

EXECUTIVE SUMMARY

Board of Cosmetology

I. General Information

Meeting Type: Rule Development Workshop and
General Business Meeting
Meeting Date: Sunday, October 12, 2008, and
Monday, October 13, 2008
Meeting Location: Hilton Ocala
3600 S.W. 36th Avenue
Ocala, Florida 34474

Attendees:

Myra Jowers, Chair
Donna Osborne, Vice Chair
Ginny Fincel (only present for general business meeting)
Rosabel Ramos
Monica Smith
Robyn Barineau, Executive Director, Department of Business and Professional
Regulation
Ann Cocheu, Assistant Attorney General, Department of Legal Affairs
Elizabeth Duffy, Assistant General Counsel, Office of the General Counsel
Department of Business and Professional Regulation
Dana Ewaldt, Government Analyst, Department of Business and Professional
Regulation
Sandy Glick, Court Reporter
Bonnie Poole, Florida Cosmetology Association
Chuck Chapman, Florida Cosmetology Association
Rick Wallace, Florida Association of Beauty Professionals
Jerry Gardner, Elite
Joy French, Marion County Schools
Louise King, Daytona Beach College
John Conley, The Hairwraps Company
Other Interested Parties

II. Major Issues/Actions

- The board conducted a Rule Development Workshop soliciting input related to the implementation of HB601 which became effective July 1, 2008, and the facial specialty curriculum. Specifically, the areas of discussion were:
 - Implementation of the legislation which allows cosmetology students to apply for examination and licensure within the last 100 hours of education. The students must have completed the required 1,200 hours of education before they can examine. They must also take the examination at least one time within six months from the date of approval of their application.
 - Implementation of the legislation which allows students to work while being supervised by a licensed cosmetologist in a licensed salon only when they pass

both parts of the examination while awaiting their actual license. Should they fail any part of the examination, they may not practice until they are licensed.

- Expanding the rule outlining the facial specialty curriculum.
- Mr. Rick Wallace, Florida Association of Beauty Professionals (FAB), informed the board that FAB was active in assisting with the cosmetology language contained in HB601. He added that it would be necessary for the cosmetology schools to provide a form for presentation to the testing vendor ensuring completion of their last 100 hours of education. Mr. Wallace indicated that FAB will propose legislation during the 2009 Legislative Session to allow students to take the examination before they apply to the department for a license, to eliminate the current 1,000 challenge which allows students, with approval from their school, for apply for a license after completion of 1,000 hours of education, and to eliminate the recent language allowing students to apply for examination and licensure within the last 100 hours of education.
- Ms. Myra Jowers, Chair, suggested that the following definition be added to the facial curriculum rule:
 - “Service” shall be defined as a facial, which includes a client consultation/skin analysis; exfoliation, either manual, mechanical or chemical; cleansing; toning; manipulations; and packs, masks, or other treatments as needed.
- The board agreed on the following language for inclusions in the facial specialty curriculum rule, Rule 61G5-22.006, Florida Administrative Code:
 - Theory items:

• Florida laws and rules:	5 hours
• HIV and AIDS:	4 hours
• Sanitation:	10 hours
• Ethics:	2 hours
• Basics of electricity:	8 hours
• Facial techniques and contraindications:	66 hours
• Product chemistry:	8 hours
• Hair removal:	2.5 hours
• Makeup:	2 hours
• Skin theory and diseases and disorders of the skin:	85 hours
 - Types of services:

• Facials, manual and mechanical – including masks, packs, or treatments – must be performed on a variety of skin types including:	40 services (40 hrs.)
• Normal skin	
• Oily skin	
• Dry skin	
• Combination skin	
• Problem skin	
• Mature skin	
• Set up, use and maintenance of electrical devices	5 services (1.25 hrs.)
• Hair removal, including tweezing, waxing, threading and sugaring	20 services (5 hrs.)
• Makeup application comprised of a combination of Daytime and nighttime looks	10 services (5 hrs.)
• Lash and brow tinting:	10 services (5 hrs.)
• Eyelash applications including strip lashes,	

- Individual lashes, and semi-permanent lashes 10 services (10 hrs.)
 - Manual extractions 5 services (1.25 hrs.)
- Chair Jowers excused Ms. Ginny Fincel's absence from the Rule Development Workshop.
- The board considered four Motions for Reconsideration and 39 disciplinary cases.
- Ms. Elizabeth Duffy, Assistant General Counsel, provided the board with the Prosecuting Attorney's Report and reported that as of October 10, 2008, there were 270 cosmetology cases in the legal section.
- The board denied Ms. Karen Abe's endorsement application due to unresolved questions of criminal history related to the practice of cosmetology.
- The board approved eight hair braiding course applications, denied three hair braiding course applications, approved two hair wrapping course applications, denied one hair wrapping course application, approved three body wrapping course applications, denied one body wrapping course application, approved three initial HIV/AIDS course applications, approved three continuing education provider applications, approved seven continuing education course applications, and denied eight continuing education course applications.
- The board agreed to have Ms. Ann Cocheu, Assistant Attorney General, move forward with noticing for development the proposed rule language as drafted by the board and discussed at the Rule Development Workshop.
- The board agreed to postpone until the January 2009 meeting the discussion of utilizing a national cosmetology examination.
- Ms. Barineau mentioned the recent press and inquiries the board office has received regarding fish pedicures and reminded the board that they agreed to research this matter and discuss this topic at the meeting. The board agreed that this is a very serious matter and asked Ms. Cocheu to contact the Generals Counsel of the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, and the Department of Health about fish pedicures, and to determine if they have any comments on the issue. The board will again discuss this topic at their January meeting.
- Ms. Robyn Barineau, Executive Director, mentioned the discrepancies in the fine amounts contained in the disciplinary guidelines rule. The board asked Ms. Cocheu to move forward with noticing this rule for development.
- Ms. Barineau informed the board that as of June 30, 2008, the balances in their Operating and Unlicensed Activity Accounts were \$(66,023) and \$944,094, respectively.
- Ms. Barineau informed the board of the following meeting dates and locations:
 - Sunday, January 25, 2009, and Monday, January 26, 2009 – Orlando
 - Monday, April 27, 2009 – Jacksonville
 - Monday, July 20, 2009 – Orlando
 - October 12, 2009 - Tampa

III. Legislation/Rule Promulgation

- Ms. Cocheu will notice for development the language agreed upon by the board relating to the following topics:
 - The legislation which allows cosmetology students to apply for examination and licensure within the last 100 hours of education. The students must have completed the required 1,200 hours of education before they can examine. They

must also take the examination at least one time within six months from the date of approval of their application.

- The legislation which allows students to work while being supervised by a licensed cosmetologist in a licensed salon only when they pass both parts of the examination while awaiting their actual license. Should they fail any part of the examination, they may not practice until they are licensed.
- Expanding the facial specialty curriculum language.
- Ms. Cocheu will notice for development the disciplinary guidelines rule, Rule 61G5-30.004, Florida Administrative Code.

IV. Action Required

- Ms. Cocheu will prepare final orders from this meeting for filing with the Agency Clerk's Office.
- Ms. Cocheu will prepare the Notice of Intent to Deny for Ms. Karen Abe's endorsement application.
- The board will discuss fish pedicures at the next meeting.
- The board will discuss utilizing a national examination at the next meeting.

Robyn Barineau
Executive Director
October 20, 2008