

EXECUTIVE SUMMARY

Board of Cosmetology

I. General Information

Meeting Type: General Business Meeting
Meeting Date: Tuesday, August 30, 2011,
and Wednesday, August 31, 2011
Meeting Location: Gallery One Doubletree Hotel
2670 East Sunrise Boulevard
Fort Lauderdale, Florida 33304

Attendees:

Myra Jowers, Chair
Ginny Fincel, Vice Chair
Crystal Lackey
Laurel Ritenbaugh
Monica Smith
Robyn Barineau, Executive Director, Department of Business and Professional
Regulation (DBPR)
Rachel Clark, Assistant Attorney General, Office of the Attorney General
Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel,
DBPR
Julie Rowland, Government Analyst, DBPR
Chase Hildum, Court Reporter
Other Interested Parties

II. Major Issues/Actions

- The board considered 93 disciplinary cases.
- Ms. Kathleen Brown-Blake, Assistant General Counsel, reported that as of July 14, 2011, there were 298 cosmetology cases in the legal section.
- The board approved five licensure applications and denied 26 licensure applications.
- The board approved three hair braiding course applications, approved one hair wrapping course application, approved one body wrapping course application, denied one body wrapping course application, approved one initial HIV/AIDS course application, approved one continuing education provider application, approved seven continuing education course applications, and denied one continuing education course application.
- The board discussed the Petition for Declaratory Statement submitted by Ms. Diana Richardson regarding allowable massage services provided by facial specialists and facial services allowable by massage therapists. Ms. Rachel Clark, Assistant Attorney General, advised that declaratory statements are not intended to answer questions of general applicability. She recommended that the board decline to answer the petition. After further discussion, the board agreed to forego answering Ms. Richardson's declaratory statement.

- The board again reviewed and discussed the recent United States Department of Labor, Occupational Safety and Health Administration's (OSHA) alert relating to hair smoothing and straightening products which could release formaldehyde. They suggested the OSHA alert be placed on the board's website for information. They will continue to monitor this issue.
- Ms. Robyn Barineau, Executive Director, reported that the board's operating account balance at March 31, 2011, was over \$2.6 million, and the unlicensed activity account balance for the same period was over \$1.4 million. She added that the Department projects that these two accounts will maintain a positive cash balance at least through June 30, 2015.
- The board agreed to repeal the following rules and that these repeals would have no adverse impact on small business:
 - 61G5-17.006, Florida Administrative Code – General Information and Forms
 - 61G5-17.009, Florida Administrative Code – Meetings and Election of Officers
 - 61G5-17.010, Florida Administrative Code – Notice of Meetings
 - 61G5-17.011, Florida Administrative Code – Agenda
 - 61G5-17.013, Florida Administrative Code – Emergency Meetings
 - 61G5-17.020, Florida Administrative Code – Security and Monitoring Procedures for Licensure Examination
 - 61G5-17.0201, Florida Administrative Code – Licensure Examinations and Examination Procedures for Handicapped Candidates
 - 61G5-17.021, Florida Administrative Code – Designation of Official Reporter
 - 61G5-17.023, Florida Administrative Code – Final Orders
 - 61G5-18.002, Florida Administrative Code – Manner of Application
 - 61G5-18.005, Florida Administrative Code – Examination Review Procedure
 - 61G5-18.0055, Florida Administrative Code – Supervised Cosmetology Practice Exception
 - 61G5-20.006, Florida Administrative Code – Transfer of Ownership or Location of a Salon
 - 61G5-22.001, Florida Administrative Code – Purpose
 - 61G5-24.001, Florida Administrative Code – Collection and Payment of Fees
 - 61G5-24.018, Florida Administrative Code – Examination Review Fee
 - 61G5-29.002, Florida Administrative Code – Specialty Registration
 - 61G5-29.012, Florida Administrative Code – Who May Apply
 - 61G5-31.002, Florida Administrative Code – Hair Braiding and Hair Wrapping, Registration Requirements, Practice Outside of Licensed Salon
 - 61G5-31.003, Florida Administrative Code – Hair Braiding , Hair Wrapping, and Body Wrapping Registration
- Ms. Laurel Ritenbaugh expressed her gratitude for the board being able to attend the National Interstate Council of State Boards of Cosmetology (NIC) annual conference. Ms. Crystal Lackey also expressed her gratitude and that she learned a great deal while attending the conference. She asked that the following information be included on the agenda for discussion at the October meeting:
 - Rule 61G5-20.002, Florida Administrative Code – Salons – removal of “tuberculocidal” requirement from the rule
 - Creation of an independent contractor's (booth renter's) license
 - Requirement that repeat sanitation and safety offenders complete a course on sanitation and safety as part of their disciplinary penalty

- Creation of an exemption to exclude individual licensees from being required to perform services in a licensed salon for weddings and other special events
- Increasing educational hours
- NIC examination
- Ms. Barineau informed the board of the following meeting dates and locations:
 - October 24 and 25, 2011 – Ocala
 - January 23 and 24, 2012 – Orlando
 - April 2 and 3, 2012 – Daytona Beach
- The board unanimously reelected Myra Jowers and Ginny Fincel as Chair and Vice Chair, respectively, of the Board of Cosmetology.

III. Legislation/Rule Promulgation

- Ms. Clark will move forward with the rule repeals.

IV. Action Required

- Ms. Clark will prepare final orders from this meeting for filing with the Agency Clerk's Office.
- Ms. Barineau will post the OSHA alert regarding smoothing and straightening products which could release formaldehyde on the board's website. The board will continue to monitor this issue.
- The following items will be included on the October agenda:
 - Rule 61G5-20.002, Florida Administrative Code – Salons – removal of "tuberculocidal" requirement from the rule
 - Creation of an independent contractor's (booth renter's) license
 - Requirement that repeat sanitation and safety offenders complete a course on sanitation and safety as part of their disciplinary penalty
 - Creation of an exemption to exclude individual licensees from being required to perform services in a licensed salon for weddings and other special events
 - Increasing educational hours
 - NIC examination

Robyn Barineau
 Executive Director
 September 8, 2011