

EXECUTIVE SUMMARY

Board of Cosmetology

I. General Information

Meeting Type: General Business Meeting
Meeting Date: Monday, July 16, 2012, and
Tuesday, July 17, 2012
Meeting Location: Swan and Dolphin Hotel
1500 EPCOT Resorts Boulevard
Lake Buena Vista, Florida 32830

Attendees:

Myra Jowers, Chair
Ginny Finsel, Vice Chair
Crystal Lackey
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 (OAG)
Doug Dolan, Assistant Attorney General, OAG
Dustin Metz, Assistant General Counsel, Office of the General Counsel, DBPR
Julie Rowland, Government Analyst, DBPR
Wanda Bouldin, Leto High School
Bonnie Poole, Florida Cosmetology Association
Leslie Roste, RN and National Director of Education and New Markets, BlueCo Brands
Heather Howard, Court Reporter
Other Interested Parties

II. Major Issues/Actions

- Ms. Robyn Barineau, Executive Director, introduced Mr. Doug Dolan, Assistant Attorney General, who will be replacing Ms. Rachel Clark, Assistant Attorney General. The board welcomed Mr. Dolan and thanked Ms. Clark for her service as their board attorney.
- Ms. Leslie Roste, BlueCo Brands, addressed the board regarding their rules relating to infection control. She mentioned that the board does a good job of reminding licensees to clean their tools and implements before disinfecting them. She indicated that HIV/AIDS is no longer as big a threat in the cosmetology industry as MRSA and other viruses. She provided some helpful tips on how the board could amend their rules to conform with more current infection control procedures.
- The board considered 62 disciplinary cases.
- Mr. Dustin Metz, Assistant General Counsel, reported that as of July 2, 2012, there were 321 cosmetology cases in the legal section.

- The board approved ten licensure applications and denied two licensure applications.
- The board approved one continuing education provider application, approved two continuing education course applications, approved five body wrapping course applications, denied one body wrapping course application, approved seven hair braiding course applications, denied three hair braiding course applications, and approved seven hair braiding course applications.
- Ms. Barineau provided the board with legislation that impacted the board in HB 887 and HB 517. She mentioned the reduction of continuing education hours required to reactivate an inactive license to only one renewal cycle of continuing education instead of the hours required for each year the license was inactive, the repeal of criminal penalties for violation of agency rules and the chapters of Florida Statutes that govern cosmetology, the waiver of the initial licensing fee, application fee, and unlicensed activity fee for military veterans who apply to the Department for a license within 24 months of being honorably discharged from service, the approval of continuing education providers and courses without a review by the board if the application does not require expert review or denial, the permission of cosmetologists licensed in another state to qualify for a license without having to submit proof of completing their required educational hours if the state's requirements include 1,200 pre-licensure hours and passage of a written examination so long as that license was not obtained by an apprenticeship, and the allowance of cosmetologists to provide services for special events outside a licensed cosmetology salon.
- Ms. Barineau asked the board to consider any 2013 pro-business legislative initiatives that could be submitted to the Department and the Governor's Office for consideration. She asked that board members submit their suggestions to her by the end of July.
- Ms. Barineau reported that the board's operating account balance at March 31, 2012, was over \$2.829 million, and the unlicensed activity account balance for the same period was over \$1.99 million. She added that the Department projects that these two accounts will maintain a positive cash balance at least through June 30, 2016.
- The board asked the previously approved list of criminal offenses which can be approved by the Department without board review be included on the October agenda for discussion. The board may consider expanding the list to include additional offenses.
- Ms. Clark reported that Rule 61G5-29.001, Florida Administrative Code – Definitions – rule was amended to clarify the term "facials." This rule amendment was effective June 5, 2012.
- The board moved to open Rule 18.007, Florida Administrative Code – Endorsement of Cosmetologists – for development, to make necessary changes in accordance with HB 887. The board approved the draft language below, 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.
 - "The Department of Business and Professional Regulation shall issue a license to an applicant without examination who:
 - (1) Makes application and pays to the Department the fee specified in Rule 61G5-24.002, F.A.C.;
 - (2) Demonstrates that the applicant is currently licensed to practice cosmetology

under the law of another state that requires at least 1200 hours of cosmetology school or program hours and passage of a written examination;

(3) Demonstrates that the applicant has completed at least 1200 cosmetology school or program hours substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state, if the law of another state does not require at least 1200 hours of cosmetology school or program hours and passage of a written examination;

(4) Demonstrates that the applicant has passed a written licensure examination to obtain a license substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state, if the law of another state does not require at least 1200 hours of cosmetology school or program hours and passage of a written examination; and

(5) Demonstrates that the applicant has completed a board approved HIV/AIDS course.”

- The board moved to open Rule 61G5-30.001, Florida Administrative Code – Disciplinary Guidelines - for development and discussion at the October rules workshop.
 - The board moved to open Rule 61G5-20.0015, Florida Administrative Code – Performance of Cosmetology or Specialty Services Outside a Licensed Salon – for development and discussion at the October rules workshop. The board intends to define “special events” as provided for in HB 887.
 - The board moved to open Rule 61G5-32.001, Florida Administrative Code – Continuing Education, for development. The board approved the draft language below, 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.
 - “(1)(a) – (h) – no changes.
 - (i) A licensee attempting to reactivate an inactive license shall only be required to complete one cycle of continuing education to reactivate the license.
 - (2) – (8) – no changes.”
- The board also agreed to discuss this rule at the October rules workshop.
- The board moved to open Rule 61G5-31.004, Florida Administrative Code – Hair Braiding, Hair Wrapping, and Body Wrapping Course Requirements – for discussion at the October rules workshop.
 - The board agreed to open Rule 61G5-20.001, Florida Administrative Code – Salon Requirements – for discussion at the October rules workshop. The board intends to update their infection control to more current standards.
 - The board unanimously re-elected Ms. Myra Jowers and Ms. Ginny Fincel, Chair and Vice Chair, respectively, of the Board of Cosmetology.
 - Ms. Barineau informed the board of the following meeting dates and locations:
 - October 8 and 9, 2012 – Fernandina Beach
 - January 7 and 8, 2013 – St. Augustine
 - April 8 and 9, 2013 – Tampa.

III. Legislation/Rule Promulgation

- Ms. Clark will move forward with development of the following rules:
 - Rule 18.007, Florida Administrative Code – Endorsement of Cosmetologists
 - Rule 61G5-30.001, Florida Administrative Code – Disciplinary Guidelines
 - Rule 61G5-20.0015, Florida Administrative Code – Performance of Cosmetology or Specialty Services Outside a Licensed Salon
 - Rule 61G5-32.001, Florida Administrative Code – Continuing Education
 - Rule 61G5-31.004, Florida Administrative Code – Hair Braiding, Hair Wrapping, and Body Wrapping Course Requirements
 - Rule 61G5-20.001, Florida Administrative Code – Salon Requirements.

IV. Action Required

- Ms. Clark will prepare final orders from this meeting for filing with the Agency Clerk's Office.
- The board asked the previously approved list of criminal offenses which can be approved by the Department without board review be included on the October agenda for discussion.
- The board will conduct a rules workshop in conjunction with their October meeting to discuss continuing education courses and the disciplinary guidelines.

Robyn Barineau
Executive Director
July 20, 2012