stand-alone facial specialty program from the facial and skin care requirements included in the cosmetology program.
- Ms. Comingore will open Rule 61G5-31.004, Florida Administrative Code – Hair Braiding and Hair Wrapping Course Requirements, for discussion at the January meeting.

IV. Action Required

- Ms. Comingore will prepare final orders from this meeting for filing with the Agency Clerk's Office.
- The declaratory statement requested by TLC Aesthetic Institute will again be reviewed by the board at their January 2010 meeting. Ms. Barineau will gather additional information on the actual process and machine for inclusion in the January agenda.
- Ms. Barineau will contact the Miami Regional Office to see if an MSDS can be obtained on keratin products being used in salons in south Florida and provide her findings to the board at their January meeting.
- Ms. Barineau added that she will include information in the next newsletters informing licensees that they are unable to perform permanent makeup under their Board of Cosmetology licenses.

Robyn Barineau
Executive Director
October 21, 2009