

EXECUTIVE SUMMARY **Board of Cosmetology**

I. General Information

Meeting Type: General Business Meeting
Meeting Date: Monday, January 23, 2012, and
Tuesday, January 24, 2012
Meeting Location: Floridays Resort
12562 International Drive
Orlando, Florida 32821

Attendees:

Myra Jowers, Chair
Ginny Fincel, Vice Chair
Laurel Ritenbaugh
Monica Smith
Suzanne Wilhoite
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
(OGC), DBPR
Dustin Metz, Assistant General Counsel, OGC, DBPR
Julie Rowland, Government Analyst, DBPR
Gus Ashoo, Bureau of Education and Testing (BET), DBPR
Alex Bosque, BET, DBPR
Myllette Perry, BET, DBPR
Robert Powers, Pinellas Technical Education Center (PTEC)
Gary Esquerre, Pearson VUE
JoAnne Wingate, Pearson VUE
Kay Kendrick, National Interstate Council of State Boards of Cosmetology (NIC)
Sean Colton, Schroeder Measurement Technologies (SMT)
Bonnie Poole, Florida Cosmetology Association
Heather Howard, Court Reporter
Other Interested Parties

II. Major Issues/Actions

- Chair Myra Jowers excused Ms. Crystal Lackey's absence from the board meeting. She also welcomed Ms. Suzanne Wilhoite to the Board of Cosmetology.
- Ms. Kathleen Brown-Blake, Assistant General Counsel, introduced Mr. Dustin Metz, Assistant General Counsel, as the board's new prosecuting attorney. She thanked the board for the opportunity to have worked with them.
- The board considered 37 disciplinary cases.
- Mr. Metz reported that as of January 6, 2012, there were 314 cosmetology cases in the legal section.

- Ms. Kay Kendrick, President, National Interstate Council of State Boards of Cosmetology (NIC), and Mr. Sean Colton, Shroeder Measurement Technologies, shared a PowerPoint presentation on the NIC national cosmetology examination.
- Mr. Gus Ashoo, Chief, Bureau of Education and Testing (BET), Mr. Alex Bosque, BET, Ms. Mylette Perry, BET, Mr. Gary Esquerre, Pearson VUE, and Ms. JoAnne Wingate, Pearson VUE, shared a PowerPoint presentation on the Department's cosmetology examination.
- The board approved three licensure applications and denied eight licensure applications.
- The board approved two initial HIV/AIDS course applications, approved four continuing education provider applications, approved nine continuing education course applications, denied one continuing education course application, approved four body wrapping course applications, denied four body wrapping course applications, approved seven hair braiding course applications, denied one hair braiding course application, and approved six hair wrapping course applications.
- The board denied the variance and rule waiver request filed by Planet Fitness relating to Rule 61G5-2,992(4), Florida Administrative Code – Salon Requirements. Planet Fitness requested that the square footage in their salon be 120 rather than the required 200 square feet.
- The board again 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. Ms. Robyn Barineau, Executive Director, informed the board that the OSHA alert was 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 September 30, 2011, was over \$2.3 million, and the unlicensed activity account balance for the same period was over \$1.6 million. She added that the Department projects that these two accounts will maintain a positive cash balance at least through June 30, 2016.
- Ms. Lackey previously asked that the board consider requiring repeat sanitation and safety offenders to complete a course on sanitation and safety as part of their disciplinary penalty. Ms. Rachel Clark, Assistant Attorney General, will research this issue and determine if there is statutory/rule authority to require such a course.
- Ms. Clark reported that the amendments to Rules 61G5-22.006, Florida Administrative Code – Facials (Including Skin Care and Hair Removal), and 61G5-22.017, Florida Administrative Code – Minimum Curriculum for Facial Specialty Training, are progressing through the rulemaking process. She added that the technical change to Rule 61G5-31.004, Florida Administrative Code – Hair Braiding, Hair Wrapping and Body Wrapping Course Requirements, is complete.
- The board approved the following amendment to Rule 61G5-29.001(3), Florida Administrative Code - Definitions, and they agreed that there would be no negative impact on small business nor would there likely be any increase in regulatory costs in excess of \$200,000 in the aggregate within one year after implementation:
 - (3) "Facials" means:
 - (a) ~~The~~ the massaging or treating of the face, neck, skin or scalp with or without the use of mechanical devices using oils, creams, lotions or other cosmetic products, which are used to cleanse and condition the skin, to prevent or correct problems or conditions of the face, ~~and neck, and scalp~~ and to color and beautify

the face, ~~and neck, and scalp~~ or enhance their features; and, ~~skin care services for the body.~~

(b) Skin care services for the body as defined in Section 477.013(13), F.S.

Facials shall be performed only by individuals licensed pursuant to Sections 477.019 and 477.0201, F.S., and performed in schools licensed pursuant to Chapter 1005, F.S., or salons licensed pursuant to Section 477.025, F.S.

- The board will discuss the following rules at their April meeting:
 - Rule 61G5-20.002, Florida Administrative Code – Salon Requirements (discuss approved disinfectants)
 - Rule 61G5-31.004, Florida Administrative Code - Hair Braiding, Hair Wrapping and Body Wrapping Course Requirements (discuss the possibility of requiring courses and course materials be submitted in an electronic format and references/reference dates).
- Because of the board's concerns with fraud, the board asked Ms. Barineau to research the possibility of having a license printed with a photo taken at the exam site imprinted on the license when the license is issued.
- Ms. Barineau informed the board of the following meeting dates and locations:
 - April 2 and 3, 2012 – Daytona Beach
 - July 16 and 17, 2012 – Orlando
 - October 8 and 9, 2012 – Fernandina Beach.

III. Legislation/Rule Promulgation

- The board will discuss the following rules at their April meeting:
 - Rule 61G5-20.002, Florida Administrative Code – Salon Requirements (discuss approved disinfectants)
 - Rule 61G5-31.004, Florida Administrative Code - Hair Braiding, Hair Wrapping and Body Wrapping Course Requirements (discuss the possibility of requiring courses and course materials be submitted in an electronic format and references/reference dates).

IV. Action Required

- Ms. Clark will prepare final orders from this meeting for filing with the Agency Clerk's Office.
- Ms. Lackey previously asked that the board consider requiring repeat sanitation and safety offenders complete a course on sanitation and safety as part of their disciplinary penalty. Ms. Clark will research this issue and determine if there is authority to require such a course. This topic will be included on the April 2012 agenda.
- Ms. Barineau will research the possibility of having a license printed with a photo taken at the exam site imprinted on the license when the license is issued.

Robyn Barineau
Executive Director
January 25, 2012